

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION—1987

## SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 26, 1987

The House of Representatives convened at 2:00 p.m. and was called to order by Fred C. Norton, Speaker of the House.

Prayer was offered by Father Donald Burns, Mary, Mother of the Church, Burnsville, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Greenfield	Lieder	Osthoff	Shaver
Anderson, R.	Gruenes	Long	Otis	Simoneau
Battaglia	Gutknecht	Marsh	Ozment	Skoglund
Bauerly	Haukoos	McDonald	Pappas	Solberg
Beard	Heap	McEachern	Pauly	Sparby
Bennett	Hugoson	McKasy	Pelowski	Stanius
Bertram	Jacobs	McLaughlin	Peterson	Steensma
Blatz	Jaros	McPherson	Poppenhagen	Sviggum
Boo	Jennings	Milbert	Price	Swenson
Brown	Jensen	Miller	Quinn	Thiede
Burger	Johnson, A.	Minne	Quist	Tjornhom
Carlson, L.	Johnson, R.	Morrison	Redalen	Tompkins
Carruthers	Johnson, V.	Munger	Reding	Trimble
Clark	Kahn	Nelson, C.	Rest	Tunheim
Clausnitzer	Kalis	Nelson, D.	Rice	Uphus
Cooper	Kelly	Neuenschwander	Richter	Valento
Dauner	Kelso	O'Connor	Riveness	Vellenga
DeBlieck	Kinkiel	Ogren	Rodosovich	Voss
Dempsey	Kludt	Olsen, S.	Rukavina	Wagenius
Dille	Knickerbocker	Olson, E.	Sarna	Waltman
Dorn	Knuth	Olson, K.	Schafer	Welle
Forsythe	Kostohryz	Omann	Scheid	Wenzel
Frederick	Larsen	Onnen	Schoenfeld	Winter
Frerichs	Lasley	Orenstein	Seaberg	Wynia
				Spk. Norton

A quorum was present.

Begich; Bishop; Carlson, D.; Hartle; Himle; Jefferson; Krueger; Murphy; Nelson, K.; Rose; Schreiber; Segal and Vanasek were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed 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. 81, 135, 289 and 68 and S. F. Nos. 97, 168, 62 and 87 have been placed in the members' files.

S. F. No. 168 and H. F. No. 222, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Kelly moved that the rules be so far suspended that S. F. No. 168 be substituted for H. F. No. 222 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 18, A bill for an act relating to human services; allowing recovery of medical assistance payments upon death of recipient; amending Minnesota Statutes 1986, section 256B.15.

Reported the same back with the following amendments:

Page 1, line 18, after the period, insert "A claim against the estate of a surviving spouse who did not receive medical assistance, for medical assistance rendered for the predeceased spouse, is limited to the value of the assets of the estate that were marital property or jointly-owned property at any time during the marriage."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 23, A bill for an act relating to health; requiring a hospital administrator to request an organ or tissue donation for

purposes of the uniform anatomical gift act; proposing coding for new law in Minnesota Statutes, chapter 525.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [525.94] [ESTABLISHMENT OF PROTOCOL TO OBTAIN ORGANS FOR TRANSPLANTATION.]

Subdivision 1. [REQUIREMENT TO ESTABLISH ORGAN PROCUREMENT PROTOCOL.] A hospital licensed under the provisions of sections 144.50 to 144.58 must establish written protocols for the identification of potential organ donors for transplantation to:

(1) assure that families of potential organ donors are made aware of the option of organ and tissue donation and their option to decline;

(2) require that an organ procurement agency be notified of potential organ donors; and

(3) establish medical criteria and practical considerations concerning the suitability and feasibility of organ donation for transplantations.

For purposes of this subdivision, the term “organ” or “tissue” means a human kidney, liver, heart, lung, pancreas, skin, bone, ligament, tendon, eye, and cornea.

Subd. 2. [NOTIFICATION REQUIREMENT.] If an individual dies in a hospital or is identified by a hospital staff member as having a terminal condition and is further identified as a suitable candidate for organ or tissue donation based on medical criteria established in the written protocol, in accordance with the hospital's protocol, the hospital administrator or the administrator's designated representative shall notify any of the following persons listed below in order of priority, of the option of organ or tissue donation and their option to decline:

(1) the spouse;

(2) an adult child;

(3) either parent;

(4) an adult brother or sister; or

(5) a guardian of the decedent's person at the time of death.

The hospital administrator or the designated representative shall attempt to locate the person's drivers license, organ donation card, or other documentation of the person's desire to be an organ donor. If documentation of the person's desire to be a donor is located, it shall constitute consent if there is no objection from the relative or guardian in clauses (1) to (5) or if no relative or guardian can be located.

If a person listed in clauses (1) to (5) wishes to consent to the gift of all or part of the decedent's body for transplantation, consent may be obtained by either the hospital administrator's representative or the organ procurement agency's representative. Consent or refusal must be obtained only from the available person highest on the list in clauses (1) to (5).

Subd. 3. [DOCUMENTATION.] Notification under subdivision 1, as well as any identified contradiction to organ donation, shall be documented in the patient's medical record which shall include the name of the person notified and that person's relationship to the decedent.

Subd. 4. [FINANCIAL LIABILITY OF FAMILY.] The family of an individual whose organ is donated for transplantation shall not be financially liable for costs related to the evaluation of donor organ suitability or cost of retrieval of the organ.

Subd. 5. [COMPLIANCE WITH UNIFORM ANATOMICAL GIFT ACT.] A gift made pursuant to the request required under this section shall be executed according to the provisions of the uniform anatomical gift act.

Subd. 6. [TRAINING.] The commissioner of health shall work with hospital representatives and other interested persons to develop guidelines for training hospital employees who may notify persons of the option to make an anatomical gift and the procedure to be used in executing the gift and for ensuring that each tissue or organ is tested for possible disease prior to being made available for transplantation.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on and applies to licensed hospitals as of October 1, 1987."

Delete the title and insert:

"A bill for an act relating to health; requiring hospitals to establish a protocol to obtain organs for transplantation; proposing coding for new law in Minnesota Statutes, chapter 525."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 27, A bill for an act relating to corporations; regulating control share acquisitions; delaying the effective date of certain amendments; amending Laws 1985, First Special Session chapter 5, section 21, as amended.

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 52, A bill for an act relating to labor; removing an exception from overtime and minimum wage laws for certain ski facility employees; amending Minnesota Statutes 1986, section 177.23, subdivision 7.

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

The report was adopted.

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

H. F. No. 62, A bill for an act relating to libraries; permitting the joint financing of their construction among government units; allowing cities and counties to levy above limits for library construction; amending Minnesota Statutes 1986, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 134.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

“Subdivision 1. [LOCAL GOVERNMENT UNIT DEFINED.] For purposes of this section, the term “local government unit” means a home rule charter or statutory city, county, or town.”

Page 1, line 12, before “A” insert “Subd. 2. [POWERS.]”

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

The report was adopted.

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

H. F. No. 86, A bill for an act relating to local government; permitting certain counties to levy a tax for the county historical society; imposing a reverse referendum requirement.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 94, A bill for an act relating to Anoka county; authorizing a certain loan agreement with the commissioner of transportation for the development of new highway No. 10; appropriating money.

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 119, A bill for an act relating to employment; providing the option for certain employees at a state university to obtain state employee fringe benefits; amending Minnesota Statutes 1986, section 43A.27, by adding a subdivision.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 123, A bill for an act relating to probate; changing the size of estates subject to collection by affidavit; amending Minnesota Statutes 1986, section 524.3-1201.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 181.58, is amended to read:

181.58 [SURVIVING SPOUSE PAID WAGES DUE.]

For the purposes of this section the word “employer” includes every person, firm, partnership, corporation, the state of Minnesota, all political subdivisions, and all municipal corporations.

If, at the time of the death of any person, an employer is indebted to the person for work, labor, or services performed, and no ~~executor or administrator~~ personal representative of the person's estate has been appointed, such employer shall, upon the request of the surviving spouse, forthwith pay this indebtedness, in such an amount as may be due, not exceeding the sum of ~~\$3,000~~ \$10,000, to the surviving spouse. The employer may in the same manner provide for payment to the surviving spouse of accumulated credits under the vacation or overtime plan or system maintained by the employer. The employer shall require proof of claimant's relationship to decedent by affidavit, and require claimant to acknowledge receipt of such payment in writing. Any payments made by the employer pursuant to the provisions of this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable therefor to the decedent's estate or the decedent's ~~executor or administrator~~ personal representative thereafter appointed. Any amounts so received by a spouse shall be considered in diminution of the allowance to the spouse under section 525.15.

Sec. 2. Minnesota Statutes 1986, section 524.3-805, is amended to read:

524.3-805 [CLASSIFICATION OF CLAIMS.]

(a) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment in the following order:

- (1) costs and expenses of administration;
- (2) reasonable funeral expenses;

(3) debts and taxes with preference under federal law;

(4) reasonable and necessary medical ~~and~~, hospital, or nursing home expenses of the last illness of the decedent, including compensation of persons attending the decedent and including a claim filed pursuant to section 256B.15; provided, however, that in the case of a nursing home, expenses of last illness shall not include any expenses incurred earlier than six months prior to the date of the decedent's death;

(5) debts with preference under other laws of this state, and state taxes;

(6) all other claims.

(b) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due, except that if claims for expenses of the last illness involve only claims filed under section 246.53 for costs of state hospital care and claims filed under section 256B.15, claims filed under section 246.53 have preference over claims filed under section 256B.15.

Sec. 3. Minnesota Statutes 1986, section 524.3-1201, is amended to read:

524.3-1201 [COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT.]

