

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

TWENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 21, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Julie Nerass, Dayton Avenue Presbyterian Church of St. Paul, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Ozment	Skoglund
Anderson, R.	Erickson	Kvam	Pappas	Solberg
Backlund	Fjoslien	Levi	Pauly	Sparby
Battaglia	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Long	Piepho	Staten
Becklin	Frederickson	Marsh	Piper	Sviggum
Begich	Frerichs	McDonald	Poppenhagen	Thiede
Bennett	Greenfield	McEachern	Price	Thorson
Bishop	Gruenes	McLaughlin	Quinn	Tjornhom
Blatz	Gutknecht	McPherson	Quist	Tomlinson
Boo	Halberg	Metzen	Redalen	Tompkins
Brandl	Hartinger	Miller	Rees	Tunheim
Brinkman	Hartle	Minne	Rest	Uphus
Brown	Haukoos	Munger	Rice	Valan
Burger	Heap	Murphy	Richter	Valento
Carlson, D.	Himle	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jacobs	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Jaros	Norton	Rose	Voss
Clark	Johnson	O'Connor	Sarna	Waltman
Clausnitzer	Kahn	Ogren	Schafer	Welle
Cohen	Kalis	Olsen, S.	Scheid	Wenzel
Dempsey	Kelly	Olson, E.	Schoenfeld	Wynia
DenOuden	Kiffmeyer	Omann	Schreiber	Zaffke
Dimler	Knickerbocker	Onnen	Seaberg	Spk. Jennings, D.
Dyke	Knuth	Osthoff	Shaver	
Elioff	Kostohryz	Otis	Sherman	

A quorum was present.

Boerboom; Jennings, L.; Nelson, K.; Segal and Simoneau were excused.

McKasy was excused until 2:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dis-

pensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 227, 143, 539, 755, 207 and 786 and S. F. Nos. 33, 118, 143, 198 and 319 have been placed in the members' files.

S. F. No. 118 and H. F. No. 207, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sviggum moved that the rules be so far suspended that S. F. No. 118 be substituted for H. F. No. 207 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received :

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 18, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1985 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
412		6	March 18	March 18

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 94, A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivision 1; and 40.038, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 40.036, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION TO DISTRICTS.] (a) Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion or sedimentation control or water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan, an annual work plan, and an application for cost-sharing funds in the form prescribed by the state board. The comprehensive and annual work plans shall be completed as provided in section 40.07, subdivision 9. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approves the comprehensive plan, including the most recent plan amendment, the annual work plan and the application of the district it shall determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.

(b) The state board shall allocate at least 70 percent of available cost-sharing funds (FOR CONSERVATION PRACTICES) to (ADDRESS) *areas with high priority erosion, sedimentation, or water quality problems. The areas must be selected based on the (COMPREHENSIVE AND ANNUAL WORK PLANS OF THE DISTRICTS AND) statewide priorities established by the board. (AT LEAST 50 PERCENT OF AVAILABLE COST-SHARING FUNDS SHALL BE ALLOCATED FOR CONSERVATION PRACTICES TO CONTROL HIGH PRIORITY EROSION PROBLEMS IDENTIFIED IN DISTRICT ANNUAL WORK PLANS)* *The allocated funds must be used for conservation practices to address high priority problems as identified in the comprehensive and annual work plans of the districts.*

(c) The remaining cost-sharing funds may be allocated by the board (FOR ADMINISTRATIVE EXPENSES AND FOR GRANTS) to districts (FOR CONSERVATION PRACTICES AND TECHNICAL AND ADMINISTRATIVE ASSISTANCE) as follows:

(1) *for technical and administrative assistance not to exceed 20 percent of the available cost-sharing funds; and*

(2) *for conservation practices to address lower priority erosion, sedimentation, or water quality problems.*

Sec. 2. Minnesota Statutes 1984, section 40.036, subdivision 3, is amended to read:

Subd. 3. [(COST-SHARING) RULES.] The state board shall adopt rules (SPECIFYING) *prescribing:*

(1) *the procedures and criteria for allocating funds to districts for cost-sharing contracts (. THE RULES SHALL ALSO INCLUDE);*

(2) *the standards and guidelines (WHICH THE DISTRICTS SHALL INCLUDE IN ALL) for all cost-sharing contracts;*

(3) *the scope and content of comprehensive plans, plan amendments, and annual work plans which local districts must submit under section 40.07, subdivision 9, to qualify for cost-sharing funds;*

(4) *standards and methods necessary for the planning and implementation of a priority cost-sharing program, including guidelines for identifying high priority erosion, sedimentation, and water quality problems;*

(5) *the share of the cost of conservation practices to be paid from state cost-sharing money; and*

(6) *requirements for all districts to document their efforts to identify and contact land occupiers with high priority erosion problems.*

Sec. 3. [REPEALER.]

Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1, are repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes

1984, sections 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 112, A bill for an act relating to veterans; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 25, after "*Legion*" and after "*wars*" insert "*and its auxiliary*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 158, A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 216, A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

Reported the same back with the following amendments:

Page 6, line 3, delete everything after "*1757*"

Page 6, delete line 4

Page 6, line 5, delete everything before the period and insert "*as amended through August 1, 1985. Before exercising each power, the board must submit a plan to the commissioner of commerce detailing implementation*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 235, A bill for an act relating to the regulation of securities; modifying fees payable on certain security registrations; amending Minnesota Statutes 1984, section 80A.28, subdivisions 1 and 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 238, A bill for an act relating to agriculture; changing requirements for a soil conservation tillage program; appropriating money; amending Minnesota Statutes 1984, section 40.075.

Reported the same back with the following amendments:

Page 2, line 20, delete "\$" and insert "\$800,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 347, A bill for an act relating to human services; authorizing a state hospital to enter into shared service agreements with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 246.57, is amended to read:

246.57 [SHARED SERVICE AGREEMENTS.]

Subdivision 1. [AUTHORIZED.] The commissioner of human services, after consultation with the (LEGISLATIVE ADVISORY COMMITTEE) *chairman of the senate finance committee and the chairman of the house appropriations committee*, may authorize any state hospital or state-operated nursing home to enter into agreement with other governmental and (NON-PROFIT) health service organizations for participation in shared service agreements that would be of mutual benefit to the state, the health service organizations involved, and the public. (TO THE EXTENT POSSIBLE THE COMMISSIONER SHALL ANTICIPATE THE COSTS OF THESE AGREEMENTS BY INCLUSION IN THE BIENNIAL BUDGET REQUEST TO THE LEGISLATURE. IN ADDITION, FUNDING FOR SHARED SERVICE AGREEMENTS MAY BE PROVIDED FROM THE CONTINGENT APPROPRIATION FOR STATE INSTITUTIONS TO THE EXTENT THAT SUCH AGREEMENTS RESULT IN COSTS NOT COVERED BY OTHER APPROPRIATIONS.) *Consultation with the chairman of the senate finance committee and the chairman of the house appropriation committee is not required for agreements which do not exceed \$100,000 per fiscal year.* No additional employees shall be added to the legislatively approved complement for any state hospital or state nursing home as a result of entering into any shared service agreement; *however, positions funded by shared service agreements may be authorized by the commissioner of finance for the duration of shared service agreements.* The charges for the services shall be on an actual cost basis and all receipts shall be deposited in the general fund, *except that portion of the receipts equal in amount to expenditures incurred in rendering shared services are dedicated to the state hospital or nursing home that provided the service and are appropriated for that purpose.*

Subd. 2. [REPORTS.] The commissioner of human services shall report biennially to the legislature about the number of agreements approved for each hospital *and nursing home*, the types of services provided, and the amounts collected.

Subd. 3. [LIMITED AGREEMENTS.] Notwithstanding the provisions of subdivision 1, the commissioner of human services may authorize a state hospital or state nursing home to enter into agreements with other governmental, *profit*, or non-profit organizations for participation in limited shared service agreements that would be of mutual benefit to the state, the organization involved, and the public.

(THE DURATION OF LIMITED AGREEMENTS MAY NOT EXCEED THREE CALENDAR YEARS AND THE

TOTAL DOLLAR AMOUNT ATTRIBUTABLE TO A LIMITED AGREEMENT MAY NOT EXCEED \$100,000. CONSULTATION WITH THE LEGISLATIVE ADVISORY COMMITTEE IS NOT REQUIRED FOR AGREEMENTS MADE PURSUANT TO THIS SUBDIVISION. THE CHARGES FOR SERVICES MUST BE ON AN ACTUAL COST BASIS AND RECEIPTS ARE DEDICATED FOR THE OPERATIONS OF THE STATE HOSPITALS OR STATE NURSING HOMES THAT PROVIDE THE SERVICE, AND ARE APPROPRIATED FOR THAT PURPOSE.)

Sec. 2. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Amend the title as follows:

Page 1, line 5, delete " , subdivision 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 422, A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 461, A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 10, delete "final enactment" and insert "Ramsey county board approval"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 485, A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 517, A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

Reported the same back with the following amendments:

Page 2, line 12, after the period insert "*No funding agreement shall be issued in an amount less than \$1,000,000.*"

Page 2, line 24, after the period insert "*Notwithstanding the provisions of section 61A.275, subdivision 1, a separate account for funding agreement proceeds may include funds from any source authorized to purchase a funding agreement pursuant to this section.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 520, A bill for an act relating to counties; permitting the consolidation of the offices of county auditor and county treasurer under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 382.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 521, A bill for an act relating to counties; allowing counties to dispose of interests in land without reserving mineral

rights under certain circumstances; amending Minnesota Statutes 1984, section 373.01, subdivision 1.

Reported the same back with the following amendments:

Page 2, lines 30 and 31, delete "*or misrepresentation or without a purpose lawful for the county*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 526, A bill for an act relating to local government; fixing conditions of certain energy improvement loans; amending Minnesota Statutes 1984, section 471.65.

Reported the same back with the following amendments:

Page 1, delete lines 17 and 18, and insert:

"(a) qualified energy improvements, district heating systems, energy conservation investments or other energy improvements pursuant to chapter 116J or 116M or sections 298.292 to 298.298, or"

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 535, A bill for an act relating to public health; prohibiting the use of lead in solder in certain instances; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 123.36, is amended by adding a subdivision to read:

Subd. 4a. [WATER PIPES.] The board shall require that all schools in the district which have lead solder pipe joints shall flush their pipes and faucets to ensure that any potable water which may contain lead which exceeds the safe drinking water

levels, as established by the state health department, be flushed out of the school's potable water system. Until the state department of health determines guidelines for frequency of flushing under this subdivision, at a minimum, each school with lead solder pipe joints shall flush its pipes carrying potable water at least once each year immediately prior to the commencement of the regular school year, or after any period in excess of two weeks during which the school building is not in use.

Sec. 2. [326.371] [BAN ON LEAD IN PLUMBING.]

Lead pipe, solders, and flux containing more than 0.2 percent lead shall not be used in any plumbing installation which conveys potable water.

Sec. 3. [DEPARTMENT OF HEALTH GUIDELINES.]

By July 1, 1986, the state department of health shall determine guidelines for the necessity and frequency of flushing lead solder pipes carrying potable water under section 1.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 537, A bill for an act relating to Itasca county; changing the permissible expenditure on tourist, agricultural, and industrial promotion; amending Laws 1965, chapter 326, section 1, subdivision 5, as amended.

Reported the same back with the following amendments:

Page 1, after line 14, insert:

"Sec. 2. Laws 1965, chapter 326, section 1, subdivision 7, is amended to read:

Subd. 7. Any balance shall be apportioned as follows: (STATE, 10 PERCENT;) county, (30) 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners."

Page 1, line 16, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Renumber remaining section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "changing apportionment of certain proceeds from forfeited land sales;"

Page 1, line 5, delete "subdivision" and insert "subdivisions" and before the period insert ", and 7"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 546, A bill for an act relating to human services; requiring a study and report on public guardianship.

Reported the same back with the following amendments:

Page 1, line 10, after "*counties,*" insert "*the legislature,*"

Page 2, line 18, delete "*November 1, 1985*" and insert "*January 1, 1986*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 572, A bill for an act relating to agriculture; appropriating money for additional apiary inspection staff and staff support.

Reported the same back with the following amendments:

Page 1, line 10, delete "\$25,800" and insert "\$45,800"

Page 1, line 10, delete "The"

Page 1, delete lines 11 to 17

Page 2, line 3, delete "three"

Page 2, line 3, delete "apiary" and insert "personnel"

Page 2, line 4, delete "inspectors"

Page 2, line 6, delete "The"

Page 2, delete lines 7 to 14

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 585, A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 621, A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.70, subdivision 1; 245.71; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.51; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 246.57; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275; 252.28; 252.291; 252.30; 252.31; 252.-

32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 147.021, subdivision 1, is amended to read:

Subdivision 1. The board shall censure, shall refuse to grant a license to, shall order re-examination, or shall suspend, revoke, condition, limit, qualify or restrict the license, whether granted under this chapter or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, of any person whom such board, after a hearing, adjudges unqualified or who the board determines after such a hearing is any one or more of the following:

(a) a person who fails to demonstrate the qualifications or satisfy the standards for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such standards.

(b) a person who makes misleading, deceptive, untrue or fraudulent representations in the practice of medicine or who employs a trick or scheme in the practice of medicine or fraud or deceit in obtaining a license to practice medicine.

(c) a person who at any time during the previous five years was convicted of a felony reasonably related to his practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) a person whose license to practice medicine has been revoked, suspended, annulled or with regard to whom disciplinary action has been taken or whose application for a license has been denied by the proper licensing authority of another state, territory or country.

In clauses (c) and (d) a copy of the judgment or proceeding under the seal of the clerk of the court or of the administrative

agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the contents thereof.

(e) a person who advertises in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional superiority to or greater skill than that possessed by another doctor of medicine or another doctor of osteopathy licensed to practice medicine under this chapter, or the positive cure of any disease.

(f) a person who violates a lawful rule promulgated by the board or violates a lawful order of the board, previously entered by the board in a disciplinary hearing.

(g) a person who engages in any unethical, deceptive or deleterious conduct or practice harmful to the public, or who demonstrates a willful or careless disregard for the health, welfare or safety of his patients, in any of which cases, proof of actual injury need not be established.

(h) a person who procures, aids, or abets in the procuring of a criminal abortion.

(i) a person who violates a statute or rule of this state or of any other state or of the United States which relates to the practice of medicine or in part regulates the practice of medicine.

(j) a person who has been adjudged mentally incompetent, mentally ill or mentally (DEFICIENT) *retarded*, or adjudged to be a (DRUG) *chemically* dependent person (, AN INEBRIATE PERSON), a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) a person who is guilty of unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. If the board has probable cause to believe that a physician comes within this clause, it shall direct the physician to submit to a mental or physical examination. For the purpose of this clause, every physician licensed under this

chapter shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

(n) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

Sec. 2. Minnesota Statutes 1984, section 243.55, subdivision 3, is amended to read:

Subd. 3. As used in this section, "state hospital" or "hospital" means any state operated facility or hospital under the authority of the commissioner of human services for (a) (MENTALLY ILL, MENTALLY DEFICIENT, OR INEBRIATE) persons *with mental illness, mental retardation, or chemical dependency*, (b) sex offenders, or (c) persons with psychopathic personalities.

Sec. 3. Minnesota Statutes 1984, section 245.072, is amended to read:

245.072 [MENTAL RETARDATION DIVISION.]

A mental retardation division is created in the department of human services which shall coordinate those laws administered and enforced by the commissioner of human services relating to mental retardation and (MENTAL DEFICIENCY) *related conditions, as defined in section 252.27, subdivision 1*, which the commissioner may assign to the division. The mental retardation division shall be under the supervision of a director whose responsibility it shall be to maximize the availability of federal or private moneys for programs to assist (MENTALLY RETARDED AND MENTALLY DEFICIENT) persons *with mental retardation or related conditions*. The commissioner shall

appoint the director who shall serve in the classified service of the state civil service. The commissioner may employ additional personnel with such qualifications and in such numbers as are reasonable and are necessary to carry out the provisions of this section.

Sec. 4. Minnesota Statutes 1984, section 245.52, is amended to read:

245.52 [COMMISSIONER OF HUMAN SERVICES AS COMPACT ADMINISTRATOR.]

The commissioner of human services is hereby designated as "compact administrator." He shall have the powers and duties specified in the compact, and he may, in the name of the state of Minnesota, subject to the approval of the attorney general as to form and legality, enter into such agreements authorized by the compact as he deems appropriate to effecting the purpose of the compact. He shall, within the limits of the appropriations for the care of (THE MENTALLY ILL AND MENTALLY DEFICIENT AVAILABLE THEREFOR) *persons with mental illness or mental retardation*, authorize such payments as are necessary to discharge any financial obligations imposed upon this state by the compact or any agreement entered into under the compact.

If the patient has no established residence in a Minnesota county, the commissioner shall designate the county of financial responsibility for the purposes of carrying out the provisions of the Interstate Compact on Mental Health as it pertains to patients being transferred to Minnesota. The commissioner shall designate the county which is the residence of the person in Minnesota who initiates the earliest written request for the patient's transfer.

Sec. 5. Minnesota Statutes 1984, section 245.821, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law to the contrary, no private or public facility for the treatment, housing, or counseling of more than five (MENTALLY RETARDED, PHYSICALLY DISABLED, MENTALLY ILL, CHEMICALLY OR OTHERWISE DEPENDENT) *persons with mental illness, physical disabilities, mental retardation or related conditions, as defined in section 252.27, subdivision 1, chemical dependency, or another form of dependency*, nor any correctional facility for more than five persons, shall be established without 30 days written notice to the affected municipality or other political subdivision.

Sec. 6. Minnesota Statutes 1984, section 245.825, subdivision 1, is amended to read:

Subdivision 1. [RULES GOVERNING USE OF AVERSIVE AND DEPRIVATION PROCEDURES.] The commissioner of human services shall by October, 1983 promulgate rules governing the use of aversive and deprivation procedures in all licensed facilities serving (MENTALLY RETARDED) persons *with mental retardation or related conditions, as defined in section 252.27, subdivision 1*. No provision of these rules shall encourage or require the use of aversive and deprivation procedures. The rules shall prohibit: (a) the application of certain aversive or deprivation procedures in facilities except as authorized and monitored by the designated regional review committees; and (b) the use of aversive or deprivation procedures that restrict the consumers' normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing. The rule shall further specify that consumers may not be denied ordinary access to legal counsel and next of kin. In addition, the rule may specify other prohibited practices and the specific conditions under which permitted practices are to be carried out.

Sec. 7. Minnesota Statutes 1984, section 246.01, is amended to read:

246.01 [POWERS AND DUTIES.]

The commissioner of human services is hereby specifically constituted the guardian of both the estate and person of all (FEEBLE-MINDED PERSONS OR) persons (HAVING EPILEPSY) *with mental retardation*, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding, and all the powers and duties vested in or imposed upon the state board of control or the director of social welfare, with reference to mental testing of persons (MENTALLY DEFICIENT OR PERSONS HAVING EPILEPSY) *with mental retardation*, and with reference to the institutions of the state of Minnesota except correctional facilities administered and managed by the commissioner of corrections, are hereby transferred to, vested in, and imposed upon the commissioner of human services, and in relation thereto he is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: (THE SCHOOLS AND HOSPITALS FOR THE MENTALLY RETARDED AND PERSONS HAVING EPILEPSY,) state hospitals for (THE MENTALLY ILL, AND THE STATE HOSPITAL FOR INEBRIATES) *persons with mental retardation, mental illness, or chemical dependency*. He shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in him. It is intended that there be vested in him all of the powers, functions, and authority heretofore vested in the state board of control

relative to such state institutions. He shall have the power and authority to accept, in behalf of the state, contributions and gifts of money and personal property for the use and benefit of the (INMATES) *residents* of the public institutions under his control, and all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner of human services. If the gift or contribution is designated by the donor for a certain institution or purpose, the commissioner of human services shall expend or use the same as nearly as may be in accordance with the conditions of the gift or contribution, compatible with the best interests of the inmates and the state. The commissioner of human services is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state for all purposes relating to mental health and mental hygiene.

For the purpose of carrying out his duties, the commissioner of human services shall accept from (MENTALLY DEFICIENT) wards *with mental retardation* for whom he is specifically appointed guardian a signed application for his consent to the marriage of said ward. Upon receipt of such application he shall promptly conduct such investigation as he deems proper and determine if the contemplated marriage is for the best interest of the ward and the public. A signed copy of the commissioner's determination shall be mailed to the ward and to the clerk of the district court of the county where the application for such marriage license was made.

There is hereby appropriated to such persons or institutions as are entitled to such sums as are provided for in this section, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make such payment.

Sec. 8. Minnesota Statutes 1984, section 246.013, is amended to read:

246.013 [(MENTALLY ILL) PERSONS WITH MENTAL ILLNESS; CARE, TREATMENT.]

Within the limits of the appropriations for the commissioner of human services, he is directed, in the performance of the duties imposed upon him by the laws of this state, to bring to the measure prescribed by section 246.012, the care and treatment of (THE MENTALLY ILL) *persons with mental illness* as speedily as is possible, and to thereafter, subject to the paramount authority of the legislature with respect to appropriations, maintain said standards in the care and treatment of (THE MENTALLY ILL) *persons with mental illness*.

Sec. 9. Minnesota Statutes 1984, section 246.014, is amended to read:

246.014 [SERVICES.]

The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the department of human services and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of (THE MENTALLY ILL) *persons with mental illness*, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of (THE MENTALLY ILL) *persons with mental illness* facilities for the segregation and treatment of patients and residents who have communicable disease.

(5) The commissioner of human services shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of human services shall make every effort to improve the accommodations for patients and residents so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) The commissioner of human services shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

(8) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of (INEBRIATE PERSONS AND MENTALLY DEFICIENT) *persons with chemical dependency or mental retardation* who come within those terms as defined in the laws relating to the hospitalization and commitment of such persons, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

(9) The commissioner of human services shall establish a program of detection, diagnosis and treatment of (MENTALLY OR NERVOUSLY ILL) persons *with mental illness* and persons described in clause (8), and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

(10) The commissioner of employee relations may reclassify employees of the (MENTAL INSTITUTIONS) *state hospitals* from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

(11) In addition to the chaplaincy services, provided in clause (2), the commissioner of human services shall open said (INSTITUTIONS) *state hospitals* to (MINISTERS) *members of the (GOSPEL) clergy and other spiritual leaders* to the end that religious and spiritual counsel and services are made available to the patients and residents therein, and shall cooperate with all (MINISTERS) *members of the (GOSPEL) clergy and other spiritual leaders* in making said patients and residents available for religious and spiritual counsel, and shall provide such (MINISTERS) *members of the (GOSPEL) clergy and other spiritual leaders* with meals and accommodations.

(12) Within the limits of the appropriations therefor, the commissioner of human services shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of (THE MENTALLY ILL) *persons with mental illness* and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related fields, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

Sec. 10. Minnesota Statutes 1984, section 246.13, is amended to read:

246.13 [RECORD OF PATIENTS AND RESIDENTS; DEPARTMENT OF HUMAN SERVICES.]

The commissioner of human services shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person (OR PATIENT), in the (INSTITUTIONS) *state hospitals* under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the (INSTITUTION) *state hospital*, and the date and cause of all deaths. The record shall state every transfer from one (INSTITUTION) *state hospital* to another, naming each. This information shall be furnished to the commissioner

of human services by each (INSTITUTION) *public and private agency*, with such other obtainable facts as he may from time to time require. The chief executive officer of each such (INSTITUTION) *state hospital*, within ten days after the commitment or entrance thereto of a (PERSON OR) *patient or resident*, shall cause a true copy of his entrance record to be forwarded to the commissioner of human services. When a *patient or resident* leaves, is discharged or transferred, or dies in any (INSTITUTION) *state hospital*, the chief executive officer, or other person in charge shall inform the commissioner of human services within ten days thereafter on forms by him furnished.

The commissioner of human services may authorize the (SUPERINTENDENT) *chief executive officer* of any state (INSTITUTION) *hospital* for (THE MENTALLY ILL, MENTALLY RETARDED OR) persons (HAVING EPILEPSY) *with mental illness or mental retardation*, to release to public or private medical personnel, hospitals, clinics, county welfare boards or other specifically designated interested persons or agencies any information regarding any *patient or resident* thereat, if, in the opinion of the commissioner, it will be for the benefit of the *patient or resident*.

Sec. 11. Minnesota Statutes 1984, section 246.23, is amended to read:

246.23 [PERSONS ADMISSIBLE TO (INSTITUTIONS) STATE HOSPITALS.]

No person who has not a settlement in a county, as defined in section 256D.18, shall be admitted to a *state hospital* for (THE MENTALLY ILL, THE SCHOOL FOR THE DEAF, THE MINNESOTA BRAILLE AND SIGHTSAVING SCHOOL, THE SCHOOLS AND HOSPITALS FOR THE MENTALLY RETARDED AND PERSONS HAVING EPILEPSY, OR THE OWATONNA STATE SCHOOL) *persons with mental illness, mental retardation, or chemical dependency*, except that the commissioner of human services may authorize admission there-to when the residence cannot be ascertained, or when the circumstances in his judgment make it advisable. When application is made to a judge of probate for admission to any of the (INSTITUTIONS) *state hospitals* above named for admission there-to, if he finds that the person for whom application is made has not such residence, or that his residence cannot be ascertained, he shall so report to the commissioner; and he may recommend that such person be admitted notwithstanding, giving his reasons therefor. The commissioner of human services shall thereupon investigate the question of residence and, if he finds that such person has not such residence and has a legal residence in another state or country, he may cause him to be returned there-to at the expense of this state. (WHEN THE OVERSEER OF A COUNTY POORHOUSE BELIEVES AN INMATE THEREOF NOT TO HAVE A RESIDENCE IN THE STATE, BUT TO

HAVE A RESIDENCE ELSEWHERE, HE SHALL SO NOTIFY THE COMMISSIONER OF HUMAN SERVICES WHO SHALL THEREUPON PROCEED IN THE MANNER ABOVE PROVIDED; EXCEPT THAT, IF DEEMED IMPRACTICABLE TO RETURN SUCH PERSON TO THE STATE OF HIS RESIDENCE, HE MAY SO CERTIFY AND SUCH PERSON SHALL THEREAFTER BE A CHARGE UPON THE COUNTY, TOWN OR CITY IN WHICH HE HAS LONGEST RESIDED WITHIN THE PRECEDING YEAR.)

Sec. 12. Minnesota Statutes 1984, section 246.234, is amended to read:

246.234 [RECIPROCAL EXCHANGE OF (RELIEF) PERSONS WITH MENTAL ILLNESS OR MENTAL RETARDATION.]

The commissioner of human services is hereby authorized and empowered with the approval of the governor to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of (MENTALLY ILL PERSONS, MENTALLY DEFICIENT PERSONS, OR) persons (HAVING EPILEPSY) *with mental illness or mental retardation* who are within the confines of one state but have legal residence or legal settlement for the purposes of relief in another state. Such agreements shall contain no provisions conflicting with any law of this state.

Sec. 13. Minnesota Statutes 1984, section 246.41, is amended to read:

246.41 [CONTRIBUTIONS FOR BENEFIT OF (MENTALLY DEFICIENT PERSONS AND) PERSONS (HAVING EPILEPSY) WITH MENTAL RETARDATION.]

Subdivision 1. [ACCEPTANCE.] The commissioner of human services is authorized to accept, for and in behalf of the state, contributions of money for the use and benefit of (MENTALLY DEFICIENT PERSONS AND) persons (HAVING EPILEPSY) *with mental retardation*.

Subd. 2. [SPECIAL WELFARE FUND.] Any money so received by the commissioner shall be deposited with the state treasurer in a special welfare fund, which fund is to be used by the commissioner of human services for the benefit of (MENTALLY DEFICIENT PERSONS AND) persons (HAVING EPILEPSY) *with mental retardation* within the state, including those within (INSTITUTIONS) *state hospitals*. And, without excluding other possible uses, research relating to (MENTALLY DEFICIENT PERSONS AND) persons (HAVING EPILEPSY) *with mental retardation* shall be considered an appropriate use of such funds; but such funds shall not be used for any struc-

tures or installations which by their nature would require state expenditures for their operation or maintenance without specific legislative enactment therefor.

Subd. 3. [APPROPRIATION.] There is hereby appropriated from the special welfare fund in the state treasury to such persons as are entitled thereto to carry out the provisions stated in this section.

Sec. 14. Minnesota Statutes 1984, section 246.50, is amended to read:

246.50 [CARE OF PATIENTS AND RESIDENTS AT STATE HOSPITALS; DEFINITIONS.]

Subdivision 1. For the purposes of sections 246.50 to 246.55, the terms set out in subdivisions 2 to 8 shall have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of human services of the state of Minnesota.

Subd. 3. "State hospital" means a state (HOSPITAL) *facility for (THE MENTALLY ILL OR MENTALLY DEFICIENT) treating persons with mental illness, mental retardation, or chemical dependency now existing or hereafter established.*

Subd. 4. "Patient" means any person (RECEIVING CARE OR TREATMENT AT A STATE HOSPITAL WHETHER HE ENTERED SUCH HOSPITAL VOLUNTARILY OR UNDER COMMITMENT) *with mental illness or chemical dependency.*

Subd. 4a. "Resident" means any mentally retarded person receiving care or treatment at a state hospital whether he entered such hospital voluntarily or under commitment.

Subd. 5. "Cost of care" means the commissioner's determination of the anticipated average per capita cost of all maintenance, treatment and expense, including depreciation of buildings and equipment, interest paid on bonds issued for capital improvements to state hospitals, and indirect costs related to the operation other than that paid from the Minnesota state building fund, at all of the state hospitals (FOR THE MENTALLY ILL OR MENTALLY RETARDED OR CHEMICALLY DEPENDENT) during the current year for which billing is being made. The commissioner shall determine the anticipated average per capita cost. The commissioner may establish one all inclusive rate or separate rates for each patient or resident disability group, and may establish separate charges for each hospital. "Cost of care" for outpatient or day-care patients or residents shall be on a cost for service basis under a schedule the commissioner shall establish.

For purposes of this subdivision "resident patient" means a person who occupies a bed while housed in a hospital for observation, care, diagnosis, or treatment.

For purposes of this subdivision "outpatient" or "day-care" patient *or resident* means a person who makes use of diagnostic, therapeutic, counseling, or other service in a state hospital facility or through state hospital personnel but does not occupy a hospital bed overnight.

For the purposes of collecting from the federal government for the care of those patients eligible for medical care under the social security act "cost of care" shall be determined as set forth in the rules and regulations of the Department of Health and Human Services or its successor agency.

Subd. 6. "Relatives" means the spouse, and parents of a patient *or resident*, in that order of liability for cost of care.

Subd. 7. "Patient's *or resident's* county" means the county of the patient's *or resident's* legal settlement for poor relief purposes at the time of commitment or voluntary admission to a state hospital, or if he has no such legal settlement in this state, it means the county of commitment, except that where a patient *or resident* with no such legal settlement is committed while serving a sentence at a penal institution, it means the county from which he was sentenced.

Subd. 8. "County welfare board" means the welfare board of the patient's *or resident's* county as defined in subdivision 7 and of the county of commitment, and any other county welfare board possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a patient *or resident* or his relatives.

Sec. 15. Minnesota Statutes 1984, section 246.511, is amended to read:

246.511 [RELATIVE RESPONSIBILITY.]

In no case, shall a patient's *or resident's* relatives, pursuant to the commissioner's authority under section 246.51, be ordered to pay more than ten percent of the cost of care, unless they reside outside the state. Parents of children in state hospitals shall have their responsibility to pay determined according to section 252.27, subdivision 2. The commissioner may accept voluntary payments in excess of ten percent. The commissioner may require full payment of the full per capita cost of care in state hospitals for patients *or residents* whose parent, parents, spouse, guardian or conservator do not reside in Minnesota.

Sec. 16. Minnesota Statutes 1984, section 246.52, is amended to read:

246.52 [PAYMENT FOR CARE; ORDER; ACTION.]

The commissioner shall issue an order to the patient *or resident* or the guardian of his estate, if there be one, and relatives determined able to pay requiring them to pay monthly to the state of Minnesota the amounts so determined the total of which shall not exceed the full cost of care. Such order shall specifically state the commissioner's determination and shall be conclusive unless appealed from as herein provided. When a patient *or resident* or relative fails to pay the amount due hereunder the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount.

Sec. 17. Minnesota Statutes 1984, section 246.53, is amended to read:

246.53 [CLAIM AGAINST ESTATE OF DECEASED PATIENT OR RESIDENT.]

Subdivision 1. [PATIENT'S OR RESIDENT'S ESTATE.] Upon the death of a patient *or resident*, or a former patient *or resident*, the total cost of care given the patient *or resident*, less the amount actually paid toward the cost of care by the patient *or resident* and the patient's *or resident's* relatives, shall be filed by the commissioner as a claim against the estate of the patient *or resident* with the court having jurisdiction to probate the estate and all proceeds collected by the state in the case shall be divided between the state and county in proportion to the cost of care each has borne.

Subd. 2. [PREFERRED STATUS.] An estate claim in subdivision 1 shall be considered an expense of the last illness for purposes of section 524.3-805.

If the commissioner of human services determines that the property or estate of any patient *or resident* is not more than needed to care for and maintain the spouse and minor or dependent children of a deceased patient *or resident*, the commissioner has the power to compromise the claim of the state in a manner deemed just and proper.

Subd. 3. [EXCEPTION FROM STATUTE OF LIMITATIONS.] Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient *or resident* or former patient *or resident* shall not apply to any claim against an estate made hereunder to recover cost of care.

Sec. 18. Minnesota Statutes 1984, section 246.54, is amended to read:

246.54 [LIABILITY OF COUNTY; REIMBURSEMENT.]

The patient's *or resident's* county shall pay to the state of Minnesota a portion of the cost of care provided in a state hospital to a patient *or resident* legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county shall equal ten percent of the per capita rate, as determined by the commissioner, for each day, or the portion thereof, that the patient *or resident* spends at a state hospital. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the per capita rate, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement from the patient *or resident*, the patient's *or resident's* estate, or from the patient's *or resident's* relatives, except as provided in section 246.53. No such payments shall be made for any patient *or resident* who was last committed prior to July 1, 1947.

Sec. 19. Minnesota Statutes 1984, section 246.55, is amended to read:

246.55 [APPEAL FROM ORDER OF COMMISSIONER.]

Any patient *or resident* or relative aggrieved by an order of the commissioner under sections 246.50 to 246.55 may appeal from the order to the district court of the county in which he resides by serving notice of the appeal on the commissioner and filing the notice, with proof of service, in the office of the clerk of the district court of the county within 30 days from the date the order was mailed, or a later date not exceeding one year from the date of mailing as permitted by order of the court. The appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear evidence it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 246.50 to 246.55 is brought in question on appeal, the order or determination shall be determined *de novo*. Appeal from the order of the district court may be taken as in other civil cases.

Sec. 20. Minnesota Statutes 1984, section 246.56, is amended to read:

246.56 [PRE-VOCATIONAL TRAINING FOR (MENTALLY ILL OR RETARDED) PATIENTS WITH MENTAL ILLNESS OR RESIDENTS WITH MENTAL RETARDATION; ADMINISTRATION.]

Subdivision 1. The commissioner of human services is hereby authorized to establish, subject to the approval of the commissioner of (EDUCATION) *economic security*, within the state (INSTITUTIONS) *hospitals* for the (MENTALLY ILL AND

MENTALLY RETARDED) *patients with mental illness or residents with mental retardation*, work activity programs for the manufacture, processing and repairing of goods, wares, and merchandise for the purpose of providing therapeutic work activities for patients and residents.

Subd. 2. The work activity programs authorized herein shall be planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make productive capacity inconsequential. The activities within this program shall conform to the rules and regulations relating to work activity centers promulgated by the United States Department of Labor. To accomplish the foregoing purpose the commissioner of human services shall have the power and authority to:

(a) use the diversified labor fund established by Laws 1945, Chapter 575, Section 19, to purchase equipment and remodel facilities of the (INSTITUTIONS) *state hospitals* referred to in subdivision 1 to initiate the work activity program,

(b) formulate a system of records and accounts which shall at all times indicate the extent of purchases, sales, wages, and bidding practices and which shall be open to public inspection.

The commissioner of human services shall, subject to the approval of the commissioner of education, have the power and authority to:

(a) create a work activity center revolving fund for the purpose of receiving and expending moneys in the operation of the said programs,

(b) contract with public and private industries for the manufacture, repair, or assembling of work according to standard bidding practices,

(c) use the revenue from the operation of said programs to pay wages to patients (AND) *or residents* according to their productivity, purchase equipment and supplies and pay other expenses necessary to the operation of the said programs,

(d) establish an advisory committee consisting of representatives from the departments of health, (EDUCATION) *economic security*, and human services, labor and business groups, interested community agencies, including but not limited to the Minnesota Association of Rehabilitation Facilities, the Minnesota Association for Retarded Children, and the Minnesota Association for Mental Health, and the general public. This committee will act in an advisory capacity with respect to the scope of work activity programs, the nature of the goods to be produced and services to be performed in such programs,

(e) utilize all available vocational rehabilitation services and encourage the integration of the work activity program into existing vocational rehabilitation and community based programs, so that the work activity program will neither duplicate nor unfairly compete with existing public or private community programs.

Sec. 21. [252.021] [DEFINITION.]

For the purposes of this chapter, the words "related condition" have the meaning given them in section 252.27, subdivision 1.

Sec. 22. Minnesota Statutes 1984, section 252.025, is amended to read:

252.025 [STATE HOSPITALS FOR (MENTALLY RETARDED PERSONS AND PERSONS HAVING EPILEPSY) PERSONS WITH MENTAL RETARDATION.]

Subdivision 1. State hospitals for (MENTALLY RETARDED) persons (AND PERSONS HAVING EPILEPSY) *with mental retardation* shall be established and maintained at Faribault, Cambridge and Brainerd, and notwithstanding any provision to the contrary they shall be respectively known as the Faribault State Hospital, the Cambridge State Hospital, and the Brainerd State Hospital. Each of the foregoing state hospitals shall also be known by the name of regional center at the discretion of the commissioner of human services.

Subd. 2. They shall be under the general management and control of the commissioner of human services.

Sec. 23. Minnesota Statutes 1984, section 252.05, is amended to read:

252.05 [ABDUCTION OR ENTICING AWAY PROHIBITED; PENALTY.]

Every person who shall abduct, entice, or carry away from a state hospital for (MENTALLY RETARDED) persons (OR PERSONS HAVING EPILEPSY) *with mental retardation* any (INMATE) *resident* thereof, who has not been legally discharged therefrom, shall be guilty of a felony and punished by a fine of not to exceed \$3,000 or imprisonment in the Minnesota correctional facility—Stillwater or the Minnesota correctional facility—St. Cloud not to exceed three years, or both, in the discretion of the court; any and every person who shall abduct, entice, or carry away from any place other than a state hospital, a person duly committed as (FEEBLEMINDED OR) mentally (DEFICIENT) *retarded* to the guardianship of the commissioner of human services with the intention of wrongfully removing such person from the direct custody of the commissioner of human

services, such person known by him to be under the supervision of the commissioner of human services or his agents, shall be guilty of a gross misdemeanor.

Sec. 24. Minnesota Statutes 1984, section 252.06, is amended to read:

252.06 [SHERIFF TO TRANSPORT (MENTALLY DEFICIENT) PERSONS (AND PERSONS HAVING EPILEPSY) WITH MENTAL RETARDATION.]

It shall be the duty of the sheriff of any county, upon the request of the commissioner of human services, to take charge of and transport any (MENTALLY DEFICIENT PERSON OR ANY PERSON HAVING EPILEPSY) *persons with mental retardation* who has been committed by the probate court of any county to the care and custody of the commissioner of human services to such (INSTITUTION) *state hospital* as may be designated by the commissioner of human services and there deliver such person to the (SUPERINTENDENT) *chief executive officer* of the (INSTITUTION) *state hospital*.

Sec. 25. Minnesota Statutes 1984, section 252.07, is amended to read:

252.07 [SHERIFF, EXPENSES.]

In any county where the sheriff receives a salary in full compensation for official services performed for the county, he shall receive no additional compensation for services performed under the provisions of sections 252.06 to 252.08, but he shall be reimbursed by the county wherein such (MENTALLY DEFICIENT PERSON OR PERSON HAVING EPILEPSY) *person with mental retardation* was committed for the necessary expenses incurred by him in taking charge of and transporting such person to (SUCH INSTITUTION) *a state hospital* and the subsistence of himself and such person while enroute.

In any county where the sheriff does not receive a salary he shall be paid \$5 a day for the time necessarily employed in performance of the service, together with expenses incurred by him in taking charge of and transporting such person to such (INSTITUTION) *state hospital* and the subsistence of himself and such person while enroute.

When the (MENTALLY DEFICIENT) person (OR PERSON HAVING EPILEPSY) *with mental retardation* is a female, the sheriff shall appoint some suitable woman to act in his stead. Such woman shall exercise all the powers vested in the sheriff and shall be paid \$5 per day for the time necessarily employed in the performance of such service, together with expenses incurred by her in taking charge of and transporting such person to such

(INSTITUTION) *state hospital* and the subsistence of herself and such person while enroute.

Sec. 26. Minnesota Statutes 1984, section 252.09, is amended to read:

252.09 [COURSES OF INSTRUCTION FOR TEACHERS.]

The commissioner of human services may establish and maintain at the state hospital for (MENTALLY RETARDED) persons (AND PERSONS HAVING EPILEPSY) *with mental retardation* at Faribault courses of instruction for teachers and others interested in the care and training of (MENTALLY RETARDED OR DEFECTIVE CHILDREN) *persons with mental retardation* and make all necessary rules and regulations for the organization and conduct of such courses.

Sec. 27. Minnesota Statutes 1984, section 252.10, is amended to read:

252.10 [FEES AND EXPENSES.]

The commissioner of human services shall charge and collect from each person taking any such courses of instruction an amount for board and tuition not exceeding \$10 per week and the moneys so collected shall be turned into the state treasury as are other miscellaneous receipts from the (INSTITUTION) *state hospital*. The expenses incident to the conduct of such courses of instruction and for the board of those taking the same shall be paid as are the other expenses for maintaining the state hospital for (THE MENTALLY RETARDED) persons (AND PERSONS HAVING EPILEPSY) *with mental retardation*. The courses of instruction herein referred to shall, within the limitation of charges as stated, be made as near self-sustaining as possible.

Sec. 28. Minnesota Statutes 1984, section 252.21, is amended to read:

252.21 [COUNTY BOARDS MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTER SERVICES FOR (THE MENTALLY RETARDED AND CEREBRAL PALSID) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]

In order to assist county boards in carrying out responsibilities for the provision of daytime developmental achievement center services for eligible persons, the county board or boards are hereby authorized to make grants, within the limits of the money appropriated, to developmental achievement centers for services to (MENTALLY RETARDED AND CEREBRAL

PALSIED) persons *with mental retardation or related conditions*. In order to fulfill its responsibilities to (THE MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions* as required by section 256E.08, subdivision 1, a county board may, beginning January 1, 1983, contract with developmental achievement centers or other providers.

Sec. 29. Minnesota Statutes 1984, section 252.22, is amended to read:

252.22 [APPLICANTS FOR ASSISTANCE; TAX LEVY.]

Any city, town, or non-profit corporation or any combination thereof, may apply to the county board for assistance in establishing and operating a developmental achievement center and program for (MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions*. Application for such assistance shall be on forms supplied by the board. Each applicant shall annually submit to the board its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the board.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a developmental achievement center for (THE MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions*. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

Sec. 30. Minnesota Statutes 1984, section 252.23, is amended to read:

252.23 [ELIGIBILITY REQUIREMENTS.]

A developmental achievement center shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

(1) Provide daytime activities for any or all of the following classes of persons:

(MENTALLY RETARDED AND CEREBRAL PALSIED CHILDREN) *Children with mental retardation or related conditions* who can benefit from the program of services, including those school age children who have been excused or excluded from school;

(MENTALLY RETARDED AND CEREBRAL PALSIED CHILDREN AND ADULTS) *Children and adults with mental retardation or related conditions* who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counseling services to parents or guardians of (MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions* who may register at the center;

(3) Comply with all rules duly promulgated by the commissioner of human services.