(a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action to a person claiming to be the successor of the decedent upon being presented a certified death certificate of the decedent and an affidavit, in duplicate, made by or on behalf of the successor stating that:

(1) the value of the entire probate estate, wherever located, less liens and encumbrances, does not exceed ~~\$5,000~~ \$10,000;

(2) 30 days have elapsed since the death of the decedent;

(3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and

(4) the claiming successor is entitled to payment or delivery of the property.



(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment for claims filed on or after the effective date of section 2."

Delete the title and insert:

"A bill for an act relating to probate; providing for an increased sum payable to a surviving spouse by affidavit; allowing nursing home care costs to be a claim of the same class as medical and hospital expenses; increasing the value of a probate estate allowed for purposes of collection by affidavit; amending Minnesota Statutes 1986, sections 181.58; 524.3-805; and 524.3-1201."

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 131, A bill for an act relating to transportation; increasing amount authorized for state transportation bonds for bridges; amending Laws 1979, chapter 280, sections 1 and 2, as amended.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 134, A bill for an act relating to employment; requiring an employer to notify employees and job applicants of bankruptcy proceedings; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 181.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 147, A bill for an act relating to crimes; expanding the crime of witness tampering to include the act of intimidating a witness to make false statements; amending Minnesota Statutes 1986, section 609.498, subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 16, strike "person, family," and insert "any person"

Page 1, line 19, delete "person,"

Page 1, line 20, delete "family," and insert "any person"

Page 1, line 23, strike "person,"

Page 1, line 24, strike "family," and insert "any person"

Page 2, line 6, strike "person, family," and insert "any person"

Page 2, line 8, delete "person,"

Page 2, line 9, delete "family," and insert "any person"

Page 2, line 12, strike "person,"

Page 2, line 13, strike "family," and insert "any person"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 151, A bill for an act relating to crime victims; permitting the crime victims reparation board to file a claim for reparations; altering the manner of determining reparations claims; requiring law enforcement agencies to aid the board; permitting an offender's dependents to receive some proceeds of a commercial enactment of a crime; providing for the classification of various data; providing penalties; amending Minnesota Statutes 1986, sections 611A.04, by adding a subdivision; 611A.52, subdivision 8; 611A.53, subdivision 2; 611A.57; 611A.66; 611A.68, subdivisions 1, 2, 8, and

by adding subdivisions; repealing Minnesota Statutes 1986, section 611A.59.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 609.101, is amended to read:

609.101 [SURCHARGE ON FINES, ASSESSMENTS.]

When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a petty misdemeanor such as a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$25 nor more than \$50. If the sentence for the felony, gross misdemeanor, or misdemeanor includes payment of a fine of any amount, including a fine of less than \$100, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, ~~upon a showing of indigency or undue hardship upon the convicted person or the person's immediate family, not~~ waive payment or authorize payment of the assessment or surcharge in installments unless it makes written findings on the record that the convicted person is indigent or that the assessment or surcharge would create undue hardship for the convicted person or that person's immediate family; ~~however, if the court waives payment or authorizes payment in installments, it shall state in writing on the record the reasons for its action.~~

The court shall collect and forward to the commissioner of finance the total amount of the assessment or surcharge and the commissioner shall credit all money so forwarded to a crime victim and witness account, which is established as a special account in the state treasury.

Money credited to the crime victim and witness account may be appropriated for but is not limited to the following purposes:

(1) use for crime victim reparations under sections 611A.51 to 611A.68;

(2) use by the crime victim and witness advisory council established under section 611A.71; and

(3) to supplement the federally funded activities of the crime victim ombudsman under section 611A.74.

If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the commissioner of finance.

Sec. 2. Minnesota Statutes 1986, section 611A.04, is amended by adding a subdivision to read:

Subd. 1a. [CRIME BOARD REQUEST.] The crime victims reparations board may request restitution on behalf of a victim by filing a copy of a claim for reparations submitted under sections 611A.52 to 611A.67, along with orders of the board, if any, which detail any amounts paid by the board to the victim. The filing of a claim for reparations with the court administrator shall also serve as a request for restitution by the victim. The restitution requested by the board may be considered to be both on its own behalf and on behalf of the victim. If the board has not paid reparations to the victim, restitution may be made directly to the victim. If the board has paid reparations to the victim, the court shall order restitution payments to be made directly to the board.

Sec. 3. Minnesota Statutes 1986, section 611A.52, subdivision 8, is amended to read:

Subd. 8. [ECONOMIC LOSS.] "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(1) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(2) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim, subject to the following limitations:

(i) if treatment is likely to continue longer than six months after the date the claim is filed and the cost of the additional treatment will exceed \$1,500, or if the total cost of treatment in any case will exceed \$4,000, the provider shall first submit to the board a plan which includes the measurable treatment goals, the estimated cost of the treatment, and the estimated date of completion of the treatment. Claims submitted for treatment that was provided more than 30 days after the estimated date of completion may be paid only

after advance approval by the board of an extension of treatment; and

(ii) the board may, in its discretion, elect to pay claims under this clause on a quarterly basis;

(3) loss of income greater than \$50 that the victim would have earned had the victim not been injured; and

(4) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had the victim not been injured. As used in this clause, "child care services" means services provided by facilities licensed under and in compliance with either Minnesota Rules, parts 9502.0315 to 9502.0445, or parts 9545.0510 to 9545.0670, or exempted from licensing requirements pursuant to section 245.791. Licensed facilities must be paid at a rate not to exceed their standard rate of payment. Facilities exempted from licensing requirements must be paid at a rate not to exceed \$3 an hour per child for daytime child care or \$4 an hour per child for evening child care.

(b) In the case of death the term is limited to:

(1) reasonable expenses actually incurred for funeral, burial or cremation, not to exceed \$2,250;

(2) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(3) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to dependents if the victim had lived; and

(4) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of dependents if the victim had lived.

Claims for loss of support for minor children made under clause (3) must be paid for three years or until the child reaches 18 years old, whichever is the shorter period. After three years, if the child is less than 18 years old a claim for loss of support may be resubmitted to the board, and the board shall evaluate the claim giving consideration to the child's financial need and to the availability of funds to the board.

Claims for substitute child care services made under clause (4) must be limited to the actual care that the deceased victim would have provided to enable surviving family members to pursue eco-

conomic, educational, and other activities other than recreational activities.

Sec. 4. Minnesota Statutes 1986, section 611A.53, subdivision 2, is amended to read:

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if:

(a) the crime was not reported to the police within five days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made. A victim of criminal sexual conduct in the first, second, third, or fourth degree who does not report the crime within five days of its occurrence is deemed to have been unable to have reported it within that period;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice;

(d) the claimant was in the act of committing a crime at the time the injury occurred;

(e) no claim was filed with the board within one year of victim's injury or death; except that (1) if the claimant was unable to file a claim within that period, then the claim can be made within one year of the time when a claim could have been filed; and (2) if the victim's injury or death was not reasonably discoverable within one year of the injury or death, then the claim can be made within one year of the time when the injury or death is reasonably discoverable. The following circumstances do not render a claimant unable to file a claim for the purposes of this clause: (1) lack of knowledge of the existence of the Minnesota crime victims reparations act, (2) the failure of a law enforcement agency to provide information or assistance to a potential claimant under section 611A.66, or (3) the incompetency of the claimant if the claimant's affairs were being managed during that period by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (4) the fact that the claimant is not of the age of majority; or

~~(e)~~ (f) the claim is less than \$100.

The limitations contained in clauses (a) and ~~(d)~~ (e) do not apply to victims of domestic child abuse as defined in section 260.015, subdivision 24. In those cases the one year limitation period commences running with the report of the crime to the police; provided

that no claim as a result of loss due to domestic child abuse may be paid when the claimant is 19 years of age or older at the time the claim is filed.

Sec. 5. Minnesota Statutes 1986, section 611A.57, is amended to read:

611A.57 [DETERMINATION OF CLAIMS.]

Subdivision 1. A claim, when accepted for filing, shall be assigned by the chair to the chair or to another a member of the board.

Subd. 2. The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim to the extent that an investigation is necessary.

Subd. 3. The board member to whom a claim is assigned may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in support of it and the report of the investigation of such claim. If unable to decide such the claim upon the basis of the papers and any report of investigation, the board member shall order a hearing discuss the matter with other members of the board present at a board meeting. After discussion the board shall vote on whether to grant or deny the claim or whether further investigation is necessary. A decision granting or denying the claim shall then be issued by the executive director or the board member to whom the claim was assigned.

Subd. 4. After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall make a decision either granting an award or deny the claim. The written decision granting or denying a claim shall be filed with the board, and a copy shall be provided to the claimant.

Subd. 5. The board member making a decision shall file with the board a written report setting forth such decision and reasons therefor. The board shall notify the claimant and furnish the claimant a copy of the report. The claimant may, within 30 days after receiving the decision of the board, apply for reconsideration before the entire board. Upon request for reconsideration, the board shall reexamine all information filed by the claimant, including any new information the claimant provides, and all information obtained by investigation. The board may also conduct additional examination into the validity of the claim. Upon reconsideration, the board may affirm, modify, or reverse its prior ruling. A claimant denied reparations upon reconsideration is entitled to a contested case hearing within the meaning of chapter 14.

Subd. 6. Claims for reparations and supporting documents and reports are investigative data and subject to the provisions of section 13.39 until the claim is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or abandonment of a claim, the claim and supporting documents and reports are private data on individuals as defined in section 13.02, subdivision 12.

Sec. 6. Minnesota Statutes 1986, section 611A.66, is amended to read:

**611A.66 [LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM.]**

All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to sections 611A.51 to 611A.67 and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims.

Law enforcement agencies shall assist the board in performing its duties under sections 611A.51 to 611A.67. Law enforcement agencies within ten days after receiving a request from the board shall supply the board with requested reports, notwithstanding any provisions to the contrary in chapter 13, and including reports otherwise maintained as confidential or not open to inspection under section 260.161. All data released to the board retains the data classification that it had in the possession of the law enforcement agency.