Sec. 31. Minnesota Statutes 1984, section 252.24, is amended to read:

252.24 [DUTIES OF COUNTY BOARDS.]

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall administer developmental achievement services, including training and habilitation services provided by licensed developmental achievement centers to residents of intermediate care facilities for the mentally retarded. The county board shall ensure that transportation is provided for persons who fulfill the eligibility requirements of section 252.23, clause (1), utilizing the most efficient and reasonable means available. The county board may contract for developmental achievement services and transportation from a center which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime developmental achievement services for (MENTALLY RETARDED AND CEREBRAL PALSIED) persons *with mental retardation or related conditions* within the appropriation and medical assistance resources made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2 and applicable federal regulations.

Subd. 2. [SUPERVISION OF PROJECTS; PROMULGATION OF RULES.] The commissioner of human services shall closely supervise any developmental achievement center receiving a grant under sections 252.21 to 252.26. He shall promulgate rules in the manner provided by law as necessary to carry out the purposes of sections 252.21 to 252.26, including but not limited to rules pertaining to facilities for housing developmental achievement centers, administration of centers, and eligibility requirements for admission and participation in activities of the center.

Subd. 3. [PAYMENT PROCEDURE.] The board at the beginning of each year, shall allocate available money for devel-

opmental achievement services for disbursement during the year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The board shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if it determines that any amount of funds are not needed for any particular center to which they were allocated, it may, after 30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. It may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Subd. 4. [FEES.] The county board may, with the approval of the commissioner, establish a schedule of fees for daytime developmental achievement services as provided in section 256E.-08, subdivision 6. No (MENTALLY RETARDED OR CEREBRAL PALSID) *person with mental retardation or related condition* shall be denied daytime developmental achievement services because of an inability to pay such a fee.

Sec. 32. Minnesota Statutes 1984, section 252.25, is amended to read:

252.25 [BOARD OF DIRECTORS.]

Every city, town, or non-profit corporation, or combination thereof, establishing a developmental achievement center for (THE MENTALLY RETARDED AND CEREBRAL PALSID) *persons with mental retardation or related conditions* shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the center program. When any city or town singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the town. When any combination of cities, towns, or non-profit corporations, establishes such a center, the chief executive officers of the cities or non-profit corporations and the chairman of the governing bodies of the towns shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation and (CEREBRAL PALSY) *related conditions*, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

Sec. 33. Minnesota Statutes 1984, section 252.27, is amended to read:

252.27 [COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.]

Subdivision 1. Whenever any child who has mental retardation (, *EPILEPSY*) or a *related condition*, or a physical or emotional handicap is in 24 hour care outside the home including respite care, in a facility licensed by the commissioner of human services, the cost of care shall be paid by the county of financial responsibility determined pursuant to section 256E.08, subdivision 7. If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. (FOR THE PURPOSES OF THIS SECTION AN "EMOTIONALLY HANDICAPPED CHILD" MEANS ANY CHILD HAVING) *A person has a "related condition" if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in three or more of the following areas of major life activity: self care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living. For the purposes of this section, a child has an "emotional handicap" if the child has a psychiatric or other emotional disorder which substantially impairs his mental health and (WHO) requires 24 hour treatment or supervision.*

Subd. 2. Responsibility of the parents for the cost of care shall be based upon ability to pay. The state agency shall adopt rules to determine responsibility of the parents for the cost of care when:

(a) Insurance or other health care benefits pay some but not all of the cost of care; and

(b) No insurance or other health care benefits are available.

Parents who have more than one child in out-of-home care shall not be required to pay more than the amount for one child in out-of-home care. In no event shall the parents be required to pay more than five percent of their income as defined in section 290A.03, subdivision 3. There shall be no resource contribution from the parents.

Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1. Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The county board

may require payment of the full cost of caring for children whose parents or guardians do not reside in this state.

To the extent that a child described in subdivision 1 is eligible for benefits under chapters 62A, 62C, 62D, 62E, or 64A, the county is not liable for the cost of care. A parent or legal guardian who discontinues payment of health insurance premiums, subscriber fees or enrollment fees for a child who is otherwise eligible for those benefits is ineligible for payment of the cost of care of that child under this section.

The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

Subd. 3. If the parent fails to make appropriate reimbursement as required in subdivision 2, the county attorney may initiate a civil action to collect any unpaid reimbursement.

Subd. 4. In order to determine the effectiveness of the family unit in providing alternate living arrangements and providing or arranging for the training and developmental opportunities provided in a state hospital or a licensed community residential facility, the commissioner of human services may establish an experimental program to subsidize selected families who agree to carry out a planned program of home care and training for their minor dependents (WHO ARE MENTALLY RETARDED) *with mental retardation or related conditions.*

This program shall be limited to children who otherwise would require and be eligible for placement in state hospitals or licensed community residential facilities.

Grants to families shall be determined by the commissioner of human services. In determining the grants, the commissioner shall consider the cost of diagnostic assessments, homemaker services, training expenses including specialized equipment, visiting nurses' or other pertinent therapists' costs, preschool program costs, related transportation expenses, and parental relief or child care costs not to exceed \$250 per month per family.

An individual care and training plan for the child shall be established and agreed upon by the parents receiving the subsidy and the appropriate local welfare agency. Periods of parental relief, including vacations, may be included in the plan and do not require the approval of the local welfare agency. The plan shall be periodically evaluated to determine the progress of the child.

Sec. 34. Minnesota Statutes 1984, section 252.275, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM.] The commissioner of human services shall establish a statewide program to assist counties in reducing the utilization of intermediate care services in state hospitals and in community residential facilities for persons (WHO ARE MENTALLY RETARDED) *with mental retardation or related conditions*. The commissioner shall make grants to county boards to establish, operate, or contract for the provision of semi-independent living services licensed by the commissioner pursuant to sections 245.781 to 245.812 and 252.28.

Sec. 35. Minnesota Statutes 1984, section 252.275, subdivision 7, is amended to read:

Subd. 7. [REPORTS.] The commissioner shall require collection of data and periodic reports necessary to demonstrate the effectiveness of semi-independent living services in helping (MENTALLY RETARDED) persons *with mental retardation or related conditions* achieve self-sufficiency and independence. The commissioner shall report to the legislature no later than January 15, 1984, on the effectiveness of the program, its effect on reducing the number of (MENTALLY RETARDED) persons *with mental retardation or related conditions* in state hospitals and in intermediate care facilities, and his recommendations regarding making this program an integral part of the social services programs administered by the counties.

Sec. 36. Minnesota Statutes 1984, section 252.28, is amended to read:

252.28 [COMMISSIONER OF HUMAN SERVICES;
DUTIES.]

Subdivision 1. [DETERMINATIONS; BIENNIAL RE-DETERMINATIONS.] The commissioner of human services shall determine, and shall redetermine biennially, the need, location, size, and program of public and private residential and day care facilities and services for (MENTALLY RETARDED) children and adults *with mental retardation or related conditions*.

Subd. 2. [RULES; PROGRAM STANDARDS; LICENSES.] The commissioner of human services shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for (MENTALLY RETARDED) persons *with mental retardation or related conditions*, including state (INSTITUTIONS) hospitals under control of the commissioner and serving (MENTALLY RETARDED) persons *with mental retardation or related conditions*, and excluding (MENTALLY RETARDED) persons *with mental retardation or related conditions* residing with their families.

(2) Grant licenses according to the provisions of Laws 1976, chapter 243, sections 2 to 13.

Subd. 3. [LICENSING DETERMINATIONS.] (1) No new license shall be granted pursuant to this section when the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within any town, municipality or county of the state.

(2) In determining whether a license shall be issued pursuant to this subdivision, the commissioner of human services shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which a licensee seeks to operate a residence. Under no circumstances may the commissioner newly license any facility pursuant to this section except as provided in section 245.812. The commissioner of human services shall establish uniform rules and regulations to implement the provisions of this subdivision.

(3) Licenses for community facilities and services shall be issued pursuant to section 245.821.

Subd. 4. [RULES: DECERTIFICATION OF BEDS.] The commissioner shall promulgate in rule criteria for decertification of beds in intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*, and shall encourage providers in voluntary decertification efforts. The commissioner shall not recommend to the commissioner of health the involuntary decertification of an intermediate care facility for beds for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* prior to the availability of appropriate services for those residents affected by the decertification. The commissioner of health shall decertify those intermediate care beds determined to be not needed by the commissioner of human services.

Sec. 37. Minnesota Statutes 1984, section 252.291, is amended to read:

252.291 [LIMITATION ON DETERMINATION OF NEED.]

Subdivision 1. [MORATORIUM.] Notwithstanding section 252.28, subdivision 1, or any other law or rule to the contrary, the commissioner of human services shall deny any request for a determination of need and refuse to grant a license pursuant to section 245.782 for any new intermediate care facility for (MENTALLY RETARDED) *persons with mental retardation or related conditions* or for an increase in the licensed capacity of an existing facility except as provided in subdivision 2. In no event shall the total of certified intermediate care beds for (MENTALLY RETARDED) *persons with mental retarda-*

tion or related conditions in community facilities and state hospitals exceed 7,500 beds as of July 1, 1983, and 7,000 beds as of July 1, 1986. "Certified bed" means an intermediate care bed for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* certified by the commissioner of health for the purposes of the medical assistance program under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982.

Subd. 2. [EXCEPTIONS.] The commissioner of human services in coordination with the commissioner of health may approve a new intermediate care facility for (MENTALLY RETARDED) *persons with mental retardation or related conditions* only in the following circumstances:

(a) when the facility is developed in accordance with a request for proposal system established pursuant to subdivision 3, clause (b);

(b) when the facility is necessary to serve the needs of identifiable (MENTALLY RETARDED) *persons with mental retardation or related conditions* who are seriously behaviorally disordered or who are physically or sensorily impaired; or

(c) to license beds in new facilities where need was determined by the commissioner prior to June 10, 1983.

Subd. 3. [DUTIES OF COMMISSIONER OF HUMAN SERVICES.] The commissioner shall:

(a) establish standard admission criteria for state hospitals and county utilization targets to limit and reduce the number of intermediate care beds in state hospitals and community facilities in accordance with approved waivers under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, to assure that appropriate services are provided in the least restrictive setting;

(b) provide technical assistance so that county boards may establish a request for proposal system for meeting individual service plan objectives through home and community-based services; alternative community services; or, if no other alternative will meet the needs of identifiable individuals for whom the county is financially responsible, a new intermediate care facility for (MENTALLY RETARDED) *persons with mental retardation or related conditions*; and

(c) establish a client tracking and evaluation system as required under applicable federal waiver regulations, Code of Federal Regulations, title 42, sections 431, 435, 440, and 441, as amended through December 31, 1982.

(d) develop a state plan for the delivery and funding of residential day and support services to (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* in Minnesota and submit that plan to the clerk of each house of the Minnesota legislature on or before the 15th of January of each biennium beginning January 15, 1985. The biennial mental retardation plan shall include but not be limited to:

(1) county by county maximum intermediate care bed utilization quotas;

(2) plans for the development of the number and types of services alternative to intermediate care beds;

(3) procedures for the administration and management of the plan;

(4) procedures for the evaluation of the implementation of the plan; and

(5) the number, type, and location of intermediate care beds targeted for decertification.

The commissioner shall modify the plan to ensure conformance with the medical assistance home and community-based services waiver.

Subd. 4. [MONITORING.] The commissioner of human services, in coordination with the commissioner of health, shall implement mechanisms to monitor and analyze the effect of the bed moratorium in the different geographic areas of the state. The commissioner of human services shall submit to the legislature annually beginning January 15, 1984, an assessment of the impact of the moratorium by geographic areas.

Subd. 5. [RULEMAKING.] The commissioner of human services shall promulgate emergency and permanent rules pursuant to chapter 14, the Administrative Procedure Act, to implement this section.

Sec. 38. Minnesota Statutes 1984, section 252.30, is amended to read:

252.30 [AUTHORIZATION TO MAKE GRANTS FOR COMMUNITY RESIDENTIAL FACILITIES.]

The commissioner of human services may make grants to non-profit organizations, municipalities or local units of government to provide up to 25 percent of the cost of constructing, purchasing or remodeling small community residential facilities for (MENTALLY RETARDED AND CEREBRAL PALSID) per-

sons *with mental retardation or related conditions* allowing such persons to live in a homelike atmosphere near their families. Operating capital grants may also be made for up to three months of reimbursable operating costs after the facility begins processing applications for admission and prior to reimbursement for services. Repayment of the operating grants shall be made to the commissioner of human services at the end of the provider's first fiscal year, or at the conclusion of the interim rate period, whichever occurs first. No aid under this section shall be granted to a facility providing for more than 16 residents in a living unit and with more than two living units. The advisory council established by section 252.31 shall recommend to the commissioner appropriate disbursement of the funds appropriated by Laws 1973, Chapter 673, Section 3. Prior to any disbursement of funds the commissioner shall review the plans and location of any proposed facility to determine whether such a facility is needed. The commissioner shall promulgate such rules and regulations for the making of grants and for the administration of section 252.30 as he deems proper. The remaining portion of the cost of constructing, purchasing, remodeling facilities, or of operating capital shall be borne by nonstate sources including federal grants, local government funds, funds from charitable sources, gifts and mortgages.

Sec. 39. Minnesota Statutes 1984, section 252.31, is amended to read:

252.31 [ADVISORY TASK FORCE.]

The commissioner of human services may appoint an advisory task force for (THE MENTALLY RETARDED AND PHYSICALLY HANDICAPPED) *persons with mental retardation, related conditions, or physical handicaps*. The task force shall advise the commissioner relative to those laws for which the commissioner is responsible to administer and enforce relating to mental retardation *or related conditions* and physical disabilities. The task force shall consist of persons who are providers or consumers of service for (THE MENTALLY RETARDED) *persons with mental retardation, related conditions, or (PHYSICALLY HANDICAPPED) physical handicaps*, or who are interested citizens. The task force shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 40. Minnesota Statutes 1984, section 252.32, is amended to read:

252.32 [FAMILY SUBSIDY PROGRAM.]

Within the limits of appropriations, the commissioner of human services may provide subsidies to families with (MENTALLY RETARDED) *children with mental retardation or re-*

lated conditions in order to enable those families to continue caring for the children in their own homes. The commissioner may establish criteria for determining eligibility for a subsidy and subsidy amounts and conditions for use of subsidies.

Sec. 41. Minnesota Statutes 1984, section 253.015, is amended to read:

253.015 [LOCATION; MANAGEMENT; COMMITMENT; (SUPERINTENDENT) *CHIEF EXECUTIVE OFFICER.*]

The state hospitals located at Anoka, Fergus Falls, Hastings, Moose Lake, Rochester, St. Peter, and Willmar shall constitute the state hospitals for mentally ill, and shall be maintained under the general management of the commissioner of human services. The commissioner of human services shall determine to what state hospital (MENTALLY ILL) persons *with mental illness* shall be committed from each county and notify the probate judge thereof, and of changes made from time to time. The chief executive officer of each hospital for (THE MENTALLY ILL) *persons with mental illness* shall be known as the (SUPERINTENDENT) *chief executive officer*.

Sec. 42. Minnesota Statutes 1984, section 253.10, is amended to read:

253.10 [DEATH OR ILLNESS; NOTICE GIVEN NEXT OF KIN.]

The (SUPERINTENDENT) *chief executive officer* of any state hospital shall give to the next of kin of any (INMATE) *resident* thereof immediate notice of his death, serious illness, or special change in his condition and promptly and fully answer all letters of inquiry from relatives. Immediately after the death of a patient or *resident* therein, he shall furnish for registration, to the proper clerk or health officer, and to the probate judge of the county from which he was committed, a certificate setting forth the name of the patient or *resident*, his age, the duration of his last sickness, and the cause and date of his death. The expenses of all coroners' inquests upon persons dying in such (INSTITUTION) *hospital* shall be paid from the appropriation for its current expenses.

Sec. 43. Minnesota Statutes 1984, section 253.19, is amended to read:

253.19 [ANNUAL REPORT.]

On or before September 1 each year, the (SUPERINTENDENT) *chief executive officer* of each state hospital (OR ASYLUM FOR THE INSANE) *for persons with mental illness or mental retardation* shall report to the commissioner of human

services the number of (INSANE) *persons with mental illness* therein on July 31 preceding, giving the numbers of male and female and of the (IDIOTIC AND) *number of persons (HAVING EPILEPSY) with mental retardation* separately, and a statistical exhibit of the admissions, discharges, and deaths, with causes of death, and such other facts and information as the commissioner may require. Neglect to so report shall be a misdemeanor.

Sec. 44. Minnesota Statutes 1984, section 253.20, is amended to read:

253.20 [MINNESOTA SECURITY HOSPITAL.]

The commissioner of human services is hereby authorized and directed to erect, equip, and maintain in connection with a state hospital at St. Peter a suitable building to be known as the Minnesota Security Hospital, for the purpose of holding in custody and caring for such (INSANE PERSONS, IDIOTS, IMBECILES, AND PERSONS HAVING EPILEPSY) *persons with mental illness or mental retardation* as may be committed thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by the commissioner of human services, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally (INFIRM) *ill* and dangerous, and he shall supervise and manage the same as in the case of other state hospitals (OR ASYLUMS).

Sec. 45. Minnesota Statutes 1984, section 253.21, is amended to read:

253.21 [COMMITMENT; PROCEEDINGS; RESTORATION OF (SANITY) *MENTAL HEALTH*.]

When any person confined in the Minnesota correctional facility—Stillwater or the Minnesota correctional facility—St. Cloud is alleged to be (INSANE) *mentally ill*, the chief executive officer or other person in charge shall forthwith notify the commissioner of human services, who shall cause the prisoner to be examined by the probate court of the county where he is confined, as in the case of other (INSANE) *mentally ill* persons. In case he is found to be (INSANE) *mentally ill*, he shall be transferred by the order of the court to the Minnesota Security Hospital or to a state hospital for (THE INSANE) *mentally ill people* in the discretion of the court, there to be kept and maintained as in the case of other (INSANE) *mentally ill* persons. If, in the judgment of the (SUPERINTENDENT) *chief executive officer*, his (SANITY) *mental health* is restored before the period of his commitment to the penal institution has expired, he shall be removed by the commissioner, upon the certificate of the (SUPERINTENDENT) *chief executive officer*, to the institution whence he came, and there complete the period of his sentence.

Sec. 46. Minnesota Statutes 1984, section 253.25, is amended to read:

253.25 [COMMITMENT BEFORE CONVICTION.]

When any person under indictment or information and before trial thereon shall be found to be (INSANE, AN IDIOT, OR AN IMBECILE) *incompetent to proceed* and to have homicidal tendencies; or when during the trial of any person on an indictment or information such person shall be found to be (INSANE, AN IDIOT, OR AN IMBECILE) *incompetent to proceed* and to have homicidal tendencies, the court in which such indictment or information is filed shall forthwith commit such person to the Minnesota Security Hospital for safekeeping and treatment and such person shall be received and cared for thereat until he shall recover when he shall be returned to the court from which he was received there to be dealt with according to law.

Sec. 47. Minnesota Statutes 1984, section 253.26, is amended to read:

253.26 [TRANSFERS OF PATIENTS OR RESIDENTS.]

When any (PATIENT) *person* of the state (INSTITUTION FOR THE MENTALLY ILL, MENTALLY DEFECTIVE OR PERSONS HAVING EPILEPSY) *hospital for patients with mental illness or residents with mental retardation* is found by the commissioner of human services to have homicidal tendencies or to be under sentence or indictment or information he may be transferred by the commissioner to the Minnesota Security Hospital for safekeeping and treatment.

Sec. 48. Minnesota Statutes 1984, section 256.01, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all noninstitutional service to handicapped persons, *including those who are visually impaired, hearing impaired, or physically impaired or otherwise handicapped*. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as are vested by law in the department.

(8) The commissioner is designated as guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded (OR HAVING EPILEPSY).

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the secretary of the senate and chief clerk of the house of representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children, medical assistance, or food stamp program in the following manner:

(a) One-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs and shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for that program. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due.

(b) Notwithstanding the provisions of paragraph (a), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in paragraph (a), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to paragraph (a).

(15) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$400,000. When the balance in the account exceeds \$400,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

Sec. 49. Minnesota Statutes 1984, section 256.01, subdivision 5, is amended to read:

Subd. 5. [GIFTS, CONTRIBUTIONS, PENSIONS AND BENEFITS; ACCEPTANCE.] The commissioner shall have the power and authority to accept in behalf of the state contributions and gifts for the use and benefit of children under the guardianship or custody of the commissioner; he may also receive and accept on behalf of such children, and on behalf of patients and residents at the several state (INSTITUTIONS FOR THE MENTALLY ILL, THE MENTALLY RETARDED, OR PERSONS HAVING EPILEPSY) *hospitals for persons with mental illness or mental retardation* during the period of their hospitalization and while on provisional discharge therefrom, moneys due and payable to them as old age and survivors insurance benefits, veterans benefits, pensions or other such monetary benefits. Such gifts, contributions, pensions and benefits shall be deposited in and disbursed from the social welfare fund provided for in sections 256.88 to 256.92.

Sec. 50. Minnesota Statutes 1984, section 256.91, is amended to read:

256.91 [PURPOSES.]