Sec. 7. Minnesota Statutes 1986, section 611A.74, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The crime victim ombudsman may investigate complaints concerning possible violation of the rights of crime victims or witnesses provided under this chapter, the delivery of victim services by victim assistance programs, the administration of the crime victims reparations act, and other complaints of mistreatment by elements of the criminal justice system or victim assistance programs. The ombudsman shall act as a liaison, when the ombudsman deems necessary, between agencies, either in the criminal justice system or in victim assistance programs, and victims and witnesses. The ombudsman must be made available through the use of a toll free telephone number and shall answer questions concerning the criminal justice system and victim services put to the ombudsman by victims and witnesses in accordance with the ombudsman's knowledge of the facts or law, unless the information is otherwise restricted. The ombudsman shall establish a procedure for referral to the crime victim crisis centers, the crime victims reparations board, and other victim assistance programs when



services are requested by crime victims or deemed necessary by the ombudsman.

The ombudsman's files are confidential data as defined in section 13.02, subdivision 3, during the course of an investigation or while the files are active. Upon completion of the investigation or when the files are placed on inactive status, they are private data on individuals as defined in section 13.02, subdivision 12.

Sec. 8. [REPEALER.]

Minnesota Statutes 1986, section 611A.59, is repealed.

Delete the title and insert:

"A bill for an act relating to crime victims; permitting the crime victims reparation board to file a claim for reparations; altering the manner of determining reparations claims; requiring law enforcement agencies to aid the board; providing for the classification of various data; clarifying ambiguous language; providing penalties; amending Minnesota Statutes 1986, sections 609.101; 611A.04, by adding a subdivision; 611A.52, subdivision 8; 611A.53, subdivision 2; 611A.57; 611A.66; and 611A.74, subdivision 2; repealing Minnesota Statutes 1986, section 611A.59."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 153, A bill for an act relating to education; establishing a program to require school districts to provide milk to all elementary and secondary pupils in public and nonpublic schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Reported the same back with the following amendments:

Page 1, line 9, delete "[124.648]"

Page 1, line 11, delete "critical" and insert "helpful"

Page 1, line 21, delete "agriculture" and insert "education"

Page 1, line 23, delete "agriculture" and insert "education"

Page 1, line 26, delete "\$....." and insert "\$5,000,000" and after "and" delete "\$....." and insert "\$5,000,000"

Page 2, line 2, delete "agriculture" and insert "education"

Amend the title as follows:

Page 1, line 5, delete "; proposing" and insert a period

Page 1, delete line 6

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 163, A bill for an act relating to children; regulating paternity determinations; regulating support and maintenance obligations; providing for withholding of support; amending Minnesota Statutes 1986, sections 144.219; 257.34, subdivision 1; 257.57; subdivision 2; 257.60; 257.62, by adding a subdivision; 257.63, subdivision 2; 510.07; 518.171, subdivision 1; 518.24; 518.551, subdivision 1; 518.611, subdivisions 1, 2, 3, 4, 6, and 8; repealing Minnesota Statutes 1986, section 257.34, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 144.219, is amended to read:

144.219 [AMENDMENT OF VITAL RECORDS.]

Upon the order of a court of this state, upon the request of a court of another state, or upon the filing of an acknowledgment of paternity a declaration of parentage under section 257.34 with the state registrar or the appropriate court ~~which is not disputed by the mother named on the original birth certificate within a reasonable time after being informed of the filing,~~ a new birth certificate shall be registered consistent with the findings of the court or with the acknowledgment of paternity declaration of parentage.

Sec. 2. Minnesota Statutes 1986, section 257.34, subdivision 1, is amended to read:

Subdivision 1. [ACKNOWLEDGMENT BY PARENTS.] The mother and father of 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 may, in a writing signed by both of them before a notary

public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before or up to ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) have the same consequences as an acknowledgment by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;

(c) have create a presumption that the same consequences as an acknowledgment by signatory is the biological father of paternity of the child for the purposes of sections 257.57 and 257.66 257.51 to 257.74;

(d) when timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) have the same consequences as a writing declaring paternity of the child for the purposes of section 524.2-109; and

(f) be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Sec. 3. Minnesota Statutes 1986, section 257.57, subdivision 2, is amended to read:

Subd. 2. ~~An action to determine the existence or nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) or (e) may be brought at any time by The child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:~~

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) or (e), or the nonexistence of the father and child relationship presumed under clause (d) of that subdivision; or

(b) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (e) only if the action is brought within three years after the date of the execution of the declaration.

Sec. 4. Minnesota Statutes 1986, section 257.60, is amended to read:

257.60 [PARTIES.]

The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. ~~If the child is a minor and the case involves a compromise under section 257.64, subdivision 1 or a lump sum payment under section 257.66, subdivision 4, the child and the commissioner of human services shall each be made a party before the court approves a compromise or orders a lump sum payment.~~ The natural biological mother, each man presumed to be the father under section 257.55, and each man alleged to be the natural biological father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. The public agency responsible for support enforcement is joined as a party in each case in which rights are assigned under section 256.74, subdivision 5. A person who may bring an action under section 257.57 may be made a party to the action. The court may align the parties. The child shall be made a party whenever:

(a) the child is a minor and the case involves a compromise under section 257.64, subdivision 1, or a lump sum payment under section 257.66, subdivision 4, in which case the commissioner of human services shall also be made a party; or

(b) the child is a minor and the action is to declare the nonexistence of the father and child relationship; or

(c) an action to declare the existence of the father and child relationship is brought by a man presumed to be the father under section 257.55, or a man who alleges to be the father, and the mother of the child denies the existence of the father and child relationship.

Sec. 5. Minnesota Statutes 1986, section 257.62, is amended by adding a subdivision to read:

Subd. 6. [TESTS, EVIDENCE ADMISSIBLE.] In any hearing brought under subdivision 5, a certified report of the facts and results of a laboratory analysis or examination of blood or genetic tests that is prepared and attested by a qualified expert appointed by the court shall be admissible in evidence without proof of the seal,

signature, or official character of the person whose name is signed to it unless a demand is made by a party in a motion or responsive motion made within the time limit for making and filing a responsive motion that the matter be heard on oral testimony before the court.

Sec. 6. Minnesota Statutes 1986, section 257.63, subdivision 2, is amended to read:

Subd. 2. Upon refusal of a witness, including a party, to testify under oath or produce evidence, the court may order the party to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the grounds that the No testimony or evidence might tend to incriminate the party, the court may grant the party immunity from all criminal liability on account of the testimony or evidence the party is required to produce. An other information compelled under the order granting immunity bars prosecution of, or any information directly or indirectly derived from such testimony or other information, may be used against the witness for any offense shown, in whole or in part, by testimony or evidence which the party is required to produce any criminal case, except for perjury committed in the testimony. The refusal of a witness, who has been granted immunity, to obey an order to testify or produce evidence is subject to the sanctions within the jurisdiction of the court.

Sec. 7. Minnesota Statutes 1986, section 510.07, is amended to read:

510.07 [SALE OR REMOVAL PERMITTED; NOTICE.]

The owner may sell and convey the homestead without subjecting it, or the proceeds of such sale for the period of one year after sale, to any judgment or debt from which it was exempt in the owner's hands except that the proceeds of the sale shall not be exempt from a judgment or debt for a court ordered child support or maintenance obligation in arrears. The owner may remove therefrom without affecting such exemption, if the owner does not thereby abandon the same as the place of abode. If the owner shall cease to occupy such homestead for more than six consecutive months the owner shall be deemed to have abandoned the same unless, within such period, the owner shall file with the county recorder of the county in which it is situated a notice, executed, witnessed, and acknowledged as in the case of a deed, describing the premises and claiming the same as the owner's homestead. In no case shall the exemption continue more than five years after such filing, unless during some part of the term the premises shall have been occupied as the actual dwelling place of the debtor or the debtor's family.

Sec. 8. Minnesota Statutes 1986, section 518.171, subdivision 1, is amended to read:

Subdivision 1. [ORDER.] Unless the obligee has comparable or better group dependent health insurance coverage available at a

more reasonable cost, the court shall order the obligor to name the minor child as beneficiary on any health and dental insurance plan that is available to the obligor on a group basis or through an employer or union.

If the court finds that dependent health or dental insurance is not available to the obligor on a group basis or through an employer or union, or that the group insurer is not accessible to the obligee, the court may require the obligor to obtain dependent health or dental insurance, or to be liable for reasonable and necessary medical or dental expenses of the child.

If the court finds that the dependent health or dental insurance required to be obtained by the obligor does not pay all the reasonable and necessary medical or dental expenses of the child or that the dependent health or dental insurance available to the obligee does not pay all the reasonable and necessary medical or dental expenses of the child and the court finds that the obligor has the financial ability to contribute to the payment of these medical or dental expenses, the court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the child not covered by the required health or dental plan.

Sec. 9. Minnesota Statutes 1986, section 518.24, is amended to read:

518.24 [SECURITY; SEQUESTRATION; CONTEMPT.]

In all cases when maintenance or support payments are ordered, the court may require sufficient security to be given for the payment of them according to the terms of the order. Upon neglect or refusal to give security, or upon failure to pay the maintenance or support, the court may sequester the obligor's personal estate and the rents and profits of real estate of the obligor, and appoint a receiver of them. The court may cause the personal estate and the rents and profits of the real estate to be applied according to the terms of the order. ~~If The obligor has shall be presumed to have an income from a source sufficient to pay the maintenance or support and the obligor fails to pay the same, the court shall order the obligor to pay it. A person or party who~~ If the obligor disobeys the order may be punished by the court as for, it shall be prima facie evidence of contempt.

Sec. 10. Minnesota Statutes 1986, section 518.551, subdivision 1, is amended to read:

Subdivision 1. [PAYMENT TO PUBLIC AGENCY.]

The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has

applied for public assistance, or has applied for child support and maintenance collection services. Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 11. Minnesota Statutes 1986, section 518.611, subdivision 1, is amended to read:

Subdivision 1. [ORDER.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, is determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, shall be withheld from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order. Every order for maintenance or support shall include the obligor's social security number and the name and address of the obligor's employer or other payor of funds.

Sec. 12. Minnesota Statutes 1986, section 518.611, subdivision 3, is amended to read:

Subd. 3. [WITHHOLDING HEARING.] Within 45 days from the date of the notice given under subdivision 2, the court shall hold the hearing on the motion under subdivision 2 and notify the parties of its decision. At the hearing to deny withholding, if the court finds that there was no mistake of fact, the court shall order income withholding to begin no later than the first pay period that occurs after 14 days following the date of the hearing. If the court finds that an arrearage of at least 30 days existed as of the date of the notice of income withholding, but finds a mistake in the amount of arrearage, the court shall order income withholding, but it shall correct the amount of arrearage to be withheld under subdivision 2, paragraph (b) (c).

Sec. 13. Minnesota Statutes 1986, section 518.611, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF ORDER.] Notwithstanding any law to the contrary, the order is binding on the employer, trustee, or other payor of the funds when service under subdivision 2 has been made. Withholding must begin no later than the first pay period that occurs after 14 days following the date of the notice. An employer or other payor of funds in this state is required to withhold income according to court orders for withholding issued by other states or territories. The payor shall withhold from the income payable to the obligor the amount specified in the order and amounts required under subdivision 2, paragraph (b) and section 17 and shall remit, within ten days of the date the obligor is paid the remainder of the

income, the amounts withheld to the public authority. Employers may combine all amounts withheld from one pay period into one payment to each public authority, but shall separately identify each obligor making payment. Amounts received by the public authority which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge, or refuse to hire, or otherwise discipline an employee as a result of a wage or salary withholding authorized by this section. The employer or other payor of funds shall be liable to the obligee for any amounts required to be withheld.

Sec. 14. Minnesota Statutes 1986, section 518.611, subdivision 6, is amended to read:

Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment and shall not be subject to the statutory limitations on amounts levied against the income of the obligor. Amounts withheld from an employee's income must not exceed the maximum permitted under the Consumer Credit Protection Act, United States Code, title 15, section 1673(b)(2). If there is more than one withholding order on a single employee, the employer shall put them into effect, giving priority first to amounts currently due and not in arrears and then to other amounts, in the sequence in which the withholding orders were received up to the maximum allowed in the Consumer Credit Protection Act. Notwithstanding any law to the contrary, no funds from income sources included in section 518.54, subdivision 6, whether periodic or lump sum, shall be exempt from attachment or execution upon a judgment for child support arrearages.

Sec. 15. Minnesota Statutes 1986, section 518.611, subdivision 8, is amended to read:

Subd. 8. [EMPLOYER OR PAYOR AND OBLIGOR NOTICE.] When an individual is hired for employment, the employer shall request that the individual disclose whether or not the individual has court-ordered child support obligations that are required by law to be withheld from income and the terms of the court order, if any. The individual shall disclose this information at the time of hiring. When an individual discloses that the individual owes child support that is required to be withheld, the employer shall begin withholding according to the terms of the order and under this section. When a withholding order is in effect and the obligor's employment is terminated or the periodic payment terminates, the obligor and the obligor's employer or the payor of funds shall notify the public agency responsible for child support enforcement of the termination within 30 ten days of the termination date. The notice shall include the obligor's home address and the name and address of the obligor's new employer or payor of funds, if known. Information disclosed



under this section shall not be divulged except to the extent necessary for the administration of the child support enforcement program or when otherwise authorized by law.

Sec. 17. [518.613] [AUTOMATIC WITHHOLDING.]

Notwithstanding any provisions of chapter 518 to the contrary, any county may, by resolution adopted by a majority vote of its county board, require the withholding of child support from an obligor's income pursuant to this section. On and after August 1, 1987, whenever an obligation for support of a dependent child or maintenance is initially determined and ordered or modified by the court in any county which has chosen to comply with this section, the amount of child support or maintenance ordered by the court shall be withheld from the income, regardless of source, of the person obligated to pay the support. For purposes of this section "modified" does not mean a cost-of-living adjustment without any other modification of the support order. Every order for child support shall include the obligor's social security number and the name and address of the obligor's employer or other payor of funds. Upon entry of the order for support or maintenance the court shall mail a copy of the court's order and the provisions of section 518.611 to the obligor's employer or other payor of funds and to the public agency responsible for child support enforcement. An obligee who is not a recipient of public assistance shall apply for the collection services of the public authority when an order for support is entered. The employer or other payor shall withhold and forward the child support or maintenance ordered in the manner and within the time limits provided in section 518.611, subdivisions 4, 6, 7, 8, and 10. Amounts received from employers or other payors pursuant to this section by the public agency responsible for child support enforcement which are in excess of any public assistance received by the obligee shall be remitted to the obligee. A county which chooses to comply with this section may contract for services to carry out the provisions of this section.

Sec. 18. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall substitute in chapter 257 the term "biological" when referring to a parent, mother, or father for the term "natural."

Sec. 19. [REPORT TO LEGISLATURE.]

Counties which choose to be bound by the provisions of section 17 shall report to the chairs of the judiciary committees in the house of representatives and the senate on or before January 2, 1989, their experience in implementing the provisions of section 17 as of that date and shall make recommendations for any changes in the law that may be desirable.

**Sec. 20. [REPEALER.]**

Minnesota Statutes 1986, section 257.34, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to children; regulating paternity determinations; regulating support and maintenance obligations; providing for withholding of support; amending Minnesota Statutes 1986, sections 144.219; 257.34, subdivision 1; 257.57, subdivision 2; 257.60; 257.62, by adding a subdivision; 257.63, subdivision 2; 510.07; 518.171, subdivision 1; 518.24; 518.551, subdivision 1; 518.611, subdivisions 1, 3, 4, 6, and 8; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1986, section 257.34, subdivision 2."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 197, A bill for an act relating to real property; providing for transfer of owner's duplicate certificate of title to owner; amending Minnesota Statutes 1986, section 386.375, subdivisions 2 and 3.

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 199, A bill for an act proposing an amendment to the Minnesota Constitution, article XIV; dedicating motor vehicle excise tax proceeds to highway and transit purposes.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 240, A bill for an act relating to commerce; prohibiting surcharges on credit card sales; prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 255, A bill for an act relating to alcoholic beverages; premises which may be issued on-sale licenses; amending Minnesota Statutes 1986, sections 340A.404, subdivisions 1 and 6; 340A.411, subdivision 1; and 340A.504, subdivision 3.

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

The report was adopted.

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

H. F. No. 280, A bill for an act relating to the city of St. Paul; repealing bonding authority and a sunset provision relating to the port authority; amending Laws 1983, chapter 110, section 4; repealing Minnesota Statutes 1986, section 458.773.

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

The report was adopted.

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

H. F. No. 357, A bill for an act relating to the city of Saint Paul; permitting the city to adopt certain regulations for smoke detection

devices; amending Minnesota Statutes 1986, section 299F.362, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, delete "or similar inspection or" and insert a period

Page 1, delete line 17

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 398, A bill for an act relating to Forestville state park; adding property comprising Mystery Cave to Forestville state park; authorizing acquisition of lands and interests in lands therefor; appropriating money.

Reported the same back with the following amendments:

Page 3, after line 8, insert:

"Sec. 3. [NIAGARA CAVE FEASIBILITY STUDY.]

The legislature recognizes that caves are valuable natural resources to be used for educational purposes, scientific research, and promotion of economic development through tourism. It further recognizes that Niagara Cave of Harmony, Minnesota, the only other commercially operated cave in Minnesota, is a significant natural resource. In order to study, promote, and protect this privately owned resource, avoid unfair competition, and promote the educational and economic well-being of southeast Minnesota, the commissioner must enter into an agreement with the owner-operator of Niagara Cave that includes, but need not be limited to, cooperative fee setting, marketing, and interpretation. In addition, by June 30, 1989, the commissioner must complete a feasibility study to determine the best method of preserving, protecting, maintaining, and providing access to Niagara Cave, including:

(1) the scientific quality of the Niagara Cave resource;

(2) the need for protection of the Niagara Cave resource;

(3) the feasibility and desirability of adding Niagara Cave to the state outdoor recreation system;

(4) alternative public and private ownership options;

(5) the amount and availability of funding necessary to preserve and operate Niagara Cave under public and private ownership options; and

(6) other such related issues as determined necessary by the commissioner.

The feasibility study shall be accomplished using a citizens advisory committee which must include local citizens concerned for the welfare of Niagara Cave."

Renumber the remaining section in sequence

Amend the title as follows:

Page 1, line 5, before the period insert "; directing a feasibility study of the potentials of Niagara Cave"

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 420, A bill for an act relating to utilities; regulating certain intrastate gas pipelines; amending Minnesota Statutes 1986, section 216B.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [216B.045] [REGULATION OF INTRASTATE PIPELINES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "intrastate pipeline" means a pipeline that is located wholly within the state and that transports or delivers natural gas received from another person at a point inside or at the border of the state to a point within the state to another, so long as all of the natural gas is consumed within the state. This section does not apply to a public utility that owns or operates intrastate pipeline facilities. Intrastate

pipeline facilities owned or operated by a public utility must be treated for regulatory purposes as part of the public utility's plant.