From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the commissioner of human services at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the handicapped, dependent, neglected, and delinquent children, children born to mothers who

were not married to the children's fathers at the times of the conception nor at the births of the children, persons (FOUND TO BE MENTALLY RETARDED, CHEMICALLY DEPENDENT OR MENTALLY ILL) *with mental retardation, chemical dependency, or mental illness*, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase in it from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the commissioner of human services, the amount then remaining subject to use for the benefit of the person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

Sec. 51. Minnesota Statutes 1984, section 256.93, subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] In any case where the guardianship of the person of any *mentally retarded*, handicapped, dependent, neglected or delinquent child, or a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born, has been committed to the commissioner of human services, and in any case where the guardianship or conservatorship of the person of any (MENTALLY RETARDED PERSON OR PERSON HAVING EPILEPSY) *person with mental retardation* has been committed to the commissioner of human services, the probate court having jurisdiction of the estate may on such notice as the court may direct, authorize the commissioner to take possession of the personal property in the estate, liquidate it, and hold the proceeds in trust for the ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Sec. 52. Minnesota Statutes 1984, section 256B.02, subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanatorium, nursing home, boarding home, shelter, halfway house, foster home, semi-independent living domicile, residential facility offering care, board and lodging facility offering 24-hour care or supervision of (MENTALLY ILL, MENTALLY RETARDED, OR PHYSICALLY DISABLED PERSONS, OR OTHER INSTITUTION) *persons with mental illness, mental retardation, related conditions, or physical disabilities; or other treatment facility* for the hospitalization or care of human beings, as defined in sections 144.50, 144A.01, or 245.782, subdivision 6.

Sec. 53. Minnesota Statutes 1984, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 256B.50, subdivision 1, for (MENTALLY RETARDED INDIVIDUALS) *persons with mental retardation or related conditions who are residing in intermediate care facilities for (THE MENTALLY RETARDED) persons with mental retardation or related conditions;*

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services or physician-directed clinic services. The physician-directed clinic staff shall include at least two physicians, one of whom is on the premises whenever the clinic is open, and all services shall be provided under the direct supervision of the physician who is on the premises. Hospital outpatient departments are subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(5) Community mental health center services, as defined in rules adopted by the commissioner pursuant to section 256B.04, subdivision 2, and provided by a community mental health center as defined in section 245.62, subdivision 2;

(6) Home health care services;

- (7) Private duty nursing services;
- (8) Physical therapy and related services;
- (9) Dental services, excluding cast metal restorations;
- (10) Laboratory and xray services;
- (11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the formulary committee shall review and comment on the formulary contents. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; or any other over the counter drug identified by the commissioner, in consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate and cost effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is

a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the Administrative Procedure Act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the Administrative Procedure Act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the Administrative Procedure Act;

(12) Diagnostic, screening, and preventive services;

(13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act;

(14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be nonambulatory;

(16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining nonemergency medical care;

(17) Personal care attendant services provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse. Payments to personal care attendants shall be adjusted annually to reflect changes in the cost of living or of providing services by the average annual adjustment granted to vendors such as nursing homes and home health agencies; and

(18) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 54. Minnesota Statutes 1984, section 256B.02, is amended by adding a subdivision to read:

Subd. 11. "Related condition" means that condition defined in section 252.27, subdivision 1.

Sec. 55. Minnesota Statutes 1984, section 256B.092, is amended to read:

256B.092 [CASE MANAGEMENT OF (MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.] Before any services shall be rendered to (MENTALLY RETARDED) persons *with mental retardation or related conditions who are in need of social service and medical assistance*, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded *or has or may have a related condition*. If a client is diagnosed as mentally retarded *or as having a related condition*, that county must conduct a needs assessment, develop an individual service plan, and authorize placement for

services. If the county of financial responsibility places a client in another county for services, the placement shall be made in cooperation with the host county of service, and arrangements shall be made between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall: (a) provide consultation on the case management process; (b) assist county agencies in the screening and annual reviews of clients to assure that appropriate levels of service are provided; (c) provide consultation on service planning and development of services with appropriate options; (d) provide training and technical assistance to county case managers; and (e) authorize payment for medical assistance services.

Subd. 3. [TERMINATION OF SERVICES.] County agency case managers, under rules of the commissioner, shall authorize and terminate services of community and state hospital providers in accordance with individual service plans. Medical assistance services not needed shall not be authorized by county agencies nor funded by the commissioner.

Subd. 4. [ALTERNATIVE HOME AND COMMUNITY-BASED SERVICES.] The commissioner shall make payments to county boards participating in the medical assistance program to pay costs of providing alternative home and community-based services to medical assistance eligible (MENTALLY RETARDED) persons *with mental retardation or related conditions who have been screened under subdivision 7*. Payment is available under this subdivision only for persons who, if not provided these services, would require the level of care provided in an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions*.

Subd. 5. [FEDERAL WAIVERS.] The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, for the provision of services to persons who, in the absence of the services, would need the level of care provided in a state hospital or a community intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions*. The commissioner may seek amendments to the waivers or apply for additional waivers under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, to contain costs. The commissioner shall ensure that payment for the cost of providing home and community-based alternative services under the fed-

eral waiver plan shall not exceed the cost of intermediate care services that would have been provided without the waived services.

Subd. 6. [RULES.] The commissioner shall adopt emergency and permanent rules to establish required controls, documentation, and reporting of services provided in order to assure proper administration of the approved waiver plan.

Subd. 7. [SCREENING TEAMS ESTABLISHED.] 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 (MENTALLY RETARDED) persons *with mental retardation or related conditions* or for whom there is a reasonable indication that they might need the services in the near future. The screening team shall make an evaluation of need within 15 working days of the request for service and within five working days of an emergency admission of an individual to an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions*. The screening team shall consist of the case manager, the client, a parent or guardian, a qualified mental retardation professional, as defined in the Code of Federal Regulations, title 42, section 442.401, as amended through December 31, 1982, assigned by the commissioner. The case manager shall consult with the client's physician or other persons as necessary to make this evaluation. Other persons may be invited to attend meetings of the screening team. No member of the screening team shall have any direct or indirect service provider interest in the case.

Subd. 8. [SCREENING TEAM DUTIES.] The screening team shall:

- (a) review diagnostic data;
- (b) review health, social, and developmental assessment data using a uniform screening tool specified by the commissioner;
- (c) identify the level of services needed to maintain the person in the most normal and least restrictive setting that is consistent with treatment needs;
- (d) identify other noninstitutional public assistance or social service that may prevent or delay long-term residential placement;
- (e) determine whether a client is in serious need of long-term residential care;
- (f) make recommendations to the county agency regarding placement and payment for: (1) social service or public assis-

tance support to maintain a client in the client's own home or other place of residence; (2) training and habilitation service, vocational rehabilitation, and employment training activities; (3) community residential placement; (4) state hospital placement; or (5) a home and community-based alternative to community residential placement or state hospital placement;

(g) make recommendations to a court as may be needed to assist the court in making commitments of mentally retarded persons; and

(h) inform clients that appeal may be made to the commissioner pursuant to section 256.045.

Subd. 9. [REIMBURSEMENT.] Payment shall not be provided to a service provider for any recipient placed in an intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* prior to the recipient being screened by the screening team. The commissioner shall not deny reimbursement for: (a) an individual admitted to an intermediate care facility for (MENTALLY RETARDED) *persons with mental retardation or related conditions* who is assessed to need long-term supportive services, if long-term supportive services other than intermediate care are not available in that community; (b) any individual admitted to an intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* under emergency circumstances; (c) any eligible individual placed in the intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* pending an appeal of the screening team's decision; or (d) any medical assistance recipient when, after full discussion of all appropriate alternatives including those that are expected to be less costly than intermediate care for (MENTALLY RETARDED) *persons with mental retardation or related conditions*, the individual or the individual's legal representative insists on intermediate care placement. The screening team shall provide documentation that the most cost effective alternatives available were offered to this individual or the individual's legal representative.

Sec. 56. Minnesota Statutes 1984, section 256B.36, is amended to read:

256B.36 [PERSONAL ALLOWANCE (, HANDICAPPED OR MENTALLY RETARDED) FOR CERTAIN RECIPIENTS OF MEDICAL ASSISTANCE.]

In addition to the personal allowance established in section 256B.35, any (HANDICAPPED OR MENTALLY RETARDED) recipient of medical assistance *with a handicap, mental retardation, or a related condition*, confined in a skilled nursing home or intermediate care facility shall also be per-

mitted a special personal allowance drawn solely from earnings from any productive employment under an individual plan of rehabilitation. This special personal allowance shall not exceed (1) the limits set therefor by the commissioner, or (2) the amount of disregarded income the individual would have retained had he or she been a recipient of aid to the disabled benefits in December, 1973, whichever amount is lower.

Sec. 57. Minnesota Statutes 1984, section 256B.501, is amended to read:

256B.501 [RATES FOR COMMUNITY-BASED SERVICES FOR (THE MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meaning given them.

(a) "Commissioner" means the commissioner of human services.

(b) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144, and certified as an intermediate care facility for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions.*

(c) "Waivered service" means home or community-based service authorized under United States Code, title 42, section 1396n(c), as amended through December 31, 1982, and defined in the Minnesota state plan for the provision of medical assistance services. Waivered services include, at a minimum, case management, family training and support, developmental training homes, supervised living arrangements, semi-independent living services, respite care, and training and habilitation services.

(d) "Training and habilitation services" are those health and social services needed to ensure optimal functioning of persons (WHO ARE MENTALLY RETARDED OR HAVE) *with mental retardation or related conditions.* Training and habilitation services shall be provided to a client away from the residence unless medically contraindicated by an organization which does not have a direct or indirect financial interest in the organization which provides the person's residential services. This requirement shall not apply to any developmental achievement center which has applied for licensure prior to April 15, 1983.

Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions* which qualify as vendors of medical assistance, waived ser-

vices, and for provision of training and habilitation services. Approved rates shall be established on the basis of methods and standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.

Subd. 3. [RATES FOR INTERMEDIATE CARE FACILITIES FOR (THE MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]

The commissioner shall establish, by rule, procedures for determining rates for care of residents of intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*. The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated facilities. In developing the procedures, the commissioner shall include:

(a) cost containment measures that assure efficient and prudent management of capital assets and operating cost increases which do not exceed increases in other sections of the economy;

(b) limits on the amounts of reimbursement for property, general and administration, and new facilities;

(c) requirements to ensure that the accounting practices of the facilities conform to generally accepted accounting principles; and

(d) incentives to reward accumulation of equity.

In establishing rules and procedures for setting rates for care of residents in intermediate care facilities for (MENTALLY RETARDED) *persons with mental retardation or related conditions*, the commissioner shall consider the recommendations contained in the February 11, 1983, Report of the Legislative Auditor on Community Residential Programs for the Mentally Retarded and the recommendations contained in the 1982 Report of the Department of Public Welfare Rule 52 Task Force. Rates paid to supervised living facilities for rate years beginning during the fiscal biennium ending June 30, 1985, shall not exceed the final rate allowed the facility for the previous rate year by more than five percent.

Subd. 4. [WAIVERED SERVICES.] In establishing rates for waived services the commissioner shall consider the need for flexibility in the provision of those services to meet individual needs identified by the screening team.

Subd. 5. [TRAINING AND HABILITATION SERVICES.]

(a) Except as provided in subdivision 6, rates for reimbursement under medical assistance for training and habilitation services provided by a developmental achievement center either as a waived service or to residents of an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions* shall be established and paid in accordance with this subdivision effective January 1, 1984.

(b) Prior to August 1, 1983, the county board shall submit to the commissioner its contractual per diem rate and its maximum per client annual payment limitations, if any, for each developmental achievement center it administers pursuant to section 252.24, subdivision 1, for the period from July 1, 1983, through December 31, 1983, which shall be the medical assistance reimbursement rate established for that developmental achievement center for 1983. If the county rate is based on average daily attendance which is less than 93 percent of the developmental achievement center's average enrollment for the period from July 1, 1983, to December 31, 1983, the commissioner shall adjust that rate based on 93 percent average daily attendance.

(c) The base per diem reimbursement rate established for 1983 may be increased by the commissioner in 1984 in an amount up to the projected percentage change in the average value of the consumer price index (all urban) for 1984 over 1983. In subsequent years, the increase in the per diem rate shall not exceed the projected percentage change in the average annual value of the consumer price index (all urban) for the same time period.

(d) The county board in which an intermediate care facility for (MENTALLY RETARDED) persons *with mental retardation or related conditions* is located shall contract annually with that facility and with the appropriate developmental achievement center or training and habilitation service provider for provision of training and habilitation services for each resident of the facility for whom the services are required by the resident's individual service plan. This contract shall specify the county payment rate or the medical assistance reimbursement rate, as appropriate; the training and habilitation services to be provided; and the performance standards for program provision and evaluation. A similar contract shall be entered into between the county and the developmental achievement center for persons receiving training and habilitation services from that center as a waived service.

(e) The commissioner shall reimburse under medical assistance up to 210 days of training and habilitation services at developmental achievement centers for those centers which provided less than or equal to 210 days of training and habilitation services in calendar year 1982. For developmental achievement centers providing more than 210 days of services in 1982, the commissioner shall not reimburse under medical assistance in excess of the number of days provided by those programs in 1982.

(f) Medical assistance payments for training and habilitation services shall be made directly to the training and habilitation provider after submission of invoices to the medical assistance program following procedures established by the medical assistance program.

(g) Nothing in this subdivision shall prohibit county boards from contracting for rates for services not reimbursed under medical assistance.

Subd. 6. [NEW DEVELOPMENTAL ACHIEVEMENT PROGRAMS; RATES.] The commissioner, upon the recommendation of the local county board, shall determine the medical assistance reimbursement rate for new developmental achievement programs. The payment rate shall not exceed 125 percent of the average payment rate in the region.

Subd. 7. [ALTERNATIVE RATES FOR TRAINING AND HABILITATION SERVICES.] Alternative methods may be proposed by the counties or the commissioner for provision of training and habilitation services during daytime hours apart from a residential facility to persons for whom needs identified in their individual service plan are not met by the training and habilitation services provided at a developmental achievement center. The commissioner shall establish procedures for approval of the proposals and for medical assistance payment of rates which shall not exceed the average rate allowed in that county for training and habilitation services pursuant to subdivision 5. Nothing in this subdivision prohibits a county from contracting with a developmental achievement center for those purposes.

Subd. 8. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for medical assistance reimbursement for waived services or training and habilitation services for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, 4, 5, and 6, and procedures to be followed for rate limitation exemptions for intermediate care facilities for (MENTALLY RETARDED) persons *with mental retardation or related conditions*. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a basis for estimated cost of the services.

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

Subd. 9. [REPORTING REQUIREMENTS.] The developmental achievement center shall submit to the county and the

commissioner no later than March 1 of each year an annual report which includes the actual program revenues and expenditures, client information, and program information. The information shall be submitted on forms prescribed by the commissioner.

Subd. 10. [RULES.] To implement this section, the commissioner shall promulgate emergency and permanent rules in accordance with chapter 14. To implement subdivision 3, the commissioner shall promulgate emergency rules and permanent rules in accordance with sections 14.01 to 14.38. Notwithstanding the provisions of section 14.35, the emergency rule promulgated to implement subdivision 3 shall be effective for up to 720 days.

Sec. 58. Minnesota Statutes 1984, section 256E.03, subdivision 2, is amended to read:

Subd. 2. "Community social services" means services provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.03, subdivision 1 to the following groups of persons:

(a) Families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;

(b) Persons who are under the guardianship of the commissioner of human services as dependent and neglected wards;

(c) Adults who are in need of protection and vulnerable as defined in section 626.557;

(d) Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;

(e) Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;

(f) (MENTALLY RETARDED PERSONS) *Persons with mental retardation as defined in section 252A.02, subdivision 2, or with related conditions as defined in section 252.27, subdivision 1, who are unable to provide for their own needs or to independently engage in ordinary community activities;*

(g) Drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs;

(h) Parents whose income is at or below 70 percent of the state median income and who are in need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment; and

(i) Other groups of persons who, in the judgment of the county board, are in need of social services.

Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

Sec. 59. Minnesota Statutes 1984, section 256E.06, subdivision 2a, is amended to read:

Subd. 2a. [STATE TRANSFER OF FUNDS.] Notwithstanding subdivisions 1 and 2, for the purpose of funding training and habilitation services provided to residents of intermediate care facilities for (MENTALLY RETARDED) persons *with mental retardation or related conditions as defined in section 252.27, subdivision 1*, as required under federal regulation, the commissioner is authorized to transfer on a quarterly basis to the medical assistance state account from each county's Community Social Services Act allocation an amount equal to the state share of medical assistance reimbursement for such services provided to clients for whom the county is financially responsible. Upon federal approval and state implementation of the state medical assistance plan, county boards will not be responsible for the funding of training and habilitation services as a social service to residents of intermediate care facilities for (THE MENTALLY RETARDED) *persons with mental retardation or related conditions*. County board responsibility for training and habilitation services shall be assumed under section 256B.20. County boards continue to be responsible for funding developmental achievement center services not covered under the medical assistance program established by United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, and shall develop contractual agreements for these services under the authority of this chapter.

Sec. 60. Minnesota Statutes 1984, section 260.092, is amended to read:

260.092 [EXPERT ASSISTANCE.]

In any county the court may provide for the physical and mental diagnosis of cases of minors who are believed to be physically (OR MENTALLY DISEASED OR DEFECTIVE) *handicapped, mentally ill, or mentally retarded*, and for such purpose

may appoint professionally qualified persons, whose compensation shall be fixed by the judge with the approval of the county board.

Sec. 61. Minnesota Statutes 1984, section 260.36, is amended to read:

260.36 [SPECIAL PROVISIONS IN CERTAIN CASES.]

When the commissioner of human services shall find that a child transferred to his guardianship after parental rights to the child are terminated or that a child committed to his guardianship as a dependent or neglected child is handicapped physically or whose mentality has not been satisfactorily determined or who is affected by habits, ailments, or handicaps that produce erratic and unstable conduct, and is not suitable or desirable for placement in a home for permanent care or adoption, the commissioner of human services shall make special provision for his care and treatment designed to fit him, if possible, for such placement or to become self-supporting. The facilities of the commissioner of human services and all state (INSTITUTIONS) *treatment facilities*, the Minnesota general hospital, and the child guidance clinic of its psychopathic department, as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. When it appears that the child is suitable for permanent placement or adoption, the commissioner of human services shall cause him to be placed as provided in section 260.35. If the commissioner of human services is satisfied that the child is (FEEBLE-MINDED) *mentally retarded* he may bring him before the probate court of the county where he is found or the county of his legal settlement for examination and commitment as provided by law.

Sec. 62. Minnesota Statutes 1984, section 284.05, is amended to read:

284.05 [WHEN DEFENDANT A MINOR, WARD, OR (INSANE) *MENTALLY ILL*.]

If any defendant in any action mentioned in sections 284.01 to 284.04 was the owner of record of any of the lands involved in any such action during the period of three years next after the sale thereof for nonpayment of taxes, and was a minor, (AN INSANE PERSON, AN IDIOT) *a person with mental illness or mental retardation*, or person in captivity or in any country with which the United States was at war, and the period of redemption from such sale by such person has not expired, the court shall dismiss such action as to such person.

Sec. 63. Minnesota Statutes 1984, section 299F.77, is amended to read:

299F.77 [ISSUANCE OF A LICENSE OR PERMIT TO CERTAIN PERSONS PROHIBITED.]

The following persons shall not be entitled to receive an explosives license or permit:

(a) Any person who within the past five years has been convicted of a felony or gross misdemeanor involving moral turpitude, is on parole or probation therefor, or is currently under indictment for any such crime;

(b) Any (MENTALLY ILL PERSON OR ANY MENTALLY DEFICIENT) person *with mental illness or mental retardation* as defined in section 253A.02 who has been confined or committed in Minnesota or elsewhere for (A) mental (DISORDER OR DEFECT) *illness or mental retardation* to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally (DEFICIENT) *retarded*, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he (IS) no longer (SUFFERING FROM) *has* this disability;

(c) Any person who is or has been hospitalized or committed for treatment for the habitual use of a narcotic drug, as defined in section 152.01, subdivision 10 or a controlled substance, as defined in section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he (IS) no longer (SUFFERING FROM) *has* this disability;

(d) Any person who by reason of the habitual and excessive use of intoxicating liquors is incapable of managing himself or his affairs and who has been confined or committed to any hospital, (MENTAL INSTITUTION) or (SANITARIUM) *treatment facility* in this state or elsewhere as an "(INEBRIATE) *chemically dependent person*" as defined in section (253A.02) *253B.02*, or who has been certified by a medical doctor as being addicted to alcohol, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he (IS) no longer (SUFFERING FROM) *has* this disability;

(e) Any person under the age of 18 years.

Sec. 64. Minnesota Statutes 1984, section 447.42, is amended to read:

447.42 [ESTABLISHMENT AND OPERATION OF COMMUNITY RESIDENTIAL FACILITIES FOR (RETARDED

AND CEREBRAL PALSID) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]

Subdivision 1. Notwithstanding any provision of Minnesota Statutes to the contrary, any city, county, town, or any non-profit corporation approved by the commissioner of human services, or any combination thereof may establish and operate a community residential facility for (MENTALLY RETARDED AND CEREBRAL PALSID) persons *with mental retardation or related conditions, as defined in section 252.27, subdivision 1.*

Subd. 2. Community residential facilities established under this section may be administered by a nonprofit corporation, by the political subdivision establishing same or by a community mental health-mental retardation board organized under sections 245.66 and 245.67.

Subd. 3. The premises and facilities for any community residential facility may be acquired by purchase, lease or gift and may be established and operated in connection with existing public and private facilities and institutions.

Subd. 4. Any political subdivision, as described in subdivision 1, may use unexpended funds, accept gifts, grants and subsidies from any lawful source, or make application for federal funds and may use such moneys or grant or loan such moneys to any nonprofit corporation approved by the commissioner of human services for the establishment and operation of a community residential facility.

Subd. 5. Any community residential facility established and operated pursuant to this section shall meet all applicable licensure standards established by the commissioners of health and human services.

Sec. 65. Minnesota Statutes 1984, section 447.45, is amended to read:

447.45 [HOSPITALS AND NURSING HOMES, FACILITIES FOR (MENTALLY RETARDED) PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS; FINANCING AND LEASING.]

Subdivision 1. Any county, city, or hospital district, except cities of the first class and counties in which are located any cities of the first class, is authorized, in addition to and not in substitution for any other power granted to it by law, to issue revenue bonds by resolution or resolutions of its governing body to finance the acquisition and betterment of hospital, nursing home and related medical facilities, or any of them, including but without limitation the payment of interest during construction and for a reasonable period thereafter and the establishment

of reserves for bond payment and for working capital, and, in connection with the acquisition of any existing hospital or nursing home facilities, to retire outstanding indebtedness incurred to finance the construction of the existing facilities.