Subd. 2. [REASONABLE RATES.] Rates charged by and contracts relating to gas sales and transportation by intrastate pipelines must be just and reasonable. No intrastate pipeline shall provide its services in a manner that unreasonably discriminates among customers receiving like and contemporaneous services.

Subd. 3. [SERVICE.] An intrastate pipeline shall offer transportation services by contract on an open-access, nondiscriminatory basis. To the extent the intrastate pipeline has available capacity, the pipeline must provide both firm and interruptible transportation on behalf of any shipper. If physical facilities are needed to establish service to a customer, the customer may provide those facilities or the pipeline may provide the facilities for a reasonable and compensatory charge.

Subd. 4. [CONTRACTS; COMMISSION APPROVAL.] Contracts establishing the rates for, terms of, and conditions of service and facilities provided by intrastate pipelines must be filed with the commission. The commission is vested with the power to approve the contracts and to regulate the types and quality of services provided by intrastate pipelines. Approval of a contract for an intrastate pipeline to provide service to a public utility does not constitute a determination by the commission that the prices actually paid by the public utility under that contract are reasonable or prudent, nor does approval constitute a determination that purchases of gas made or deliveries of gas taken by the public utility under that contract are reasonable or prudent.

Subd. 5. [COMPLAINT.] (a) A customer of an intrastate pipeline, a person seeking to become a customer of an intrastate pipeline, the department of public service, or the commission on its own motion, may bring a complaint regarding the rates, contracts, terms, conditions, and types of service provided or proposed to be provided by an intrastate pipeline, including a complaint that an intrastate pipeline service that can reasonably be demanded is not offered by the intrastate pipeline.

(b) If a complaint is made that involves the question of whether an intrastate pipeline has capacity available, the commission shall make a determination, after a hearing, of the available capacity but shall not impair the intrastate pipeline's contractual obligations to provide firm transportation service.

(c) If a complaint is made concerning the use of available capacity by one or more new customers of an intrastate pipeline, the commission shall determine, after a hearing, the reasonable use of the available capacity by the new customers.

(d) The commission shall not require an intrastate pipeline to expand its available capacity, but may require the pipeline to maintain a reasonable quality of service. The commission may dismiss a complaint without a hearing if in its opinion a hearing is not in the public interest. Complaints brought under this subdivision are governed by section 216B.17, subdivisions 2 to 7.

Subd. 6. [APPLICABILITY.] This section and sections 216B.10, subdivisions 1 and 4; 216B.12; and 216B.13 apply to intrastate pipelines.

Subd. 7. [NATURAL GAS SUPPLY EMERGENCY.] The commission may declare a natural gas supply emergency if it finds that a severe natural gas shortage, endangering the health or safety of the citizens of the state, exists or is imminent in the state. If the commission declares that a natural gas supply emergency exists, it may by order suspend any sales and transportation contracts of an intrastate pipeline for the duration of the emergency, and may by order direct the intrastate pipeline to furnish the transportation services that are required by the public interest for the duration of the emergency. The intrastate pipeline must be compensated for its services furnished under an emergency order, and the commission shall determine the just and reasonable compensation for the intrastate pipeline's transportation services that are required to be provided during the emergency.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 3 and 4, and insert "gas pipelines; proposing coding for new law in Minnesota Statutes, chapter 216B."

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 18, 23, 27, 52, 94, 119, 134, 147, 151, 197, 240, 255, 280, 357 and 420 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 168 was read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Rest, Seaberg, Vellenga, Wagenius and Kludt introduced:

H. F. No. 577, A bill for an act relating to children; requiring that a notice be placed on a child's birth record when parental rights to the child are terminated; permitting the juvenile court to transfer legal custody of a dependent or neglected child to a relative or foster parent under certain circumstances; providing a procedure for the adoption of a child by a foster parent at the same time that parental rights to the child are voluntarily terminated; requiring custody investigations in family court when a person other than a parent seeks custody of the child; amending Minnesota Statutes 1986, sections 144.219; 259.22, subdivision 2; 259.40, subdivisions 1 and 4; 260.191, subdivisions 1 and 2; 260.241, by adding a subdivision; and 518.167, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144 and 260.

The bill was read for the first time and referred to the Committee on Judiciary.

Beard, Norton, Clausnitzer and O'Connor introduced:

H. F. No. 578, A bill for an act relating to state government; adding certain emergency personnel to the list of people eligible for benefits from the peace officers benefit fund; amending Minnesota Statutes 1986, section 176B.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stanius introduced:

H. F. No. 579, A bill for an act relating to corrections; requiring supervision of inmates by correctional officers of same sex; proposing coding for new law in Minnesota Statutes, chapter 243.

The bill was read for the first time and referred to the Committee on Judiciary.



Greenfield, Bishop, Vellenga, Welle and Kelly introduced:

H. F. No. 580, A bill for an act relating to human rights; changing certain requirements relating to disabled persons; amending Minnesota Statutes 1986, sections 363.02, subdivisions 1 and 5; 363.03, subdivision 1; and 363.116.

The bill was read for the first time and referred to the Committee on Judiciary.

Price and Stanius introduced:

H. F. No. 581, A bill for an act relating to the state building code; dedicating the proceeds of surcharge rebates; amending Minnesota Statutes 1986, section 16B.70, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rest, Pauly, Vellenga, Orenstein and Dempsey introduced:

H. F. No. 582, A bill for an act relating to taxation; income; providing a credit for gifts to certain post-secondary educational institutions; amending Minnesota Statutes 1986, sections 216B.16, subdivision 9; 237.075, subdivision 8; 290.06, by adding a subdivision; 290.089, subdivision 2; 290.09, subdivision 2; and 290.21, subdivision 3.

The bill was read for the first time and referred to the Committee on Higher Education.

Ogren; Schoenfeld; Anderson, G., and DeBlicke introduced:

H. F. No. 583, A bill for an act relating to agriculture; providing funds to be added by private contributions to establish an endowed chair at the University of Minnesota for a sustainable agriculture program; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education.

Olsen, S.; Voss; Poppenhagen and Neuenschwander introduced:

H. F. No. 584, A bill for an act relating to torts; providing a sliding fee scale for contingent legal fees; abolishing punitive damages; eliminating joint liability; abolishing the dram shop law; limiting awards for noneconomic damages; allowing jurors to be informed of

the existence of collateral sources; amending Minnesota Statutes 1986, sections 340A.409, subdivision 1; 471.981, subdivision 1; 548.36, subdivision 5; 549.20, subdivision 1; 549.23; 604.01, subdivision 1; and 604.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 481; repealing Minnesota Statutes 1986, sections 340A.801; 340A.802; 466.15; 549.191; 549.20, subdivisions 2 and 3; and 604.02, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Clark, Sviggum, Vellenga, Greenfield and Segal introduced:

H. F. No. 585, A bill for an act relating to human services; prohibiting the use of faradic shock in certain facilities; including certain aversive and deprivation procedures as abuse; amending Minnesota Statutes 1986, sections 245.825, subdivision 1; 626.556, subdivision 2; and 626.557, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Brown, Kostohryz, Cooper, Sviggum and Redalen introduced:

H. F. No. 586, A bill for an act relating to the Minnesota zoological garden; requiring board appointments to be subject to the advice and consent of the senate; amending Minnesota Statutes 1986, section 85A.01, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau; Johnson, V.; Voss; Sparby and Thiede introduced:

H. F. No. 587, A bill for an act relating to environment; repealing the authority for certain fees charged by the pollution control agency; amending Minnesota Statutes 1986, section 115B.20, subdivision 4; repealing Minnesota Statutes 1986, sections 116.07, subdivision 4d; and 116.12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau; Reding; Johnson, R.; Clark and Knickerbocker introduced:

H. F. No. 588, A bill for an act relating to retirement; Minnesota state retirement system; increasing employee and employer contri-

butions to pay for an improved retirement formula and survivor benefits; amending Minnesota Statutes 1986, sections 352.04, subdivisions 2 and 3; 352.115, subdivision 3; and 352.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ogren, Rukavina, Neuenschwander, Thiede and Carlson, D., introduced:

H. F. No. 589, A bill for an act relating to agriculture; providing for selection, sale, and development of state land to produce wild rice; amending Minnesota Statutes 1986, section 92.501, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 30.

The bill was read for the first time and referred to the Committee on Agriculture.

Rest, Vellenga, Riveness and Marsh introduced:

H. F. No. 590, A bill for an act relating to crimes; sentencing; allowing the extension of a stay of execution in misdemeanor cases involving driving under the influence and fifth degree assault; amending Minnesota Statutes 1986, section 609.135, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Wynia, Riveness, Tompkins, Boo and Pappas introduced:

H. F. No. 591, A bill for an act relating to human services; allowing facilities providing shelter services to women and children to appeal the denial of general assistance payments; amending Minnesota Statutes 1986, section 256.045, subdivisions 3, 4, and 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bauerly, Bertram and McEachern introduced:

H. F. No. 592, A bill for an act relating to education; creating the Minnesota education trust; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Committee on Higher Education.

Jefferson introduced:

H. F. No. 593, A bill for an act relating to crimes; prescribing higher penalties for major theft; providing that orders of restitution may be entered in favor of corporate victims; allowing the court to amend or issue orders of restitution when the defendant is on probation or supervised release; extending the statute of limitations for most crimes to five years; amending Minnesota Statutes 1986, sections 90.301, subdivision 6; 256.98; 256B.35, subdivision 5; 393.07, subdivision 10; 609.52, subdivision 3; 611A.01; 611A.04, subdivision 1; and 628.26.

The bill was read for the first time and referred to the Committee on Judiciary.