Subd. 2. Any county or city, including cities of the first class and counties in which are located any cities of the first class, is authorized to exercise with respect to facilities, including health care facilities, for the care, treatment and training of (THE MENTALLY RETARDED AND PERSONS WITH CEREBRAL PALSY) *persons with mental retardation or related conditions, as defined in section 252.27, subdivision 1*, all of the powers conferred by sections 447.45 to 447.50 with the same force and effect as if these facilities were hospital or nursing home facilities within the meaning of sections 447.45 to 447.50.

Sec. 66. Minnesota Statutes 1984, section 501.27, is amended to read:

501.27 [(INCOMPETENTS) *LEGAL INCOMPETENCE*; NOTICE; SERVICE; GUARDIAN AD LITEM.]

In case any person, whose name is set out in such petition, is a minor, (LUNATIC) *mentally ill*, (IDIOT) *mentally retarded*, (OR PERSON OF UNSOUND MIND, OR AN HABITUAL DRUNKARD) *chemically dependent*, or (SPENDTHRIFT) *a person who has difficulty managing money*, such notice of hearing shall be served upon the duly appointed guardian, conservator, committee, or other legal representative, of such person, if any. If there be none, then the court in which such proceedings are pending shall appoint a guardian ad litem to such person and may compel the person so appointed to act. In such case, service of such notice of hearing shall be had by service on such guardian ad litem.

Sec. 67. Minnesota Statutes 1984, section 517.03, is amended to read:

517.03 [PROHIBITED MARRIAGES.]

The following marriages are prohibited:

(a) A marriage entered into before the dissolution of an earlier marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(b) A marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;

(c) A marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures;

provided, however, that mentally (DEFICIENT) *retarded* persons committed to the guardianship of the commissioner of human services and mentally (DEFICIENT) *retarded* persons committed to the conservatorship of the commissioner of human services in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant consent unless it appears from his investigation that the marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by the ward or conservatee shall not issue the license unless he has received a signed copy of the consent of the commissioner of human services."

Delete the title and insert:

"A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275, subdivisions 1 and 7; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 656, A bill for an act relating to county humane societies; allowing for an increase in the appropriation a county may make for a county humane society in any year; amending Minnesota Statutes 1984, section 343.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 343.11, is amended to read:

343.11 [ACQUISITION OF PROPERTY, APPROPRIATIONS.]

Every county society for the prevention of cruelty to animals may acquire, by purchase, gift, grant, or devise, and hold, use, or convey, real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county, or the council of any city, in which such societies exist, may, in its discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money not otherwise appropriated, (NOT EXCEEDING \$4,800 IN ANY ONE YEAR) *not to exceed in any one year the sum of \$4,800 or the sum of 50 cents per capita based upon the county's or city's population as of the most recent federal census, whichever is greater*; provided, that no part of the appropriation shall be expended for the payment of the salary of any officer of the society.

Sec. 2. [OTTER TAIL COUNTY; DOG AND CAT CONTROL.]

The Otter Tail county board may adopt an ordinance to provide for the control of dogs and cats within the county. It may contain provisions relating to the following.

(a) *The county may declare certain activities of a dog or cat off the property of its owner or the person who has it in possession to be a nuisance.*

(b) *The county may establish a procedure to quarantine and control dogs or cats involved in bite cases including a procedure for the humane destruction of a dog or cat which has a history of biting more than one person. An administrative hearing allowing due process to the owner or person in possession of the dog or cat must occur before the destruction.*

(c) *The sheriff, department of public health, or the Otter Tail county humane society may impound a dog or cat that creates a nuisance and provide for its humane destruction if it is not reclaimed after five days' notice to its owner or the person who has it in possession.*

(d) *The county may provide misdemeanor penalties for a person who permits a dog or cat to create a nuisance.*

(e) *The county may provide that the owner or person in possession of a dog or cat shall be responsible for all the costs of confinement, including costs for veterinary services and rabies immunization, as a result of an impoundment that occurs under the ordinance.*

Sec. 3. [EFFECTIVE DATE.]

Section 1 of this act is effective the day after final enactment.

Section 2 of this act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Otter Tail county."

Delete the title and insert:

"A bill for an act relating to local government; allowing for an increase in the appropriation a county may make for a county humane society in any year; authorizing the Otter Tail county board to adopt an ordinance for the control of dogs and cats; amending Minnesota Statutes 1984, section 343.11."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 675, A bill for an act relating to state government; requiring the adoption of rules governing the 700 hours program; requiring the preparation of agency affirmative action plans; providing for incentives; appropriating money; amending Minnesota Statutes 1984, sections 43A.04, subdivision 3; 43A.10, subdivision 8; and 43A.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1984, section 43A.19, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 32, delete "director" and insert "commissioner"

Page 4, line 7, delete "state director of equal employment opportunity" and insert "commissioner"

Page 4, line 10, delete "director" and insert "commissioner"

Page 5, line 15, delete "annual" and insert "interim"

Page 5, line 33, delete "and" and insert ", trainee, or"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 762, A bill for an act relating to state government; providing for the status of seasonal employees of the department of revenue; amending Minnesota Statutes 1984, sections 43A.08, subdivision 1; and 43A.081, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

(a) Chosen by election or appointed to fill an elective office;

(b) Heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions and institutions specifically established by law in the unclassified service;

(c) Deputy and assistant agency heads, and one confidential secretary in the agencies listed in subdivision 1a;

(d) The confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(e) Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(f) Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;

(g) Employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the

deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(h) Presidents, vice presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants and student employees eligible under terms of the federal economic opportunity act work study program in the state universities and community colleges. This paragraph shall not be construed to include the custodial, clerical or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions (.);

(i) Officers and enlisted persons in the national guard;

(j) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;

(k) Judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(l) Members of the state patrol; provided that selection and appointment of state patrol troopers shall be made in accordance with applicable laws governing the classified service;

(m) (SEASONAL HELP EMPLOYED BY THE DEPARTMENT OF REVENUE;)

((N)) Chaplains employed by the state;

((O)) (n) Examination monitors and intermittent training instructors employed by the departments of employee relations and commerce;

((P)) (o) Student workers; and

((Q)) (p) Employees unclassified pursuant to other statutory authority.

Sec. 2. Minnesota Statutes 1984, section 43A.15, is amended by adding a subdivision to read:

Subd. 13. [REVENUE SEASONAL EMPLOYEES.] The commissioner may authorize the administration of a qualifying selection process for the filling of seasonal positions in the department of revenue used in the processing of returns and providing information during the tax season. The commissioner of revenue may consider any candidate found qualified through this process for probationary appointment.

Sec. 3. Minnesota Statutes 1984, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;
- (3) employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) election officers;
- (7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;
- (8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;
- (9) all courts and court employees, referees, receivers, jurors, and notaries public, except employees of the appellate courts and referees and adjusters employed by the department of labor and industry;
- (10) patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;
- (11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;
- (12) employees of the Sibley House Association;

(13) employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) state troopers;

(17) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) all temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the (UNCLASSIFIED) *classified* service employed by the department of revenue;

(21) trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) persons whose compensation is paid on a fee basis;

(23) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and un-

classified service for the support of army and air national guard training facilities;

(25) chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) labor service employees employed as a laborer 1 on an hourly basis;

(27) examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) persons employed in positions designated by the department of employee relations as student workers;

(34) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless the employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under

the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

Sec. 4. [TRANSITION FOR CURRENT EMPLOYEES.]

The commissioner of revenue shall appoint to the classified service, without a probationary period, seasonal employees of the department of revenue who have worked a total of at least six months for the department since January 1, 1982. The commissioner shall appoint to the classified service, with a probationary period, people who are seasonal employees of the department of revenue on April 15, 1985, who have not worked a total of six months for the department since January 1, 1982.

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following its final enactment."

Amend the title as follows:

Page 1, line 5, delete "and 43A.081" and insert "43A.15" and after "subdivision" insert "and 352.01, subdivision 2B"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 848, A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; amending Minnesota

Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, subdivision 4, and by adding a subdivision; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 260.011, subdivision 2, is amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated neglected or dependent and under the jurisdiction of the court, the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; *to provide judicial procedures which protect the welfare of the child*; to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety cannot be adequately safeguarded without removal; and, when the child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 2. Minnesota Statutes 1984, section 260.133, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY ORDER.] If it appears from the notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte temporary order for protection, pending a full hearing. The court may grant relief as it deems proper, including an order:

(1) restraining any party from committing acts of domestic child abuse; or

(2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

However, no order excluding the alleged abusing party from the dwelling may be issued unless the court finds that:

(1) the order is in the best interests of the child or children remaining in the dwelling; *and*

(2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party (; AND)

((3) THE LOCAL WELFARE AGENCY HAS DEVELOPED A PLAN TO PROVIDE APPROPRIATE SOCIAL SERVICES TO THE REMAINING FAMILY OR HOUSEHOLD MEMBERS).

Before the temporary order is issued, the local welfare agency shall advise the court and the other parties who are present of the social services that it will provide to the family or household members during the effective period of the order.

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a dependency and neglect petition with the court pursuant to section 260.131, and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a dependency and neglect petition has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Sec. 3. Minnesota Statutes 1984, section 260.135, subdivision 1, is amended to read:

Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. *The court shall give docket priority to any delinquency or dependency and neglect petition that contains allegations of child abuse. As used in this subdivision, "child abuse" has the meaning given it in section 21, subdivision 2.*

Sec. 4. Minnesota Statutes 1984, section 260.155, is amended by adding a subdivision to read:

Subd. 4a. [EXAMINATION OF CHILD.] In any dependency and neglect proceeding or any proceeding for termination of parental rights, the court may, on its own motion or the motion of any party, take the testimony of a child witness in an informal setting outside of the courtroom when it is in the child's best interests to do so. Counsel for any party to the proceeding may submit questions to the court before the child's testimony is taken, and may submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.

Sec. 5. Minnesota Statutes 1984, section 260.156, is amended to read:

260.156 [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]

An out-of-court statement made by a child under the age of (TEN) 13 years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

(a) *The statement was recorded on audio or videotape, unless good cause is shown for the absence of a recording; and*

(b) *The court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and*

((B)) (c) *The proponent of the statement notifies other parties of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.*

Sec. 6. Minnesota Statutes 1984, section 260.171, subdivision 4, is amended to read:

Subd. 4. *If the person who has taken the child into custody determines that the child should be placed in a secure detention facility or a shelter care facility, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:*

(a) of the reasons why the child has been taken into custody and why he is being placed in a secure detention facility or a shelter care facility; and

(b) of the location of the secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the secure detention facility or shelter care facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and

(d) that the child may telephone his parents and an attorney or guardian ad litem from the secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be detained for acts as defined in section 260.015, subdivision 5 at a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(f) that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(g) of the date, time, and place of the detention hearing; and

(h) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a dependency and neglect or termination of parental rights matter.

Sec. 7. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

Subd. 2a. [PARENTAL VISITATION.] If a child has been taken into custody under section 260.135, subdivision 5, or 260.-

165, subdivision 1, clause (c)(2), and the court determines that the child should continue in detention, the court shall include in its order reasonable rules for supervised or unsupervised parental visitation of the child in the shelter care facility unless it finds that visitation would endanger the child's physical or emotional well-being.

Sec. 8. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

Subd. 2b. [MENTAL HEALTH TREATMENT.] A child who is held in detention because he or she is alleged to be a victim of child abuse as defined in section 21, subdivision 2, may not be given mental health counseling or therapy regarding the child abuse unless counseling or therapy is agreed to by the child's parent, guardian, or custodian, or is ordered by the court under section 260.191, subdivision 1.

Sec. 9. Minnesota Statutes 1984, section 260.172, subdivision 4, is amended to read:

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, the court or referee shall informally review the child's case file to determine, under the standards provided by subdivision 1, whether detention should be continued. If detention is continued thereafter, informal reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.

A hearing, rather than an informal review of the child's case file, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention.

In addition, if a child was taken into detention under section 260.185, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and is held in detention under a court order issued under subdivision 2, the court shall schedule and hold an adjudicatory hearing on the petition within 30 days of the detention hearing upon the request of any party to the proceeding unless good cause is shown by a party to the proceeding why the hearing should not be held within that time period.

Sec. 10. Minnesota Statutes 1984, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] If the court finds that the child is neglected, dependent, or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(a) Place the child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court (DIRECTED TO THE CORRECTION OF THE NEGLECT OR DEPENDENCY OF THE CHILD) *to ensure the proper care and treatment of the child;*

(b) *Subject to the supervision of the court, transfer legal custody to one of the following:*

(1) a child placing agency; (OR)

(2) the county welfare board; or

(3) *a reputable person of good moral character. No person may receive custody of two or more unrelated children unless he or she is licensed as a residential facility pursuant to sections 245.781 to 245.812;*

(c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided. *If the court's order for mental health treatment and care is based on a diagnosis made by a treatment professional, the person who made the diagnosis may not be the person who provides the treatment and care to the child, unless good cause is shown why the diagnosing professional must be used.*

Sec. 11. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 1d. [PARENTAL VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at the disposition hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being.

Sec. 12. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 2a. [EFFECT OF ORDER.] Any person who provides services to a child under a disposition order, or who is subject to the conditions of a disposition order, is bound by the order and shall be served with a copy of it personally or by first class mail.

Sec. 13. Minnesota Statutes 1984, section 260.301, is amended to read:

260.301 [CONTEMPT.]

Any person (KNOWINGLY INTERFERING WITH AN ORDER OF THE JUVENILE COURT IS IN CONTEMPT OF COURT) *who is subject to a juvenile court order or process may be punished for contempt by the juvenile court pursuant to chapter 588.*

Sec. 14. Minnesota Statutes 1984, section 595.02, subdivision 3, is amended to read:

Subd. 3. [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.] An out-of-court statement made by a child under the age of (TEN) 13 years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or *any act of physical abuse* by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence if:

(a) *the statement was recorded on audio or videotape, unless good cause is shown for the absence of a recording; and*

(b) the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

((B)) (c) the child either:

(i) testifies at the proceedings; or

(ii) is unavailable as a witness and there is corroborative evidence of the act; and

((C)) (d) the proponent of the statement notifies the adverse party of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

Sec. 15. Minnesota Statutes 1984, section 609.364, is amended to read:

609.364 [(INTRAFAMILIAL) CRIMINAL SEXUAL ABUSE; DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 595.02 and 609.364 to 609.3644, the terms in this section have the meanings given them.

Subd. 2. [ACTOR.] "Actor" means (AN ADULT) a person accused of (INTRAFAMILIAL) criminal sexual abuse.

Subd. 3. [CHILD.] "Child" means a person under age 16.

Subd. 4. [COERCION.] "Coercion" means a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another.

Subd. 5. [COMPLAINANT.] "Complainant" means a child or minor alleging to have been subjected to (INTRAFAMILIAL) criminal sexual abuse, but need not be the person who signs the complaint.

Subd. 6. [CONSENT.] "Consent" means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.

Subd. 7. [FORCE.] "Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat.

Subd. 8. [INTIMATE PARTS.] "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Subd. 9. [(FAMILIAL) SIGNIFICANT RELATIONSHIP.] "(FAMILIAL) Significant relationship" means a situation in which the actor is:

- (a) The complainant's parent, stepparent, or guardian;
- (b) Any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or
- (c) An adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Subd. 10. [(INTRAFAMILIAL) CRIMINAL SEXUAL ABUSE.] "(INTRAFAMILIAL) Criminal sexual abuse" means sexual contact or sexual penetration, or both, of a child or minor when the actor has a (FAMILIAL) significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 11. [MINOR.] "Minor" means a person under age 18 but age 16 or over.

Subd. 12. [PERSONAL INJURY.] "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish, or pregnancy.

Subd. 13. [SEXUAL CONTACT.] "Sexual contact" includes any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses:

(a) The intentional touching by the actor of the complainant's intimate parts;

(b) The touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(c) The touching by another of the complainant's intimate parts; or

(d) In any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

Subd. 14. [SEXUAL PENETRATION.] "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose. Emission of semen is not necessary.

Sec. 16. Minnesota Statutes 1984, section 609.3641, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the first degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a child; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a community-based treatment program.

A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Sec. 17. Minnesota Statutes 1984, section 609.3642, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the second degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a child; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a child and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a community-based treatment program.

A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Sec. 18. Minnesota Statutes 1984, section 609.3643, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the third degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a minor; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual penetration with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interests of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a community-based treatment program.

A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Sec. 19. Minnesota Statutes 1984, section 609.3644, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person is guilty of (INTRAFAMILIAL) *criminal* sexual abuse in the fourth degree if:

(1) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a minor; or

(2) He has a (FAMILIAL) *significant* relationship to and engages in sexual contact with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the (INTRAFAMILIAL) *criminal* sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit;

(b) a professional assessment indicates that the offender has been accepted by and can respond to a community-based treatment program; and

(c) the victim or victims will receive appropriate counseling and other services.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) a minimum time of incarceration in a local jail or workhouse; and

(2) *a requirement that the offender complete a community-based treatment program.*

A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 20. [626.559] [RECORDING OF INTERVIEWS WITH CHILD ABUSE VICTIMS.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) *"child abuse" means physical or sexual abuse as defined in section 626.556, subdivision 2; and*

(b) *"interview" means a statement of a victim which is intended to be used by the state at trial under either section 260.156 or 595.02.*

Subd. 2. [RECORDING; WHEN REQUIRED.] Whenever an interview is conducted with an alleged victim of child abuse by a law enforcement agency or any person designated by the state, the interview must be recorded on audio or videotape. The tape recording shall be maintained by the prosecuting attorney or law enforcement agency while the investigation is active as defined in section 13.82, subdivision 5. The tape recording is classified as confidential data pursuant to section 13.82, subdivision 5.

Sec. 21. Minnesota Statutes 1984, section 630.36, is amended to read:

630.36 [ISSUES, HOW DISPOSED OF.]

Subdivision 1. [ORDER.] The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) *Indictments or complaints for felony, where the defendant is in custody;*

(2) *Indictments or complaints for misdemeanor, where the defendant is in custody;*

(3) *Indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;*

((3)) (4) *Indictments or complaints for felony, where the defendant is on bail; and*

((4)) (5) Indictments or complaints for misdemeanor, where the defendant is on bail.

After his plea, the defendant shall be entitled to at least four days to prepare for his trial, if he requires it.

Subd. 2. [CHILD ABUSE DEFINED.] As used in subdivision 1, "child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.255, 609.321, 609.322, 609.323, 609.324, 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, 609.3644, 609.377, 609.378, or 617.246, or section 609.224 if the minor victim is a family or household member of the defendant.

Sec. 22. [631.046] [AUTHORIZING PRESENCE OF SUPPORTIVE PERSON FOR CERTAIN PROSECUTION WITNESSES.]

(a) Notwithstanding any other law to the contrary, in any case involving a violation of sections 609.342, 609.343, 609.344, 609.345, 609.3641, 609.3642, 609.3643, or 609.3644, a prosecution witness who is not more than 16 years old is entitled to the attendance of a parent, guardian, or sibling of his or her own choosing, whether or not a witness, for support during the child's testimony at the omnibus hearing or the trial.

(b) If the support person is also a prosecution witness, the prosecution shall, on noticed motion, present evidence that the person's attendance is both desired by the child for support and will be helpful to the child. The court shall grant the motion unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the child's testimony would pose a substantial risk of influencing or affecting the content of that testimony. The testimony of the support person shall be presented before the testimony of the child."

Amend the title as follows:

Page 1, line 16, after "260.156;" insert "260.171, subdivision 4."

Page 1, line 17, delete "a subdivision" and insert "subdivisions"

Page 1, line 20, delete "chapter" and insert "chapters"

Page 1, line 20, before the period insert "and 631"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 876, A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [115B.25] [DEFINITIONS.]

The terms used in sections 2 to 14 have the definitions given them in section 115B.02 except that the term “fund” means the hazardous substance injury compensation fund established in section 2.

Sec. 2. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the trust fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 12 and 14. The state treasurer shall invest trust fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any other earnings arising from trust fund assets, must be credited to the trust fund.

Sec. 3. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board will consist of three members who will serve part time and who will be appointed by the governor subject to the advice and consent of the senate. At least one member shall be a physician knowledgeable in toxicology; at least one member shall be a member of the bar of this state; and the final member shall be a health professional knowledgeable in the area of hazardous substance injuries. Filling of vacancies on the board and removal of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:

- (1) *the first member appointed for six years;*
- (2) *the second member appointed for four years; and*
- (3) *the third member appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [COMPENSATION AND EXPENSES.] *The board shall adopt a rule governing compensation of its members which must not exceed 80 percent of reasonable consultation fees charged by professionals with similar education and experience as board members. Expenses may be paid as for state employees.*

Sec. 4. [115B.28] [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] *In addition to performing duties specified elsewhere in sections 1 to 14 or in other law, the board shall:*

(1) *provide all claimants with an opportunity for a hearing pursuant to section 10;*

(2) *establish and maintain a principal office within the health department and other necessary temporary offices and appoint employees and agents as necessary and fix their duties;*

(3) *promulgate rules as soon as practicable after the final member is appointed to include rules governing the method of practice and procedure before the board, the form and procedure for applications for compensation, and discovery proceedings, provided that the rules governing contested case proceedings shall apply to any such proceeding held pursuant to section 10, subdivision 4;*

(4) *publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;*

(5) *collect data in consultation with the pollution control agency, the University of Minnesota medical and public health schools, and the medical community regarding injuries relating to exposure to hazardous substances; and*

(6) *prepare and transmit to the governor and the legislature a biennial report to include data collected pursuant to clause (5), data from actual cases determined by the board including but not*

limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated as they relate to types of hazardous substances as well as length of exposure, and board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 1 to 14 or in other law, the board on its own initiative or on request by a claimant may take the following actions, provided that the rules governing contested case proceedings shall apply to any such proceeding held pursuant to section 10, subdivision 4:

(1) issue subpoenas for the appearance of witnesses and the production of books, records, studies, and other documents;

(2) administer oaths and affirmations and require affidavits and depositions within and without this state;

(3) take notice of judicially cognizable facts and general, technical, and scientific facts within the members' specialized knowledge;

(4) order a mental or physical examination of the claimant or an autopsy of a deceased person whose death is the basis of the claim, provided that notice is given to the person to be examined and that the claimant receives a copy of any resulting report;

(5) request from any source data to enable the board to perform its duties as specified in sections 1 to 14;

(6) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and severe hardship will result to the claimant if immediate payment is not made; and

(7) reconsider any grant, amount of grant, or denial of compensation.