Dauner, Greenfield, Vellenga, Ozment and Rodosovich introduced:

H. F. No. 594, A bill for an act relating to human services; allowing the use of certain professional standards for chemical dependency professionals; amending Minnesota Statutes 1986, section 254A.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Ogren, Reding, Battaglia and Begich introduced:

H. F. No. 595, A bill for an act relating to game and fish; discharge of weapons on or over highways; amending Minnesota Statutes 1986, section 97B.055, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly introduced:

H. F. No. 596, A bill for an act relating to jails; providing for the detention and confinement of minors subject to prosecution as adults and minors committed to the custody of the commissioner of corrections; amending Minnesota Statutes 1986, section 641.14.

The bill was read for the first time and referred to the Committee on Judiciary.

Shaver introduced:

H. F. No. 597, A bill for an act relating to highway traffic regulations; requiring mandatory jail sentences and surrender of license plates for persons convicted of aggravated DWI while driving after revocation; requiring successful completion of chemical dependency for repeat DWI offenders; requiring mandatory alcohol problem assessments for persons under the age of 18 convicted of DWI; amending Minnesota Statutes 1986, sections 168.041, subdivisions 1 and 6; 169.121, subdivision 4; 169.126, by adding a subdivision; and 169.129.

The bill was read for the first time and referred to the Committee on Judiciary.

Beard and Price introduced:

H. F. No. 598, A bill for an act relating to highway traffic regulations; prescribing who shall prosecute persons who operate motorboats while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1986, section 361.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich, Rukavina and Battaglia introduced:

H. F. No. 599, A bill for an act relating to insurance; no-fault auto; removing mandatory uninsured and underinsured motorist coverages; clarifying the law regarding these coverages; amending Minnesota Statutes 1986, section 65B.49, subdivision 3a; repealing Laws 1985, First Special Session chapter 13, section 191.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Johnson, A.; Minne; Jefferson; Ogren and McLaughlin introduced:

H. F. No. 600, A bill for an act relating to health insurance; providing for cancellation of coverage under a comprehensive health

insurance plan and refund of a pro-rata share of the premium paid; proposing coding for new law in Minnesota Statutes, chapter 62E.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Solberg, Neuenschwander, Thiede, Ogren and Johnson, R., introduced:

H. F. No. 601, A bill for an act relating to natural resources; providing that money recovered by the state for forest fire fighting expenses be restored to the fund of origination; increasing the amount that may be paid for tips related to forest fire crimes; amending Minnesota Statutes 1986, sections 88.75, subdivision 1; and 88.76.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Tunheim introduced:

H. F. No. 602, A bill for an act relating to health; creating an exception to the nursing home moratorium for a facility operated on the Red Lake Indian Reservation; amending Minnesota Statutes 1986, section 144A.071, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tunheim introduced:

H. F. No. 603, A bill for an act relating to intoxicating liquor; allowing counties to issue seasonal intoxicating liquor licenses subject to certain restrictions; amending Minnesota Statutes 1986, section 340A.404, subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Nelson, K.; Krueger; Bauerly; Olsen, S., and Pelowski introduced:

H. F. No. 604, A bill for an act relating to education; providing a grant program for teacher centers; appropriating money; amending

Minnesota Statutes 1986, section 124A.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 125.

The bill was read for the first time and referred to the Committee on Education.

Jennings introduced:

H. F. No. 605, A bill for an act relating to natural resources; providing for state administration of the federal permit program for discharging dredged and fill material into navigable water; consolidating authority to issue permits for work in public waters; providing procedures and requirements for drainage authorities and watershed districts to obtain required permits for initiating projects; providing penalties for violating permits; amending Minnesota Statutes 1986, sections 105.42, subdivisions 1 and 2, and by adding a subdivision; 106A.245, subdivision 4; 106A.251; 106A.341, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 105; 106A; and 112; repealing Minnesota Statutes 1986, section 105.42, subdivision 1a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Knuth, Munger, Vanasek, Neuenschwander and Rose introduced:

H. F. No. 606, A bill for an act relating to environment; establishing a petroleum tank release cleanup program; authorizing state action to prevent or correct health and environmental damage resulting from releases from petroleum storage tanks; establishing a petroleum tank release cleanup fund; establishing a petroleum tank release compensation board; authorizing reimbursement from the fund; requiring rulemaking; providing for administration by the pollution control agency and the department of commerce; requiring certification of tank installers; appropriating money; amending Minnesota Statutes 1986, sections 116.48, subdivision 4; and 296.13; proposing coding for new law as Minnesota Statutes, chapter 115C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kahn; Skoglund; Nelson, D., and Olsen, S., introduced:

H. F. No. 607, A bill for an act relating to health; requiring the elimination of designated smoking areas in certain instances; protecting complainants of smoke-induced discomfort; amending Min-

nesota Statutes 1986, sections 144.412; and 144.415; 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.

Krueger, Brown, Cooper, Steensma and Kelso introduced:

H. F. No. 608, A bill for an act relating to agriculture; appropriating money for aid to county and district agricultural societies.

The bill was read for the first time and referred to the Committee on Agriculture.

Kelso introduced:

H. F. No. 609, A bill for an act relating to government data practices; giving the department of energy and economic development access to certain employment data; amending Minnesota Statutes 1986, section 268.12, subdivision 12.

The bill was read for the first time and referred to the Committee on Economic Development and Housing.

Wagenius, Voss, Orenstein, Rest and Osthoff introduced:

H. F. No. 610, A bill for an act relating to metropolitan government; regulating conflicts of interest of the metropolitan airports commission; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Metropolitan Affairs.

Voss introduced:

H. F. No. 611, A bill for an act relating to tax compliance; changing sales tax payment return and due dates; providing that date of mailing is date of filing or payment; making administrative changes and technical clarifications and corrections to increase tax compliance and promote efficient administration of tax laws; providing for assessment in case of an erroneous refund; providing for treatment of state tax liens in the same manner of federal liens; clarifying the weight of marijuana and controlled substances that is subject to tax; reducing the tax rate on marijuana and controlled substances; prohibiting resale of marijuana and controlled substances tax stamps; authorizing publication of statistics; changing and imposing



fees and criminal and civil penalties; appropriating money; amending Minnesota Statutes 1986, sections 270.066; 270.10, subdivision 1; 270.72, subdivisions 1 and 2; 270.77; 270A.07, subdivision 1; 272.479; 272.481; 272.482; 272.483; 272.484; 290.53, subdivisions 1, 2, 3a, 4, and by adding subdivisions; 290.56, subdivisions 3 and 4; 290.92, subdivisions 15 and 24; 290A.11, subdivision 2; 291.131, subdivisions 1, 2, 4, and by adding a subdivision; 296.18, subdivision 7; 297A.151; 297A.26, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.39, subdivisions 1, 2, 4, and by adding a subdivision; 297B.10; 297D.02; 297D.07; 297D.08; 297D.09; 297D.10; 297D.12, subdivision 1; 297D.13; 508.25; 508.35; and 508.63; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1986, sections 270.75, subdivision 8; and 297A.26, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

McDonald, Redalen, Steensma, Sparby and Battaglia introduced:

H. F. No. 612, A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McDonald, Redalen, Winter, Sparby and Dempsey introduced:

H. F. No. 613, A bill for an act relating to agriculture; extending certain benefits under the family farm security act; amending Minnesota Statutes 1986, section 41.57, subdivision 4.

The bill was read for the first time and referred to the Committee on Agriculture.

Greenfield, Sarna, Jefferson, Otis and Clark introduced:

H. F. No. 614, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing certain amendments to its articles of incorporation affecting benefits.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss, Neuenschwander and Minne introduced:

H. F. No. 615, A bill for an act relating to taxation; natural resources; imposing mining taxes; imposing a net proceeds tax on certain ores; abolishing royalty taxes and copper-nickel tax; providing for the taxation of taconite railroad property; providing income tax withholding on royalties; providing for administration of the tree growth tax law; amending Minnesota Statutes 1986, sections 16A.26; 121.904, subdivisions 11a and 11b; 124.195, subdivision 2; 124A.035, subdivision 5; 270.33, subdivisions 2, 13, and by adding subdivisions; 270.34; 270.36, subdivisions 1 and 2; 270.80, subdivision 2; 273.12; 275.125, subdivision 9; 287.09; 290.92, subdivisions 6, 7, 9, 11, 12, 13, 14, 18, 24, and 25; 298.01, subdivision 1, and by adding subdivisions; 298.026; 298.027; 298.028, subdivision 1; 298.03, subdivision 1; 298.031, subdivision 2; 298.08; 298.09, subdivision 1; 298.25; and 298.28, subdivisions 4 and 11; proposing coding for new law in Minnesota Statutes, chapters 270; 290; and 298; repealing Minnesota Statutes 1986, sections 270.37; 270.38; 290.082; 294.21; 294.22; 294.23; 294.24; 294.25; 294.26; 298.01, subdivision 1; 298.02; 298.026; 298.027; 298.03; 298.031; 298.04; 298.28, subdivision 14; 298.51; 298.52; 298.53; 298.54; 298.55; 298.61; 298.62; 298.63; 298.64; 298.65; 298.66; 298.67; 299.01; 299.012; 299.013; 299.02; 299.03; 299.04; 299.05; 299.06; 299.07; 299.08; 299.09; 299.10; 299.11; 299.12; 299.13; and 299.14.

The bill was read for the first time and referred to the Committee on Taxes.