Sec. 5. [115B.29] [LIMITATION OF CLAIMS.]

Subdivision 1. [WHO MAY FILE CLAIM.] A person may file a claim with the commissioner pursuant to this section for compensation for death, injury, or disease caused by a release, in Minnesota, of a hazardous substance if:

(1) the person responsible for the release of the hazardous substance is unknown or cannot with reasonable diligence be determined;

(2) the loss is not compensable because the hazardous substance was placed or came to be located in or on the facility before July 1, 1983, or the judgment could not be satisfied in whole or in part against the person determined to be liable for the release of a hazardous substance; or

(3) the facility from which the hazardous substance was released is owned or operated by the United States or any state or local government.

Subd. 2. [COMPENSABLE INJURIES.] Claims for compensation are limited to compensable losses suffered by the claimant as the result of any medically verifiable chronic or progressive disease, illness, or disability, resulting from exposure to a hazardous substance, such as cancer, organic nervous system disorders, or physical deformities, including malfunctions in reproduction, in humans or their offspring, or death. A chronic or progressive disease is a disease that does not typically manifest itself in humans within one year after initial exposure to the particular hazardous substance under the circumstances in question. If the board, after experience, determines that the above criterion is inappropriate or inequitable, it may recommend that the legislature amend it.

Subd. 3. [NONCOMPENSABLE INJURIES.] The following injuries are not compensable from this fund:

(1) an acute disease or condition that typically manifests itself within one year after initial exposure;

(2) personal injuries whether acute or chronic and progressive arising out of exposure sustained in the workplace or as a result of use of consumer products;

(3) any injury arising out of a release which occurred or is occurring within the geographical boundaries of any state other than Minnesota;

(4) damage to property;

(5) any injury about which the claimant knew or should have known more than six years prior to the date of initial application for compensation; except that any person whose cause of action accrued prior to July 1, 1981, may file a claim by July 1, 1987; and

(6) any other injury or loss not compensable under subdivision 1.

Sec. 6. [115B.30] [CHOICE OF FORUM.]

A person who files or has filed a claim with the fund for a compensable injury is precluded from bringing an action in

court for the same compensable injury. A person who brings or has brought an action in court for a compensable injury is precluded from filing a claim with the fund for the same compensable injury unless the person obtains a judgment from the court which cannot be satisfied in whole or in part against the person or persons determined to be liable.

Sec. 7. [115B.31] [CLAIM FOR COMPENSATION.]

Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board on a claim form provided by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 30 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 to refuse to inactivate a claim under this subdivision if it finds serious extenuating circumstance.

Subd. 2. [REQUIRED INFORMATION.] *A claimant must provide as part of the claim:*

(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;

(2) evidence that the claimant is a person who may file a claim within the meaning of section 5, subdivision 1;

(3) evidence of the claimant's exposure to a named hazardous substance because of a release;

(4) evidence that the claimant's exposure to the substance in the amount and duration experienced by the claimant could reasonably have been caused or significantly contributed to by the release;

(5) evidence that the exposure experienced by the claimant causes or significantly contributes to death or to personal injury or disease of the type suffered by the claimant;

(6) evidence of the death, personal injury or disease, and the resulting expenses incurred by the claimant, including but not limited to certification of the injury or loss and expenses for the injury or loss made by hospitals, physicians, or other qualified certificates including a claimant's federal income tax return;

(7) evidence of other economic losses resulting from the death, personal injury, or disease; and

(8) *information regarding any collateral sources of compensation.*

Evidence required by clause (5) is unnecessary only in a case pertaining to the same hazardous substance released at the same site, the same level and duration of exposure, and the same injury or disease that were the subjects of an earlier case. In such a case, the claimant may cite or otherwise bring to the board's attention its own determination in the earlier case in place of the information required by clause (5) and the board may use the earlier case as dispositive of the case before it. In any other case where the facts are similar but not the same the board may not rely on an earlier determination as dispositive of the specific claim before it.

Sec. 8. [115B.32] [STANDARD FOR DETERMINATION OF PERSONAL INJURY CLAIM.]

The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) *the claimant was exposed to a hazardous substance because of a release;*

(2) *the exposure to the substance in the amount and duration experienced by the claimant could reasonably have been caused or significantly contributed to by the release;*

(3) *the claimant suffers or has suffered a compensable injury that has caused compensable loss; and*

(4) *the compensable injury suffered by the claimant was caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the claimant.*

Sec. 9. [115B.33] [COMPENSABLE LOSSES.]

(1) *One hundred percent of uninsured out-of-pocket medical expenses for up to five years from the onset of treatment;*

(2) *eighty percent of uninsured actual lost wages or business income in lieu of wages, caused by injury to the claimant, not to exceed \$20,000 per year for five years;*

(3) *funeral expenses in the case of death within five years of the onset of illness.*

Sec. 10. [115B.34] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted

for filing to himself or herself or to another member of the board.

Subd. 2. [PRELIMINARY DECISION.] *The board member to whom the claim is assigned shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.*

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] *Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges the preliminary decision, copies must be sent to the claimant and to every person who may be potentially responsible under section 14 for the claimant's losses which are covered by the fund. The claimant or any potentially responsible person may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.*

Subd. 4. [CHALLENGES.] *If a board member, the claimant, or any potentially responsible person challenges a preliminary decision made pursuant to subdivision 2, the board shall initiate a contested case proceeding with respect to the claim and it shall determine the claim in accordance with the contested case procedures of the administrative procedure act. Notice of the proceeding shall be given to every potentially responsible person.*

Sec. 11. [115B.35] [POWER TO DISBURSE MONEY FROM THE FUND.]

The board has the power to authorize disbursement from the fund by the secretary of the treasury for:

- (1) paying claims granted by the board; and*
- (2) reasonable administrative costs.*

Sec. 12. [115B.36] [AMOUNT AND FORM OF PAYMENT.]

The board shall compute the total amount of actual losses suffered by a successful claimant. From this amount, the board

shall subtract the total amount of any compensation for these losses received by the claimant from other sources including, but not limited to, all forms of insurance and social security. If the amount of net uncompensated loss is less than \$250,000, the claimant shall receive the full amount of the net uncompensated loss in compensation from the fund. If the net uncompensated loss is greater than \$250,000, the claimant shall receive \$250,000.

Compensation from the fund may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award must be deducted from the final award, prorated over time if the final award is made in installments. Compensation from the fund is exempt from execution or attachment except by persons who have supplied services, products, or accommodations to the claimant directly related to the claimant's death, injury, or disease. The board may order that all or part of the compensation award be paid directly to these suppliers.

Sec. 13. [115B.37] [ATTORNEY FEES.]

The board shall adopt a rule similar to worker's compensation claims pursuant to section 176.081 designed to limit the fee charged by any attorney for representing a claimant before the board.

Sec. 14. [115B.38] [SUBROGATION.]

The state shall be subrogated to all the claimant's rights under chapter 115B or common law to recover for losses covered by the fund from other sources including responsible persons as defined in section 115B.03.

Sec. 15. [APPROPRIATION.]

\$1,000,000 is appropriated to the hazardous substance injury compensation trust fund from the general fund for the purpose of administering sections 1 to 14."

Delete the title and insert:

"A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Resolution No. 10, A house resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational-Technical Institute.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Resolution No. 15, A house resolution congratulating the Mahtomedi High School Zephyrs for winning first place in the Class A Minnesota State Gymnastics Championship.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

Erickson from the Committee on Education to which was referred:

House Concurrent Resolution No. 5, A house concurrent resolution commending Larry Ross upon his retirement after 31 years as hockey coach at International Falls High School.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 94, 112, 158, 216, 235, 422, 461, 485, 517, 520, 521, 526, 535, 537, 585, 621, 656 and 848 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 118 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Blatz and Ozment introduced :

H. F. No. 1107, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bennett and Knickerbocker introduced :

H. F. No. 1108, A bill for an act relating to insurance; accident and health; requiring an assessment of the social and financial impacts of legislative proposals that would mandate certain coverages; requiring reports to the appropriate standing committees of the legislature; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Frerichs and Bennett introduced :

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Piepho introduced :

H. F. No. 1110, A bill for an act relating to drivers licenses; requiring that drivers license of person be revoked who flees in motor vehicle from peace officer; amending Minnesota Statutes 1984, section 171.17.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Harteringer, Clark, McDonald, Kiffmeyer and Rodosovich introduced:

H. F. No. 1111, A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing coding for new law in Minnesota Statutes, chapters 43A and 148.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey and O'Connor introduced:

H. F. No. 1112, A bill for an act relating to dispute resolution; establishing guidelines for community dispute resolution programs; proposing coding for new law in Minnesota Statutes, chapter 494.

The bill was read for the first time and referred to the Committee on Judiciary.

Pappas and Neuenschwander introduced:

H. F. No. 1113, A bill for an act relating to state lands; authorizing conveyance by commissioner of transportation of certain state lands for historical preservation purposes; amending Minnesota Statutes 1984, section 161.44, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Blatz, Rodosovich, Knickerbocker, Knuth and Pauly introduced:

H. F. No. 1114, A bill for an act relating to public safety; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; repealing rules; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; and 169.128.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelly introduced:

H. F. No. 1115, A bill for an act relating to crimes; authorizing the commissioner of revenue to request a prosecuting authority of a county to assist in criminal tax investigations; proposing coding for new law in Minnesota Statutes, chapter 270.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schreiber, Brandl, Valento, Scheid and Dempsey introduced:

H. F. No. 1116, A bill for an act relating to tax increment financing; transferring duties to the state auditor; imposing financial reporting and accounting requirements; repealing the authority to provide interest reduction programs; amending Minnesota Statutes 1984, sections 273.74, subdivisions 2, 5, and by adding a subdivision; and 298.2211, subdivision 1; repealing Minnesota Statutes 1984, section 462.445, subdivisions 10, 11, 11a, 12, and 13.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Carlson, J., introduced:

H. F. No. 1117, A bill for an act relating to gifts to minors; permitting securities to be registered in the name of a broker or financial institution; amending Minnesota Statutes 1984, sections 527.02, subdivision 1; and 527.04, subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelson, K., introduced:

H. F. No. 1118, A bill for an act relating to motor vehicles; expanding definition of "motorized bicycle" to include motor scooters; amending Minnesota Statutes 1984, sections 168.011, subdivision 27; 169.01, subdivision 4a; and 171.01, subdivision 20.

The bill was read for the first time and referred to the Committee on Transportation.

Dimler introduced:

H. F. No. 1119, A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Seaberg, Heap, Piepho, Riveness and Carlson, L., introduced:

H. F. No. 1120, A bill for an act relating to occupations and professions; requiring registration of interior designers; amending Minnesota Statutes 1984, section 326.02, subdivision 1, and by adding a subdivision; 326.03, by adding a subdivision; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, 2a, and by adding a subdivision; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Carlson, L., and Rest introduced:

H. F. No. 1121, A bill for an act relating to veterans; making certain veterans eligible for the state civil service veterans preference; repealing Minnesota Statutes 1984, section 43A.11, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Murphy introduced:

H. F. No. 1122, A bill for an act relating to the city of Hermann; permitting the city to fix the size of its public utilities commission.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Valento, Kostohryz and McKasy introduced:

H. F. No. 1123, A bill for an act relating to local government; providing for the arbitration of water price disputes between the city of St. Paul and the cities of Maplewood and Mendota Heights.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Schreiber and Olsen, S., introduced:

H. F. No. 1124, A bill for an act relating to education; providing a method for establishing the basic maintenance mill rate; amending Minnesota Statutes 1984, sections 124A.02, subdivision 7; and 124A.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Carlson, D., introduced:

H. F. No. 1125, A bill for an act relating to motor vehicles; prescribing fee for paying vehicle registration tax in installments; amending Minnesota Statutes 1984, section 168.31, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1126, A bill for an act relating to motor vehicles; providing for biennial registration of tax-exempt motor vehicles; prescribing fees; amending Minnesota Statutes 1984, sections 168.012, subdivision 1, and by adding a subdivision; and 168.29; repealing Minnesota Statutes 1984, section 168.105, subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1127, A bill for an act relating to drivers licenses; prescribing fees; amending Minnesota Statutes 1984, sections 171.05, subdivision 1; 171.13, subdivision 5; and 171.20, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, D., introduced:

H. F. No. 1128, A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; requiring revocation of driver's license upon conviction of crime of fleeing from peace officer; expanding definition of misdemeanor for purpose of driver's license revocation; authorizing prima facie evidentiary status for certified department driver records; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.21; 171.321, subdivision 2; and 297B.12.

The bill was read for the first time and referred to the Committee on Transportation.

McPherson, Dempsey and McKasy introduced:

H. F. No. 1129, A bill for an act relating to real estate; providing for service in forcible entry and unlawful detainer actions; amending Minnesota Statutes 1984, section 566.06.

The bill was read for the first time and referred to the Committee on Judiciary.

Sviggum and Heap introduced:

H. F. No. 1130, A bill for an act relating to workers' compensation; providing for miscellaneous changes; amending Minnesota Statutes 1984, sections 176.021, subdivision 3b; 176.101, subdivision 3e; 176.102, subdivisions 3 and 8; 176.103, subdivision 3; 176.136, by adding a subdivision; 176.138; 176.191, subdivision 3; 176.511, subdivisions 1 and 2; and 176.66, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1984, sections 79.22, subdivision 2; 176.081, subdivision 4; and 176.134.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kelly, Blatz, Bishop, Seaberg and Cohen introduced:

H. F. No. 1131, A bill for an act relating to victims of crime; establishing a crime victim and witness advisory board and a crime victim ombudsman; providing the board with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Kelly and Tomlinson introduced:

H. F. No. 1132, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021, and 2.031, subdivision 1; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Pauly; Redalen; Ogren; Anderson, G., and Quist introduced:

H. F. No. 1133, A bill for an act relating to taxation; providing an income tax credit for gifts to certain post-secondary educational institutions in Minnesota; amending Minnesota Statutes 1984, sections 290.06, by adding a subdivision; and 290.089, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Gruenes introduced:

H. F. No. 1134, A bill for an act relating to health; requiring a biennial report concerning health care markets; appropriating money; amending Minnesota Statutes 1984, sections 144.695; 144.70; and 144.703, subdivision 1; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; and 62E.17.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanis, Knickerbocker and Brinkman introduced:

H. F. No. 1135, A bill for an act relating to health; authorizing the commissioner of commerce to adopt rules related to financial affairs of health maintenance organizations; requiring certificates of authority to be jointly issued by the commissioners of health and insurance; providing for joint supervision of health maintenance organizations; amending Minnesota Statutes 1984, sections 62D.03, as amended; 62D.04; 62D.05, by adding a subdivision; 62D.08; 62D.14; 62D.15, subdivision 1, and by adding a subdivision; 62D.16; 62D.17; 62D.20; and 62D.21.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Vanasek, Jacobs, Tunheim, Sviggum and Redalen introduced:

H. F. No. 1136, A bill for an act relating to regulated industries; authorizing certain organizations to conduct lawful gambling; authorizing local units of government to regulate this activity; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.13; 349.14; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1984, sections 349.11; 349.12, subdivisions 13, 14, 15, 16, and 17; 349.151 to 349.211; 349.212, as amended; and 349.213 to 349.22.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Solberg and Backlund introduced:

H. F. No. 1137, A bill for an act relating to education; allowing school districts to place handicapped pupils under certain circumstances; amending Minnesota Statutes 1984, section 120.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Rees, Vanasek and McDonald introduced:

H. F. No. 1138, A bill for an act relating to environment; providing for regulation of hazardous waste storage facilities; prohibiting the acquisition of certain lands by eminent domain; authorizing the metropolitan council to abrogate the development moratorium on sites and buffer areas for waste facilities; amending Minnesota Statutes 1984, sections 115A.03, subdivision 1; 115A.06, subdivisions 4 and 5a; 115A.075; 115A.08, subdivisions 4, 5, 5b, and 6; 115A.11, subdivisions 1a, 1b, and 3; 115A.12, subdivision 1; 115A.158, subdivision 1; 115A.159; 115A.162; 115A.17; 115A.18; 115A.19; 115A.20; 115A.201; 115A.21, subdivisions 1 and 2; 115A.22, subdivisions 1 and 5; 115A.24, subdivisions 1, 3, and 4; 115A.241; 115A.26; 115A.27, subdivision 2; 115A.28, subdivision 1; 115A.291; 115A.301, subdivisions 1, 2, 3, 5, and 7; 115A.36; 473.516, subdivision 1; 473.153, subdivision 3; 473.806, subdivision 1; 473.811, subdivisions 1 and 5b; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1984, section 473.833, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanis, Neuenschwander, Valento, Vanasek and Bennett introduced:

H. F. No. 1139, A bill for an act relating to natural resources; granting conservation officers the authority of peace officers; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Minne, Osthoff and Scheid introduced:

H. F. No. 1140, A bill for an act relating to elections; requiring school district elections to comply with the Minnesota election laws; amending Minnesota Statutes 1984, sections 123.11; and 123.32, subdivision 1; repealing Minnesota Statutes 1984, sections 123.32, subdivisions 2, 3, 4, 5, 6, 8, 8a, 24, and 25; and 200.015.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Ogren introduced:

H. F. No. 1141, A bill for an act relating to local government; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall; permitting participation by other local government units.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jennings, D., introduced:

H. F. No. 1142, A bill for an act relating to education; authorizing independent school district No. 458, Truman, to make a permanent fund transfer.

The bill was read for the first time and referred to the Committee on Education.

Thiede, by request, introduced:

H. F. No. 1143, A bill for an act relating to local government; clarifying the authority of counties to employ accountants; amending Minnesota Statutes 1984, section 6.55.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clark introduced:

H. F. No. 1144, A bill for an act relating to health; authorizing the commissioner of health to inspect certain business premises; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bennett, Seaberg, Jacobs and Heap introduced:

H. F. No. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and

624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Pauly, Blatz and Tompkins introduced:

H. F. No. 1146, A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1984, section 155A.08, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Knickerbocker; Rose; Carlson, D.; Valan and Voss introduced:

H. F. No. 1147, A bill for an act relating to parks, open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreational open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, scientific and natural areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; appropriating money.

The bill was read for the first time and referred to the Committee on Budget.

Ozment, Greenfield, Marsh, Stanius and Clausnitzer introduced:

H. F. No. 1148, A bill for an act relating to health; requiring the department of health to regulate persons who treat victims of child abuse; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ozment, Greenfield, Clausnitzer, Stanius and Vellenga introduced:

H. F. No. 1149, A bill for an act relating to children; requiring those who treat child abuse to register with the department of health; requiring persons who treat victims of child abuse to maintain malpractice insurance; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jennings, L., introduced:

H. F. No. 1150, A bill for an act relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Miller, Clausnitzer, Gutknecht and Sviggum introduced:

H. F. No. 1151, A bill for an act relating to occupations and professions; requiring registration with the commissioner of commerce for those who lay out, install, or maintain alarm and communication systems; providing requirements for registration; imposing certain duties upon the commissioner of commerce; providing a penalty; exempting registrants from regulation by other agencies or political subdivisions of the state; providing for the continuance of business for those presently engaged in laying out, installing, or maintaining alarm and communications systems; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sherman and Johnson introduced:

H. F. No. 1152, A bill for an act relating to Winona county; authorizing the sale of certain property.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Backlund, Erickson, McEachern, Levi and Kostohryz introduced:

H. F. No. 1153, A bill for an act relating to education; authorizing a second chance educational program for certain children and pupils; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

McDonald, Wenzel and Fjoslien introduced:

H. F. No. 1154, A bill for an act relating to game and fish; rescinding authority to purchase the walleye quotas of Lake of the Woods and Rainy Lake commercial fishermen; amending Minnesota Statutes 1984, section 97.86, subdivision 1; repealing Minnesota Statutes 1984, section 102.26, subdivisions 3a, 3b, 3c, and 3d.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson introduced:

H. F. No. 1155, A bill for an act relating to transportation; establishing conflict of interest requirements for court-appointed commissioners in condemnation; providing for relocation and disposal of historically significant buildings or structures; denying certain contracts to persons convicted of contract crimes; creating new, state-surveying coordinate system; amending Minnesota Statutes 1984, sections 117.075; 161.20, subdivision 2; 505.18; 505.19; 505.20; 505.22; 505.23; and 505.24; proposing coding for new law in Minnesota Statutes, chapters 161 and 505.

The bill was read for the first time and referred to the Committee on Transportation.

Rose and Carlson, D., introduced:

H. F. No. 1156, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, adding a section; dedicating a portion of the state sales tax revenue to the game and fish fund.

The bill was read for the first time and referred to the Committee on Taxes.

Himle, Neuenschwander, Marsh, Blatz and Brinkman introduced:

H. F. No. 1157, A bill for an act relating to taxation; reducing sales and use tax rate applied to use of coin-operated amusement devices; amending Minnesota Statutes 1984, sections 297A.02, by adding a subdivision; and 297A.14.

The bill was read for the first time and referred to the Committee on Taxes.

Piepho, by request, introduced:

H. F. No. 1158, A bill for an act relating to education; authorizing state universities to make and enforce parking rules on their property; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Brinkman and Welle introduced:

H. F. No. 1159, A bill for an act relating to taxation; adopting federal taxable income for individual income tax purposes; reducing the tax rate; amending Minnesota Statutes 1984, sections 41.55; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.012, subdivision 2; 290.06, subdivisions 2c, 2d, 3f, and 11; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1, 2, and 29; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.101, subdivision 1; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivisions 1a and 2; 290.46; 290.49, subdivision 10; 290.92, subdivisions 2a, 5, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 290.01, subdivisions 20c, 20f, and 26; 290.06, subdivisions 3e, 14, 16, 17, 18, and 19; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.088; 290.089; 290.17, subdivision 1a; 290.18, subdivision 2; 290.41, subdivision 5; and 290.9726, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Schafer introduced:

H. F. No. 1160, A bill for an act relating to education; establishing aid and levy for programs for handicapped adults under community education; appropriating money; amending Minnesota Statutes 1984, sections 121.88; 124.195, subdivision 9; 124.271, by adding a subdivision; and 275.125, subdivision 8; repealing Minnesota Statutes 1984, section 129B.03.