Voss, Rest and Long introduced:

H. F. No. 616, A bill for an act relating to state government finance; providing for transfers to the budget and cash flow reserve account; providing for the reduction of allotments in certain instances; imposing the gross premium tax on certain companies; updating certain tax provisions relating to corporations to the federal income tax code; changing and clarifying the allocation and apportionment of income for purposes of the corporate franchise tax; imposing the corporate franchise tax on certain companies; changing the corporate income tax to a franchise tax imposed on net income; making technical corrections and clarifications; amending Minnesota Statutes 1986, sections 16A.15, subdivisions 1 and 6; 16A.1541; 60A.13, subdivision 1a; 60A.15, subdivisions 1, 1a, 1e, and 2a; 60A.199, subdivisions 1, 2, 3, 5, 7, 8, 9, 10, and 11; 60A.209, subdivisions 1 and 3; 60A.24; 62C.11, by adding a subdivision; 62D.08, by adding a subdivision; 62E.035; 67A.11, subdivision 3; 69.011, subdivisions 1 and 2; 69.021, subdivisions 1, 2, and 3; 69.54; 69.55; 79.34, subdivision 1; 273.1314, by adding subdivisions; 290.01, subdivisions 4 and 5, and by adding subdivisions; 290.02; 290.03; 290.05, subdivisions 1, 2, and 3; 290.06, subdivision 1; 290.068, subdivisions 1 and 3; 290.069, subdivisions 2a and 4b;

290.095, subdivisions 1, 2, 3, and 4; 290.12, subdivision 2; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.134, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.138, subdivision 3; 290.14; 290.17, subdivisions 1, 2, and by adding a subdivision; 290.171; 290.18, subdivision 1; 290.20, subdivision 1, and by adding a subdivision; 290.21, subdivisions 4 and 6; 290.34, subdivision 2; 290.35; 290.36; 290.37, subdivision 1; 290.41, subdivisions 2 and 3; 290.42; 290.50, subdivision 1; 290.934, subdivision 2; and 299F.21, subdivisions 1, 2, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 60A and 290; repealing Minnesota Statutes 1986, sections 60A.15, subdivision 2; 61A.49; 64B.24; 69.021, subdivision 3a; 290.068, subdivisions 2, 5, and 6; 290.069, subdivisions 1, 2, 3, 5, 6, and 7; 290.07, subdivision 5; 290.071; 290.073; 290.075; 290.09; 290.095, subdivisions 8 and 10; 290.10; 290.13; 290.16; 290.17, subdivision 1a; 290.19; 290.21, subdivisions 3, 5, 6, and 8; 290.26, subdivision 2; 290.361; and Laws 1986, First Special Session chapter 1, article 5, section 8.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, Stanius, Skoglund and Bertram introduced:

H. F. No. 617, A bill for an act relating to insurance; requiring coverage of dentist and podiatrist services by health maintenance organizations under certain circumstances; amending Minnesota Statutes 1986, section 62A.043.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Simoneau; Vellenga; Carlson, L.; Rukavina and Burger introduced:

H. F. No. 618, A bill for an act relating to occupations and professions; prohibiting optometrists from prescribing certain drugs without certification by the board of optometry; providing the requirements for certification; providing definitions; amending Minnesota Statutes 1986, sections 148.571, subdivisions 1 and 2; 148.572; 148.573; 148.574; 151.01, subdivision 23; 152.11, subdivision 2; and 152.12, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, D., and Ogren introduced:

H. F. No. 619, A bill for an act relating to local government; permitting the establishment of a fire protection district for the city of Moose Lake and surrounding territory.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Carlson, D., and Ogren introduced:

H. F. No. 620, A bill for an act relating to education; changing the isolated school aid formula; amending Minnesota Statutes 1986, section 124A.21.

The bill was read for the first time and referred to the Committee on Education.

Carlson, D., introduced:

H. F. No. 621, A bill for an act relating to motor vehicles; allowing applications for tax-exempt license plates to be made in a county adjacent to the county of domicile; amending Minnesota Statutes 1986, section 168.012, subdivision 1c.

The bill was read for the first time and referred to the Committee on Transportation.

Nelson, K., and Dempsey introduced:

H. F. No. 622, A bill for an act relating to taxation; property; increasing the market value of commercial industrial property qualifying for a reduced assessment ratio; amending Minnesota Statutes 1986, section 273.13, subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Stanius, Bennett and Valento introduced:

H. F. No. 623, A bill for an act relating to unemployment compensation; regulating the receipt of benefits; providing that wages for volunteer firefighter services not be deducted for benefit

calculation purposes; amending Minnesota Statutes 1986, section 268.07, subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kludt, Welle, Carruthers, Bishop and Dempsey introduced:

H. F. No. 624, A bill for an act relating to conciliation courts; providing for entry of judgment; providing for vacation of default judgment in certain circumstances; providing for time limitation and service by mail on removal to county court; allowing a party to proceed without payment of a filing fee; amending Minnesota Statutes 1986, section 487.30, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Judiciary.

McEachern; Vellenga; Nelson, K.; Bauerly and Kostohryz introduced:

H. F. No. 625, A bill for an act relating to education; providing for area learning centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

The bill was read for the first time and referred to the Committee on Education.

Nelson, D.; Anderson, G.; Brown; Redalen and Schoenfeld introduced:

H. F. No. 626, A bill for an act relating to natural resources; establishing a program for the management and enhancement of native prairie land; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Krueger, Bertram and Nelson, C., introduced:

H. F. No. 627, A bill for an act relating to motor vehicles; establishing system of lifetime motor vehicle license plates; refunding certain license plate fees; providing that personalized license plates be reissued to previous holders under certain circumstances;

appropriating money; amending Minnesota Statutes 1986, section 168.12, subdivisions 1 and 5.

The bill was read for the first time and referred to the Committee on Transportation.

Wynia; Otis; Clark; Anderson, R., and Greenfield introduced:

H. F. No. 628, A bill for an act relating to human services; allowing residents of certain facilities to save up to \$1,000 of earned income; amending Minnesota Statutes 1986, section 256D.06, subdivision 1b.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Reding, Lasley, Segal, Kalis and Valento introduced:

H. F. No. 629, A bill for an act relating to traffic regulations; providing for handicapped license plate and handicapped parking certificate conferring certain parking privileges; establishing designated handicapped parking spaces; providing penalties; amending Minnesota Statutes 1986, sections 168.021, subdivisions 1, 1a, 3, and 5; 169.345; and 169.346, subdivisions 1 and 3; repealing Minnesota Statutes 1986, section 168.021, subdivision 7.

The bill was read for the first time and referred to the Committee on Transportation.

Welle, Greenfield, Wynia, Clausnitzer and Dorn introduced:

H. F. No. 630, A bill for an act relating to health; allowing health maintenance organizations to adjust premiums paid based on actual health services utilization; amending Minnesota Statutes 1986, section 62D.04, subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Onnen introduced:

H. F. No. 631, A bill for an act relating to human services; requiring commissioner of human services to request federal waiver

in program of aid to families with dependent children; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Kinkel; Otis; Johnson, R.; Omann and Tjornhom introduced:

H. F. No. 632, A bill for an act relating to education; allowing the student council member of the higher education coordinating board to vote; amending Minnesota Statutes 1986, section 136A.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Higher Education.

Kostohryz, Redalen, Vanasek, Norton and Knickerbocker introduced:

H. F. No. 633, A bill for an act relating to lotteries; establishing a state lottery board; prescribing its powers and duties; authorizing the operation of a state lottery by an independent contractor; appropriating money; providing penalties; amending Minnesota Statutes 1986, sections 290.09, by adding a subdivision; and 609.761; proposing coding for new law as Minnesota Statutes, chapter 349A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Stanius introduced:

H. F. No. 634, A bill for an act relating to education; changing the second tier foundation aid by removing the reduction for excess fund balances; repealing Minnesota Statutes 1986, sections 124A.08, subdivision 5; and 124A.16, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Dauner; Kludt; McEachern; Nelson, K., and Anderson, R., introduced:

H. F. No. 635, A bill for an act relating to education; authorizing school districts to form education districts; providing for increased

interdistrict cooperation aid and levy for districts in education districts; authorizing intermediate districts to use current levies for education district purposes; appropriating money; amending Minnesota Statutes 1986, sections 124.272, subdivisions 1, 2, 3, 4, 6, 7, and by adding a subdivision; 136D.27; 136D.74, subdivision 2; 136D.87; and 275.125, subdivision 8a; proposing coding for new law in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Education.

Stanius; Carlson, D., and Gruenes introduced:

H. F. No. 636, A bill for an act relating to game and fish; removing the limitation on the height of deer stands; repealing Minnesota Statutes 1986, section 97B.325.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanius introduced:

H. F. No. 637, A bill for an act relating to education; altering the responsibility for textbook and material costs under the post-secondary enrollment options act; amending Minnesota Statutes 1986, section 123.3514, subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Minne, Osthoff and Scheid introduced:

H. F. No. 638, A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; requiring parties to have different colored ballot book pages; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; 206.80; and 206.84, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.



Forsythe; Gruenes; Stanius; Anderson, R., and Tompkins introduced:

H. F. No. 639, A bill for an act relating to human services; requiring AFDC recipients to complete high school; increasing the county share of child support collections made on behalf of AFDC recipients; increasing the medical assistance income limit for families with children; appropriating money; amending Minnesota Statutes 1986, sections 256.736, by adding a subdivision; 256.863; and 256B.06, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, L.; Price; Dorn; Haukoos and Rose introduced:

H. F. No. 640, A bill for an act relating to education; expanding the higher education coordinating board's career guidance program; changing membership on the career guidance advisory task force; appropriating money; amending Minnesota Statutes 1986, sections 136A.85; 136A.86, subdivision 1; and 136A.87.

The bill was read for the first time and referred to the Committee on Higher Education.

Solberg, Kinkel, Price and Osthoff introduced:

H. F. No. 641, A bill for an act relating to elections; providing for school district elections to be held at the same time as municipal elections; providing for municipal clerks to administer school district elections; providing for school district elections to be conducted according to the Minnesota election law changing terms of certain school board members; amending Minnesota Statutes 1986, sections 6.54; 122.22, subdivisions 2 and 4; 122.23, subdivisions 2, 9, and 10; 122.25, subdivisions 1 and 2; 123.11, subdivision 7; 123.32, subdivisions 9 and 23; 123.33, subdivision 4; 123.351, subdivisions 1 and 3; 123.51; 127.09; 127.11; 128.01; 200.015; 200.02, by adding a subdivision; 201.018, subdivision 2; 201.071, subdivision 1, and by adding a subdivision; 203B.05, subdivision 2; 203B.06, subdivision 3; 204B.02; 204B.14, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.35, subdivision 1; 204B.40; 204C.02; 204C.19, subdivision 2; 204C.25; 204C.27; 204C.28, by adding a subdivision; 204C.36; 206.58, subdivision 2; 209.02; 209.021, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 206 and 210A; proposing coding for new law as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1986, sections

123.015; 123.11, subdivisions 2, 3, and 4; 123.32, subdivisions 1, 1a, 2, 3, 4, 5, 6, 7, 8, 8a, 11, 22, 24, 25, 26, 27, and 28; and 201.095.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Greenfield, Kelso, Dauner, Gruenes and Ozment introduced:

H. F. No. 642, A bill for an act relating to human services; eliminating supportive living residences as residential care facilities for persons with mental illness; providing for the establishment of a third level of care for persons with mental illness; directing the commissioner of human services to review and alter rules relating to residential care facilities for persons with mental illness; amending Minnesota Statutes 1986, sections 245.782, subdivisions 2 and 6; and 245.802, by adding a subdivision; repealing Minnesota Statutes 1986, section 245.802, subdivision 1a.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Vellenga, Wagenius, Skoglund, McLaughlin and Blatz introduced:

H. F. No. 643, A bill for an act relating to domestic abuse; prohibiting modification or vacation of certain orders for protection in a marriage dissolution proceeding; providing that certain actions are not violations of an order for protection; requiring written notice to respondents of penalties for violation of an order; requiring notice to peace officers; amending Minnesota Statutes 1986, sections 518.131, subdivision 2; and 518B.01, subdivisions 4, 6, 14, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Krueger, Osthoff, Bauerly, Brown and Kinkel introduced:

H. F. No. 644, A bill for an act relating to transportation; railroads; requiring occupied caboose car on certain trains; requiring caboose car to be equipped with shortwave radio; imposing a penalty; amending Minnesota Statutes 1986, section 219.56; proposing coding for new law in Minnesota Statutes, chapter 219.

The bill was read for the first time and referred to the Committee on Transportation.

Schoenfeld introduced:

H. F. No. 645, A bill for an act relating to education; eliminating the physical education requirement for teacher education programs; amending Minnesota Statutes 1986, section 126.02, subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Simoneau introduced:

H. F. No. 646, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; eliminating references to "legislative days" and the restriction on the length of legislative sessions to 120 legislative days.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Riveness, Stanius, Ozment and Dauner introduced:

H. F. No. 647, A bill for an act relating to human services; providing for the establishment of a mental illness information management system; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Nelson, K.; Otis; McEachern; Vellenga and Olsen, S., introduced:

H. F. No. 648, A bill for an act relating to education; proposing an excellence through opportunities and incentives program; providing school site opportunities; establishing a voluntary K-12 pilot choice program; expanding interdistrict cooperation aid; providing professional development funding through tier 3 of the foundation formula; establishing grants for teacher professional development centers; creating a teacher mentoring task force; developing a process for identifying a state core curriculum; providing for a comprehensive sampling program; establishing opportunities for learners at risk; authorizing state management assistance; providing for uses for new technology; appropriating money; amending Minnesota Statutes 1986, sections 121.609, subdivision 5; 121.918; 123.39, by adding a subdivision; 124.272; 124A.036, by adding a subdivision; 275.125, by adding subdivisions; proposing coding for

new law in Minnesota Statutes, chapters 123; 124; 126; and 129B; repealing Minnesota Statutes 1986, sections 129B.35 and 129B.37.

The bill was read for the first time and referred to the Committee on Education.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 66, A resolution memorializing the Congress of the United States to enact an extension of the federal highway program at the earliest possible date.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 137, 155, 161 and 211.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 38, 59 and 123.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 137, A bill for an act relating to agriculture; clarifying the exceptions to prohibition against manufacture of food from adulterated milk or cream; amending Minnesota Statutes 1986, section 32.21, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 155, A resolution memorializing that the governments of the United States and the Socialist Republic of Vietnam take all possible action to determine the fate of persons missing in action and/or held as prisoners of war in Asian nations.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

S. F. No. 161, A bill for an act relating to veterans; requiring the commissioner to establish a certification process for veterans service officers; amending Minnesota Statutes 1986, section 197.605, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

S. F. No. 211, A bill for an act relating to alcoholic beverages; premises which may be issued on-sale licenses; amending Minnesota Statutes 1986, sections 340A.404, subdivisions 1 and 6; 340A.411, subdivision 1; and 340A.504, subdivision 3.

The bill was read for the first time.

Jacobs moved that S. F. No. 211 and H. F. No. 255, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 38, A bill for an act relating to alcoholic beverages; permitting certain transactions by brewers and wholesalers; authorizing cities to issue temporary off-sale licenses for the sale of vintage wine at auctions; amending Minnesota Statutes 1986, sections 340A.308; and 340A.405, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

S. F. No. 59, A bill for an act relating to highway traffic regulations; prescribing who shall prosecute persons who operate motorboats while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1986, section 361.12, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 123, A bill for an act relating to local government; broadening the joint self-insurance pool regulation exemption; amending Minnesota Statutes 1986, section 471.982, subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

### CONSENT CALENDAR

H. F. No. 81 was reported to the House.

McEachern moved to amend H. F. No. 81, as follows:

Page 1, line 10, after "sidewalks," insert "trees,"

The motion prevailed and the amendment was adopted.

H. F. No. 81, A bill for an act relating to local government; providing for the use of certain city reserve funds; amending Minnesota Statutes 1986, section 471.572, subdivision 3.

The bill was read for the third time, as amended, 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.	Gruenes	Marsh	Pappas	Solberg
Anderson, R.	Gutknecht	McDonald	Pauly	Sparby
Battaglia	Heap	McEachern	Pelowski	Stanius
Bauerly	Hugoson	McKasy	Peterson	Steensma
Beard	Jacobs	McLaughlin	Poppenhagen	Sviggum
Bennett	Jaros	McPherson	Price	Swenson
Bertram	Jennings	Milbert	Quinn	Thiede
Blatz	Jensen	Miller	Quist	Tjornhom
Brown	Johnson, A.	Minne	Redalen	Tompkins
Burger	Johnson, R.	Morrison	Reding	Trimble
Carlson, L.	Johnson, V.	Munger	Rest	Tunheim
Carruthers	Kahn	Nelson, C.	Rice	Uphus
Clark	Kalis	Nelson, D.	Richter	Valento
Clausnitzer	Kelly	Neuenschwander	Riveness	Vellenga
Cooper	Kelso	O'Connor	Rodosovich	Voss
Dauner	Kinkel	Ogren	Rukavina	Wagenius
DeBlick	Kludt	Olsen, S.	Sarna	Waltman
Dempsey	Knickerbocker	Olson, K.	Schafer	Welle
Dille	Knuth	Omann	Scheid	Wenzel
Dorn	Kostohryz	Onnen	Schoenfeld	Winter
Forsythe	Larsen	Orenstein	Seaberg	Wynia
Frederick	Lasley	Osthoff	Shaver	Spk. Norton
Frerichs	Lieder	Otis	Simoneau	
Greenfield	Long	Ozment	Skoglund	

The bill was passed, as amended, and its title agreed to.

## CALENDAR

Otis moved that the bill on the Calendar for today be continued one day. The motion prevailed.

## GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Norton in the Chair for consideration of bills pending on General Orders of the day. 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. 135 and 289 were recommended for progress.

On the motion of Otis the report of the Committee of the Whole was adopted.

## MOTIONS AND RESOLUTIONS

Lieder moved that the names of Waltman, Kalis and Seaberg be added as authors on H. F. No. 323. The motion prevailed.

Lasley moved that the name of Sarna be stricken and the name of Jefferson be added as an author on H. F. No. 333. The motion prevailed.

Lieder moved that the names of Wenzel and Tunheim be added as authors on H. F. No. 436. The motion prevailed.

Vellenga moved that the name of Tjornhom be added as an author on H. F. No. 539. The motion prevailed.

Pappas moved that the name of Trimble be added as an author on H. F. No. 571. The motion prevailed.

McPherson introduced:

House Resolution No. 22, A House resolution congratulating the boys and girls cross country teams from Stillwater High School for winning the 1987 State High School Boys and Girls Cross Country Skiing Championships.

The resolution was referred to the Committee on Rules and Legislative Administration.

McPherson introduced:

House Resolution No. 23, A House resolution honoring Raoul Robledo on his retirement as Mayor of Bayport, Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

Hartle introduced:

House Resolution No. 24, A House resolution extending congratulations to Kristin Flannery for being selected Minnesota's Junior Miss in 1987.

The resolution was referred to the Committee on Rules and Legislative Administration.

Solberg introduced:

House Resolution No. 25, A House resolution congratulating the Greenway Danceline Team for winning third place in the 1987 State High School Class B Danceline Competition.

The resolution was referred to the Committee on Rules and Legislative Administration.

Solberg introduced:

House Resolution No. 26, A House resolution congratulating the boys baseball team from Greenway High School for winning the 1986 Class A State High School Baseball Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.



Solberg introduced:

House Resolution No. 27, A House resolution congratulating the girls volleyball team from Greenway High School for winning the 1985-1986 Class A State High School Volleyball Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Otis moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 2, 1987. The motion prevailed.

Otis moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 2, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