The bill was read for the first time and referred to the Committee on Education.

McKasy, Heap, Halberg, Jacobs and Ellingson introduced:

H. F. No. 1161, A bill for an act relating to corporations; providing for access by shareholders to certain corporate records; protecting the privacy of individuals; clarifying legislative intent; amending Minnesota Statutes 1984, section 302A.461, subdivision 5, and by adding subdivisions; repealing Minnesota Statutes 1984, section 302A.461, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Thorson, Solberg and Backlund introduced:

H. F. No. 1162, A bill for an act relating to health; providing that the county coroner may conduct certain autopsies under certain circumstances; amending Minnesota Statutes 1984, section 390.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Thorson, Clausnitzer, O'Connor and Marsh introduced:

H. F. No. 1163, A bill for an act relating to crimes; defining the crime of using police radios while committing a criminal act; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Dempsey and Ellingson introduced:

H. F. No. 1164, A bill for an act relating to human rights; providing for the confidentiality of the investigatory data of the department of human rights; providing for the legal effect of a subpoena issued by the commissioner of human rights; amending Minnesota Statutes 1984, sections 363.01, by adding subdivisions; 363.05, subdivision 2; and 363.06, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 363.

The bill was read for the first time and referred to the Committee on Judiciary.

Knickerbocker introduced:

H. F. No. 1165, A bill for an act relating to retirement; Minneapolis teachers maximum service credit accrual; amendment of articles.

The bill was read for the first time and referred to the Committee on Governmental Operations.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 34, A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Redalen moved that the House concur in the Senate amendments to H. F. No. 34 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 34, A bill for an an act relating to liquor; allowing an exemption from requirement for use of Minnesota grown grapes

by farm wineries; amending Minnesota Statutes 1984, section 340.435, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 101 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Pauly	Sparby
Backlund	Forsythe	Lieder	Peterson	Stanius
Beard	Frederick	Marsh	Piper	Staten
Becklin	Frederickson	McDonald	Price	Sviggum
Bennett	Frerichs	McEachern	Quinn	Thiede
Blatz	Greenfield	McPherson	Quist	Thorson
Boo	Gruenes	Metzen	Redalen	Tjornhom
Brandl	Gutknecht	Miller	Rees	Tomlinson
Brinkman	Halberg	Minne	Rest	Tunheim
Brown	Haukoos	Munger	Rice	Uphus
Burger	Heap	Murphy	Riveness	Valan
Carlson, D.	Himle	Nelson, D.	Rodosovich	Vanasek
Carlson, J.	Jacobs	Norton	Rose	Vellenga
Carlson, L.	Jaros	O'Connor	Sarna	Voss
Clausnitzer	Johnson	Ogren	Schafer	Waltman
Cohen	Kalis	Olsen, S.	Schreiber	Wenzel
Dempsey	Kelly	Olson, E.	Scaberg	Spk. Jennings, D.
Dimler	Kiffmeyer	Omann	Shaver	
Elioff	Knickerbocker	Onnen	Sherman	
Ellingson	Knuth	Otis	Skoglund	
Erickson	Kostohryz	Ozment	Solberg	

Those who voted in the negative were:

DenOudea Hartinger

The bill was repassed, as amended by the Senate, and its title agreed to.

CONSENT CALENDAR

H. F. No. 316, A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Brandl	Burger	Carlson, L.
Backlund	Bennett	Brinkman	Carlson, D.	Clausnitzer
Beard	Blatz	Brown	Carlson, J.	Cohen

Dempsey	Himle	Munger	Quinn	Sviggum
DenOuden	Jacobs	Murphy	Redalen	Thorson
Dyke	Jaros	Nelson, D.	Rees	Tjornhom
Elioff	Kalis	Norton	Rest	Tomlinson
Erickson	Kelly	O'Connor	Rice	Tompkins
Fjoslien	Kiffmeyer	Ogren	Richter	Tunheim
Forsythe	Knuth	Olsen, S.	Riveness	Uphus
Frederick	Kostohryz	Olson, E.	Rodosovich	Valan
Frederickson	Kvam	Omann	Rose	Valento
Frerichs	Levi	Onnen	Sarna	Vanasek
Greenfield	Lieder	Otis	Schafer	Vellenga
Gruenes	Marsh	Ozment	Schreiber	Voss
Gutknecht	McDonald	Pappas	Seaberg	Waltman
Halberg	McEachern	Pauly	Shaver	Welle
Hartinger	McPherson	Peterson	Solberg	Wenzel
Hartle	Metzen	Piper	Sparby	Zaffke
Haukoos	Miller	Poppenhagen	Stanis	Spk. Jennings, D.
Heap	Minne	Price	Staten	

Those who voted in the negative were:

Johnson

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 320, A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Marsh	Price	Tjornhom
Backlund	Ellingson	McDonald	Quinn	Tomlinson
Battaglia	Fjoslien	McEachern	Redalen	Tompkins
Beard	Forsythe	McKasy	Rees	Tunheim
Begich	Frederick	McPherson	Rest	Uphus
Bennett	Frederickson	Metzen	Riveness	Valan
Blatz	Frerichs	Miller	Rodosovich	Valento
Boo	Greenfield	Minne	Rose	Vellenga
Brandl	Gruenes	Norton	Sarna	Voss
Brinkman	Gutknecht	O'Connor	Schafer	Waltman
Brown	Hartle	Ogren	Scheid	Welle
Carlson, D.	Jacobs	Olsen, S.	Schreiber	Wenzel
Carlson, J.	Jaros	Olson, E.	Seaberg	Wynia
Carlson, L.	Johnson	Omann	Shaver	Zaffke
Clausnitzer	Kalis	Ozment	Solberg	Spk. Jennings, D.
Cohen	Kelly	Pappas	Sparby	
Dempsey	Knuth	Pauly	Stanis	
Dimler	Kostohryz	Peterson	Sviggum	
Dyke	Lieder	Piper	Thorson	

Those who voted in the negative were:

Becklin	Hartinger	Kvam	Onnen	Skoglund
DenOuden	Haukoos	Murphy	Quist	Staten
Erickson	Kiffmeyer	Nelson, D.	Rice	

The bill was passed and its title agreed to.

H. F. No. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; and 41.61, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kostohryz	Otis	Seaberg
Backlund	Erickson	Krueger	Ozment	Skoglund
Battaglia	Forsythe	Kvam	Pappas	Solberg
Beard	Frederick	Levi	Pauly	Sparby
Becklin	Frederickson	Lieder	Peterson	Stanius
Begich	Frerichs	Marsh	Piper	Staten
Bennett	Greenfield	McDonald	Poppenhagen	Svigum
Blatz	Gruenes	McEachern	Price	Thorson
Boo	Gutknecht	McPherson	Quinn	Tjornhom
Brandl	Halberg	Metzen	Quist	Tomlinson
Brinkman	Hartinger	Miller	Redalen	Tompkins
Brown	Hartle	Minne	Rees	Tunheim
Burger	Haukoos	Munger	Rest	Valan
Carlson, D.	Heap	Murphy	Rice	Valento
Carlson, J.	Himle	Nelson, D.	Richter	Vanasek
Carlson, L.	Jacobs	Norton	Riveness	Vellenga
Clausnitzer	Jaros	O'Connor	Rodosovich	Voss
Cohen	Johnson	Ogren	Rose	Waliman
Dempsey	Kahn	Olsen, S.	Sarna	Welle
DenOuden	Kalis	Olson, E.	Schafer	Wenzel
Dimler	Kelly	Omann	Scheid	Wynia
Dyke	Kiffmeyer	Onnen	Schoenfeld	Zaffke
Elioff	Knuth	Osthoff	Schreiber	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 468, A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knickerbocker	Osthoff	Shaver
Backlund	Ellingson	Knuth	Otis	Skoglund
Battaglia	Erickson	Kostohryz	Ozment	Solberg
Beard	Fjoslien	Krueger	Pappas	Sparby
Becklin	Forsythe	Kvam	Pauly	Stanius
Begich	Frederick	Levi	Peterson	Staten
Bennett	Frederickson	Lieder	Piper	Sviggum
Bishop	Frerichs	Long	Poppenhagen	Thorson
Blatz	Greenfield	Marsh	Price	Tomlinson
Boo	Gruenes	McDonald	Quinn	Tompkins
Brandl	Gutknecht	McEachern	Quist	Tunheim
Brinkman	Halberg	McPherson	Redalen	Uphus
Brown	Hartinger	Metzen	Rees	Valan
Burger	Hartle	Miller	Rest	Valento
Carlson, D.	Haukoos	Munger	Rice	Vanasek
Carlson, J.	Heap	Murphy	Richter	Vellenga
Carlson, L.	Himle	Nelson, D.	Riveness	Voss
Clark	Jacobs	Norton	Rodosovich	Waltman
Clausnitzer	Jaros	O'Connor	Rose	Welle
Cohen	Johnson	Ogren	Sarna	Wenzel
Dempsey	Kahn	Olsen, S.	Scheid	Wynia
DenOuden	Kalis	Olson, E.	Schoenfeld	Spk. Jennings, D.
Dimler	Kelly	Omann	Schreiber	
Dyke	Kiffmeyer	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 242, A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	DenOuden	Johnson	Miller	Price
Battaglia	Dimler	Kahn	Minne	Quinn
Beard	Dyke	Kalis	Munger	Redalen
Becklin	Ellingson	Kelly	Murphy	Rees
Begich	Erickson	Kiffmeyer	Nelson, D.	Rest
Bennett	Fjoslien	Knickerbocker	Norton	Rice
Bishop	Forsythe	Knuth	O'Connor	Richter
Blatz	Frederickson	Kostohryz	Ogren	Riveness
Boo	Frerichs	Krueger	Olsen, S.	Rodosovich
Brandl	Greenfield	Kvam	Olson, E.	Rose
Brinkman	Gruenes	Levi	Omann	Sarna
Brown	Gutknecht	Lieder	Onnen	Schafer
Burger	Halberg	Long	Osthoff	Scheid
Carlson, D.	Hartinger	Marsh	Otis	Schoenfeld
Carlson, J.	Hartle	McDonald	Ozment	Schreiber
Carlson, L.	Haukoos	McEachern	Pappas	Seaberg
Clark	Heap	McKasy	Pauly	Shaver
Clausnitzer	Himle	McLaughlin	Peterson	Skoglund
Cohen	Jacobs	McPherson	Piper	Solberg
Dempsey	Jaros	Metzen	Poppenhagen	Sparby

Stanius	Thorson	Tunheim	Vanasek	Welle
Staten	Tjornhom	Uphus	Vellenga	Wenzel
Sviggunn	Tomlinson	Valan	Voss	Wynia
Thiede	Tompkins	Valento	Waltman	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 247, A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivisions 2 and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Krueger	Ozment	Solberg
Battaglia	Fjoslien	Kvam	Pappas	Sparby
Beard	Forsythe	Levi	Pauly	Stanius
Becklin	Frederick	Lieder	Peterson	Staten
Begich	Frederickson	Long	Piper	Sviggunn
Bennett	Frerichs	Marsh	Poppenhagen	Thiede
Bishop	Greenfield	McDonald	Price	Thorson
Blatz	Gruenes	McEachern	Quinn	Tjornhom
Boo	Gutknecht	McKasy	Quist	Tomlinson
Brandl	Halberg	McLaughlin	Redalen	Tompkins
Brinkman	Hartinger	McPherson	Rees	Tunheim
Brown	Hartle	Metzen	Rest	Uphus
Burger	Haukoos	Miller	Rice	Valan
Carlson, D.	Hcap	Munger	Richter	Valento
Carlson, J.	Himle	Murphy	Riveness	Vanasek
Carlson, L.	Jacobs	Nelson, D.	Rodosovich	Vellenga
Clark	Jaros	Norton	Rose	Voss
Clausnitzer	Johnson	O'Connor	Sarna	Waltman
Cohen	Kahn	Ogren	Schafer	Welle
Dempsey	Kalis	Olsen, S.	Scheid	Wenzel
DenOuden	Kelly	Olson, E.	Schoenfeld	Wynia
Dimler	Kiffmeyer	Omann	Schreiber	Zaffke
Dyke	Knickerbocker	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Knuth	Osthoff	Shaver	
Ellingson	Kostohryz	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 266, A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on- or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Ozment	Skoglund
Backlund	Fjoslien	Kvam	Pappas	Solberg
Battaglia	Forsythe	Levi	Pauly	Sparby
Beard	Frederick	Lieder	Peterson	Stanisus
Becklin	Frederickson	Long	Piper	Sviggun
Begich	Frerichs	Marsh	Poppenhagen	Thiede
Bishop	Greenfield	McDonald	Price	Thorson
Blatz	Gruenes	McEachern	Quinn	Tjornhom
Boo	Gutknecht	McKasy	Quist	Tomlinson
Brinkman	Halberg	McPherson	Redalen	Tompkins
Brown	Hartinger	Metzen	Rees	Tunheim
Burger	Hartle	Miller	Rest	Uphus
Carlson, D.	Haukoos	Minne	Rice	Valan
Carlson, J.	Heap	Munger	Richter	Valento
Carlson, L.	Himle	Nelson, D.	Riveness	Vanasek
Clark	Jacobs	Norton	Rodosovich	Voss
Clausnitzer	Johnson	O'Connor	Rose	Waltman
Cohen	Kahn	Ogren	Sarna	Welle
Dempsey	Kalis	Olsen, S.	Schafer	Wenzel
DenOuden	Kelly	Olson, E.	Scheid	Wynia
Dimler	Kiffmeyer	Omann	Schoenfeld	Zaffke
Dyke	Knickerbocker	Onnen	Schreiber	Spk. Jennings, D.
Elioff	Knuth	Osthoff	Seaberg	
Ellingson	Kostohryz	Otis	Shaver	

Those who voted in the negative were:

Staten

The bill was passed and its title agreed to.

H. F. No. 308, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 60 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Backlund	Frerichs	Kostohryz	Otis	Shaver
Bennett	Greenfield	Krueger	Ozment	Sherman
Bishop	Gutknecht	Levi	Pauly	Solberg
Blatz	Halberg	Marsh	Piepho	Stanisus
Boo	Haukoos	McDonald	Quinn	Thiede
Burger	Heap	McKasy	Rees	Thorson
Carlson, J.	Himle	McPherson	Richter	Tjornhom
Clausnitzer	Jacobs	Metzen	Rodosovich	Uphus
Dempsey	Jaros	Miller	Rose	Valan
Forsythe	Johnson	Murphy	Scheid	Valento
Frederick	Knickerbocker	Ogren	Schreiber	Zaffke
Frederickson	Knuth	Olsen, S.	Seaberg	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Dimler	Lieder	Piper	Tomlinson
Battaglia	Elioff	Long	Price	Tompkins
Beard	Ellingson	McEachern	Quist	Tunheim
Becklin	Erickson	Munger	Redalen	Vanasek
Begich	Fjoslien	Nelson, D.	Rest	Vellenga
Brandl	Crucnes	Neuenschwander	Rice	Voss
Brinkman	Hartinger	Norton	Riveness	Waltman
Brown	Hartle	Olson, E.	Sarna	Welle
Carlson, D.	Kahn	Omann	Schafer	Wenzel
Carlson, L.	Kalis	Onnen	Schoenfeld	Wynia
Clark	Kelly	Osthoff	Skoglund	
Cohen	Kiffmeyer	Pappas	Staten	
DenOuden	Kvam	Peterson	Svigum	

The bill was not passed.

H. F. No. 204, A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Pappas	Sherman
Backlund	Fjoslien	Levi	Pauly	Skoglund
Battaglia	Forsythe	Lieder	Peterson	Solberg
Beard	Frederickson	Long	Piepho	Sparby
Becklin	Frerichs	Marsh	Piper	Stanius
Begich	Greenfield	McDonald	Poppenhagen	Staten
Bennett	Gruenes	McEachern	Price	Thiede
Bishop	Gutknecht	McKasy	Quinn	Thorson
Blatz	Halberg	McLaughlin	Quist	Tjornhom
Brandl	Hartinger	McPherson	Redalen	Tomlinson
Brinkman	Hartle	Metzen	Rees	Tompkins
Brown	Haukoos	Miller	Rest	Tunheim
Carlson, D.	Heap	Minne	Rice	Uphus
Carlson, J.	Himle	Munger	Richter	Valan
Carlson, L.	Jacobs	Murphy	Riveness	Valento
Clark	Jaros	Nelson, D.	Rodosovich	Vanasek
Clausnitzer	Johnson	Neuenschwander	Rose	Vellenga
Cohen	Kalis	Norton	Sarna	Voss
Dempsey	Kelly	O'Connor	Schafer	Waltman
DenOuden	Kiffmeyer	Ogren	Scheid	Welle
Dimler	Knickerbocker	Olsen, S.	Schoenfeld	Wenzel
Dyke	Knuth	Omann	Schreiber	Wynia
Elioff	Kostohryz	Onnen	Seaberg	Zaffke
Ellingson	Krueger	Otis	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 513, A bill for an act relating to state government; regulating the career executive service; specifying executive

branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 11.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Levi	Pappas	Solberg
Backlund	Fjoslien	Lieder	Pauly	Sparby
Battaglia	Forsythe	Long	Peterson	Stanis
Beard	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Svigum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Cruenes	McKasy	Price	Thorson
Bishop	Gutknecht	McLaughlin	Quinn	Tjornhom
Blatz	Halberg	McPherson	Quist	Tomlinson
Boo	Hartinger	Metzen	Redalen	Tompkins
Brandl	Hartle	Miller	Rees	Tunheim
Brinkman	Haukoos	Minne	Rest	Uphus
Brown	Heap	Munger	Rice	Valan
Burger	Himle	Murphy	Richter	Valento
Carlson, D.	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, J.	Jaros	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Johnson	Norton	Rose	Voss
Clark	Kahn	O'Connor	Sarna	Waltman
Clausnitzer	Kalis	Ogren	Schafer	Welle
Cohen	Kelly	Olsen, S.	Scheid	Wenzel
Dempsey	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
DenOuden	Knickerbocker	Omann	Schreiber	Zaffke
Dimler	Knuth	Onnen	Seaberg	Spk. Jennings, D.
Dyke	Kostohryz	Osthoff	Shaver	
Elioff	Krueger	Otis	Sherman	
Ellingson	Kvam	Ozment	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 530, A bill for an act relating to commerce; regulating transient merchants; amending Minnesota Statutes 1984, sections 329.14; and 329.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bennett	Boo	Brown
Backlund	Becklin	Bishop	Brandl	Burger
Battaglia	Begich	Blatz	Brinkman	Carlson, D.

Carlson, J.	Hartle	McEachern	Pauly	Solberg
Carlson, L.	Haukoos	McKasy	Peterson	Sparby
Clark	Heap	McLaughlin	Piepho	Stanius
Clausnitzer	Himle	McPherson	Piper	Staten
Cohen	Jacobs	Metzen	Poppenhagen	Sviggum
Dempsey	Jaros	Miller	Price	Thiede
DenOuden	Johnson	Minne	Quinn	Thorson
Dimler	Kahn	Munger	Quist	Tjornhom
Dyke	Kalis	Murphy	Redalen	Tompkins
Elioff	Kelly	Nelson, D.	Rees	Tunheim
Ellingson	Kiffmeyer	Neuenschwander	Rest	Uphus
Erickson	Knickerbocker	Norton	Rice	Valan
Fjoslien	Knuth	O'Connor	Richter	Valento
Forsythe	Kostohryz	Ogren	Riveness	Vanasek
Frederickson	Krueger	Olson, S.	Rose	Vellenga
Frerichs	Kvam	Olson, E.	Sarna	Voss
Greenfield	Levi	Omann	Schafer	Waltman
Gruenes	Lieder	Onnen	Scheid	Welle
Gutknecht	Long	Osthoff	Schoenfeld	Wenzel
Halberg	Marsh	Otis	Shaver	Wynia
Haltinger	McDonald	Ozment	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Zaffke

The bill was passed and its title agreed to.

H. F. No. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, as amended, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 78 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Bishop	Burger	Carlson, L.
Backlund	Begich	Blatz	Carlson, D.	Clark
Battaglia	Bennett	Boo	Carlson, J.	Dempsey

DenOuden	Hartle	McDonald	Piepho	Thiede
Dimler	Haukoos	McKasy	Poppenhagen	Thorson
Dyke	Heap	McPherson	Quist	Tjornhom
Elioff	Himle	Metzen	Redalen	Tompkins
Erickson	Jacobs	Miller	Rees	Uphus
Fjoslien	Jaros	Minne	Richter	Valan
Forsythe	Johnson	Neuenschwander	Rose	Valento
Frederickson	Kiffmeyer	Olsen, S.	Schafer	Waltman
Frerichs	Knickerbocker	Olsen, E.	Scheid	Wenzel
Gruenes	Knuth	Omann	Seaberg	Zaffke
Gutknecht	Kvam	Onnen	Shaver	Spk. Jennings, D.
Halberg	Levi	Ozment	Sherman	
Hartinger	Marsh	Pauly	Stanius	

Those who voted in the negative were:

Beard	Kalis	Nelson, D.	Price	Solberg
Brandl	Kelly	Norton	Quinn	Sparby
Brinkman	Kostohryz	O'Connor	Rice	Staten
Brown	Krueger	Ogren	Riveness	Vanasek
Clausnitzer	Lieder	Osthoff	Rodosovich	Vellenga
Cohen	Long	Otis	Sarna	Voss
Greenfield	McEachern	Pappas	Schoenfeld	Welle
Kahn	Munger	Peterson	Skoglund	Wynia

The bill was passed and its title agreed to.

H. F. No. 602, A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Kelly	Neuenschwander	Richter
Backlund	Dyke	Kiffmeyer	Norton	Riveness
Battaglia	Elioff	Knickerbocker	O'Connor	Rodosovich
Beard	Ellingson	Knuth	Ogren	Rose
Becklin	Erickson	Kostohryz	Olsen, S.	Sarna
Begich	Fjoslien	Krueger	Olsen, E.	Schafer
Bennett	Forsythe	Kvam	Omann	Scheid
Bishop	Frederickson	Levi	Onnen	Schoenfeld
Blatz	Frerichs	Lieder	Otis	Schreiber
Boo	Greenfield	Long	Ozment	Seaberg
Brandl	Gruenes	Marsh	Pappas	Shaver
Brinkman	Gutknecht	McDonald	Pauly	Sherman
Brown	Halberg	McEachern	Peterson	Skoglund
Burger	Hartinger	McKasy	Piepho	Solberg
Carlson, D.	Hartle	McLaughlin	Piper	Sparby
Carlson, J.	Haukoos	McPherson	Price	Stanius
Carlson, L.	Heap	Metzen	Quinn	Staten
Clark	Himle	Miller	Quist	Sviggum
Clausnitzer	Jacobs	Minne	Redalen	Thiede
Cohen	Jaros	Munger	Rees	Tjornhom
Dempsey	Johnson	Murphy	Rest	Tompkins
DenOuden	Kahn	Nelson, D.	Rice	Tunheim

Uphus
Valan
Valento

Vanasek
Vellenga
Voss

Waltman
Welle

Wenzel
Wynia

Zaffke
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 603, A bill for an act relating to non-intoxicating malt liquor; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without further license; amending Minnesota Statutes 1984, section 340.02, subdivisions 2 and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslicn	Levi	Pauly	Sparby
Backlund	Forsythe	Lieder	Peterson	Stanius
Battaglia	Frederick	Long	Piepho	Staten
Beard	Frederickson	Marsh	Piper	Sviggum
Becklin	Frerichs	McDonald	Price	Thiede
Begich	Greenfield	McEachern	Quinn	Thorson
Bennett	Gruenes	McLaughlin	Quist	Tjorahom
Bishop	Gutknecht	McPherson	Redalen	Tompkins
Blatz	Halberg	Metzen	Rees	Tunheim
Boo	Hartle	Miller	Rest	Uphus
Brandl	Haukoos	Minne	Rice	Valan
Brinkman	Hcap	Munger	Richter	Valento
Brown	Himle	Murphy	Riveness	Vanasek
Burger	Jacobs	Nelson, D.	Rodosovich	Vellenga
Carlson, D.	Jaros	Neuenschwander	Rose	Voss
Carlson, J.	Johnson	Norton	Sarna	Waltman
Carlson, L.	Kahn	O'Connor	Scheid	Welle
Clark	Kalis	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kiffmeyer	Olsen, S.	Schreiber	Wynia
Cohen	Knickerbocker	Omann	Seaberg	Zaffke
Dempsey	Knith	Onnen	Shaver	Spk. Jennings, D.
Dimler	Kostohryz	Otis	Sherman	
Dyke	Krueger	Ozment	Skoglund	
Elioff	Kvam	Pappas	Solberg	

Those who voted in the negative were:

DenOuden Erickson Hartinger

The bill was passed and its title agreed to.

H. F. No. 157, A bill for an act relating to elections; requiring that a candidate for school district office be eligible to hold office; amending Minnesota Statutes 1984, section 123.32, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Ozment	Skoglund
Backlund	Fjoslien	Levi	Pappas	Solberg
Battaglia	Forsythe	Lieder	Pauly	Sparby
Beard	Frederick	Long	Peterson	Stanius
Becklin	Frederickson	Marsh	Piepho	Staten
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boo	Halberg	McPherson	Quist	Tomlinson
Brandl	Hartinger	Metzen	Redalen	Tompkins
Brinkman	Hartle	Miller	Rees	Tunheim
Brown	Haukoos	Minne	Rest	Uphus
Burger	Heap	Munger	Rice	Valan
Carlson, D.	Himle	Murphy	Richter	Valento
Carlson, J.	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, L.	Jaros	Neuenschwander	Rodosovich	Vellenga
Clark	Johnson	Norton	Rose	Voss
Clausnitzer	Kahn	O'Connor	Sarna	Waltman
Cohen	Kalis	Ogren	Schafer	Welle
Dempsey	Kelly	Olsen, S.	Scheid	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
Dimler	Knickerbocker	Omann	Schreiber	Zaffke
Dyke	Knuth	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	
Ellingson	Krueger	Otis	Sherman	

The bill was passed and its title agreed to.

H. F. No. 183, A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 79 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Johnson	Omann	Stanius
Becklin	Erickson	Kalis	Onnen	Sviggum
Bennett	Forsythe	Kiffmeyer	Ozment	Thiede
Bishop	Frederick	Knickerbocker	Pauly	Thorson
Blatz	Frederickson	Kostohryz	Piepho	Tjornhom
Boo	Frerichs	Krueger	Poppenhagen	Tomlinson
Brandl	Gruenes	Kvam	Quist	Tompkins
Brinkman	Gutknecht	Levi	Redalen	Uphus
Burger	Halberg	Marsh	Rees	Valan
Carlson, D.	Hartinger	McDonald	Richter	Valento
Carlson, J.	Hartle	McKasy	Rodosovich	Vellenga
Clausnitzer	Haukoos	McPherson	Rose	Waltman
Cohen	Heap	Metzen	Schafer	Wenzel
Dempsey	Himle	Miller	Schreiber	Zaffke
DenOuden	Jacobs	Neuenschwander	Seaberg	Spk. Jennings, D.
Dimler	Jaros	Olsen, S.	Sherman	

Those who voted in the negative were:

Anderson, G.	Ellingson	Munger	Pappas	Scheid
Backlund	Fjoslien	Murphy	Peterson	Schoenfeld
Battaglia	Greenfield	Nelson, D.	Piper	Skoglund
Beard	Kahn	Norton	Price	Solberg
Begich	Kelly	O'Connor	Quinn	Sparby
Brown	Knuth	Ogren	Rest	Staten
Carlson, L.	McEachern	Olson, E.	Rice	Tunheim
Clark	McLaughlin	Osthoff	Riveness	Voss
Elioff	Minne	Otis	Sarna	Wynia

The bill was passed and its title agreed to.

Krueger was excused between the hours of 3:15 p.m. and 4:20 p.m. Halberg and Zaffke were excused at 4:45 p.m. Quinn was excused at 5:10 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for consideration of bills pending on General Orders of the day. Halberg presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 185, 274 and 374 were recommended to pass.

H. F. Nos. 284, 345 and 381 were recommended for progress.

H. F. No. 385 which it recommended to pass with the following amendment offered by Zaffke and Ogren:

Page 1, line 8, before "Where" insert "*Except as provided in this section,*"

Page 1, after line 25, insert:

"This section does not apply to a person advertising plumbing services if that person does not engage in or work at the business of a master plumber in a city of 5,000 or more population, or in a city of less than 5,000 in population that by ordinance require licensing to do business as a master plumber."

H. F. No. 273 which it recommended to pass with the following amendment offered by McKasy:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1984, section 168.72, subdivision 4, is amended to read:

Subd. 4. A sale of a manufactured home made after July 31, 1983, is governed by the provisions of subdivision 1 for purposes of determining the lawful time price differential rate, *except that the maximum time differential for a class I manufactured home may not exceed \$8 per \$100 per year.* A retail installment sale of a manufactured home that imposes a time price differential rate that is greater than the rate permitted by this subdivision is lawful and enforceable in accordance with its terms until the indebtedness is fully satisfied if the rate was lawful when the sale was made.

Page 2, line 23, delete "2" and insert "3"

Renumber the remaining sections

Further, amend the title as follows:

Page 1, line 4, delete "subdivision" and insert "subdivisions"

Page 1, line 5, after "1" insert "and 4"

On the motion of Levi the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Murphy moved to amend H. F. No. 284, as follows:

Page 2, after line 5, insert:

"An employer may not take the tip credit under this subdivision unless during the period in which the employer takes the tip credit, the employer gives notice to his or her customers that the employer is taking the tip credit. The employer shall give this notice by posting the following notice and printing it in any menus the employer uses in his or her business:

"This establishment does not pay its waitresses and other tipped employees the state minimum wage of \$3.35 per hour for adults, and \$3.02 per hour for minors. Your tips are used to fulfill this establishment's minimum wage requirements under state law."

This notice shall be conspicuously posted in letters not less than one inch high in the area where the employer's customers

are served by the tipped employees. The notice shall also be conspicuously printed on the first page of any menu the employer uses in his or her business in letters not less than one-fourth inch in height. The dollar figures referred to in the notice shall be updated within six months of a change in those amounts under section 177.24, subdivision 1."

The question was taken on the Murphy amendment and the roll was called. There were 47 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Nelson, D.	Piper	Tomlinson
Battaglia	Jacobs	Neuenschwander	Rest	Vanasek
Beard	Kahn	Norton	Rice	Vellenga
Begich	Kelly	O'Connor	Riveness	Voss
Brown	Knuth	Ogren	Rodosovich	Welle
Carlson, D.	Kostohryz	Olson, E.	Sarna	Wenzel
Carlson, L.	Lieder	Omann	Scheid	Wynia
Clark	Metzen	Otis	Skoglund	
Cohen	Minne	Pappas	Solberg	
Elioff	Murphy	Peterson	Sparby	

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Olsen, S.	Sherman
Backlund	Dyke	Himle	Onnen	Stanius
Becklin	Erickson	Johnson	Pauly	Sviggum
Bennett	Fjoslien	Kalis	Piepho	Thiede
Bishop	Forsythe	Kiffmeyer	Poppenhagen	Thorson
Blatz	Frederick	Knickerbocker	Quist	Tjornhom
Boo	Frederickson	Kvam	Redalen	Uphus
Brinkman	Frerichs	Levi	Rees	Valan
Burger	Gruenes	Marsh	Richter	Waltman
Carlson, J.	Gutknecht	McDonald	Schafer	Zaffke
Clausnitzer	Hartinger	McKasy	Schreiber	Spk. Jennings, D.
Dempsey	Hartle	McPherson	Seaberg	
DenOuden	Haukoos	Miller	Shaver	

The motion did not prevail and the amendment was not adopted.

Begich moved to amend H. F. No. 284, as follows:

Page 1, delete lines 15 to 26 and insert:

"Section 2. Minnesota Statutes 1984, section 177.28, is amended by adding a new subdivision to read:

Subd. 4a. The Department of Labor and Industry shall undertake a thorough study of the impact of the reduction of the tip credit from 20% to 15%. The study shall include, but not be limited to:

(1) The number of employees and the number of businesses affected by the phase-out of the tip credit;

(2) *The characteristics of employees who are tipped employees and who receive wages, excluding tips, that are less than the minimum wage;*

(3) *The characteristics of businesses affected by the phase-out of the tip credit;*

(4) *The effect on the price of meals served by tipped employees;*

(5) *The effect on the number of business establishments in Minnesota which rely significantly on tipped employees;*

(6) *The effect on the number of tipped employee jobs available in Minnesota;*

(7) *The fiscal cost of enforcing the tip-credit law beyond the scheduled phase-out in 1988;*

(8) *Recommendations for legislative changes needed to make the tip-credit law enforceable; and*

(9) *The estimated impact on employees, businesses, and customers if the scheduled phase-out of the tip credit is continued.*

The department shall report the results of its study to the House Labor-Management Relations Committee and the Senate Employment Committee no later than February 15, 1986."

Page 2, delete lines 1 to 5.

Further amend the title as necessary.

The question was taken on the Begich amendment and the roll was called. There were 53 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Nelson, D.	Peterson	Sparby
Battaglia	Kahn	Neuenschwander	Piper	Tomlinson
Beard	Kelly	Norton	Price	Tunheim
Begich	Knuth	O'Connor	Quinn	Vanasek
Brown	Kostohryz	Ogren	Rest	Vellenga
Carlson, D.	Lieder	Olson, E.	Rice	Voss
Carlson, L.	McEachern	Omann	Riveness	Welle
Clark	McLaughlin	Onnen	Sarna	Wenzel
Elioff	Metzen	Osthoff	Scheid	Wynia
Ellingson	Minne	Otis	Skoglund	
Greenfield	Murphy	Pappas	Solberg	

Those who voted in the negative were:

Anderson, R.	Bennett	Boo	Clausnitzer	Dimler
Backlund	Bishop	Burger	Dempsey	Dyke
Becklin	Blatz	Carlson, J.	DenOuden	Erickson

Fjoslien	Haukoos	McKasy	Rose	Tompkins
Forsythe	Heap	McPherson	Schafer	Uphus
Frederick	Himle	Miller	Seaberg	Valan
Frederickson	Johnson	Olsen, S.	Shaver	Valento
Frerichs	Kiffmeyer	Pauly	Sherman	Waltman
Gruenes	Knickerbocker	Piepho	Stanis	Zaffke
Gutknecht	Kvam	Poppenhagen	Swiggum	Spk. Jennings, D.
Halberg	Levi	Redalen	Thiede	
Hartinger	Marsh	Rees	Thorson	
Hartle	McDonald	Richter	Tjornhom	

The motion did not prevail and the amendment was not adopted.

The question was taken on the Carlson, L., motion to re-refer H. F. No. 284 to the Committee on Health and Human Services and the roll was called. There were 59 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Battaglia	Greenfield	Munger	Peterson	Solberg
Beard	Jacobs	Murphy	Piper	Sparby
Becklin	Jaros	Nelson, D.	Price	Tomlinson
Begich	Kahn	Neuenschwander	Quinn	Tunheim
Brandl	Kelly	Norton	Rest	Uphus
Brown	Knuth	O'Connor	Rice	Vanasek
Carlson, D.	Kostohryz	Ogren	Riveness	Vellenga
Carlson, L.	Lieder	Olson, E.	Rodosovich	Voss
Clark	McEachern	Omann	Sarna	Welle
Cohen	McLaughlin	Osthoff	Scheid	Wenzel
Elioff	Metzen	Otis	Schoenfeld	Wynia
Ellingson	Minne	Pappas	Skoglund	

Those who voted in the negative were:

Anderson, R.	Erickson	Kiffmeyer	Ozment	Stanis
Bennett	Forsythe	Knickerbocker	Pauly	Swiggum
Blatz	Frederick	Krueger	Piepho	Thiede
Boo	Frederickson	Kvam	Poppenhagen	Thorson
Brinkman	Gruenes	Levi	Quist	Tjornhom
Burger	Gutknecht	Marsh	Redalen	Tompkins
Carlson, J.	Halberg	McDonald	Rees	Valan
Clausnitzer	Hartle	McKasy	Richter	Valento
Dempsey	Haukoos	McPherson	Rose	Waltman
DenOuden	Himle	Miller	Schafer	Zaffke
Dimler	Johnson	Olsen, S.	Seaberg	Spk. Jennings, D.
Dyke	Kalis	Onnen	Sherman	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 284 and the roll was called. There were 59 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Bennett	Brinkman	Clausnitzer	Dimler	Frederick
Blatz	Burger	Dempsey	Dyke	Frederickson
Boo	Carlson, J.	DenOuden	Forsythe	Frerichs

Gruenes	Kiffmeyer	Miller	Redosovich	Thiede
Gutknecht	Knickerbocker	Olsen, S.	Rose	Thorson
Halberg	Krueger	Onnen	Schafer	Tjornhom
Hartle	Kvam	Pauly	Schoenfeld	Valan
Haukoos	Levi	Piepho	Seaberg	Valento
Heap	Marsh	Poppenhagen	Shaver	Waltman
Himle	McDonald	Quist	Sherman	Zaffke
Johnson	McKasy	Rees	Stanisus	Spk. Jennings, D.
Kalis	McPherson	Richter	Sviggum	

Those who voted in the negative were :

Anderson, G.	Elioff	McLaughlin	Otis	Solberg
Anderson, R.	Ellingson	Metzen	Ozment	Sparby
Backlund	Fjoslien	Minne	Pappas	Tomlinson
Battaglia	Greenfield	Munger	Peterson	Tompkins
Beard	Hartinger	Murphy	Piper	Tunheim
Becklin	Jacobs	Nelson, D.	Price	Uphus
Begich	Jaros	Neuenschwander	Quinn	Vanasek
Brandl	Kahn	Norton	Rest	Vellenga
Brown	Kelly	O'Connor	Rice	Voss
Carlson, D.	Knuth	Ogren	Riveness	Welle
Carlson, L.	Kostohryz	Olson, E.	Sarna	Wenzel
Clark	Lieder	Omann	Scheid	Wynia
Cohen	McEachern	Osthoff	Skoglund	

The motion did not prevail.

MOTIONS AND RESOLUTIONS

Voss moved that the name of Scheid be added as an author on H. F. No. 212. The motion prevailed.

Battaglia moved that the name of McDonald be added as an author on H. F. No. 506. The motion prevailed.

Begich moved that the name of Bishop be added as an author on H. F. No. 534. The motion prevailed.

McEachern moved that the name of Rees be added as an author on H. F. No. 586. The motion prevailed.

Waltman moved that the name of Wenzel be added as an author on H. F. No. 587. The motion prevailed.

Cohen moved that the words “, by request” follow his name on H. F. No. 611. The motion prevailed.

Anderson, R., moved that the name of Munger be added as an author on H. F. No. 694. The motion prevailed.

Dempsey moved that the names of Scheid and Osthoff be added as authors on H. F. No. 738. The motion prevailed.

Cohen moved that the words “, by request” follow his name on H. F. No. 745. The motion prevailed.

Bennett moved that the name of Boo be added as chief author and the words “, by request” be deleted on H. F. No. 760. The motion prevailed.

Rose moved that the names of Boo; Carlson, L.; Erickson and Levi be added as authors on H. F. No. 822. The motion prevailed.

Heap moved that the names of Levi and Carlson, J., be added as authors on H. F. No. 847. The motion prevailed.

Shaver moved that the name of Osthoff be added as an author on H. F. No. 850. The motion prevailed.

Backlund moved that the name of Pappas be added as an author on H. F. No. 960. The motion prevailed.

Clausnitzer moved that the name of Shaver be added as an author on H. F. No. 979. The motion prevailed.

Blatz moved that the name of Sarna be added as an author on H. F. No. 985. The motion prevailed.

Price moved that the names of Otis, Solberg, McEachern and Rose be added as authors on H. F. No. 1034. The motion prevailed.

Fjoslien moved that the name of Gutknecht be stricken and the name of Dimler be added as chief author and the name of Neuen-schwander be added as an author on H. F. No. 1055. The motion prevailed.

Clark moved that the name of Pappas be added as an author on H. F. No. 1056. The motion prevailed.

McDonald moved that the names of Uphus, Price and Carlson, D., be added as authors on H. F. No. 1063. The motion prevailed.

Scheid moved that the name of Osthoff be stricken and the name of McDonald be added as an author on H. F. No. 1067. The motion prevailed.

Clark moved that the name of Cohen be added as an author on H. F. No. 1068. The motion prevailed.

Greenfield moved that the name of Clark be added as an author on H. F. No. 1085. The motion prevailed.

Ozment moved that H. F. No. 831 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Carlson, D., moved that H. F. No. 971 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Rees moved that H. F. No. 1071 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Valento moved that H. F. No. 526, now on Technical General Orders, be re-referred to the Committee on Regulated Industries and Energy. The motion prevailed.

House Resolution No. 10 was reported to the House.

HOUSE RESOLUTION NO. 10

A house resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational-Technical Institute.

Whereas, the Hutchinson Area Vocational-Technical Institute's Automotive Technician program received the outstanding automotive vocational training program award for 1984 in the State of Minnesota; and

Whereas, the program also received the 1984 American Vocational Association national award for excellence in Automotive Service Programs in the United States; and

Whereas, the recognition of this program is part of a national program sponsored by the National Motor Vehicle Manufacturers' Association and the American Vocational Association; and

Whereas, the purpose of this award is to recognize outstanding vocational technical programs in the nation and the cooperation existing between vocational technical education and industry at the national, state, and local levels; and

Whereas, this award also indicates the high standards and excellence of Minnesota's post-secondary vocational technical education programs and instruction; and

Whereas, Minnesota's vocational technical education programs received 25 percent of all national awards given by the American Vocational Association in November 1984; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it commends the Hutchinson Area Vocational-

Technical Institute and the automotive technician program instructor, John Mlinar, for program excellence and for cooperation with representatives of business and industry in providing quality vocational technical programs for the citizens of the State of Minnesota.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, be authenticated by his signature and that of the Speaker, and present it to John Mlinar.

Kvam moved that House Resolution No. 10 be now adopted. The motion prevailed and House Resolution No. 10 was adopted.

House Resolution No. 15 was reported to the House.

HOUSE RESOLUTION NO. 15

A house resolution congratulating the Mahtomedi High School Zephyrs for winning first place in the Class A Minnesota State Gymnastics Championship.

Whereas, competitive sports in our schools are part of an extracurricular program that affords an invaluable opportunity for students to participate with self-generated enthusiasm in a learning experience; and

Whereas, high school sports promote vigorous good health of the participants; and

Whereas, the Zephyrs participated in the Class A state gymnastics championship; and

Whereas, the Mahtomedi High School won the Class A state gymnastics championship in the city of Minneapolis, March 1, 1985; and

Whereas, both as a team and as individuals the Zephyrs exhibited outstanding and determined effort and leadership as they achieved the state gymnastics championship; and

Whereas, Mahtomedi High School's gymnasts and fans have exhibited outstanding sportsmanship throughout the season;
Now, Therefore,

Be It Resolved by the House of Representatives of the State of Minnesota that the Mahtomedi High School Gymnastic team is congratulated for winning the State Class A Gymnastic Championship and for exemplary sportsmanship, skill, and desire exemplified by the team, its coaches, and its fans. In particular, congratulations are extended to the team members:

Amy Bjorndahl, Shelly Copeland, Melanie Cowherd, Shannon Dardel, Shannon Foley, Leigh Klaenhammer, Marnie Mitchell, Amy Paulson, Laurie Schmidt; Coach Debbie Driscoll and Assistant Coach Dave Flatten.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the principal of Mahtomedi High School.

Levi moved that House Resolution No. 15 be now adopted. The motion prevailed and House Resolution No. 15 was adopted.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 25, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 25, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives