

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION - 1987

## FORTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 8, 1987

The House of Representatives convened at 11:00 a.m. and was called to order by Fred C. Norton, Speaker of the House.

Prayer was offered by Father Richard Wey, Pastor of Our Lady of the Lake Church, Big Lake, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Blatz and Rodosovich were excused until 11:30 a.m. Heap, Schreiber and Voss were excused until 1:00 p.m. Himle was excused until 2:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Larsen 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. 866, 995, 1181, 601, 834, 91, 163, 663, 915, 916, 1030, 1450, 350 and 1496 and S. F. Nos. 703, 153, 1232, 641, 776, 90, 1099, 121 and 1261 have been placed in the members' files.

S. F. No. 153 and H. F. No. 65, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Lasley moved that the rules be so far suspended that S. F. No. 153 be substituted for H. F. No. 65 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 641 and H. F. No. 774, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Murphy moved that the rules be so far suspended that S. F. No. 641 be substituted for H. F. No. 774 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1232 and H. F. No. 1343, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Jaros moved that the rules be so far suspended that S. F. No. 1232 be substituted for H. F. No. 1343 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1099 and H. F. No. 1181, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Solberg moved that S. F. No. 1099 be substituted for H. F. No. 1181 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 853 and H. F. No. 866, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Skoglund moved that the rules be so far suspended that S. F. No. 853 be substituted for H. F. No. 866 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 90 and H. F. No. 91, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Knuth moved that the rules be so far suspended that S. F. No. 90 be substituted for H. F. No. 91 and that the House File be indefinitely postponed. The motion prevailed.

### REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 177, A bill for an act relating to human services; reducing state aid for general assistance to counties that fail to provide literacy training; requiring certain recipients of general assistance to attend adult literacy training; setting forth requirements for literacy training programs; appropriating money; amending Minnesota Statutes 1986, sections 256D.03, subdivision 2; 256D.05, subdivision 1; and 256D.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256D.

Reported the same back with the following amendments:

Page 5, line 26, after "another" insert "accessible"

Page 6, line 29, delete "child care and"

Page 6, line 30, after the period insert "Counties must make every effort to ensure that child care is available as needed by recipients who are pursuing literacy training. A recipient who is unable to obtain affordable child care is not required to participate in literacy training."

Counties must identify literacy programs and services available through educational institutions and are required to provide additional services within the limits of available appropriations.

Page 7, line 19, delete "\$....." and insert "\$250,000 in fiscal year 1988 and \$175,000 in fiscal year 1989"

Page 7, line 20, delete "state aid under section 1" and insert "services under section 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 290, A bill for an act relating to human services; establishing a board of social work examiners; licensing and regulating social workers; providing penalties; appropriating money; amending Minnesota Statutes 1986, section 214.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE 1

### OFFICE OF SOCIAL WORK AND MENTAL HEALTH BOARDS

#### Section 1. [148B.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of this chapter, the following terms have the meanings given.

Subd. 2. [OFFICE.] "Office" means the office of social work and mental health boards established in section 2.

Subd. 3. [BOARD OF SOCIAL WORK.] "Board of social work" means the board of social work established in article 2, section 2.

Subd. 4. [BOARD OF MARRIAGE AND FAMILY THERAPY.] "Board of marriage and family therapy" means the board of marriage and family therapy established in article 3, section 2.

Subd. 5. [BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS.] “Board of unlicensed mental health service providers” means the board of unlicensed mental health service providers established in article 4, section 2.

Subd. 6. [SOCIAL WORK AND MENTAL HEALTH BOARDS.] “Social work and mental health boards” or “boards” means the board of social work, the board of marriage and family therapy, and the board of unlicensed mental health service providers.

Subd. 7. [REGULATED INDIVIDUAL.] “Regulated individual” means a person licensed by the board of social work or the board of marriage and family therapy, or required to file with the board of unlicensed mental health service providers.

Sec. 2. [148B.02] [OFFICE OF SOCIAL WORK AND MENTAL HEALTH BOARDS.]

Subdivision 1. [CREATION.] The office of social work and mental health boards is established to coordinate the administrative and staff functions of the boards of social work, marriage and family therapy, and unlicensed mental health service providers, and to collect and publish information as provided in this chapter. The office of social work and mental health boards consists of an executive secretary and other staff as provided in section 214.04.

Subd. 2. [REPORTS.] The office shall compile the report required by section 214.07 on behalf of the boards. The office shall present the information according to the category of educational credential held by the regulated individual, if any. Notwithstanding section 214.07, the office shall provide an interim report including this information to the commissioner of health on or before July 1, 1990.

Sec. 3. [148B.03] [APPLICABILITY.]

Sections 4 to 17 apply to all of the social work and mental health boards and the regulated individuals within their respective jurisdictions, unless superseded by an inconsistent law that relates specifically to a particular board.

Sec. 4. [148B.04] [DISCLOSURE.]

Subdivision 1. [CLASSIFICATION OF DATA.] Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to a board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except a final decision of the board, are confidential and privileged and any disciplinary hearing must be closed to the public.

Subd. 2. [CONTESTED CASE PROCEEDINGS.] Upon application of a party in a contested case proceeding before a board, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with rule 34, Minnesota rules of civil procedure.

Subd. 3. [INFORMATION ON ADVERSE ACTIONS.] If a board imposes disciplinary measures or takes adverse action of any kind, the name and business address of the regulated individual, the nature of the misconduct, and the action taken by the board are public data.

Subd. 4. [EXCHANGE OF INFORMATION.] The boards shall exchange information with other boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d), and may release information in the reports required under section 2.

Sec. 5. [148B.05] [RIGHT TO PRACTICE.]

Subdivision 1. [ADVERSE ACTION BY A BOARD.] A suspension, revocation, condition, limitation, qualification, or restriction of a regulated individual's license, filing, or right to practice is in effect pending determination of an appeal unless the court, upon petition and for good cause shown, orders otherwise. The right to provide services is automatically suspended if (1) a guardian of the person of a regulated individual is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the individual, or (2) the individual is committed by order of a probate court pursuant to chapter 253B or sections 526.09 to 526.11. The right to provide services remains suspended until the individual is restored to capacity by a court and, upon petition by the individual, the suspension is terminated by the board after a hearing. In its discretion, a board may restore and reissue permission to provide services, but as a condition thereof may impose any disciplinary or corrective measure that it might originally have imposed.

Subd. 2. [TEMPORARY SUSPENSION OF RIGHT OF PRACTICE.] In addition to any other remedy provided by law, a board may, without a hearing, temporarily suspend the right of a regulated individual to provide services if the board finds that the regulated individual has violated a statute or rule that the board is empowered to enforce and continued practice would create a serious risk of harm to the public. The suspension is effective upon written notice to the individual specifying the statute or rule violated and remains in effect until the board issues a final order in the matter after a hearing. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held pursuant to the administrative procedure act. The individual must be provided with at least

20 days' notice of any hearing held pursuant to this subdivision. The hearing must be scheduled to begin no later than 30 days after the suspension order is issued.

Sec. 6. [148B.06] [TAX CLEARANCE CERTIFICATE.]

Subdivision 1. [CERTIFICATE REQUIRED.] A board may not issue or renew a filing if the commissioner of revenue notifies the board and the regulated individual or applicant for a license or filing that the individual or applicant owes the state delinquent taxes in the amount of \$500 or more. A board may issue or renew a license or filing only if the commissioner of revenue issues a tax clearance certificate and the commissioner of revenue or the individual or applicant forwards a copy of the clearance to the board. The commissioner of revenue may issue a clearance certificate only if the individual or applicant does not owe the state any uncontested delinquent taxes. For purposes of this section, "taxes" means all taxes payable to the commissioner of revenue, including penalties and interest due on those taxes. "Delinquent taxes" do not include a tax liability if (i) an administrative or court action that contests the amount or validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expired, or (iii) the regulated individual or applicant has entered into a payment agreement to pay the liability and is current with the payments.

Subd. 2. [HEARING.] In lieu of the notice and hearing requirements of section 16, when a regulated individual or applicant is required to obtain a clearance certificate under this subdivision, a contested case hearing must be held if the individual or applicant requests a hearing in writing to the commissioner of revenue within 30 days of the date of the notice required in subdivision 1. The hearing must be held within 45 days of the date the commissioner of revenue refers the case to the office of administrative hearings. Notwithstanding any other law, the individual or applicant must be served with 20 days' notice in writing specifying the time and place of the hearing and the allegations against the regulated individual or applicant. The notice may be served personally or by mail.

Subd. 3. [INFORMATION REQUIRED.] The boards shall require all regulated individuals or applicants to provide their social security number and Minnesota business identification number on all license or filing applications. Upon request of the commissioner of revenue, the board must provide to the commissioner of revenue a list of all regulated individuals and applicants, including the name and address, social security number, and business identification number. The commissioner of revenue may request a list of the individuals and applicants no more than once each calendar year. Notwithstanding sections 290.61 and 297A.43, the commissioner of revenue may release information necessary to accomplish the purpose of this subdivision.

## Sec. 7. [148B.07] [REPORTING OBLIGATIONS.]

Subdivision 1. [PERMISSION TO REPORT.] A person who has knowledge of any conduct constituting grounds for discipline or adverse action relating to licensure or filing under this chapter may report the violation to the appropriate board.

Subd. 2. [INSTITUTIONS.] A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the appropriate board any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition a regulated individual's privilege to practice or treat patients or clients in the institution, or as part of the organization, any denial of privileges, or any other adverse action or disciplinary action for conduct that might constitute grounds for adverse action or disciplinary action by a board under this chapter. The institution or organization shall also report the resignation of any regulated individuals prior to the conclusion of any disciplinary or adverse action proceeding for conduct that might constitute grounds for disciplinary or adverse action under this chapter, or prior to the commencement of formal charges but after the individual had knowledge that formal charges were contemplated or in preparation.

Subd. 3. [PROFESSIONAL SOCIETIES.] A state or local professional society for regulated individuals shall report to the appropriate board any termination, revocation, or suspension of membership or any other disciplinary or adverse action taken against a regulated individual. If the society has received a complaint that might be grounds for discipline under this chapter against a member on which it has not taken any disciplinary or adverse action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the appropriate board.

Subd. 4. [REGULATED INDIVIDUALS AND LICENSED PROFESSIONALS.] A regulated individual or a licensed health professional shall report to the appropriate board personal knowledge of any conduct that the regulated individual or licensed health professional reasonably believes constitutes grounds for disciplinary or adverse action under this chapter by any regulated individual, including conduct indicating that the individual may be medically incompetent, or may be medically or physically unable to engage safely in the provision of services. If the information was obtained in the course of a client relationship, the client is another regulated individual, and the treating individual successfully counsels the other individual to limit or withdraw from practice to the extent required by the impairment, the board may deem this limitation of or withdrawal from practice to be sufficient disciplinary action.



Subd. 5. [INSURERS.] Four times each year as prescribed by a board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to regulated individuals, or the medical joint underwriting association under chapter 62F, shall submit to the appropriate board a report concerning the regulated individuals against whom malpractice settlements or awards have been made to the plaintiff. The report must contain at least the following information:

(1) the total number of malpractice settlements or awards made to the plaintiff;

(2) the date the malpractice settlements or awards to the plaintiff were made;

(3) the allegations contained in the claim or complaint leading to the settlements or awards made to the plaintiff;

(4) the dollar amount of each malpractice settlement or award;

(5) the regular address of the practice of the regulated individual against whom an award was made or with whom a settlement was made; and

(6) the name of the regulated individual against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, report to the board any information it possesses that tends to substantiate a charge that a regulated individual may have engaged in conduct violating this chapter.

Subd. 6. [COURTS.] The court administrator of district court or any other court of competent jurisdiction shall report to the board any judgment or other determination of the court that adjudges or includes a finding that a regulated individual is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled substances act, or guilty of an abuse or fraud under Medicare or Medicaid; or that appoints a guardian of the regulated individual pursuant to sections 525.54 to 525.61 or commits a regulated individual pursuant to chapter 253B or sections 526.09 to 526.11.

Subd. 7. [SELF-REPORTING.] A regulated individual shall report to the appropriate board any personal action that would require that a report be filed with the board by any person, health care facility, business, or organization pursuant to subdivisions 2 to 6.

Subd. 8. [DEADLINES; FORMS.] Reports required by subdivisions 2 to 7 must be submitted not later than 30 days after the occurrence of the reportable event or transaction. The boards may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

Subd. 9. [SUBPOENAS.] The boards may issue subpoenas for the production of any reports required by subdivisions 2 to 7 or any related documents.

Sec. 8. [148B.08] [IMMUNITY.]

Subdivision 1. [REPORTING.] Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to a board under section 7 or for otherwise reporting to the board violations or alleged violations of this chapter. All the reports are confidential and absolutely privileged communications.

Subd. 2. [INVESTIGATION.] Members of the boards of social work, marriage and family therapy, and unlicensed mental health professionals, and persons employed by the office or engaged in the investigation of violations and in the preparation and management of charges of violations of this chapter on behalf of the office or boards, are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

Sec. 9. [148B.09] [PROFESSIONAL COOPERATION.]

A regulated individual who is the subject of an investigation by or on behalf of a board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation and providing copies of client records, as reasonably requested by the board, to assist the board in its investigation. The board shall pay for copies requested. If the board does not have a written consent from a client permitting access to the client's records, the regulated individual shall delete any data in the record that identifies the client before providing it to the board. The board shall maintain any records obtained pursuant to this section as investigative data pursuant to chapter 13.

Sec. 10. [148B.10] [DISCIPLINARY RECORD ON JUDICIAL REVIEW.]

Upon judicial review of any board disciplinary or adverse action taken under this chapter, the reviewing court shall seal the administrative record, except for the board's final decision, and shall not make the administrative record available to the public.

## Sec. 11. [148B.11] [PROFESSIONAL ACCOUNTABILITY.]

Subdivision 1. [INVESTIGATION.] Each board shall maintain and keep current a file containing the reports and complaints filed against regulated individuals within the board's jurisdiction. Each complaint filed with a board pursuant to section 214.10, subdivision 1, must be investigated according to section 214.10, subdivision 2. If the files maintained by a board show that a malpractice settlement or award to the plaintiff has been made against a regulated individual as reported by insurers under section 7, the executive director of the board shall notify the board and the board may authorize a review of the provider's practice.

Subd. 2. [ATTORNEY GENERAL INVESTIGATES.] When a board initiates a review of a regulated individual's practice it shall notify the attorney general who shall investigate the matter in the same manner as provided in section 214.10. If an investigation is to be made, the attorney general shall notify the regulated individual, and, if the incident being investigated occurred there, the administrator and chief of staff, at the health care facilities or clinics in which the professional serves, if applicable.

Subd. 3. [ACCESS TO RECORDS.] The board shall be allowed access to records of a client treated by the regulated individual under review if the client signs a written consent permitting access. If no consent form has been signed, the hospital, clinic, or regulated individual shall first delete data in the record that identifies the client before providing it to the board.

## Sec. 12. [148B.12] [MALPRACTICE HISTORY.]

Subdivision 1. [SUBMISSION.] Regulated individuals who have previously practiced in another state shall submit with their filing or application the following information:

(1) number, date, and disposition of any malpractice settlement or award made to the plaintiff or other claimant relating to the quality of services provided by the regulated individual; and

(2) number, date, and disposition of any civil litigations or arbitrations relating to the quality of services provided by the regulated individual in which the party complaining against the individual prevailed or otherwise received a favorable decision or order.

Subd. 2. [BOARD ACTION.] The board shall give due consideration to the information submitted under this section. A regulated individual who willfully submits incorrect information is subject to disciplinary action under this chapter.

Sec. 13. [148B.13] [PUBLICATION OF DISCIPLINARY ACTIONS.]

At least annually, each board shall publish and release to the public a description of all disciplinary measures or adverse actions taken by the board. The publication must include, for each disciplinary measure or adverse action taken, the name and business address of the regulated individual, the nature of the misconduct, and the measure or action taken by the board.

Sec. 14. [148B.14] [EVIDENCE OF PAST SEXUAL CONDUCT.]

In a proceeding for the suspension or revocation of the right to practice or other disciplinary or adverse action involving sexual contact with a client or former client, the board or administrative law judge shall not consider evidence of the client's previous sexual conduct nor shall any reference to this conduct be made during the proceedings or in the findings, except by motion of the complainant, unless the evidence would be admissible under the applicable provisions of section 609.347, subdivision 3.

Sec. 15. [148B.15] [DISPUTE RESOLUTION.]

Subdivision 1. [ARBITRATION.] Each board shall encourage regulated individuals to submit all fee disputes to binding arbitration.

Subd. 2. [MEDIATION.] Each board shall encourage regulated individuals to submit all disputes that are not related to violations of a code of professional conduct to voluntary mediation.

Sec. 16. [148B.16] [CONTESTED CASES.]

Chapters 14 and 214 apply to any disciplinary proceeding or adverse action relating to filing taken under this chapter.

Sec. 17. [148B.17] [FEES.]

Each board shall by rule establish fees, including late fees, for licenses or filings and renewals so that the total fees collected by the board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128, plus the prorated costs of the office of social work and mental health boards. Fees must be credited to the special revenue fund.

Sec. 18. Minnesota Statutes 1986, section 144.335, subdivision 1, is amended to read:

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

(a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psychiatric or mental condition, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapters 147, 148, 148B, 150A, 151, or 153; and (2) a health care facility licensed pursuant to this chapter or chapter 144A.

Sec. 19. Minnesota Statutes 1986, section 148A.01, subdivision 5, is amended to read:

Subd. 5. [PSYCHOTHERAPIST.] "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

Sec. 20. Minnesota Statutes 1986, section 214.01, subdivision 2, is amended to read:

Subd. 2. "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the board of medical examiners created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of psychology established pursuant to section 148.90, the social work licensing board pursuant to article 2, section 2, the board of marriage and family therapy pursuant to article 3, section 2, the board of mental health service providers established pursuant to article 4, section 2, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatry established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 21. Minnesota Statutes 1986, section 214.04, subdivision 3, is amended to read:

Subd. 3. The executive secretary of each health-related and non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive secretaries and other employees of the following boards shall be

hired by the board, and the executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) dentistry;
- (2) medical examiners;
- (3) nursing;
- (4) pharmacy;
- (5) accountancy;
- (6) architecture, engineering, land surveying and landscape architecture;
- (7) barber examiners;
- (8) cosmetology;
- (9) electricity;
- (10) teaching; and
- (11) peace officer standards and training;
- (12) social work;
- (13) marriage and family therapy;
- (14) unlicensed mental health service providers; and
- (15) office of social work and mental health boards.

The board of medical examiners shall set the salary of its executive director, which may not exceed 95 percent of the top of the salary range set for the commissioner of health in section 15A.081, subdivision 1. At least 30 days before the board of medical examiners adopts a salary increase for its executive director, the board shall submit the proposed salary increase to the legislative commission on employee relations for its review.

The executive secretaries serving the remaining boards shall be hired by those boards, and shall be in the unclassified civil service except for part-time executive secretaries, who are not required to be in the unclassified service. Boards not requiring a full-time executive secretary may employ such services on a part-time basis. To the extent practicable the sharing of part-time executive secretaries by boards being serviced by the same department is encouraged.

Persons providing services to those boards not listed in this subdivision, except executive secretaries of the boards and employees of the attorney general, shall be classified civil service employees of the department servicing the board. To the extent practicable the commissioner shall insure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 22. Minnesota Statutes 1986, section 609.341, subdivision 17, is amended to read:

Subd. 17. "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, clergy, marriage and family therapist, mental health service provider, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

Sec. 23. [EMERGENCY RULES.]

The office or boards may adopt emergency rules under sections 14.29 to 14.385 to carry out the provisions of this chapter. Notwithstanding contrary provisions of chapter 14, the authority to use sections 14.29 to 14.385 expires on December 31, 1988.

## ARTICLE 2

### BOARD OF SOCIAL WORK

Section 1. [148B.18] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 11, the following terms have the meanings given them.

Subd. 2. [ACCREDITED PROGRAM OF SOCIAL WORK.] "Accredited program of social work" means a school of social work or other educational program that has been accredited by the council on social work education.

Subd. 3. [BOARD.] "Board" means the social work licensing board created in section 2.

Subd. 4. [COUNTY AGENCY SOCIAL WORKER.] "County agency social worker" means an individual who is employed by a county social service agency in Minnesota in social work practice or clinical social work.

Subd. 5. [STATE AGENCY SOCIAL WORKER.] “State agency social worker” means an individual who is employed by a state social service agency in Minnesota in social work practice or clinical social work.

Subd. 6. [PUBLIC AGENCY SOCIAL WORKER.] “Public agency social worker” means an individual who is employed by the federal government or the state of Minnesota or any of its political subdivisions in social work practice or clinical social work.

Subd. 7. [PRIVATE AGENCY SOCIAL WORKER.] “Private agency social worker” means an individual who is employed by an entity not listed in subdivision 6 in the practice of social work or clinical social work.

Subd. 8. [PRIVATE PRACTICE.] “Private practice” means social work practice conducted by an individual who is either self-employed, or a member of a partnership or of a group practice, rather than being employed by an agency, clinic, or other similar entity.

Subd. 9. [PSYCHOTHERAPY.] “Psychotherapy” means treatment of a person or persons who have cognitive, emotional, behavioral, or social dysfunctions through psychological or interpersonal methods. The treatment is a planned and structured program, conducted by a qualified mental health professional and based on information from a differential diagnostic examination, and is directed toward the accomplishment of goals provided in a plan of care. Social workers qualified to practice psychotherapy are licensed independent clinical social workers; or licensed graduate or licensed independent social workers who have training required by section 4, subdivision 6, and practice under the supervision of a qualified mental health professional.

Subd. 10. [QUALIFIED MENTAL HEALTH PROFESSIONAL.] “Qualified mental health professional” means a psychiatrist, board-certified or eligible for board certification, and licensed under chapter 147; a psychologist licensed under sections 148.88 to 148.98; an independent clinical social worker who has the qualifications in section 4, subdivision 6; or a psychiatric registered nurse with a master’s degree from an accredited school of nursing, licensed under section 148.211, with at least two years of postmaster’s supervised experience in direct clinical practice.

Subd. 11. [SOCIAL WORK PRACTICE.] “Social work practice” includes the application of psychosocial theory and methods in the prevention, treatment, or resolution of social and/or psychological dysfunction caused by environmental stress, interpersonal or intrapersonal conflict, physical or mental disorders, or a combination of these causes, with particular attention to the person-in-situation configuration.



Social work practice also includes but is not limited to psychotherapy, which is restricted to social workers qualified to practice psychotherapy as defined in subdivision 9. For the following four categories of licensure, social work practice also includes the following action:

(a) Licensed social workers evaluate and assess difficulties in psychosocial functioning, develop a treatment plan to alleviate those difficulties, and either carry it out themselves or refer clients to other qualified resources for assistance. Treatment interventions commonly include but are not limited to psychosocial evaluation; counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

(b) Licensed graduate social workers and licensed independent social workers evaluate and treat more complex problems in psychosocial functioning. Treatment interventions include but are not limited to psychosocial evaluation; counseling of individuals, families, and groups; referral to community resources; advocacy; facilitation of organizational change to meet social needs; and psychotherapy when conducted under supervision as defined in subdivision 12.

(c) Licensed independent clinical social workers provide professional services for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, with the goal of restoring, maintaining, and enhancing social functioning. Treatment interventions include, but are not limited to, those listed for licensed graduate and licensed independent social workers plus individual, marital, and group psychotherapy without supervision. Independent clinical social work practice may be conducted by independent clinical social workers in private independent practice or in the employ of a public or private agency or corporation or other legal entity.

Social work practice is not medical care nor any other type of remedial care that may be reimbursed under medical assistance, chapter 256B, except to the extent such care is reimbursed under section 256B.02, subdivision 8, clause (5), or as provided under Minnesota Rules, parts 9500.1070, 9500.1020, or their successor parts.

Subd. 12. [SUPERVISION.] "Supervision" means the direction of social work practice in face-to-face sessions. Further standards for supervision shall be determined by the social work licensing board. Supervision shall be provided:

(1) by a social worker licensed at least at the level of the worker being supervised and qualified under section 4 to practice without supervision; or

(2) when the social work licensing board determines that supervision by a social worker as required in clause (1) is unobtainable, and in other situations considered appropriate by the board of social work examiners, by another qualified professional.

Sec. 2. [148B.19] [SOCIAL WORK LICENSING BOARD.]

Subdivision 1. [CREATION.] The social work licensing board is created. The board consists of ten members appointed by the governor. The members are:

- (1) six social workers licensed under sections 1 to 11;
- (2) three public members as defined in section 214.02; and
- (3) one school social worker licensed by the board of teaching.

Subd. 2. [QUALIFICATIONS OF BOARD MEMBERS.] The six social worker members of the board shall be as follows: two licensed independent clinical social workers, two licensed independent social workers, and two licensed social workers.

Social worker members shall represent the following employment settings:

- (1) two members shall be public agency social workers;
- (2) two members shall be private agency social workers;
- (3) one member shall be engaged in private practice;
- (4) one member shall be an educator engaged in regular teaching duties at an accredited program of social work; and
- (5) in addition, at least two members shall be persons of color and at least four members shall reside outside of the seven-county metropolitan area.

Subd. 3. [MEMBERS OF FIRST BOARD APPOINTED.] Members of the first board appointed according to subdivision 1, clause (1), and subdivision 2, clauses (1) to (5), need not be licensed, but must meet all qualifications, other than payment of fees, to be eligible for licensure under sections 1 to 11.

Subd. 4. [OFFICERS AND EXECUTIVE SECRETARY.] The board shall annually elect from its membership a chair, vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. The board shall appoint and employ an executive secretary who is not a member of the board.

Subd. 5. [TERMS AND SALARIES.] Chapter 214 applies to the social work licensing board unless superseded by sections 1 to 11.

Sec. 3. [148B.20] [DUTIES OF THE BOARD.]

Subdivision 1. [GENERAL.] The social work licensing board shall:

(a) Adopt and enforce rules for licensure of social workers and for regulation of their professional conduct. The rules must be designed to protect the public.

(b) Adopt rules establishing standards and methods of determining whether applicants and licensees are qualified under sections 4 to 6. The rules must make provision for examinations and must establish standards for professional conduct, including adoption of a code of professional ethics and requirements for continuing education.

(c) Hold examinations at least twice a year to assess applicants' knowledge and skills. The examinations may be written or oral and may be administered by the board or by a body designated by the board. Examinations must test the knowledge and skills of each of the four groups of social workers qualified under section 4 to practice social work. Examinations must minimize cultural bias and must be balanced in theory.

(d) Issue licenses to individuals qualified under sections 1 to 11.

(e) Issue copies of the rules for licensure to all applicants.

(f) Establish and implement procedures, including a standard disciplinary process, to ensure that individuals licensed as social workers will comply with the board's rules.

(g) Establish, maintain, and publish annually a register of current licensees.

(h) Establish initial and renewal application and examination fees sufficient to cover operating expenses of the board and its agents.

(i) Educate the public about the existence and content of the rules for social work licensing to enable consumers to file complaints against licensees who may have violated the rules.

(j) Evaluate its rules in order to refine the standards for licensing social workers and to improve the methods used to enforce the board's standards.

Subd. 2. [CONTINUING EDUCATION COMMITTEE.] The board shall appoint a continuing education committee that shall advise

the board on the administration of continuing education requirements in sections 1 to 11. The committee chair shall be appointed by the board and shall be a member of the board. Four additional committee members shall be appointed by the board and need not be board members. The committee members and chair shall consist of licensed social workers, licensed independent social workers, and licensed independent clinical social workers as defined in section 4, subdivision 6, and shall include:

(1) a social worker engaged in regular teaching duties at an accredited program of social work;

(2) a public agency social worker;

(3) a private agency social worker;

(4) a social worker engaged in private practice;

(5) a public member as defined in section 214.02; and

(6) in addition, at least one member shall be a person of color and at least one member shall reside outside of the seven-county metropolitan area.

#### Sec. 4. [148B.21] [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [CATEGORIES OF LICENSEES.] The board shall issue licenses for the following four groups of individuals qualified under sections 4 to 6 to practice social work:

(1) social workers;

(2) graduate social workers;

(3) independent social workers; and

(4) independent clinical social workers.

Subd. 2. [FEE.] Each applicant shall pay a nonrefundable fee set by the board. Fees paid to the board shall be deposited in the general fund.

Subd. 3. [SOCIAL WORKER.] To be licensed as a social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a baccalaureate degree from an accredited program of social work;

(2) has passed the examination provided for in section 3, subdivision 1;

(3) will engage in social work practice only under supervision as defined in section 1, subdivision 12, for at least two years in full-time employment or 4,000 hours; and

(4) will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the board.

Subd. 4. [GRADUATE SOCIAL WORKER.] To be licensed as a graduate social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work or doctoral degree in social work;

(2) has passed the examination provided for in section 3, subdivision 1;

(3) will engage in social work practice only under supervision as defined in section 1, subdivision 12; and

(4) will conduct all professional activities as a graduate social worker in accordance with standards for professional conduct established by the rules of the board.

Subd. 5. [INDEPENDENT SOCIAL WORKER.] To be licensed as an independent social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work or doctoral degree in social work;

(2) has passed the examination provided for in section 3, subdivision 1;

(3) has practiced social work for at least two years in full-time employment or 4,000 hours under supervision as defined in section 1, subdivision 12, after receiving the master's or doctoral degree in social work; and

(4) will conduct all professional activities as an independent social worker in accordance with standards for professional conduct established by the rules of the board.

Subd. 6. [INDEPENDENT CLINICAL SOCIAL WORKER.] To be licensed as an independent clinical social worker, an applicant must provide evidence satisfactory to the board that the applicant:

(1) has received a master's degree from an accredited program of social work, or doctoral degree in social work, that included an advanced concentration of clinically oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or postmaster's clinical training that is found by the board to be equivalent to that course work and field placement;

(2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours under supervision as defined in section 1, subdivision 12, after receiving the master's or doctoral degree in social work;

(3) has passed the examination provided for in section 3, subdivision 1; and

(4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the rules of the board.

Sec. 5. [148B.22] [LICENSE RENEWAL REQUIREMENTS.]

Subdivision 1. [RENEWAL.] Licensees shall renew licenses at the time and in the manner established by the rules of the board.

Subd. 2. [CONTINUING EDUCATION.] At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each three-year period at least the equivalent of 45 clock hours of continuing professional post-degree education in programs approved by the board and continues to be qualified to practice under sections 1 to 11.

Sec. 6. [148B.23] [LICENSES; TRANSITION PERIOD.]

Subdivision 1. [EXEMPTION FROM EXAMINATION.] For two years from the effective date of sections 1 to 11, the board shall issue a license without examination to an applicant:

(1) for a licensed social worker, if the board determines that the applicant has received a baccalaureate degree from an accredited program of social work, or that the applicant has at least a baccalaureate degree from an accredited college or university and two years in full-time employment or 4,000 hours of experience in the supervised practice of social work within the five years before the effective date of sections 1 to 11;

(2) for a licensed graduate social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board;

(3) for a licensed independent social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board; and, after receiving the degree, has practiced social work for at least two years in full-time employment or 4,000 hours under the supervision of a social worker meeting these requirements, or of another qualified professional; and

(4) for a licensed independent clinical social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline as approved by the board; and, after receiving the degree, has practiced clinical social work for at least two years in full-time employment or 4,000 hours under the supervision of a clinical social worker meeting these requirements, or of another qualified mental health professional.

Subd. 2. [OTHER REQUIREMENTS.] An applicant licensed under this section must also agree to:

(1) engage in social work practice only under the applicable supervision requirements provided in section 4 for each category of licensees; and

(2) to conduct all professional activities as a social worker in accordance with standards for professional conduct established by the board by rule.

Subd. 3. [TEMPORARY RULEMAKING AUTHORITY.] The board is authorized to adopt emergency and permanent rules to implement this section.

Sec. 7. [148B.24] [RECIPROCIITY.]

The board shall issue an appropriate license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in sections 4 to 6.

Sec. 8. [148B.25] [NONTRANSFERABILITY OF LICENSES.]

A social work license is not transferable.

Sec. 9. [148B.26] [DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.]

Subdivision 1. [GROUNDS.] The board may refuse to renew or to grant a license to, or may suspend, revoke, or restrict the license of an individual whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) is incompetent to engage in social work practice, or is found to be engaged in social work practice in a manner harmful or dangerous to a client or to the public;

(2) has violated the rules of the board or the statutes the board is empowered to enforce;

(3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation; or

(4) has knowingly made a false statement on a form required by the board for licensing or license renewal.

Subd. 2. [RESTORING A LICENSE.] For reasons it finds sufficient, the board may grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction of a license.

Subd. 3. [REVIEW.] Suspension, revocation, or restriction of a license shall be reviewed by the board at the request of the licensee against whom the disciplinary action was taken.

Sec. 10. [148B.27] [PROHIBITION AGAINST UNLICENSED PRACTICE OR USE OF TITLES; PENALTY.]

Subdivision 1. [PRACTICE.] After the board adopts rules, no individual shall engage in social work practice unless that individual holds a valid license as a licensed social worker, licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker.

Subd. 2. [USE OF TITLES.] After the board adopts rules, no individual shall be presented to the public by any title incorporating the words "social work" or "social worker" unless that individual holds a valid license issued under sections 1 to 11. City, county, and state agency social workers who are not licensed under sections 1 to 11 may use the title city agency social worker or county agency social worker or state agency social worker.

Subd. 3. [PENALTY.] A person who violates sections 4 to 11 is guilty of a misdemeanor.

Sec. 11. [148B.28] [EXCEPTIONS TO LICENSE REQUIREMENT.]



Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 1 to 11 shall be construed to prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes but is not limited to licensed physicians; registered nurses; licensed practical nurses; licensed psychologists; probation officers; members of the clergy; attorneys; marriage and family therapists; chemical dependency counselors; professional counselors; school counselors; and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of social work, or that they are licensed to engage in the practice of social work.

Subd. 2. [STUDENTS.] Nothing in sections 1 to 11 shall be construed to prevent students enrolled in an accredited program of social work to engage in the practice of social work, or to prevent social work practice by individuals preparing for licensed independent clinical social work practice under qualified supervision in a social work setting.

Subd. 3. [GEOGRAPHIC WAIVER.] A geographic waiver may be granted by the board on a case-by-case basis to agencies with special regional hiring problems. The waiver will permit agencies to hire individuals, who do not meet the qualifications of section 4, to practice social work.

Subd. 4. [CITY, COUNTY, AND STATE AGENCY SOCIAL WORKERS.] The licensing of city, county, and state agency social workers shall be voluntary. City, county, and state agencies employing social workers shall not be required to employ licensed social workers, nor shall they require their social worker employees to be licensed.

Subd. 5. [FEDERALLY RECOGNIZED TRIBES AND PRIVATE NONPROFIT AGENCIES WITH A MINORITY FOCUS.] The licensure of social workers who are employed by federally recognized tribes, or by private nonprofit agencies whose primary service focus addresses ethnic minority populations, and are themselves members of ethnic minority populations within said agencies, shall be voluntary.

### ARTICLE 3

## BOARD OF MARRIAGE AND FAMILY THERAPY

### Section 1. [148B.29] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY] For the purposes of sections 1 to 11, the following terms have the meanings given.

Subd. 2. [BOARD.] "Board" means the board of marriage and family therapy created in section 2.

Subd. 3. [MARRIAGE AND FAMILY THERAPY.] "Marriage and family therapy" means the process of providing professional marriage and family psychotherapy to individuals, married couples, and family groups, either singly or in groups. The practice of marriage and family therapy utilizes established principles that recognize the interrelated nature of the individual problems and dysfunctions in family members to assess, understand, and treat emotional and mental problems. Marriage and family therapy includes premarital, marital, divorce, and family therapy, and is a specialized mode of treatment for the purpose of resolving emotional problems and modifying intrapersonal and interpersonal dysfunction.

Sec. 2. [148B.30] [BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS.]

Subdivision 1. [CREATION.] There is created a board of marriage and family therapy that consists of seven members appointed by the governor. Four members shall be licensed, practicing marriage and family therapists, each of whom shall for at least five years immediately preceding appointment, have been actively engaged as a marriage and family therapist, rendering professional services in marriage and family therapy. One member shall be engaged in the professional teaching and research of marriage and family therapy. Two members shall be representatives of the general public who have no direct affiliation with the practice of marriage and family therapy. All members shall have been a resident of the state two years preceding their appointment. Of the first board members appointed, three shall continue in office for two years, two members for three years, and two members, including the chair for terms of four years respectively. Their successors shall be appointed for terms of four years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member whom the newly appointed member succeeds. Upon the expiration of a board member's term of office, the board member shall continue to serve until a successor is appointed and qualified.

Subd. 2. [TRANSITION PROVISION.] Notwithstanding subdivision 1, members of the first board appointed need not be licensed under sections 1 to 11, but shall meet all qualifications, other than payments of fees, so as to be eligible for licensure under sections 1 to 11.

Subd. 3. [OFFICERS; STAFF.] The board shall annually elect from its membership a chair, a vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. The board shall appoint

and employ an executive secretary who shall not be a member of the board.

Subd. 4. [MEMBERSHIP TERMS; COMPENSATION AND REMOVAL.] The membership terms, compensation, and removal of board members is governed by section 15.0575, unless superseded by this section.

Sec. 3. [148B.31] [DUTIES OF THE BOARD.]

The board shall:

(1) adopt and enforce rules for marriage and family therapy licensing, which shall be designed to protect the public;

(2) develop by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are qualified under sections 1 to 11;

(3) issue licenses to individuals who are qualified under sections 1 to 11;

(4) establish and implement procedures designed to assure that licensed marriage and family therapists will comply with the board's rules;

(5) study and investigate the practice of marriage and family therapy within the state in order to improve the standards imposed for the licensing of marriage and family therapists and to improve the procedures and methods used for enforcement of the board's standards;

(6) formulate and implement a code of ethics for all licensed marriage and family therapists; and

(7) establish continuing education requirements for marriage and family therapists.

Sec. 4. [148B.32] [PROHIBITIONS AND PENALTY.]

Subdivision 1. [UNLICENSED PRACTICE PROHIBITED.] After adoption of rules by the board implementing sections 1 to 11, no individual shall engage in marriage and family therapy practice unless that individual holds a valid license issued under sections 1 to 11.

Marriage and family therapy practice is not medical care nor any other type of remedial care that may be reimbursed under medical assistance, chapter 256B, except to the extent such care is reimbursed under section 256B.02, subdivision 8, clause (5).

Subd. 2. [APPEARANCE AS LICENSEE PROHIBITED.] After adoption of rules by the board implementing sections 1 to 11, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 1 to 11.

Subd. 3. [PENALTY.] A person who violates a provision of sections 1 to 11 is guilty of a gross misdemeanor.

Sec. 5. [148B.33] [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [DOCUMENTARY EVIDENCE OF QUALIFICATIONS.] An applicant for a license shall furnish evidence that the applicant:

- (1) has attained the age of majority;
- (2) is of good moral character;
- (3) is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
- (4) has at least two years of supervised postgraduate experience in marriage and family counseling satisfactory to the board;
- (5)(i) has completed a master's or doctoral degree in marriage and family therapy from a program in a regionally accredited educational institution or from a program accredited by the commissioner on accreditations for marriage and family therapy education of the American association for marriage and family therapists; or (ii) has completed a master's or doctoral degree from a regionally accredited educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in clause (5)(i);
- (6) will agree to conduct all professional activities as a licensed marriage and family counselor in accordance with a code of ethics for marriage and family therapists to be adopted by the board; and
- (7) has passed an examination approved by the board by rule.

Subd. 2. [FEE.] Each applicant shall pay a nonrefundable application fee set by the board.

Sec. 6. [148B.34] [LICENSES; TRANSITION PERIOD.]

Notwithstanding section 5, clause (7), for two years from the effective date of sections 1 to 11, a license shall be issued to an applicant without examination if the board is satisfied that the

applicant meets the requirements of section 5, subdivision 1, clauses (1) to (6).

Sec. 7. [148B.35] [RECIPROCITY WITH OTHER STATES.]

The board shall issue a marriage and family therapist's license to an individual who holds a current license as a marriage and family therapist from another jurisdiction if the board determines that the standards for licensure in the other jurisdiction are at least equivalent to or exceed the requirements of sections 1 to 11 and the rules of the board.

Sec. 8. [148B.36] [NONTRANSFERABILITY OF LICENSES.]

A marriage and family therapy license is not transferable.

Sec. 9. [148B.37] [REFUSAL TO GRANT LICENSE; SUSPENSION OR REVOCATION OF LICENSE.]

Subdivision 1. [GROUNDS FOR ACTION.] The board may refuse to grant a license to, or may suspend, revoke, condition, limit, qualify, or restrict the license of any individual who the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) is incompetent to practice marriage and family therapy, or is found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public;

(2) is convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy. The board should compile, maintain, and publish a list of such crimes;

(3) has violated a provision of sections 1 to 11 or one or more of the rules of the board;

(4) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(5) has knowingly made a false statement on a form required by the board for licensing or license renewal; or

(6) has failed to obtain continuing education credits required by the board.

Subd. 2. [RESTORING A LICENSE.] For reasons it considers sufficient and upon a vote of five of its members, the board may restore a license that has been revoked, reduce a period of suspension, or withdraw a reprimand.

Sec. 10. [148B.38] [EXCEPTIONS FROM LICENSE REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 1 to 11 shall be construed to prevent qualified members of other licensed or certified professions or occupations, such as licensed physicians, registered nurses, licensed practical nurses, psychologists licensed by the board of psychology, social workers, probation officers, members of the clergy, attorneys, school counselors who are employed by an accredited educational institution while performing those duties for which they are employed, registered occupational therapists or certified occupational therapist assistants who are certified by the American Occupational Therapy Association, from doing work of a marriage and family therapy nature.

Subd. 2. [STUDENTS.] Nothing in sections 1 to 11 shall be construed to prevent marriage and family therapy practice by students or interns or individuals preparing for marriage and family therapy to practice under qualified supervision of a licensed professional, recognized and approved by the board in a recognized educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern," or other titles clearly indicating training status.

Subd. 3. [FEDERALLY RECOGNIZED TRIBES AND PRIVATE NONPROFIT AGENCIES WITH A MINORITY FOCUS.] The licensure of marriage and family therapists who are employed by federally recognized tribes and private nonprofit agency marriage and family therapists, whose primary service focus addresses ethnic minority populations and who are themselves members of ethnic minority populations within said agencies, shall be voluntary for a period of five years at which time the legislature will review the need for mandatory licensure for all marriage and family therapists.

Sec. 11. [148B.39] [PRIVILEGED COMMUNICATIONS; EXCEPTIONS.]

A person licensed under sections 1 to 11 and employees and professional associates of the person cannot be required to disclose any information that the person, employee, or associate may have acquired in rendering marriage and family therapy services, unless:

- (1) disclosure is required by other state laws;
- (2) failure to disclose the information presents a clear and present danger to the health or safety of an individual;
- (3) the person, employee, or associate is a party defendant to a civil, criminal, or disciplinary action arising from the therapy, in which case a waiver of the privilege accorded by this section is limited to that action;

(4) the patient is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in that persons behalf; and

(5) a patient agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one person in a family is receiving therapy, each such family member agrees to the waiver. Absent a waiver from each family member, a marital and family therapist cannot disclose information received by a family member.

## ARTICLE 4

### BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

#### Section 1. [148B.40] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 1 to 8, the following terms have the meanings given them in this section.

Subd 2. [BOARD.] "Board" means the board of mental health service providers established in section 2.

Subd. 3. [MENTAL HEALTH SERVICE PROVIDER.] "Mental health service provider" or "provider" means any person who provides, for a remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical examiners under chapter 147; the board of nursing under sections 148.171 to 148.285; or the board of psychology under sections 148.88 to 148.98; the board of social work under article 2, sections 1 to 13; the board of marriage and family therapy under article 3, sections 1 to 11; or another licensing board if the person is practicing within the scope of the license.

Subd. 4. [MENTAL HEALTH SERVICES.] "Mental health services" means the professional treatment, assessment, or counseling of another person for a cognitive, behavioral, emotional, mental, or social dysfunction, including intrapersonal or interpersonal dysfunctions.

Subd. 5. [MENTAL HEALTH CLIENT.] "Mental health client" or "client" means a person who receives the services of a mental health service provider.

#### Sec. 2. [148B.41] [BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS.]

Subdivision 1. [COMPOSITION.] The board of unlicensed mental health service providers consists of 17 members, including two chemical dependency counselors, two professional counselors, two pastoral counselors, five members representing other identifiable specialties and subgroups of providers subject to filing requirements, and six public members as defined in section 214.02. Within 90 days after the effective date of rules adopted by the board to implement sections 1 to 8, members of the board specified must be mental health service providers who have filed with the board pursuant to section 3.

Subd. 2. [APPOINTMENT.] Members of the board are appointed by the governor and serve under section 214.09.

Subd. 3. [BOARD ADMINISTRATION.] The board shall elect from among its members a chair and a vice-chair to serve for one year or until a successor is elected and qualifies. The members of the board have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. Six members of the board constitute a quorum for the transaction of business.

Subd. 4. [RULEMAKING.] The board shall adopt rules necessary to implement, administer, or enforce sections 1 to 8 under chapter 14 and section 214.001, subdivisions 2 and 3. The board shall consult with the commissioner of health, the commissioner of human services, and the commissioner of employee relations in the development of rules. The board may not adopt rules that restrict or prohibit persons from providing mental health services on the basis of education, training, experience, or supervision; or that restrict the use of any title.

Sec. 3. [148B.42] [FILING REQUIRED.]

Subdivision 1. [FILING.] All mental health service providers shall file with the state, on a form provided by the board, their name; home and business address; telephone number; degrees held, if any, major field, and whether the degrees are from an accredited institution and how the institution is accredited; and any other relevant experience. An applicant for filing who has practiced in another state shall authorize, in writing, the licensing or regulatory entity in the other state or states to release to the board any information on complaints or disciplinary actions pending against that individual, as well as any final disciplinary actions taken against that individual. The board shall provide a form for this purpose. The board may reject a filing if there is evidence of a violation of or failure to comply with this chapter.

Subd. 2. [ACKNOWLEDGMENT OF FILING.] The board shall issue an acknowledgment of filing to each mental health service provider who files under subdivision 1 and relevant rules of the



board, and who is determined by the board to be in compliance with this chapter. The acknowledgment of filing must not be displayed in any manner nor shall it be shown to mental health clients. The acknowledgment of filing shall contain, in bold print, the phrase: "This acknowledgment of filing does not imply or certify in any way that this mental health professional has met any standards or criteria of education or training."

Subd. 3. [NONTRANSFERABILITY.] Acknowledgments of filing are nontransferable.

Subd. 4. [PENALTIES.] Failure to file with the board, or supplying false or misleading information on the filing form, application for registration, or any accompanying statements shall constitute grounds for adverse action.

Subd. 5. [PROVISION OF MENTAL HEALTH SERVICES WITHOUT FILING.] Except as otherwise provided in this chapter, it is unlawful for any person not filing with the board to provide mental health services in this state as defined in section 1, subdivision 4. Any person violating subdivision 1 is guilty of a gross misdemeanor.

Sec. 4. [148B.43] [PROHIBITED USE OF ACKNOWLEDGMENT.]

No mental health service provider may display the acknowledgment received under section 3, subdivision 2, or refer to it in any advertising, on stationary, or in any communication to a client or the public, or otherwise use the fact that the provider has filed with the state as an indication of state approval or endorsement or satisfaction of standards of conduct, training, or skill.

Sec. 5. [148B.44] [PROHIBITED CONDUCT.]

Subdivision 1. [PROHIBITED CONDUCT.] Notwithstanding any law to the contrary, the board may reject a filing or application, or may impose adverse action as described in section 6 against any mental health service provider for failure to comply with the provisions of this chapter. The following conduct is prohibited and is grounds for adverse action:

(a) Conviction of a crime reasonably related to the provision of mental health services. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of crimes against persons. For the purposes of this chapter, a crime against a person means violations of the following sections: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.23; 609.231; 609.235; 609.24; 609.245; 609.25; 609.255; 609.265; 609.26, subdivision 1, clause (1) or (2); 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, clause (1); 609.561; 609.562; and 609.595.

(c) Revocation, suspension, restriction, limitation, or other disciplinary action against the mental health professional's license, certificate, registration, or right of practice in another state or jurisdiction, for offenses that would be subject to disciplinary action in this state, or failure to report to the board that charges regarding the person's license, certificate, registration, or right of practice have been brought in another state or jurisdiction.

(d) Advertising that is false or misleading.

(e) Filing with the board false or misleading statements of credentials, training, or experience.

(f) Conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent, or as a person who has a psychopathic personality as defined in section 526.09, or who is dangerous to himself or herself, or adjudication pursuant to chapter 253B, as chemically dependent, mentally ill, mentally retarded, or mentally ill and dangerous to the public.

(h) Inability to provide mental health services with reasonable safety to clients by reason of physical, mental, or emotional illness; drunkenness; or use of legend drugs, chemicals, controlled substances, or any other similar materials or mood-altering substances.

(i) Revealing a communication from, or relating to, a client except when otherwise required or permitted by law.

(j) Failure to comply with a client's request made under section 144.335, or to furnish a client record or report required by law.

(k) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client.

(l) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(m) Engaging in sexual contact with a client or former client as defined in section 148A.01.

(n) Failure to make reports as required by section 5, or cooperate with an investigation of the board as required by section 7.

(o) Obtaining money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

(p) Undertaking or continuing a professional relationship with a client in which the objectivity of the professional would be impaired.

(q) Failure to provide the client with a copy of the client bill of rights, or violation of any provision of the client bill of rights.

Subd. 2. [EVIDENCE.] In adverse actions alleging a violation of subdivision 1, paragraph (a), (b), or (c), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of its contents.

Subd. 3. [MENTAL EXAMINATION; ACCESS TO MEDICAL DATA.] (a) If the board has probable cause to believe that a mental health service provider comes under subdivision 1, paragraph (g) or (h), it may direct the provider to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision every mental health service provider is deemed to have consented to submit to a mental or physical examination or chemical dependency evaluation when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians', psychologists', or mental health professional's testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a mental health service provider to submit to an examination when directed constitutes an admission of the allegations against the provider, unless the failure was due to circumstance beyond the provider's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A mental health service provider affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the provider can resume the provision of mental health services with reasonable safety to clients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a mental health service provider in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.42, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a mental health service provider without the provider's consent if the board has probable cause to believe that a provider comes under subdivision 1, paragraph (g), (h), or (m). The medical data may be requested from a health care professional, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A health care professional, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the person or organization giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is private data under sections 13.01 to 13.87.

Sec. 6. [148B.45] [ADVERSE ACTIONS.]

Subdivision 1. [FORMS OF ADVERSE ACTION.] When the board finds that a mental health service provider has violated a provision or provisions of this chapter, it may do one or more of the following:

- (1) deny or reject the filing;
- (2) revoke the right to practice;
- (3) suspend the right to practice;
- (4) impose limitations or conditions on the provider's provision of mental health services, the imposition of rehabilitation requirements, or the requirement of practice under supervision;
- (5) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the provider of any economic advantage gained by reason of the violation charged or to reimburse the board for all costs of the investigation and proceeding;
- (6) order the provider to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or
- (7) censure or reprimand the provider.

Subd. 2. [PROCEDURES.] The board shall adopt a written statement of internal operating procedures for receiving and investigat-

ing complaints reviewing misconduct cases, and imposing adverse actions.

Subd. 3. [MANDATORY SUSPENSION OR REVOCATION OF RIGHT OF PRACTICE.] The board shall suspend or revoke the right of a provider to provide mental health services for violations of section 4, subdivision 1, paragraphs (a), (b), and (m).

Sec. 7. [148B.46] [MENTAL HEALTH CLIENT BILL OF RIGHTS.]

Subdivision 1. [SCOPE.] All mental health service providers other than those providing services in a facility regulated under section 144.651 shall provide to each client prior to providing treatment a written copy of the mental health client bill of rights. A copy must also be posted in a prominent location in the office of the mental health service provider. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not read or speak English. The mental health client bill of rights shall include the following:

(a) The name, title, business address, and telephone number of the provider.

(b) The degrees, training, experience, or other qualifications of the provider, followed by the following statement in bold print:

**THE STATE OF MINNESOTA HAS NOT ADOPTED UNIFORM EDUCATIONAL AND TRAINING STANDARDS FOR MENTAL HEALTH SERVICE PROVIDERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATIONAL PURPOSES ONLY.**

(c) The name, business address, and telephone number of the provider's supervisor, if any.

(d) Notice that a client has the right to file a complaint with the provider's supervisor, if any, and the procedure for filing complaints.

(e) The name, address, and telephone number of the board and notice that a client may file complaints with the board.

(f) The provider's fees per unit of service, the provider's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the provider, or health maintenance organizations with whom the provider contracts to provide service, whether the provider accepts Medicare, medical assistance, or general assistance medical care, and whether the provider is willing to accept partial payment, or to waive payment, and in what circumstances.

(g) A statement that the client has a right to reasonable notice of changes in services or charges.

(h) A brief summary, in plain language, of the theoretical approach used by the provider in treating patients.

(i) Notice that the client has a right to complete and current information concerning the provider's assessment and recommended course of treatment, including the expected duration of treatment.

(j) A statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the provider.

(k) A statement that client records and transactions with the provider are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law.

(l) A statement of the client's right to be allowed access to records and written information from records in accordance with section 144.335.

(m) A statement that other services may be available in the community, including where information concerning services is available.

(n) A statement that the client has the right to choose freely among available providers, and to change providers after services have begun, within the limits of health insurance, medical assistance, or other health programs.

(o) A statement that the client has a right to coordinated transfer when there will be a change in the provider of services.

(p) A statement that the client may refuse services or treatment, unless otherwise provided by law.

(q) A statement that the client may assert the client's rights without retaliation.

Subd. 2. [ACKNOWLEDGMENT BY CLIENT.] Prior to the provision of any service, the client must sign a written statement attesting that the client has received the client bill of rights.

#### Sec. 8. [148B.47] [RENEWALS.]

Notwithstanding any other law, the board shall adopt rules providing for the renewal of filings. The rules shall specify the period of time for which a filing is valid, procedures and information required for the renewal, and renewal fees.

## Sec. 9. [REPORTS.]

Subdivision 1. [COMMISSIONER OF HEALTH.] The commissioner of health shall review the report of the office under sections 214.001, 214.13, and 214.141. The commissioner shall make recommendations to the legislature by January 15, 1991, on the need for registration or licensure of unlicensed mental health service providers and the need to retain the board of unlicensed mental health service providers.

Subd. 2. [BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS.] The board of unlicensed mental health service providers must report on the board's findings and activities to the commissioner of health and the legislature by July 1, 1990. The board shall report to the legislature on or before January 15, 1991, with recommendations on whether providers who are not trained should be allowed to continue to practice.

Subd. 3. [LEGISLATIVE INTENT.] Nothing in this section is intended to require the commissioner of health to delay review of applications for credentialing pursuant to sections 214.13 and 214.141 pending the outcome of the reports required under this section.

## Sec. 10. [APPROPRIATION.]

\$835,000 is appropriated from the special revenue fund to the office of social work and mental health boards.

## Sec. 11. [SUNSET.]

Article 4, sections 1 to 8, are repealed effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to occupations and professions; establishing an office of social work and mental health boards; establishing a board of social work; regulating and licensing social workers; establishing a board of marriage and family therapy; licensing and regulating marriage and family therapists; establishing a board of unlicensed mental health service providers; regulating unlicensed health service providers; providing penalties; appropriating money; amending Minnesota Statutes 1986, 144.335, subdivision 1; 148A.01, subdivision 5; 214.01, subdivision 2; 214.04, subdivision 3; and 609.341, subdivision 17; proposing coding for new law as Minnesota Statutes, chapter 148B."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 523, A bill for an act relating to elections; changing certain voter registration procedures to increase voter participation; providing for a computerized central registration system, voter registration forms in state income tax forms and booklets, and a combined voter registration, driver's license, and identification card form; appropriating money; amending Minnesota Statutes 1986, sections 201.021; 201.054, subdivision 1; 201.061, subdivision 1; 201.071, subdivision 4; 201.081; 201.121, subdivision 1; 201.13; 201.15; 201.161; 201.171; 201.221, subdivision 2; 290.39, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 201.

Reported the same back with the following amendments:

Page 2, line 18, delete "and"

Page 2, line 21, delete the period and insert "; and"

Page 2, after line 21, insert:

"(10) prescribe a procedure for the return of completed voter registration forms from the department of public safety to the secretary of state or the county auditor."

Page 5, line 1, delete "shall" and insert "may"

Page 5, line 5, delete "then"

Page 7, line 11, after "the" insert "county auditor of the county in which the voter maintains residence or to the"

Page 7, line 12, delete "records" and insert "record information relating to name, address, date of birth, driver's license number, county, town, and city"

Page 8, after line 17, insert:

"Sec. 14. Minnesota Statutes 1986, section 201.221, subdivision 4, is amended to read:

Subd. 4. [COUNTY RULES.] The county auditor of each county may adopt rules which delegate to municipal officials in that county the duties assigned to county auditors by this chapter. Delegation to a municipal official requires the approval of the governing body of the municipality. Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. When a municipal official is delegated duties



given to the county auditor by this chapter, the governing body of the municipality shall immediately provide the necessary funds, equipment and facilities, establish a place of registration and put the registration plan into operation without delay."

Page 8, line 22, delete "postpaid"

Page 8, line 26, delete "\$....." and insert "\$1,053,500"

Page 8, line 27, delete "general" and insert "special revenue"

Page 8, line 32, delete "..." and insert "six"

Page 8, line 33, delete "\$....." and insert "\$80,492"

Page 8, line 34, delete "general" and insert "trunk highway"

Page 9, line 2, delete "\$....." and insert "\$56,000"

Page 9, line 5, delete "13" and insert "15"

Re-number the sections in sequence

Correct the internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

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 116.46, by adding subdivisions; 116.47; and 116.48, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 115C; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Page 12, line 7, delete "September and October" and insert "August and September"

Page 12, line 8, delete "October and November" and insert "September and October"

Page 12, line 11, insert in the blank, "719,200"

Page 12, line 21, insert in the blanks, "386,400" and "397,500"

Page 12, line 23, insert in the blanks, "250,000" and "350,000"

Page 12, line 35, insert in the blanks, "8" and "1"

Page 13, line 6, insert in the blanks, "82,800" and "55,400"

Page 13, line 8, insert in the blank, "2"

Page 13, delete lines 9 to 15

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 794, A bill for an act relating to waste management; regulating disposal of wastes; providing for a solid waste management policy; providing for recycling policy and marketing; managing household hazardous wastes; regulating the sale and disposal of motor oil and lead acid batteries; providing for waste pesticide collection; appropriating money; amending Minnesota Statutes 1986, sections 115A.03, subdivisions 9 and 21; 115A.06, subdivision 14; 115A.11, subdivision 2; 115A.42; 115A.45; 115A.49; 115A.51; 115A.52; 115A.53; 115A.54, subdivision 2a; 115A.81, subdivision 2; 115A.921; 115A.95; 116.07, subdivision 4b; 116.41, subdivision 2; 116M.07, by adding a subdivision; 176.011, subdivision 9; 239.52; 325E.11; 473.149, subdivisions 2d and 6; 473.803, by adding a subdivision; 473.834, subdivision 2; 473.842, subdivision 2; 473.844, subdivisions 1 and 4; and 473.846; proposing coding for new law in Minnesota Statutes, chapters 115A; 239; 325E; and 473; repealing Minnesota Statutes 1986, sections 115A.13; 115A.43; 115A.44; 473.834, subdivision 3; and 473.844, subdivisions 2 and 5.

Reported the same back with the following amendments:

Page 3, after line 29, insert:

"Sec. 6, Minnesota Statutes 1986, section 115A.15, subdivision 6, is amended to read:

Subd. 6. [RESOURCE RECOVERY REVOLVING ACCOUNT.] Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program, all revenues resulting from the sale of recyclable and reusable commodities made available for sale as a result of the resource recovery program and all reimbursements to the commissioner of expenses incurred by the commissioner in developing and administering resource recovery systems for state agencies, local governments, and regional agencies. The account may be used for all activities associated with the program including payment of administrative and operating costs, except statewide and agency indirect costs. The commissioner shall determine the waste disposal cost savings associated with recycling and reuse activities, collect those savings from the account responsible for disposing of wastes produced in state buildings, and credit the savings to the resource recovery revolving account."

Page 9, after line 9, insert:

"(d) In addition to any assistance received under clause (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project."

Reletter the clauses accordingly

Page 11, line 6, after "collect" insert "from a defined geographic service area or areas"

Page 11, delete line 7 and insert "released by generators for collection."

Page 11, line 10, delete "3" and insert "4" and after the period insert:

"Subd. 3. [GENERAL PROVISIONS.] (a)"

Page 11, line 14, before "Organized" insert:

"(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from orga-

nized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c)”

Page 11, line 16, after “(except” insert “(1)” and after “and” insert “(2)”

Page 11, line 23, delete “3” and insert “4”

Page 24, line 12, delete “1b” and insert “1e”

Page 24, line 24, delete “before the combustion”

Page 24, delete line 25 and insert “through mechanical or hand separation of materials that are then delivered for reuse in their original form or for use in manufacturing processes.”

Page 27, line 13, delete “expand” and insert “enhance or increase the effectiveness of”

Page 30, delete lines 4 to 36, and insert:

“Sec. 42. [APPROPRIATIONS; COMPLEMENT.]

Subdivision 1. [APPROPRIATIONS.] The following amounts are appropriated from the solid and hazardous waste account to the agencies and for the purposes and fiscal years specified:

	<u>1988</u>	<u>1989</u>
(a) <u>To the waste management board:</u>		
(1) <u>For nonhazardous and industrial waste grants and technical assistance under section 3</u>	\$ <u>25,000</u>	\$ <u>25,000</u>
(2) <u>For public education under section 4</u>	<u>95,000</u>	<u>95,000</u>
(3) <u>For the solid waste management policy report under section 7</u>	<u>30,000</u>	<u>30,000</u>
(4) <u>For market development for recyclables under section 10</u>	<u>100,000</u>	<u>100,000</u>
(5) <u>For waste reduction and separation projects and technical assistance under section 14</u>	<u>150,000</u>	<u>150,000</u>

(b) To the pollution control agency:

<u>(1) For the solid waste management policy report under section 7</u>	<u>30,000</u>	<u>30,000</u>
<u>(2) For household hazardous waste management under section 22</u>	<u>215,800</u>	<u>300,200</u>
<u>(3) For pilot waste pesticide collection under section 40</u>	<u>145,800</u>	<u>70,000</u>
<u>(c) To the department of public service for notice and inspection program under section 28</u>	<u>3,600</u>	<u>3,600</u>

Amounts unexpended in one fiscal year are available for expenditure in the other fiscal year.

Subd. 2. [COMPLEMENT.] The approved complement of the following agencies is increased as specified:

(a) Waste management board, four positions.

(b) Pollution control agency, five positions."

Page 31, line 12, delete "In"

Page 31, line 13, delete "May" and insert "By July 1,"

Page 31, after line 19, insert:

"Subd. 5. [CONTINGENCY ACTION FUND; WORK PROGRAM REQUIRED.] Each year, the agency shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing anticipated expenditures from the metropolitan landfill contingency action fund for the following fiscal year. The agency may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only."

Reorder the sections in sequence

Correct the internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1045, A bill for an act relating to insurance; establishing a demonstration project to provide medical insurance to certain low income persons; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 3, line 6, after the period insert "The sliding fee should be considered payment in full for the coverage provided."

Page 4, line 27, delete "This section" and insert "Section 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1095, A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; creating the Minnesota world trade center corporation and providing for its powers and duties; changing the membership of the world trade center board; authorizing the board to contract for certain services and programs; establishing the conference and service facility fund; appropriating money; amending Minnesota Statutes 1986, sections 17.03, subdivision 1, and by adding a subdivision; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.02; 44A.031; 104.35, subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 44A; 116J; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.07; 116J.404; and 116J.405.

Reported the same back with the following amendments:

Page 22, delete lines 24 to 29 and insert:

"Subd. 3. [OPERATING EXPENSES APPROPRIATION.] \$135,000 the first year and \$180,000 the second year is appropriated from the general fund to the commissioner of administration to pay the operating expenses of the Minnesota world trade center conference and service center as required by the development agreement, to be available until June 30, 1989. If the appropriation for either year is insufficient, the appropriation for the other year is available for it."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1183, A bill for an act relating to human services; establishing service principles and rate-setting procedures for day training and habilitation services provided to persons with mental retardation and related conditions; amending Minnesota Statutes 1986, sections 245.782, subdivision 5; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 256B.02, subdivision 8; 256B.501, subdivisions 1, 2, and 8; 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 252; repealing Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a; repealing Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310.

Reported the same back with the following amendments:

Page 2, line 8, reinstate the stricken "eligible" and delete "with"

Page 2, delete lines 9 and 10

Page 2, line 11, delete "chapter 120"

Page 3, line 19, delete the new language

Page 3, line 20, delete the new language and strike "because of"

Page 3, line 21, strike "their chronological age"

Page 7, line 35, delete "A"

Page 7, delete line 36

Page 8, delete lines 1 and 2

Page 8, line 3, delete "compliance with this clause by January 1, 1989."

Page 8, line 4, after "centers" insert "or vendors licensed prior to April 15, 1983"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1210, A bill for an act relating to human services; regulating the licensure of programs for the care of children or of adults with certain disabilities; providing penalties; replacing the existing licensure law; proposing coding for new law as Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1986, sections 245.781; 245.782; 245.783; 245.791; 245.792; 245.801; 245.802; 245.803; 245.804; 245.805; 245.811; 245.812; 245.88; 245.881; 245.882; 245.883; 245.884; and 245.885.

Reported the same back with the following amendments:

Page 2, line 36, delete "with" and insert "that receives public funds to provide services for"

Page 3, line 2, delete everything after "and" and insert "who do not have a significant physical or medical problem that necessitates nursing home care"

Page 3, line 3, delete "commissioner"

Page 3, line 29, delete "provides" and insert "receives public funds, administered by the commissioner, to provide"

Page 3, line 31, delete everything after "and" and insert "who do not have a significant physical or medical problem that necessitates nursing home care"

Page 3, line 32, delete "administered by the commissioner"

Page 5, line 6, after "health" insert "except as specified under section 2"

Page 11, after line 3, insert:

"Subd. 8. [HOSPITAL INSPECTIONS.] Licensing authority granted under this section shall not modify the presumption regard-



ing routine hospital inspections under section 144.55, subdivision 4."

Page 19, after line 23, insert:

"(d) The commissioner may specify in rule periods of licensure up to two years."

Page 19, after line 23, insert:

"Sec. 10. [245A.095] [REVIEW OF RULES FOR PROGRAMS SERVING PERSONS WITH MENTAL ILLNESSES.]

Subdivision 1. Residential programs for five or more persons with a mental illness must be licensed under sections 1 to 17. To assure that this requirement is met, the commissioner of health, in cooperation with the commissioner of human services, shall monitor licensed boarding care, board and lodging, and supervised living facilities.

Subd. 2. [SPECIFIC REVIEW OF RULES.] The commissioner shall:

(1) provide in rule for various levels of care to address the residential treatment needs of persons with mental illness;

(2) review category I and II programs established in Minnesota Rules, parts 9520.0500 to 9520.0690 to ensure that the categories of programs provide a continuum of residential service programs for persons with mental illness;

(3) provide in rule for a definition of the term "treatment" as used in relation to persons with mental illness;

(4) adjust funding mechanisms by rule as needed to reflect the requirements established by rule for services being provided;

(5) review and recommend staff educational requirements and staff training as needed; and

(6) review and make changes in rules relating to residential care and service programs for persons with mental illness as the commissioner may determine necessary.

Subd. 3. [HOUSING SERVICES FOR PERSONS WITH MENTAL ILLNESS.] The commissioner of human services shall study the housing needs of people with mental illness and shall articulate a continuum of services from residential treatment as the most intensive service through housing programs as the least intensive. The commissioner shall develop recommendations for implementing

the continuum of services and shall present the recommendations to the legislature by January 31, 1988."

Page 28, after line 1, insert:

"Sec. 18. Minnesota Statutes 1986, section 256D.01, is amended by adding a subdivision to read:

Subd. 1c. [PAYMENTS TO FACILITIES.] After the effective date of this subdivision, the commissioner shall make no payments under rules authorized by subdivision 1b to newly-licensed facilities which have five or more residents with a primary diagnosis of mental illness unless they are licensed or exempted from licensure under chapter 245A. The commissioner of health shall monitor newly-licensed boarding care, board and lodging and supervised living facilities, and shall report to the commissioner of human services facilities that are not in compliance with this subdivision.

Sec. 19. Minnesota Statutes 1986, section 256D.37, is amended by adding a subdivision to read:

Subd. 4. After the effective date of this subdivision, the commissioner shall make no payments under subdivision 1 to newly-licensed facilities which have five or more residents with a primary diagnosis of mental illness unless they are licensed or exempted from licensure under chapter 245A. The commissioner of health shall monitor newly-licensed boarding care, board and lodging and supervised living facilities, and shall report to the commissioner of human services facilities that are not in compliance with this subdivision."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1297, A bill for an act relating to the uniform commercial code; providing a computerized filing system and central data base for uniform commercial code financing statements and lien state-

ments; imposing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 336.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1986, section 336.9-407, is amended to read:

336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of a file for any effective financing statements naming a particular debtor and any statement of assignment thereof. The filing officer shall report the findings as of that date and hour by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party therein;

(b) photocopies of the original documents on file; or,

(c) upon request, both the certificate and photocopies of the statements.

The uniform fee for conducting the search and for preparing a certificate showing up to five listed filings or for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, shall be \$5 if the request is in the standard form prescribed by the secretary of state and otherwise shall be \$10. Another fee, at the same rate, shall also be charged for conducting a search and preparing a certificate showing federal and state tax liens on file with the filing officer naming a particular debtor. There shall be an additional fee of 50 cents for each financing statement and each statement of assignment or tax lien listed on the certificate and for each photocopy prepared in excess of the first five. Notwithstanding the fees set in this clause, a natural person who is the subject of data must, upon the person's request, (i) be shown the data without charge; and (ii) be provided with photocopies of the data upon payment of no more than the actual cost of making the copies.

Page 3, line 15, after the period insert “The surcharge does not apply to a search request made by a natural person who is the subject of the data to be searched except when a certificate is requested as a part of the search.”

Page 3, line 33, delete “\$.....” and insert “\$500,000”

Page 4, line 6, delete “.....” and insert “seven”

Renumber the sections in sequence

Correct internal cross references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1351, A bill for an act relating to natural resources; authorizing the taking of elk and amending related laws; authorizing compensation for certain crop damage caused by elk; appropriating money; amending Minnesota Statutes 1986, sections 97A.421, subdivision 6; 97A.431; 97A.465, subdivisions 1 and 3; 97A.471, subdivision 3; 97A.475, subdivision 2; 97A.525, subdivision 1; 97A.535; and 97B.201; proposing coding for new law in Minnesota Statutes, chapters 3 and 97B.

Reported the same back with the following amendments:

Page 2, line 8, delete “1985” and insert “the effective date of this act”

Page 2, line 32, delete “Money” and insert “Total compensation to all claimants shall not exceed the amount of funds appropriated for this act.”

Page 2, delete lines 33 and 34

Page 2, line 35, delete “fund.”

Page 7, after line 12, insert:

“Sec. 13. [FEE TRANSFER.]

All fees collected under this act above and beyond the administrative costs associated with the programs established by this act shall be deposited in the general fund as reimbursement for payments made to the commissioner of agriculture for landowner compensation under a bill styled as H.F. No. 1315."

Renumber the remaining section

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1399, A bill for an act relating to economic development; authorizing certain entities involved in economic development to participate in secondary markets; authorizing the use of appropriated money for secondary market purposes; amending Minnesota Statutes 1986, sections 116M.04, by adding a subdivision; 116M.08, by adding a subdivision; 362A.03, by adding a subdivision; 458.192, by adding a subdivision; 458C.14, by adding a subdivision; and 462.445, subdivision 4.

Reported the same back with the following amendments:

Page 1, lines 22 and 23, delete "public agency" and insert "community development corporation"

Pages 6 and 7, delete section 7 and insert:

"Sec. 7. [USE OF FUNDS.]

The commissioner of energy and economic development may use up to \$500,000 of the money appropriated for fiscal years 1988 and 1989 for economic recovery grants under section 116J.873, for the purposes of a grant to an organization that is planning for the establishment of a secondary market for economic development loans. The grant must be used for the establishment of a pilot program to determine the long-term feasibility of a secondary market. For the purposes of this section "economic development loans" means loans made for the purposes of economic development, job creation, redevelopment, or community revitalization. In the selection of the organization to receive the grant, the commissioner must take into consideration the organization's potential for raising nonstate funds to supplement the pilot program.

The grant must be used (i) to fund a debt service reserve, or to purchase or obtain insurance, letter of credit or other type of

financial guaranty or enhancement deemed necessary or appropriate to facilitate the purchase of economic development loans; (ii) for professional fees or expenses associated with such transactions; or (iii) for the administrative expenses of the organization receiving the grant. The amount of the grant that may be used for administrative costs is limited to ten percent of the grant."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1621, A bill for an act relating to unemployment compensation; appropriating federal money received for unemployment compensation administration.

Reported the same back with the following amendments:

Page 2, line 17, delete "\$728,000" and insert "\$731,000"

Page 2, after line 21, insert:

"Sec. 2. [CONTINGENCY.]

In the event that funds for the upgrade of facilities in section 1, paragraph (j), become available through passage of other legislation, \$731,000 is available for a job search and self-assessment unemployment insurance eligibility system."

Renumber the remaining section

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

S. F. No. 51, A bill for an act relating to health; requiring licensure of home care agencies; providing a home care bill of rights; providing a complaint procedure for home care clients; regulating hospice programs; appropriating money; amending Minnesota Statutes 1986, sections 144.335, subdivision 1; 144.699, subdivision 2; 144A.51, subdivision 6, and by adding a subdivision; 144A.52, subdivision 3; 144A.53; 144A.54, subdivision 1; 256B.04, by adding

a subdivision; 364.09; and 626.557, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 144.335, subdivision 1, is amended to read:

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

(a) “Patient” means a natural person who has received health care services from a provider for treatment of a medical, psychiatric or mental condition, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, “patient” includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) “Provider” means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapters 147, 148, 150A, 151 or 153; (2) a home care provider licensed under section 6; and ~~(2)~~ (3) a health care facility licensed pursuant to this chapter or chapter 144A.

Sec. 2. Minnesota Statutes 1986, section 144.699, subdivision 2, is amended to read:

Subd. 2. [FOSTERING PRICE COMPETITION.] The commissioner of health shall:

(a) Encourage hospitals, outpatient surgical centers, home care providers, and professionals regulated by the health related licensing boards as defined in section 214.01, subdivision 2, and by the commissioner of health under section 214.13, to publish prices for procedures and services that are representative of the diagnoses and conditions for which citizens of this state seek treatment.

(b) Analyze and disseminate available price information and analyses so as to foster the development of price competition among hospitals, outpatient surgical centers, home care providers, and health professionals.

Sec. 3. [144A.43] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 7.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 3. [HOME CARE SERVICE.] "Home care service" means any of the following services when delivered in a place of residence to a person whose illness, disability, or physical condition creates a need for the service:

- (1) nursing services, including the services of a home health aide;
- (2) personal care services not included under sections 148.171 to 148.299;
- (3) physical therapy;
- (4) speech therapy;
- (5) respiratory therapy;
- (6) occupational therapy;
- (7) nutritional services;
- (8) home management services when provided to a person who is unable to perform these activities due to illness, disability, or physical condition. Home management services include at least two of the following services: housekeeping, meal preparation, laundry, shopping, and other similar services;
- (9) medical social services;
- (10) the provision of medical supplies and equipment when accompanied by the provision of a home care service;
- (11) the provision of hospice core services as specified in section 8; and
- (12) other similar medical services and health-related support services identified by the commissioner in rule.

Subd. 4. [HOME CARE PROVIDER.] "Home care provider" means an individual, organization, association, corporation, unit of government, or other entity that is regularly engaged in the delivery, directly or by contractual arrangement, of home care services for a fee. At least one home care service must be provided directly, although additional home care services may be provided by contractual arrangements. "Home care provider" includes a hospice program defined in section 8. "Home care provider" does not include:



(1) any home care or nursing services conducted by and for the adherents of any recognized church or religious denomination for the purpose of providing care and services for those who depend upon spiritual means, through prayer alone, for healing;

(2) an individual who only provides services to a relative;

(3) an individual not connected with a home care provider who provides assistance with home management services or personal care needs if the assistance is provided primarily as a contribution and not as a business;

(4) an individual not connected with a home care provider who shares housing with and provides primarily housekeeping or home-making services to an elderly or disabled person in return for free or reduced-cost housing;

(5) an individual or agency providing home-delivered meal services;

(6) an agency providing senior companion services and other older American volunteer programs established under the Domestic Volunteer Service Act of 1973, Public Law Number 98-288;

(7) an individual or agency that only provides chore, housekeeping, or child care services which do not involve the provision of home care services;

(8) a member of a professional corporation organized under sections 319A.01 to 319A.22 that does not regularly offer or provide home care services as defined in subdivision 3;

(9) the following organizations established to provide medical or surgical services that do not regularly offer or provide home care services as defined in subdivision 3: a business trust organized under sections 318.01 to 318.04, a nonprofit corporation organized under chapter 317, a partnership organized under chapter 323, or any other entity determined by the commissioner;

(10) an individual or agency that provides medical supplies or durable medical equipment, except when the provider of supplies or equipment is accompanied by a home care service that is provided for a fee; or

(11) an individual licensed under chapter 147.

Sec. 4. [144A.44] [HOME CARE BILL OF RIGHTS.]

Subdivision 1. [STATEMENT OF RIGHTS.] A person who receives home care services has these rights:

(1) the right to receive written information about rights, including what to do if rights are violated;

(2) the right to receive care and services according to a suitable and up-to-date plan, and subject to accepted medical or nursing standards, to take an active part in creating and changing the plan and evaluating care and services;

(3) the right to be told about the services that are being provided or suggested, about other choices that are available, and about the consequences of these choices including the consequences of refusing these services;

(4) the right to refuse services or treatment;

(5) the right to know, in advance, any limits to the services available from a provider, whether the services are covered by health insurance, medical assistance, or other health programs, and the provider's grounds for a termination of services;

(6) the right to know what the charges are for services, no matter who will be paying the bill;

(7) the right to know that there may be other services available in the community, including other home care services and providers, and to know where to go for information about these services;

(8) the right to choose freely among available providers and to change providers after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(9) the right to have personal, financial, and medical information kept private;

(10) the right to be allowed access to records and written information from records in accordance with section 144.335;

(11) the right to be served by people who are properly trained and competent to perform their duties;

(12) the right to be treated with courtesy and respect;

(13) the right to be free from physical and verbal abuse;

(14) the right to reasonable notice of changes in services or charges;

(15) the right to a coordinated transfer when there will be a change in the provider of services;

(16) the right to know how to contact an individual associated with the provider who is responsible for handling problems and the name and address of the state or county agency to contact for additional information or assistance; and

(17) the right to assert these rights without retaliation.

Subd. 2. [INTERPRETATION AND ENFORCEMENT OF RIGHTS.] These rights are established for the benefit of persons who receive home care services. "Home care services" means home care services as defined in section 3, subdivision 3. A home care provider may not require a person to surrender these rights as a condition of receiving services. A guardian or conservator or, when there is no guardian or conservator, a designated person, may seek to enforce these rights. This statement of rights does not replace or diminish other rights and liberties that may exist relative to persons receiving home care services, persons providing home care services, or providers licensed under this act. A copy of these rights must be provided to an individual at the time home care services are initiated. The copy shall also contain the address and phone number of the office of health facility complaints and a brief statement describing how to file a complaint with that office.

Sec. 5. [144A.45] [REGULATION OF HOME CARE SERVICES.]

Subdivision 1. [PURPOSE.] The commissioner shall regulate and control the delivery of home care services in order to protect consumers, assure quality of care, improve access to services, and prevent fraud.

Subd. 2. [REGULATORY FUNCTIONS.] The commissioner shall:

(1) evaluate, monitor, and license home care providers in accordance with sections 5 to 8 and 14;

(2) inspect the office and records of a provider during regular business hours, provided that when conducting routine office visits or inspections, the commissioner shall provide at least 48 hours' advance notice to the home care provider;

(3) with the consent of the consumer, visit the home where services are being provided;

(4) issue correction orders and assess civil penalties in accordance with section 144.653, subdivisions 5 to 8;

(5) take other action reasonably required to accomplish the purposes of sections 2 to 8 and 14; and

(6) adopt rules governing home care providers. The rules adopted by the commissioner may include the following:

(a) provisions to assure, to the extent possible, the health, safety and well-being, and appropriate treatment of persons who receive home care services;

(b) requirements that home care providers furnish the commissioner specified information necessary to implement sections 2 to 8 and 14;

(c) standards of training of home care provider personnel, which may vary according to the nature of the services provided or the health status of the consumer;

(d) standards of supervision by a registered nurse or other appropriate health care professionals of personnel providing home care services, which may vary according to the nature of the services provided or the health status of the consumer;

(e) requirements for the involvement of a consumer's physician, the documentation of physicians' orders, if required, and the consumer's treatment plan, and the maintenance of accurate, current clinical records;

(f) the establishment of different classes of licenses for different types of providers and different standards and requirements for different kinds of home care services; and

(g) operating procedures required to implement the home care bill of rights.

In the exercise of the authority granted in sections 2 to 8 and 14, the commissioner shall comply with the applicable requirements of section 144.122, the government data practices act, and the administrative procedure act.

Subd. 3. [ADVISORY TASK FORCE.] The commissioner of health shall establish and appoint a home care advisory task force consisting of 15 members representing the various kinds of home care providers, including a hospice program, health care professionals, community health services agencies, and consumers. The appointment, removal, and compensation of members is as provided in section 15.059, subdivision 6. The task force shall provide advice and recommendations to the commissioner regarding the development of rules required by subdivision 2.

Sec. 6. [144A.46] [LICENSURE.]

Subdivision 1. [LICENSE REQUIRED.] (a) A home care provider may not operate in the state without a current license issued by the commissioner of health.

(b) Within ten days after receiving an application for a license, the commissioner shall acknowledge receipt of the application in writing. The acknowledgement must indicate whether the application appears to be complete or whether additional information is required before the application will be considered complete. Within 90 days after receiving a complete application, the commissioner shall either grant or deny the license. If an applicant is not granted or denied a license within 90 days after submitting a complete application, the license must be deemed granted. An applicant whose license has been deemed granted must provide written notice to the commissioner before providing a home care service.

Subd. 2. [EXEMPTIONS.] The following individuals or organizations are exempt from the requirement to obtain a home care provider license:

(1) a person who is licensed under sections 148.171 to 148.285 and who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;

(2) a personal care assistant who provides services under the medical assistance program as authorized under section 256B.02, subdivision 8, paragraph (17), and section 15;

(3) a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under section 256B.02, subdivision 8, paragraph (17), and section 15;

(4) a person who is registered under sections 148.65 to 148.78 and who independently provides physical therapy services in the home without any contractual or employment relationship to a home care provider or other organization;

(5) a person who provides services to a person with mental retardation under a program of semi-independent living services regulated by Minnesota Rules, parts 9525.0500 to 9525.0660; or

(6) a person who provides services to a person with mental retardation under contract with a county to provide home and community-based services that are reimbursed under the medical assistance program, chapter 256B, and regulated by Minnesota Rules, parts 9525.1800 to 9525.1930.

An exemption under this subdivision does not excuse the individual from complying with applicable provisions of the home care bill of rights.

Subd. 3. [ENFORCEMENT.] The commissioner may refuse to grant or renew a license, or may suspend or revoke a license, for violation of statutes or rules relating to home care services or for conduct detrimental to the welfare of the consumer. Prior to any suspension, revocation, or refusal to renew a license, the home care provider shall be entitled to notice and a hearing as provided by sections 14.57 to 14.70. In addition to any other remedy provided by law, the commissioner may, without a prior contested case hearing, temporarily suspend a license or prohibit delivery of services by a provider for not more than 60 days if the commissioner determines that the health or safety of a consumer is in imminent danger, provided (1) advance notice is given to the provider; (2) after notice, the provider fails to correct the problem; (3) the commissioner has reason to believe that other administrative remedies are not likely to be effective; and (4) there is an opportunity for a contested case hearing within the 60 days. The process of suspending or revoking a license must include a plan for transferring affected clients to other providers.

Subd. 4. [RELATION TO OTHER REGULATORY PROGRAMS.] In the exercise of the authority granted under sections 2 to 8 and 14, the commissioner shall not duplicate or replace standards and requirements imposed under another state regulatory program. The commissioner shall not impose additional training or education requirements upon members of a licensed or registered occupation or profession, except as necessary to address or prevent problems that are unique to the delivery of services in the home or to enforce and protect the rights of consumers listed in section 4. For home care providers certified under the Medicare program, the state standards must not be inconsistent with the Medicare standards for Medicare services. To the extent possible, the commissioner shall coordinate the inspections required under sections 5 and 8 with the health facility licensure inspections required under sections 144.50 to 144.58 or 144A.10 when the health care facility is also licensed under the provisions of this act.

Subd. 5. [PRIOR CRIMINAL CONVICTIONS.] An applicant for a home care provider license shall disclose to the commissioner all criminal convictions of persons involved in the management, operation, or control of the provider. A home care provider shall require employees of the provider and applicants for employment to disclose all criminal convictions. No person may be employed by a home care provider or involved in the management, operation, or control of a provider, if the person has been convicted of a crime that relates to the provision of home care services or to the position, duties, or responsibilities undertaken by that person in the operation of the home care provider, unless the person can provide sufficient evidence

of rehabilitation. The commissioner shall adopt rules for determining whether a crime relates to home care services and what constitutes sufficient evidence of rehabilitation. The rules must require consideration of the nature and seriousness of the crime; the relationship of the crime to the purposes of home care licensure and regulation; the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the person's position; mitigating circumstances or social conditions surrounding the commission of the crime; the length of time elapsed since the crime was committed; the seriousness of the risk to the home care client's person or property; and other factors the commissioner considers appropriate. Data collected under this subdivision shall be classified as private data under section 13.02, subdivision 12.

Sec. 7. [144A.47] [INFORMATION AND REFERRAL SERVICES.]

The commissioner shall ensure that information and referral services relating to home care are available in all regions of the state. The commissioner shall collect and make available information about available home care services, sources of payment, providers, and the rights of consumers. The commissioner may require home care providers to provide information requested for the purposes of this section, including price information, as a condition of registration or licensure. Specific price information furnished by providers under this section is not public data and must not be released without the written permission of the agency. The commissioner may publish and make available:

- (1) general information and a summary of the range of prices of home care services in the state;
- (2) limitations on hours, availability of services, and eligibility for third-party payments, applicable to individual providers; and
- (3) other information the commissioner determines to be appropriate.

Sec. 8. [144A.48] [HOSPICE PROGRAMS.]

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

- (1) "Hospice core services" means physician services, registered nursing services, medical social services, pastoral care or other counseling services, and volunteer services. Hospice core services may be provided either directly by the hospice program or through a service contract or other arrangement;

(2) "Hospice patient" means an individual who has been diagnosed as terminally ill with a probable life expectancy of under one year, as documented by the individual's attending physician, and who alone or, when unable, through the hospice patient's family has voluntarily consented to and received admission to a hospice program;

(3) "Hospice patient's family" means the immediate kin of the hospice patient and other relatives, the hospice patient's guardian, primary caregivers, or persons identified by the hospice patient as having significant personal ties;

(4) "Hospice program" means a centrally coordinated program that ensures continuity and consistency of home and inpatient care provided directly or through an agreement. Hospice core services are provided under the direction of an identifiable hospice administration. The hospice interdisciplinary team provides palliative care and supportive medical and other services to terminally ill hospice patients and patients' families to meet the physical, nutritional, emotional, social, spiritual, and special needs experienced during the final stages of illness, dying, and bereavement;

(5) "Interdisciplinary team" means a group of qualified individuals with expertise in meeting the special needs of hospice patients and patients' families. The interdisciplinary team must, at a minimum, include individuals who are providers of the hospice core services;

(6) "Palliative care" means care directed at managing the symptoms experienced by the hospice patient, intended to enhance the quality of life for the hospice patient, and the patient's family, but not directed at curing the illness; and

(7) "Volunteer services" means services by volunteers who provide a personal presence that augments a variety of professional and nonprofessional services available to the hospice patient, the patient's family, and the hospice program. Volunteers must complete a hospice training program and must be qualified for any services they provide.

Subd. 2. [LICENSE REQUIREMENTS.] A hospice program may not operate in the state or use the words "hospice" or "hospice program" without a current license issued by the commissioner of health. The commissioner shall license hospice programs using the powers and authorities contained in sections 3 to 7 and 14. In addition a hospice program must provide:

(1) centrally coordinated hospice core services in the home and inpatient settings;



(2) that the medical components of the hospice program are under the direction of a licensed physician who serves as medical director;

(3) that the palliative medical care provided to a hospice patient is under the direction of the attending physician;

(4) an interdisciplinary team that meets regularly to develop, implement, and evaluate the hospice program's plan of care for each hospice patient and the patient's family;

(5) accessible hospice care, 24 hours a day, seven days a week;

(6) an ongoing system of quality assurance;

(7) a planned program of supportive services available to patients' families during the bereavement period; and

(8) that inpatient services are provided directly or by arrangement in a licensed hospital or nursing home.

Subd. 3. [REQUIRED INSPECTIONS.] The commissioner shall inspect the hospice program, the home care and the inpatient care provided by the hospice program to determine if the requirements of sections 5 to 8 are met.

Subd. 4. [RULE AUTHORITY.] The commissioner shall promulgate rules to implement the provisions of this section.

Subd. 5. [LICENSE DESIGNATION.] A license issued to a home care provider meeting the requirements contained in this section shall indicate that the provider is qualified to offer hospice care.

Sec. 9. Minnesota Statutes 1986, section 144A.51, subdivision 6, is amended to read:

Subd. 6. "Resident" means any resident or patient of a health facility or a consumer of services provided by a home care provider, or the guardian or conservator of a the resident or patient of a health facility, or consumer, if one has been appointed.

Sec. 10. Minnesota Statutes 1986, section 144A.51, is amended by adding a subdivision to read:

Subd. 7. "Home care provider" means a home care provider as defined in section 3, subdivision 4.

Sec. 11. Minnesota Statutes 1986, section 144A.52, subdivision 3, is amended to read:

Subd. 3. The director may delegate to members of the staff any of the authority or duties of the director except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, home care providers, and the state commissioner of health.

Sec. 12. Minnesota Statutes 1986, section 144A.53, is amended to read:

144A.53 [DIRECTOR; POWERS AND DUTIES.]

Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to chapter 14, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers, home care providers, or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that a fee may not be charged for filing a complaint;

(b) Recommend legislation and changes in rules to the state commissioner of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon initiative of the director, any action or failure to act by a health care provider, home care provider, or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, a home care provider, or a health facility which the director deems necessary for the discharge of responsibilities;

(e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Issue a correction order pursuant to section 144.653 or any other law which provides for the issuance of correction orders to health care facilities or home care provider, or under section 5;

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(i) Work with administrative agencies, health facilities, home care providers, and health care providers and organizations representing

consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, a home care provider, or a health facility. The director may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and any action upon them. After completing an investigation of a complaint, the director shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider, the home care provider, and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material the director deems pertinent, the director determines that the complaint is valid, the director may recommend that an administrative agency, a health care provider, a home care provider, or a health facility should:

- (a) Modify or cancel the actions which gave rise to the complaint;
- (b) Alter the practice, rule or decision which gave rise to the complaint;
- (c) Provide more information about the action under investigation;  
or
- (d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider, a home care provider, or health facility shall, within the time specified, inform the director about the action taken on a recommendation.

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board or other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that an official or employee of an administrative agency, a home care provider, or health facility has acted in a manner warranting criminal or

disciplinary proceedings, the director shall refer the matter to the state commissioner of health, the commissioner of human services, an appropriate prosecuting authority, or other appropriate agency.

Sec. 13. Minnesota Statutes 1986, section 144A.54, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of the conclusions and recommendations. The director shall transmit the conclusions and recommendations to the state commissioner of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider, a home care provider, or a health facility, the director shall consult with that agency, health care provider, home care provider, or facility. When publishing an opinion adverse to an administrative agency, a health care provider, a home care provider, or a health facility, the director shall include in the publication any statement of reasonable length made to the director by that agency, health care provider, home care provider, or health facility in defense or explanation of the action.

#### Sec. 14. [TEMPORARY PROCEDURES.]

For purposes of this section, "home care providers" shall mean the providers described in section 3, subdivision 4, including hospice programs described in section 8. Home care providers are exempt from the licensure requirement in section 6, subdivision 1, until 90 days after the effective date of the licensure rules. Beginning July 1, 1987, no home care provider, as defined in section 3, subdivision 4, except a provider exempt from licensure under section 6, subdivision 2, may provide home care services in this state without registering with the commissioner. A home care provider is registered with the commissioner when the commissioner has received in writing the provider's name; the name of its parent corporation or sponsoring organization, if any; the street address and telephone number of its principal place of business; the street address and telephone number of its principal place of business in Minnesota; the counties in Minnesota in which it may render services; the street address and telephone number of all other offices in Minnesota; and the name, educational background, and ten-year employment history of the person responsible for the management of the agency. A registration fee must be submitted with the application for registration. The fee must be established pursuant to section 144.122 and must be based on a consideration of the following factors: the number of clients served by the home care provider, the number of employees, the number of services offered, and annual revenues of the provider. The registration is effective until 90 days after licensure rules are effective. In order to maintain its registration and provide services in Minnesota, a home care provider must comply with section 4 and comply with requests for information under section 7. A registered

home care provider is subject to sections 144A.51 to 144A.54. Registration under this section does not exempt a home care provider from the licensure and other requirements later adopted by the commissioner.

Within 90 days after the effective date of the licensure rules under section 5, the commissioner of health shall issue provisional licenses to all home care providers registered with the department as of that date. The provisional license shall be valid until superseded by a license issued under section 6 or for a period of one year, whichever is shorter. Applications for licensure as a home care provider received on or after the effective date of the home care licensure rules, shall be issued under section 6, subdivision 1.

Sec. 15. Minnesota Statutes 1986, section 256B.04, is amended by adding a subdivision to read:

Subd. 16. [PERSONAL CARE ASSISTANTS.] (a) The commissioner shall adopt permanent rules to implement, administer, and operate the personal care assistant services program. The rules must incorporate the standards and requirements adopted by the commissioner of health under section 5 which are applicable to the personal care assistant program. Limits on the extent of personal care assistant services that may be provided to an individual must be based on the cost-effectiveness of the services in relation to the costs of inpatient hospital care, nursing home care, and other available types of care. The rules must provide, at a minimum:

(1) that agencies be selected to contract with or employ and train staff to provide and supervise the provision of personal care services;

(2) that agencies employ or contract with a qualified applicant that a qualified recipient proposes to the agency as the recipient's choice of assistant;

(3) that agencies bill the medical assistance program for a personal care service by a personal care assistant and visits by the registered nurse supervising the personal care assistant;

(4) that agencies establish a grievance mechanism; and

(5) that agencies have a quality assurance program.

(b) For personal care assistants under contract with an agency under paragraph (a), the provision of training and supervision by the agency does not create an employment relationship.

Sec. 16. Minnesota Statutes 1986, section 364.09, is amended to read:

364.09 [LAW ENFORCEMENT; EXCEPTION EXCEPTIONS.]

This chapter shall not apply to the practice of law enforcement, to eligibility for a family day care license or, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements. Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement.

Sec. 17. Minnesota Statutes 1986, section 626.557, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific context indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; or a home health agency certified for participation in titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq care provider licensed under section 6.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) who is a resident or inpatient of a facility;

(2) who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) who receives services from a home health agency certified for participation under titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq care provider licensed under section 6; or

(4) who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion

of the care of a vulnerable adult voluntarily, by contract, or by agreement.

(d) "Abuse" means:

(1) any act which constitutes a violation under sections 609.221 to 609.223, 609.23 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345;

(2) nontherapeutic conduct which produces or could reasonably be expected to produce pain or injury and is not accidental, or any repeated conduct which produces or could reasonably be expected to produce mental or emotional distress;

(3) any sexual contact between a facility staff person and a resident or client of that facility; or

(4) the illegal use of a vulnerable adult's person or property for another person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person's property for any purpose not in the proper and lawful execution of a trust, including but not limited to situations where a person obtains money, property, or services from a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud.

(e) "Neglect" means:

(1) failure by a caretaker to supply a vulnerable adult with necessary food, clothing, shelter, health care or supervision;

(2) the absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult; or

(3) the absence or likelihood of absence of necessary financial management to protect a vulnerable adult against abuse as defined in paragraph (d), clause (4). Nothing in this section shall be construed to require a health care facility to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

(f) "Report" means any report received by a local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) the commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) the commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) any agency responsible for credentialing human services occupations.

Sec. 18. [APPROPRIATION.]

\$516,600 is appropriated from the general fund to the commissioner of health for the regulation of home care services to be available until June 30, 1989.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 18 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; requiring licensure of home care providers and hospice programs; providing a home care bill of rights; providing a complaint procedure for home care clients; appropriating money; amending Minnesota Statutes 1986, sections 144.335, subdivision 1; 144.699, subdivision 2; 144A.51, subdivision 6, and by adding a subdivision; 144A.52, subdivision 3; 144A.53; 144A.54, subdivision 1; 256B.04, by adding a subdivision; 364.09; and 626.557, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

S. F. No. 735, A bill for an act relating to human services; providing for a statewide interpreter service for hearing impaired persons; altering membership on Minnesota council for the hearing impaired; amending Minnesota Statutes 1986, sections 256C.24, subdivisions 2 and 3; 256C.25, subdivisions 1 and 2; and 256C.28, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1986, section 256C.24, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBILITIES.] The regional service center shall:

- (a) serve as the central entry point for hearing impaired persons in need of human services and make referrals to the services needed;
- (b) employ staff trained to work with hearing impaired persons;
- (c) provide to all hearing impaired persons access to interpreter services which are necessary to help them obtain human services;
- (d) serve as the regional interpreter referral center for hearing impaired persons and human services agencies assist the central interpreter referral agency with local and regional interpreter referrals;
- (e) implement a plan to provide loan equipment and resource materials to hearing impaired persons; and
- (f) cooperate with responsible departments and administrative authorities to provide access for hearing impaired persons to services provided by state, county and regional agencies.

Sec. 2. Minnesota Statutes 1986, section 256C.24, subdivision 3, is amended to read:

Subd. 3. [ADVISORY COMMITTEE.] The commissioner of human services shall appoint an advisory committee of eight persons for each regional service center. Members shall include four persons who are hearing impaired persons or who are the parents of a hearing impaired child children, and four representatives of county and regional human services, including representatives of private service providers. Members shall serve without payment by the state of per diem or expense At least 50 percent of the members must be hearing impaired. The commissioner of human services shall designate one member as chair. The commissioner of human services shall assign staff to serve as ex officio members of the committee. The compensation, removal of members, and filling of vacancies on the committee shall be as provided in section 15.0575.

Sec. 3. Minnesota Statutes 1986, section 256C.25, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services shall supervise the development and implementation of a statewide interpreter referral service. The commissioner of human services shall contract with an appropriate organizations agency to provide this centralized service.

Sec. 4. Minnesota Statutes 1986, section 256C.25, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The central interpreter referral service agency shall:

(a) Establish and maintain a statewide directory of interpreters who have received appropriate training and certification interpreter referral service, maintain statistics related to interpreter referral services, and maintain a statewide directory of qualified interpreters;

(b) Provide technical assistance to Cooperate with the regional service centers in implementing the providing interpreter referral service; and

(c) Assess the present and projected supply and demand for interpreting services statewide Cooperate with the regional service centers on projects to train interpreters and advocate for and evaluate interpreter services.

Sec. 5. Minnesota Statutes 1986, section 256C.28, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota council for the hearing impaired consists of seven members appointed by the commissioner of human services at large and a one member from each advisory council committee established under section 256C.24, subdivision 3. At least four of the members appointed by the commissioner 50 percent of the members must be hearing impaired. Members shall include persons who are hearing impaired, parents of hearing impaired children, and representatives of county and regional human services, including representatives of private service providers. Council members are appointed by the commissioner serve four-year terms, except for the members first appointed, of whom three are appointed for a term ending December 31, 1990, two for terms ending December 31, 1989, and two for terms ending December 31, 1988 of human services for a two-year term and shall serve no more than two consecutive terms. The commissioner of human services shall appoint one member as chair.

Sec. 6. Minnesota Statutes 1986, section 256C.28, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The council shall:

(1) advise the commissioner and governor on the development of policies, programs, and services affecting the hearing impaired, and on the use of appropriate federal and state money;

(2) create a public awareness of the special needs and potential of hearing impaired persons; and

(3) provide the commissioner and governor with a review of ongoing services, programs, and proposed legislation affecting the hearing impaired.”

Delete the title and insert:

“A bill for an act relating to human services; providing for a statewide interpreter service for hearing impaired persons; altering membership on Minnesota council for the hearing impaired; amending Minnesota Statutes 1986, sections 256C.24, subdivisions 2 and 3; 256C.25, subdivisions 1 and 2; and 256C.28, subdivisions 1 and 3.”

With the recommendation that when so amended the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 177, 290, 523, 606, 794, 1045, 1095, 1183, 1210, 1297, 1351, 1399 and 1621 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 153, 641, 1232, 1099, 853, 90, 51 and 735 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Pappas introduced:

H. F. No. 1654, A bill for an act relating to elections; creating the office of city attorney for the city of St. Paul; specifying duties; providing for the election of the city attorney.

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

Gutknecht, Scheid, Shaver, Clausnitzer and Osthoff introduced:

H. F. No. 1655, A bill for an act relating to elections; providing proportional election of presidential electors; amending Minnesota Statutes 1986, sections 204B.07, subdivision 2; 208.03; and 208.05.

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

Segal introduced:

H. F. No. 1656, A bill for an act relating to traffic regulations; providing for allocation of civil fines for motor vehicle maximum weight violations; amending Minnesota Statutes 1986, section 169.871, subdivision 5.

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

Kahn, Battaglia, Solberg, Rose and Munger introduced:

H. F. No. 1657, A bill for an act relating to state government; department of natural resources; authorizing the commissioner to increase certain license fees; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Dempsey, Solberg, Clausnitzer and Kelly introduced:

H. F. No. 1658, A bill for an act relating to marriage dissolution; providing for shared care of minor children; changing certain support and maintenance provisions; amending Minnesota Statutes 1986, sections 518.003, subdivision 3; 518.005, subdivision 2; 518.03; 518.10; 518.131, subdivisions 1, 2, 3, 6, and 7; 518.155; 518.156; 518.165, subdivisions 1 and 2; 518.166; 518.167, subdivisions 1 and 2; 518.168; 518.17, subdivisions 1, 3, and by adding a subdivision; 518.171, subdivision 6; 518.175; 518.176; 518.177; 518.18; 518.185; 518.55, subdivision 1, and by adding a subdivision; 518.551, subdivisions 5 and 6; 518.552, subdivisions 1, 2, and by adding a subdivision; 518.612; 518.619, subdivisions 1, 3, and 4; 518.62; 518.63; and 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Stat-

utes 1986, sections 518.17, subdivisions 2 and 6; and 518.552, subdivision 3.

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

### 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. 502, A bill for an act relating to counties; allowing counties to charge fees for services; providing conditions for emergency contracts; amending Minnesota Statutes 1986, sections 375.21, subdivision 1; and 375.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 373; repealing Minnesota Statutes 1986, section 375A.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 575, A resolution memorializing the President and Congress to immediately direct the Farmers Home Administration to participate in and cooperate with the Farmer-Lender Mediation Program in the State of Minnesota.

H. F. No. 836, A bill for an act relating to natural resources; revising the boundary of Lost River State Forest; amending Minnesota Statutes 1986, section 89.021, subdivision 59.

H. F. No. 1200, A bill for an act relating to human rights; defining "employee" to include commission salespersons for certain purposes; clarifying certain provisions; amending Minnesota Statutes 1986, sections 181.81, subdivision 1; and 363.01, by adding a subdivision.

H. F. No. 1495, A bill for an act relating to liquor; authorizing the city of Little Falls to issue a temporary on-sale intoxicating liquor license.

H. F. No. 1590, A bill for an act relating to education; clarifying the authority of school boards to appoint directors of area vocational technical institutes; amending Minnesota Statutes 1986, section 136C.05, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 217, A bill for an act relating to traffic regulations; providing for the operation by police departments and sheriff's offices of specially marked vehicles for highway traffic law enforcement; amending Minnesota Statutes 1986, section 169.98, subdivision 1, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Bennett moved that the House concur in the Senate amendments to H. F. No. 217 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 217, A bill for an act relating to traffic regulations; providing for the operation by certain police departments and sheriffs' offices of specially marked vehicles for highway traffic law enforcement; amending Minnesota Statutes 1986, section 169.98, subdivision 1, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Frederick	Jefferson	Kinkel
Battaglia	Carruthers	Frerichs	Jennings	Kludt
Bauerly	Clark	Greenfield	Jensen	Knickerbocker
Beard	Clausnitzer	Gruenes	Johnson, A.	Knuth
Begich	Cooper	Gutknecht	Johnson, R.	Krueger
Bennett	Dauner	Hartle	Johnson, V.	Larsen
Bertram	DeBlieck	Haukoos	Kahn	Lasley
Boo	Dempsey	Hugoson	Kalis	Lieder
Brown	Dorn	Jacobs	Kelly	Long
Burger	Forsythe	Jaros	Kelso	Marsh

McDonald	Ogren	Price	Schoenfeld	Trimble
McEachern	Olsen, S.	Quinn	Seaberg	Tunheim
McKasy	Olson, E.	Quist	Segal	Uphus
McPherson	Olson, K.	Redalen	Shaver	Valento
Milbert	Omann	Reding	Simoneau	Vanasek
Miller	Onnen	Rest	Skoglund	Vellenga
Minne	Orenstein	Rice	Solberg	Wagenius
Morrison	Otis	Richter	Sparby	Waltman
Munger	Ozment	Riveness	Stanius	Welle
Murphy	Pappas	Rose	Steenasma	Wenzel
Nelson, C.	Pauly	Rukavina	Sviggum	Winter
Nelson, K.	Pelowski	Sarna	Swenson	Wynia
Neuenschwander	Peterson	Schafer	Thiede	Spk. Norton
O'Connor	Poppenhagen	Scheid	Tompkins	

Those who voted in the negative were:

Carlson, D.      Kostohryz      Osthoff

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 487, A bill for an act relating to commerce; regulating membership camping practices; prohibiting certain advertising practices; establishing escrow requirements; regulating subdivided land sales practices; prohibiting certain advertising practices; amending Minnesota Statutes 1986, sections 82A.02, subdivisions 2, 10, and 19; 82A.04, subdivision 2; 82A.09, by adding a subdivision; 82A.11, subdivision 3; and 82A.24, subdivisions 3 and 6; proposing coding for new law in Minnesota Statutes, chapters 82A and 83.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Peterson moved that the House concur in the Senate amendments to H. F. No. 487 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 487, A bill for an act relating to commerce; regulating membership camping practices; prohibiting certain advertising practices; establishing escrow requirements; regulating subdivided land sales practices; prohibiting certain advertising practices; amending Minnesota Statutes 1986, sections 82A.02, subdivisions 2, 10, and 19; 82A.04, subdivision 2; 82A.09, by adding a subdivision; 82A.11, subdivision 3; and 82A.24, subdivisions 3 and 6; proposing coding for new law in Minnesota Statutes, chapters 82A and 83.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1145, A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 1145 and that the bill be repassed as amended by the Senate. The motion prevailed.



H. F. No. 1145, A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Sarna

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 730, A bill for an act relating to witnesses; expanding the exception to the husband-wife privilege applicable to crimes com-

mitted against children; amending Minnesota Statutes 1986, section 595.02, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wagenius moved that the House concur in the Senate amendments to H. F. No. 730 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 730, A bill for an act relating to witnesses; allowing spousal testimony with respect to crimes committed against children; amending Minnesota Statutes 1986, section 595.02, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 555, A bill for an act relating to crimes; prohibiting giving peace officers false names; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carruthers moved that the House concur in the Senate amendments to H. F. No. 555 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 555, A bill for an act relating to crimes; prohibiting giving peace officers false names; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Winter

Wynia

Spk. Norton

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 816, A bill for an act relating to drivers' licenses; traffic regulations; requiring courts to furnish information relating to previous convictions without charge in gross misdemeanor prosecutions of the driving while under the influence law; imposing a penalty on person who violates conditions attached to limited driver's license; amending Minnesota Statutes 1986, sections 169.121, subdivision 3; 171.17; and 171.30, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 816 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 816, A bill for an act relating to drivers' licenses; traffic regulations; requiring courts to furnish information relating to previous convictions without charge in gross misdemeanor prosecutions of the driving while under the influence law; imposing a penalty on person who violates conditions attached to limited driver's license; amending Minnesota Statutes 1986, sections 169.121, subdivision 3; and 171.30, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Clausnitzer	Frerichs	Jaros
Battaglia	Boo	Cooper	Greenfield	Jefferson
Bauerly	Brown	Dauner	Gruenes	Jennings
Beard	Burger	DeBlieck	Gutknecht	Jensen
Begich	Carlson, D.	Dempsey	Hartle	Johnson, A.
Bennett	Carlson, L.	Dorn	Haukoos	Johnson, R.
Bertram	Carruthers	Forsythe	Hugoson	Johnson, V.
Bishop	Clark	Frederick	Jacobs	Kahn

Kalis	McPherson	Orenstein	Rodosovich	Thiede
Kelly	Milbert	Osthoff	Rose	Tjornhom
Kelso	Miller	Otis	Rukavina	Tompkins
Kinkel	Minne	Ozment	Sarna	Trimble
Kludt	Morrison	Pappas	Schafer	Tunheim
Knickerbocker	Munger	Pauly	Scheid	Uphus
Knuth	Murphy	Pelowski	Schoenfeld	Valento
Kostohryz	Nelson, C.	Peterson	Seaberg	Vanasek
Krueger	Nelson, D.	Poppenhagen	Segal	Vellenga
Larsen	Nelson, K.	Price	Shaver	Waltman
Lasley	Neuenschwander	Quinn	Simoneau	Welle
Lieder	O'Connor	Quist	Skoglund	Wenzel
Long	Ogren	Redalen	Solberg	Winter
Marsh	Olsen, S.	Reding	Sparby	Wynia
McDonald	Olson, E.	Rest	Stanius	Spk. Norton
McEachern	Olson, K.	Rice	Steensma	
McKasy	Omann	Richter	Sviggum	
McLaughlin	Onnen	Riveness	Swenson	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 721, A bill for an act relating to human services; providing for the recovery of medical assistance overpayments; amending Minnesota Statutes 1986, section 256B.0641, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Greenfield moved that the House concur in the Senate amendments to H. F. No. 721 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 721, A bill for an act relating to human services; providing for the recovery of medical assistance overpayments; amending Minnesota Statutes 1986, section 256B.0641, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McDonald      Seaberg

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 270, A bill for an act relating to adoption; providing for notice of an adopted child or genetic parent's death; proposing coding for new law in Minnesota Statutes, chapter 259.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Vellenga moved that the House concur in the Senate amendments to H. F. No. 270 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 270, A bill for an act relating to adoption; providing for notice of an adopted child or genetic parent's death or terminal illness; proposing coding for new law in Minnesota Statutes, chapter 259.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Marsh

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 755, A bill for an act relating to the metropolitan government; authorizing municipalities in the metropolitan area to adopt ordinances related to aircraft noise; proposing coding for new law in Minnesota Statutes, chapter 473.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Seaberg moved that the House concur in the Senate amendments to H. F. No. 755 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 755, A bill for an act relating to the metropolitan government; authorizing municipalities in the metropolitan area to adopt ordinances related to aircraft noise; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 799, A bill for an act relating to Koochiching county; permitting the county to establish a bidstead development authority.

PATRICK E. FLAHAVEN, Secretary of the Senate



## CONCURRENCE AND REPASSAGE

Neuenschwander moved that the House concur in the Senate amendments to H. F. No. 799 and that the bill be repassed as amended by the Senate. The motion prevailed.

The Speaker called Simoneau to the Chair.

H. F. No. 799, A bill for an act relating to Koochiching county; permitting the county to establish an economic development authority and a pilot bidstead development authority.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1371, A bill for an act relating to courts; specifying certain locations for holding court in Ramsey county; proposing coding for new law in Minnesota Statutes, chapter 488A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rose moved that the House refuse to concur in the Senate amendments to H. F. No. 1371, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Rose motion and the roll was called. There were 41 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bennett	Gutknecht	McPherson	Redalen	Tjornhom
Burger	Hartle	Miller	Richter	Uphus
Carlson, D.	Hugoson	Morrison	Rose	Valento
Clausnitzer	Johnson, V.	Olsen, S.	Schafer	Vellenga
Dempsey	Knickerbocker	Omann	Seaberg	Wynia
Forsythe	Marsh	Onnen	Shaver	
Frederick	McDonald	Pauly	Skoglund	
Frerichs	McEachern	Poppenhagen	Sviggum	
Gruenes	McKasy	Quist	Thiede	

Those who voted in the negative were:

Battaglia	Haukoos	Krueger	Ozment	Segal
Bauerly	Jacobs	Larsen	Pappas	Simoneau
Beard	Jaros	Lieder	Pelowski	Solberg
Begich	Jefferson	Long	Peterson	Sparby
Bertram	Jennings	McLaughlin	Price	Stanius
Bishop	Jensen	Milbert	Quinn	Steenma
Brown	Johnson, R.	Minne	Reding	Swenson
Carlson, L.	Kahn	Munger	Rest	Tompkins
Carruthers	Kalis	Murphy	Rice	Trimble
Clark	Kelly	Nelson, C.	Riveness	Tunheim
Cooper	Kelso	Nelson, D.	Rodosovich	Vanasek
Dauner	Kinkel	O'Connor	Rukavina	Wagenius
DeBlicck	Kludt	Ogren	Sarna	Welle
Dorn	Knuth	Orenstein	Scheid	Wenzel
Greenfield	Kostohryz	Otis	Schoenfeld	Winter
				Spk. Norton

The motion did not prevail.

#### CONCURRENCE AND REPASSAGE

Knuth moved that the House concur in the Senate amendments to H. F. No. 1371 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

The question was taken on the Knuth motion and the roll was called. There were 95 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Knuth	Otis	Segal
Anderson, R.	Frederick	Kostohryz	Ozment	Shaver
Battaglia	Greenfield	Krueger	Pappas	Simoneau
Bauerly	Hartle	Larsen	Pauly	Skoglund
Beard	Haukoos	Lieder	Pelowski	Solberg
Begich	Hugoson	Long	Peterson	Sparby
Bertram	Jacobs	McPherson	Price	Stanius
Bishop	Jaros	Milbert	Quinn	Steensma
Boo	Jefferson	Miller	Reding	Swenson
Brown	Jennings	Minne	Rest	Tjornhom
Burger	Jensen	Morrison	Rice	Tompkins
Carlson, L.	Johnson, A.	Munger	Richter	Trimble
Carruthers	Johnson, R.	Murphy	Riveness	Tunheim
Clark	Kahn	Nelson, C.	Rodosovich	Vanasek
Clausnitzer	Kalis	Nelson, D.	Rukavina	Wagenius
Cooper	Kelly	Neuenschwander	Sarna	Welle
Dauner	Kelso	O'Connor	Scheid	Wenzel
DeBlicek	Kinkel	Ogren	Schoenfeld	Winter
Dempsey	Kludt	Orenstein	Seaberg	Spk. Norton

Those who voted in the negative were:

Bennett	Gutknecht	McEachern	Poppenhagen	Thiede
Carlson, D.	Johnson, V.	McKasy	Quist	Uphus
Forsythe	Knickerbocker	Olsen, S.	Redalen	Valento
Frerichs	Marsh	Omann	Rose	Vellenga
Gruenes	McDonald	Onnen	Sviggum	Wynia

The motion prevailed.

H. F. No. 1371, A bill for an act relating to courts; specifying certain locations for holding court in Ramsey county; proposing coding for new law in Minnesota Statutes, chapter 488A.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 103 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Dempsey	Jennings	Kinkel
Battaglia	Burger	Dille	Jensen	Kludt
Bauerly	Carlson, L.	Dorn	Johnson, A.	Knuth
Beard	Carruthers	Greenfield	Johnson, R.	Kostohryz
Begich	Clark	Hartle	Johnson, V.	Krueger
Bertram	Clausnitzer	Haukoos	Kahn	Larsen
Bishop	Cooper	Jacobs	Kalis	Lasley
Blatz	Dauner	Jaros	Kelly	Lieder
Boo	DeBlicek	Jefferson	Kelso	Long

Marsh	Neuenschwander	Peterson	Schoenfeld	Tompkins
McKasy	O'Connor	Price	Seaberg	Trimble
McLaughlin	Ogren	Quinn	Segal	Tunheim
Milbert	Olson, E.	Reding	Shaver	Vanasek
Miller	Olson, K.	Rest	Simoneau	Vellenga
Minne	Onnen	Rice	Skoglund	Wagenius
Morrison	Orenstein	Richter	Solberg	Welle
Munger	Otis	Riveness	Sparby	Wenzel
Murphy	Ozment	Rodosovich	Stanius	Winter
Nelson, C.	Pappas	Rukavina	Steensma	Spk. Norton
Nelson, D.	Pauly	Sarna	Swenson	
Nelson, K.	Pelowski	Scheid	Tjornhom	

Those who voted in the negative were:

Bennett	Gutknecht	McPherson	Redalen	Valento
Carlson, D.	Hugoson	Olsen, S.	Rose	Waltman
Forsythe	Knickerbocker	Omann	Schafer	Wynia
Frederick	McDonald	Poppenhagen	Thiede	
Gruenes	McEachern	Quist	Uphus	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 294, A bill for an act relating to intoxicating liquor; authorizing counties to issue temporary on-sale licenses; amending Minnesota Statutes 1986, section 340A.404, subdivision 10.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 294 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 294, A bill for an act relating to intoxicating liquor; permitting certain transactions by brewers and wholesalers; authorizing counties to issue temporary on-sale licenses; authorizing cities to issue temporary off-sale licenses for the sale of vintage wine at auctions; amending Minnesota Statutes 1986, sections 340A.308; 340A.404, subdivision 10; and 340A.405, by adding a subdivision:

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Nelson, D.	Onnen	Thiede
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 470, A bill for an act relating to family law; eliminating the requirement that a husband's consent to donor insemination be filed with the commissioner of health; amending Minnesota Statutes 1986, section 257.56, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 470 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 470, A bill for an act relating to family law; eliminating the requirement that a husband's consent to donor insemination be filed with the commissioner of health; amending Minnesota Statutes 1986, section 257.56, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 427, A bill for an act relating to public safety; providing that violation of local DWI ordinance is counted for purposes of driver's license revocation; providing that courts must report juvenile traffic violations to the department of public safety; amending Minnesota Statutes 1986, sections 169.121, subdivision 4; 171.16,

subdivision 5; 171.17; and 260.161, by adding a subdivision; repealing Minnesota Statutes 1986, section 260.193, subdivision 9.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Rest moved that the House concur in the Senate amendments to H. F. No. 427 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 427, A bill for an act relating to public safety; providing that violation of local DWI ordinance is counted for purposes of driver's license revocation; providing that courts must report juvenile traffic violations to the department of public safety; amending Minnesota Statutes 1986, sections 169.121, subdivision 4; 171.16, subdivision 5; 171.17; and 260.161, subdivision 2; repealing Minnesota Statutes 1986, section 260.193, subdivision 9.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 286, A bill for an act relating to witnesses; removing the presumption against the competency of certain witnesses; amending Minnesota Statutes 1986, section 595.02, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Vellenga moved that the House concur in the Senate amendments to H. F. No. 286 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 286, A bill for an act relating to witnesses; removing the presumption against the competency of certain witnesses; amending Minnesota Statutes 1986, section 595.02, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Kelly	Munger	Price
Anderson, R.	Dille	Kelso	Murphy	Quinn
Battaglia	Dorn	Kinkel	Nelson, C.	Quist
Bauerly	Forsythe	Kludt	Nelson, D.	Redalen
Beard	Frederick	Knickerbocker	Nelson, K.	Reding
Begich	Frerichs	Knuth	O'Connor	Rest
Bennett	Greenfield	Kostohryz	Ogren	Rice
Bertram	Gruenes	Krueger	Olsen, S.	Richter
Bishop	Gutknecht	Larsen	Olson, E.	Riveness
Blatz	Hartle	Lasley	Olson, K.	Rodosovich
Boo	Haukoos	Lieder	Omamm	Rose
Brown	Hugoson	Marsh	Onnen	Rukavina
Burger	Jacobs	McDonald	Orenstein	Sarna
Carlson, D.	Jaros	McEachern	Osthoff	Schafer
Carlson, L.	Jefferson	McKasy	Otis	Scheid
Carruthers	Jennings	McLaughlin	Ozment	Schoenfeld
Clark	Jensen	McPherson	Pappas	Seaberg
Clausnitzer	Johnson, A.	Milbert	Pauly	Segal
Cooper	Johnson, R.	Miller	Pelowski	Shaver
Dauner	Johnson, V.	Minné	Peterson	Simoneau
DeBlicck	Kalis	Morrison	Poppenhagen	Skoglund



Solberg	Swenson	Tunheim	Wagenius	Spk. Norton
Sparby	Thiede	Uphus	Waltman	
Stanius	Tjornhom	Valento	Welle	
Steensma	Tompkins	Vanasek	Wenzel	
Sviggum	Trimble	Vellenga	Wynia	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kelso moved that the House concur in the Senate amendments to H. F. No. 609 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Frederick	Jensen	Krueger
Anderson, R.	Carlson, L.	Frerichs	Johnson, A.	Lasley
Battaglia	Carruthers	Greenfield	Johnson, R.	Lieder
Bauerly	Clark	Gruenes	Johnson, V.	Long
Beard	Clausnitzer	Gutknecht	Kalis	Marsh
Begich	Cooper	Hartle	Kelly	McDonald
Bennett	Dauner	Haukoos	Kelso	McEachern
Bertram	DeBlieck	Hugoson	Kinkel	McKasy
Bishop	Dempsey	Jacobs	Kludt	McLaughlin
Blatz	Dille	Jaros	Knickerbocker	McPherson
Boo	Dorn	Jefferson	Knuth	Milbert
Brown	Forsythe	Jennings	Kostohryz	Miller

Minne	Omann	Quist	Seaberg	Tompkins
Morrison	Onnen	Reding	Segal	Trimble
Munger	Orenstein	Rest	Shaver	Tunheim
Murphy	Osthoff	Rice	Simoneau	Uphus
Nelson, C.	Otis	Richter	Skoglund	Vanasek
Nelson, D.	Ozment	Riveness	Solberg	Vellenga
Nelson, K.	Pappas	Rodosovich	Sparby	Wagenius
Neuenschwander	Pauly	Rose	Stanius	Waltman
O'Connor	Pelowski	Rukavina	Steensma	Welle
Ogren	Peterson	Sarna	Sviggum	Wenzel
Olsen, S.	Poppenhagen	Schafer	Swenson	Winter
Olson, E.	Price	Scheid	Thiede	Wymia
Olson, K.	Quinn	Schoenfeld	Tjornhom	Spk. Norton

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 692, A bill for an act relating to public safety; providing for access to criminal justice datacommunications network and defining purposes for its use; providing access to motor vehicle excise tax data; amending Minnesota Statutes 1986, sections 297B.12; 299C.46, subdivision 3; and 299C.48.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McKasy moved that the House concur in the Senate amendments to H. F. No. 692 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 692, A bill for an act relating to public safety; providing for access to criminal justice datacommunications network and defining purposes for its use; amending Minnesota Statutes 1986, sections 299C.46, subdivision 3; and 299C.48.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bauerly	Bennett	Blatz	Burger
Anderson, R.	Beard	Bertram	Boo	Carlson, D.
Battaglia	Begich	Bishop	Brown	Carlson, L.

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 941, A bill for an act relating to crimes; prohibiting killing or injuring a police dog involved in law enforcement investigation or apprehension; prescribing penalties; amending Minnesota Statutes 1986, section 609.595, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Carruthers moved that the House concur in the Senate amendments to H. F. No. 941 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 941, A bill for an act relating to crimes; prohibiting killing or injuring a police dog involved in law enforcement investigation or apprehension; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Beard	Johnson, V.	Ogren	Quinn	Stanius
Jacobs	McEachern	Price	Rukavina	Waltman

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1185, A bill for an act relating to education; clarifying that funds may not be transferred from the debt redemption fund; amending Minnesota Statutes 1986, section 121.9121, subdivision 1.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Cooper moved that the House concur in the Senate amendments to H. F. No. 1185 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1185, A bill for an act relating to education; clarifying that funds may not be transferred from the debt redemption fund; clarifying permanent transfers that are currently permitted; amending Minnesota Statutes 1986, sections 121.912, subdivision 1; and 121.9121, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 92 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Long	Otis	Simoneau
Battaglia	Jaros	Marsh	Ozment	Skoglund
Bauerly	Jefferson	McEachern	Pappas	Solberg
Beard	Jennings	McKasy	Pauly	Stanius
Begich	Jensen	McLaughlin	Pelowski	Swenson
Bennett	Johnson, A.	Milbert	Peterson	Tjornhom
Bertram	Johnson, R.	Minne	Price	Tompkins
Bishop	Kahn	Morrison	Quinn	Trimble
Blatz	Kalis	Munger	Reding	Tunheim
Boo	Kelly	Murphy	Rest	Vanasek
Carlson, L.	Kelso	Nelson, C.	Riveness	Vellenga
Carruthers	Kinkel	Nelson, D.	Rodosovich	Wagenius
Clark	Kludt	Nelson, K.	Rukavina	Welle
Clausnitzer	Knickerbocker	Neuenschwander	Sarna	Wenzel
Cooper	Kostohryz	O'Connor	Scheid	Wynia
Forsythe	Krueger	Ogren	Schoenfeld	Spk. Norton
Greenfield	Larsen	Olsen, S.	Seaberg	
Gruenes	Lasley	Orenstein	Segal	
Hartle	Lieder	Osthoff	Shaver	

Those who voted in the negative were:

Anderson, R.	Dorn	McDonald	Poppenhagen	Sviggum
Brown	Frederick	McPherson	Quist	Thiede
Burger	Frerichs	Miller	Redalen	Uphus
Carlson, D.	Gutknecht	Olson, E.	Richter	Valento
Danner	Haukoos	Olson, K.	Rose	Waltman
DeBlicck	Hugoson	Omam	Schafer	Winter
Dempsey	Johnson, V.	Onnen	Steensma	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 806, A bill for an act relating to human services; requiring certain written reports of abuse within 72 hours; requiring county attorneys to be on child protection teams; requiring specific investigations of certain abuse cases; amending Minnesota

Statutes 1986, sections 626.556, subdivisions 7, 10, and 10a; and 626.558, subdivisions 1, 2, and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Vellenga moved that the House concur in the Senate amendments to H. F. No. 806 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 806, A bill for an act relating to human services; requiring certain written reports of abuse within 72 hours; requiring county attorneys to be on child protection teams; requiring specific investigations of certain abuse cases; providing for case consultation by child protection teams; amending Minnesota Statutes 1986, sections 626.556, subdivisions 7, 10, and 10a; and 626.558, subdivisions 1, 2, and 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 904, A bill for an act relating to human services; requiring notification to spouse of nursing home resident; amending Minnesota Statutes 1986, section 256B.48, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Anderson, R., moved that the House concur in the Senate amendments to H. F. No. 904 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 904, A bill for an act relating to human services; requiring notification to spouse of nursing home resident; amending Minnesota Statutes 1986, section 256B.48, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Wenzel

Winter

Wynia

Spk. Norton

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 947, A bill for an act relating to state lands; authorizing private sales of certain tax-forfeited land in St. Louis county.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 947 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 947, A bill for an act relating to state lands; authorizing a private sale of certain tax-forfeited land in St. Louis county; authorizing the sale of certain tax-forfeited land to the city of Winton; authorizing private sale of certain tax-forfeited land in Lake county to the city of Two Harbors.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Jaros	Larsen	Nelson, D.
Anderson, R.	Cooper	Jefferson	Lasley	Nelson, K.
Battaglia	Dauner	Jennings	Lieder	Neuenschwander
Bauerly	DeBlick	Jensen	Long	O'Connor
Beard	Dempsey	Johnson, A.	Marsh	Ogren
Begich	Dille	Johnson, R.	McDonald	Olsen, S.
Bennett	Dorn	Johnson, V.	McEachern	Olson, E.
Bertram	Forsythe	Kahn	McKasy	Olson, K.
Bishop	Frederick	Kalis	McLaughlin	Omann
Blatz	Frerichs	Kelly	McPherson	Onnen
Boo	Greenfield	Kelso	Milbert	Orenstein
Brown	Gruenes	Kinkel	Miller	Osthoff
Burger	Gutknecht	Kludt	Minne	Otis
Carlson, D.	Hartle	Knickerbocker	Morrison	Ozment
Carlson, L.	Haukoos	Knuth	Munger	Pappas
Carruthers	Hugoson	Kostohryz	Murphy	Pauly
Clark	Jacobs	Krueger	Nelson, C.	Pelowski



Peterson	Richter	Seaberg	Svigum	Vellenga
Poppenhagen	Riveness	Segal	Swenson	Wagenius
Price	Rodosovich	Shaver	Thiede	Waltman
Quinn	Rose	Simoneau	Tjornhom	Welle
Quist	Rukavina	Skoglund	Tompkins	Wenzel
Redalen	Sarna	Solberg	Trimble	Winter
Reding	Schafer	Sparby	Tunheim	Wynia
Rest	Scheid	Stanius	Uphus	Spk. Norton
Rice	Schoenfeld	Steensma	Vanasek	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1204, A bill for an act relating to Hennepin county; providing for the management of county health facilities; permitting the county board to hold closed meetings on certain medical center business; permitting certain data to be treated as trade secret information; amending Minnesota Statutes 1986, section 383B.217, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Scheid moved that the House concur in the Senate amendments to H. F. No. 1204 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1204, A bill for an act relating to health facilities; providing for the management of county health facilities; clarifying provisions relating to the St. Paul Ramsey medical center; permitting the Hennepin county board to hold closed meetings on certain medical center business; permitting certain data to be treated as trade secret information; amending Minnesota Statutes 1986, sections 246A.16, subdivision 2; 246A.17, subdivision 2; and 383B.217, subdivision 7.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1412, A bill for an act relating to state land; authorizing private sale of certain tax-forfeited land in Lake county to city of Two Harbors; providing timing for 1987 sales of lakeshore lots; amending Minnesota Statutes 1986, section 92.67, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Battaglia moved that the House concur in the Senate amendments to H. F. No. 1412 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1412, A bill for an act relating to state land; authorizing extension of the date to sell lakeshore cabin site lots; amending Minnesota Statutes 1986, section 92.67, subdivision 4.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1521; A bill for an act relating to local government; providing the Lake county housing and redevelopment authority with certain port authority powers.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Battaglia moved that the House concur in the Senate amendments to H. F. No. 1521 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1521, A bill for an act relating to local government; providing the Lake county housing and redevelopment authority

with certain port authority powers; authorizing the imposition of a lodging tax in certain towns in Cook county.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 909, A bill for an act relating to waters; changing the posting and publication of notice requirements for aeration operations by a permittee of the commissioner of natural resources; providing an exclusion from government tort liability; amending

Minnesota Statutes 1986, sections 3.736, subdivision 3; and 378.22, subdivisions 2 and 3.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Brown moved that the House concur in the Senate amendments to H. F. No. 909 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 909, A bill for an act relating to waters; changing the posting and publication of notice requirements for aeration operations by a permittee of the commissioner of natural resources; providing an exclusion from government tort liability; amending Minnesota Statutes 1986, sections 3.736, subdivision 3; and 378.22, subdivisions 2 and 3, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey                      Schoenfeld

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1159, A bill for an act relating to retirement; public pension plan or fund assets; prohibiting certain transfers or uses of assets; proposing coding for new law in Minnesota Statutes, chapter 356.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pappas moved that the House refuse to concur in the Senate amendments to H. F. No. 1159, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 706, A bill for an act relating to juveniles; clarifying certain recent changes to the juvenile court act; clarifying the hearing and records procedures of the juvenile court; providing for the enforcement of juvenile court restitution orders; permitting administrative docketing of certain unpaid county reimbursements; clarifying certain crime victim notification and protection laws; amending Minnesota Statutes 1986, sections 260.155, subdivisions 1 and 1a; 260.156; 260.161; 260.185, by adding a subdivision; 548.091, subdivision 1; 595.02, subdivision 4; 609.115, subdivision 1; 609.3471; 611A.031; and 611A.035; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1986, sections 609.115, subdivisions 1b and 1c; and 636.08.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly moved that the House refuse to concur in the Senate amendments to H. F. No. 706, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 230, A bill for an act relating to elections; authorizing combination of certain municipalities for election purposes; amending Minnesota Statutes 1986, sections 204B.14, subdivisions 2, 4, 5, and by adding a subdivision; 204B.21, subdivision 2; and 204B.22, subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

Tunheim moved that the House refuse to concur in the Senate amendments to H. F. No. 230, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1369, 865, 682 and 1056.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1369, A bill for an act relating to traffic safety; speed limit; increasing the speed limit on rural interstate highways to 65 miles per hour; requiring all speeding violations to be recorded on drivers' records; repealing governor's authority to establish speed limits; amending Minnesota Statutes 1986; section 169.14, subdivision 2; repealing Minnesota Statutes 1986, sections 169.141; 169.99, subdivision 1b; and 171.12, subdivision 6.

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

S. F. No. 865, A bill for an act relating to environment; authorizing an assessment against public utilities to finance the state costs of controlling acid deposition; amending Minnesota Statutes 1986, section 116C.69, subdivision 3.

The bill was read for the first time.

Trimble moved that S. F. No. 865 and H. F. No. 915, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 682, A bill for an act relating to human services; expanding employment and training services in the aid to families with dependent children program; changing standards of eligibility for general assistance recipients and work readiness recipients; implementing immediate income withholding; modifying the child care sliding fee program; establishing the family health insurance program; changing standards of eligibility for the medical assistance program; amending Minnesota Statutes 1986, sections 144.219; 256.01, subdivision 2; 256.736, subdivisions 3, 4, 6, and 8, and by adding subdivisions; 256.74, subdivision 1; 256B.06, subdivision 1; 256D.01, subdivision 1a; 256D.02, subdivisions 5 and 8 and by adding a subdivision; 256D.03, subdivision 2; 256D.05, subdivision 1; 256D.051, subdivisions 1, 2, 6, and 8; 256D.06, subdivisions 1, 1b, and 2; 256D.08, subdivision 1; 256D.101; 256D.15; 257.33; 257.34; subdivision 1; 257.57, subdivision 2; 257.60; 257.62, by adding a subdivision; 257.63, subdivision 2; 267.02, by adding a subdivision; 267.03, subdivision 2; 268.0122, subdivision 3; 268.86, subdivision 2; 268.871, subdivisions 1 and 2, and by adding a subdivision; 268.88; 268.91, subdivisions 1, 2, 3, 4, 5, and 6, and by adding subdivisions; 510.07; 518.131, subdivision 7; 518.171, subdivision 1; 518.24; 518.551, subdivision 1, and by adding a subdivision; 518.57, subdivision 1; 518.611, subdivisions 1, 2, 3, 4, 6, and 8, and by adding a subdivision; 518.64, subdivision 2; and 518.645; proposing coding for new law in Minnesota Statutes, chapters 256, 256D, and 518; repealing Minnesota Statutes 1986, sections 256D.051, subdivisions 4, 5, and 12; 257.34, subdivision 2; and 268.86, subdivisions 1, 3, 4, and 5.

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

S. F. No. 1056, A bill for an act relating to natural resources; increasing certain game, fish, and related license and other fees; amending Minnesota Statutes 1986, sections 84.091, subdivision 3; 97A.065, by adding subdivisions; 97A.415, subdivision 1; 97A.441, subdivision 1; 97A.475, subdivisions 2, 3, 6, 7, 8, 9, 11, 12, 13, and 20, and by adding subdivisions; and 97C.305; repealing Minnesota Statutes 1986, section 97A.451, subdivision 1.

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

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, G., requested immediate consideration of H. F. Nos. 601, 834, 995, 916, 1030, 1450 and 163.



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; clarifying provisions relating to the burden of proof and evidence of negligence; amending Minnesota Statutes 1986, sections 88.17, subdivision 2; 88.75, subdivision 1; and 88.76.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 834, A bill for an act relating to natural resources; providing for the deposit of receipts from private forest management services into the forest management fund; amending Minnesota Statutes 1986, sections 88.79, subdivision 2; and 89.04.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 995, A bill for an act relating to human services; clarifying chemical dependency consolidated fund administration procedures; amending Minnesota Statutes 1986, sections 246.51; 246.511; 254B.01, subdivision 5; 254B.02, subdivisions 1, 2, 3, and 5; 254B.03, subdivisions 1, 2, 3, 4, and 5; 254B.04; 254B.05; 254B.06, subdivision 1; 254B.08; and 254B.09, subdivisions 3, 5, and 7; repealing Minnesota Statutes 1986, section 256.968.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carruthers	Gruenes	Kalis	Marsh
Battaglia	Clark	Gutknecht	Kelly	McDonald
Bauerly	Clausnitzer	Hartle	Kelso	McEachern
Beard	Cooper	Haukoos	Kinkel	McKasy
Begich	Dauner	Hugoson	Kludt	McLaughlin
Bennett	DeBlicek	Jacobs	Knickerbocker	McPherson
Bertram	Dempsey	Jaros	Knuth	Milbert
Bishop	Dille	Jefferson	Kostohryz	Miller
Blatz	Dorn	Jennings	Krueger	Minne
Brown	Forsythe	Jensen	Larsen	Morrison
Burger	Frederick	Johnson, R.	Lasley	Munger
Carlson, D.	Frerichs	Johnson, V.	Lieder	Murphy
Carlson, L.	Greenfield	Kahn	Long	Nelson, C.

Nelson, D.	Pappas	Riveness	Solberg	Vanasek
Nelson, K.	Pauly	Rodosovich	Sparby	Vellenga
Neuenschwander	Pelowski	Rose	Stanius	Wagenius
O'Connor	Peterson	Rukavina	Steensma	Waltman
Ogren	Poppenhagen	Sarna	Sviggum	Welle
Olsen, S.	Price	Schafer	Swenson	Wenzel
Olson, E.	Quinn	Scheid	Thiede	Winter
Olson, K.	Quist	Schoenfeld	Tjornhom	Wynia
Omann	Redalen	Seaberg	Tompkins	Spk. Norton
Onnen	Reding	Segal	Trimble	
Orenstein	Rest	Shaver	Tunheim	
Otis	Rice	Simoneau	Uphus	
Ozment	Richter	Skoglund	Valento	

The bill was passed and its title agreed to.

H. F. No. 916, A bill for an act relating to state government; amending, creating, and deleting various duties of the commissioner of administration; creating the productivity loan fund; providing definitions; requiring interest earned on the revolving fund for vocational rehabilitation of the blind to be credited to the fund; amending Minnesota Statutes 1986, sections 4.31, subdivisions 1, 5, and by adding a subdivision; 14.04; 16B.06, subdivision 4; 16B.08, subdivisions 3 and 7; 16B.09, subdivision 1; 16B.17, subdivision 2; 16B.24, subdivision 6; 16B.29; 16B.39, by adding a subdivision; 16B.51, subdivision 3; 138.17, subdivision 7; 139.19; 248.07, subdivision 8; and Laws 1979, chapter 333, section 18; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1986, sections 16B.39, subdivision 1; and 138.22.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Kahn	Miller	Pauly
Anderson, R.	Dille	Kalis	Minne	Pelowski
Battaglia	Forsythe	Kelly	Morrison	Peterson
Bauerly	Frederick	Kelso	Munger	Poppenhagen
Beard	Frerichs	Kinkel	Murphy	Price
Begich	Greenfield	Kludt	Nelson, C.	Quinn
Bennett	Gruenes	Knickerbocker	Nelson, D.	Quist
Bertram	Gutknecht	Knuth	Nelson, K.	Redalen
Blatz	Hartle	Kostohryz	Neuenschwander	Reding
Boo	Haukoos	Krueger	O'Connor	Rest
Brown	Heap	Larsen	Ogren	Rice
Burger	Hugoson	Lasley	Olsen, S.	Richter
Carlson, D.	Jacobs	Lieder	Olson, E.	Rodosovich
Carlson, L.	Jaros	Long	Olson, K.	Rose
Carruthers	Jefferson	Marsh	Omann	Rukavina
Clark	Jennings	McEachern	Onnen	Sarna
Clausnitzer	Jensen	McKasy	Orenstein	Schafer
Cooper	Johnson, A.	McLaughlin	Otis	Scheid
Dauner	Johnson, R.	McPherson	Ozment	Schoenfeld
DeBlicke	Johnson, V.	Milbert	Pappas	Schreiber

Seaberg	Solberg	Swenson	Uphus	Waltman
Segal	Sparby	Thiede	Valento	Wenzel
Shaver	Stanius	Tjornhom	Vanasek	Winter
Simoneau	Steensma	Trimble	Vellenga	Spk. Norton
Skoglund	Sviggum	Tunheim	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 1030, A bill for an act relating to water pollution; providing for grants and loans for the construction and rehabilitation of wastewater treatment facilities and systems; authorizing rulemaking; amending Minnesota Statutes 1986, sections 116.16, subdivision 5; 116.167; 116.18, subdivisions 2a, 3a, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Rose was excused between the hours of 1:45 p.m. and 2:30 p.m.

Speaker pro tempore Simoneau called Long to the Chair.

H. F. No. 1450, A bill for an act relating to workers' compensation; requiring security of self-insurers; regulating special compensation fund assessments and liability; creating a self-insurer insolvency fund; authorizing certain inspections; providing penalties; amending Minnesota Statutes 1986, sections 176.041, subdivision 4; 176.129, subdivisions 9, 11, and 13; 176.131, subdivisions 1 and 8; 176.181, subdivision 3; 176.182; 176.183, subdivisions 1a and 2; 176.225, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 60A and 176.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 163 was reported to the House.

Clausnitzer moved to amend H. F. No. 163, the third engrossment, as follows:

Pages 14 and 15, delete section 20

Page 15, delete lines 28 to 33, and insert:

"The director of Dakota county human services, the Dakota county attorney, the clerk of the Dakota county court and the Dakota county program manager for child support enforcement shall jointly report to the chairs of the judiciary committees of the house of representatives and the senate on or before January 2, 1989, on their experience in implementing the pilot project required by section 15 and shall make recommendations for any desirable changes in the program."

Pages 15 and 16, delete section 23

Page 16, delete section 26

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Clausnitzer amendment and the roll was called. There were 43 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Beard	Haukoos	Miller	Richter	Thiede
Boo	Himle	Morrison	Rose	Tjornhom
Burger	Hugoson	Nelson, D.	Schafer	Tompkins
Carlson, D.	Johnson, V.	Onnen	Schreiber	Uphus
Clausnitzer	Lasley	Osthoff	Seaberg	Valento
Dauner	Marsh	Pauly	Shaver	Waltman
Dempsey	McDonald	Poppenhagen	Solberg	Welle
Frederick	McPherson	Quist	Sparby	
Gutknecht	Milbert	Redalen	Sviggum	

Those who voted in the negative were:

Anderson, G.	Frerichs	Knickerbocker	Olson, K.	Schoenfeld
Anderson, R.	Greenfield	Knuth	Omann	Segal
Battaglia	Gruenes	Kostohryz	Orenstein	Simoneau
Bauerly	Hartle	Krueger	Otis	Skoglund
Begich	Jacobs	Larsen	Ozment	Steensma
Bennett	Jaros	Lieder	Pappas	Swenson
Bertram	Jefferson	Long	Pelowski	Trimble
Blatz	Jennings	McKasy	Peterson	Tunheim
Brown	Jensen	McLaughlin	Price	Vanasek
Carlson, L.	Johnson, A.	Minne	Quinn	Vellenga
Carruthers	Johnson, R.	Murphy	Reding	Wagenius
Clark	Kahn	Nelson, C.	Rest	Wenzel
Cooper	Kalis	Neuenschwander	Riveness	Winter
DeBlicke	Kelly	O'Connor	Rodosovich	Wynia
Dille	Kelso	Ogren	Rukavina	Spk. Norton
Dorn	Kinkel	Olsen, S.	Sarna	
Forsythe	Kludt	Olson, E.	Scheid	

The motion did not prevail and the amendment was not adopted.

Clausnitzer moved to amend H. F. No. 163, the third engrossment, as follows:

Page 14, line 35, after the period insert "For purposes of this section, "obligation of support" does not include a lump sum cash settlement or a trust arrangement made by agreement of both parties."

The motion prevailed and the amendment was adopted.

Blatz moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 16, line 17, delete "Subdivision 1."

Page 16, line 28, after the period insert "If the legislature does not provide for the application of section 20 to every county in the state on or before August 1, 1989, withholding orders entered pursuant to section 20 shall terminate on August 1, 1989."

Page 16, delete lines 29 to 33

A roll call was requested and properly seconded.

The question was taken on the Blatz amendment and the roll was called. There were 102 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Battaglia	Ferichs	Lasley	Orenstein	Seaberg
Bauerly	Gruenes	Lieder	Osthoff	Shaver
Beard	Gutknecht	Marsh	Ozment	Skoglund
Begich	Hartle	McDonald	Pauly	Solberg
Bennett	Haukoos	McEachern	Pelowski	Stanius
Bertram	Heap	McKasy	Peterson	Sviggunn
Blatz	Himle	McPherson	Poppenhagen	Swenson
Boo	Hugoson	Milbert	Price	Thiede
Brown	Jacobs	Miller	Quinn	Tjornhom
Burger	Jaros	Minne	Quist	Tompkins
Carlson, D.	Jensen	Morrison	Redalen	Trimble
Carlson, L.	Johnson, A.	Murphy	Rest	Uphus
Carruthers	Johnson, R.	Nelson, C.	Rice	Valento
Clausnitzer	Johnson, V.	Neuenschwander	Richter	Vellenga
Cooper	Kalis	O'Connor	Riveness	Waltman
Dauner	Kelly	Ogren	Rodosovich	Welle
Dempsey	Kelso	Olsen, S.	Rose	Wenzel
Dille	Kludt	Olsen, E.	Rukavina	Winter
Dorn	Knickerbocker	Olsen, K.	Sarna	
Forsythe	Kostohryz	Omann	Schafer	
Frederick	Krueger	Omnen	Scheid	

Those who voted in the negative were:

Anderson, R.	DeBlicck	Jennings	Kinkel	McLaughlin
Clark	Greenfield	Kahn	Long	Nelson, K.

Pappas  
RedingSchoenfeld  
SegalSteensma  
TunheimWagenius  
Wynia

Spk. Norton

The motion prevailed and the amendment was adopted.

Blatz moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 15, line 36, delete "no fewer than"

The motion prevailed and the amendment was adopted.

H. F. No. 163, A bill for an act relating to children; regulating paternity determinations; requiring obligee to use available prepaid health plan; regulating support and maintenance obligations; providing for withholding of support; amending Minnesota Statutes 1986, sections 144.219; 256B.37, by adding a subdivision; 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, and by adding a subdivision; 518.611, subdivisions 1, 2, 3, 4, 6, and 8; proposing coding for new law in Minnesota Statutes, chapters 256 and 518; repealing Minnesota Statutes 1986, section 257.34, subdivision 2.

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 71 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Kostohryz	Olson, K.	Solberg
Anderson, R.	Haukoos	Larsen	Omann	Sparby
Bertram	Jaros	Long	Orenstein	Steensma
Bishop	Jefferson	McKasy	Otis	Swenson
Blatz	Jennings	McLaughlin	Ozment	Tompkins
Brown	Jensen	Minne	Pappas	Trimble
Carlson, L.	Johnson, A.	Morrison	Pauly	Tunheim
Carruthers	Johnson, R.	Munger	Rest	Vanasek
Clark	Kahn	Murphy	Rodosovich	Vellenga
Dille	Kalis	Nelson, C.	Rukavina	Voss
Dorn	Kelly	Nelson, K.	Sarna	Wagenius
Forsythe	Kelso	Neuenschwander	Schoenfeld	Wenzel
Frerichs	Kinkel	Ogren	Seaberg	Winter
Greenfield	Kludt	Olsen, S.	Segal	Wynia
				Spk. Norton

Those who voted in the negative were:

Battaglia	Bennett	Clausnitzer	Frederick	Hugoson
Bauerly	Boo	Cooper	Gutknecht	Jacobs
Beard	Burger	Dauner	Heap	Johnson, V.
Begich	Carlson, D.	Dempsey	Himle	Knuth



Krueger	Miller	Poppenhagen	Riveness	Stanius
Lasley	Nelson, D.	Price	Rose	Sviggum
Lieder	O'Connor	Quinn	Schafer	Thiede
Marsh	Olson, E.	Quist	Scheid	Tjornhom
McDonald	Onnen	Redalen	Schreiber	Uphus
McEachern	Osthoff	Reding	Shaver	Valento
McPherson	Pelowski	Rice	Simoneau	Waltman
Milbert	Peterson	Richter	Skoglund	Welle

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

There being no objection, the order of business reverted to Reports of Standing Committees.

### REPORTS OF STANDING COMMITTEES

Voss from the Committee on Taxes to which was referred:

H. F. No. 169, A bill for an act relating to lawful gambling; including payment of federal taxes as a lawful purpose; increasing the percentage of profits that may be used for necessary expenses; regulating distributor licenses; authorizing the board to determine distributor licensee fees, manufacturer certificate fees, and the price of the gambling equipment registration stamp; regulating the warehousing of gambling equipment within the state; regulating the leasing of premises for lawful gambling; authorizing the board to adopt rules restricting the amount of rent charged; prohibiting lessors from any involvement in lawful gambling; removing the board's authority to adopt a schedule of compensation; making various technical changes; authorizing local taxes on charitable gambling; amending Minnesota Statutes 1986, sections 349.12, subdivisions 11, 12, 13, and 15; 349.14; 349.15; 349.161, subdivisions 3, 4, 5, and 7; 349.162, subdivision 1, and by adding subdivisions; 349.163, subdivision 2; 349.18, subdivision 1; 349.19, subdivision 3; 349.21; 349.212, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1986, section 349.16, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 349.12, subdivision 11, is amended to read:

Subd. 11. "Lawful purpose" means one or more of the following: (a) benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as

worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded; (b) initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; (c) lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people; or (d) the improving, expanding, maintaining or repairing real property owned or leased by an organization; or (e) payment of taxes imposed by this chapter, and imposed by the United States on receipts from lawful gambling.

“Lawful purpose” does not include the erection or acquisition of any real property, unless the board specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this clause.

Sec. 2. Minnesota Statutes 1986, section 349.12, subdivision 12, is amended to read:

Subd. 12. “Organization” means any fraternal, religious, veterans, or other nonprofit organization which has been in existence for at least three years and has at least 15 active members.

Sec. 3. Minnesota Statutes 1986, section 349.12, subdivision 13, is amended to read:

Subd. 13. “Profit” means the gross receipts collected from lawful gambling, less reasonable sums necessarily and actually expended for prizes and taxes imposed by this chapter.

Sec. 4. Minnesota Statutes 1986, section 349.12, subdivision 15, is amended to read:

Subd. 15. “Gambling equipment” means: bingo cards and devices for selecting bingo numbers, pull-tabs, ~~ticket jars~~ jar tickets, paddlewheels, and tipboards.

Sec. 5. Minnesota Statutes 1986, section 349.14, is amended to read:

349.14 [ORGANIZATION MAY CONDUCT LAWFUL GAMBLING; LICENSE.]

An organization may conduct lawful gambling if it ~~has been in existence for at least three years, has at least 15 active members,~~ has a license to conduct lawful gambling from the board and complies with this chapter.

Sec. 6. Minnesota Statutes 1986, section 349.15, is amended to read:

## 349.15 [USE OF PROFITS.]

Profits from lawful gambling may be expended only for lawful purposes or expenses as authorized at a regular meeting of the conducting organization. Provided that no more than ~~50~~ 55 percent of profits from bingo, and no more than ~~40~~ 45 percent for other forms of lawful gambling, may be expended for necessary expenses related to lawful gambling.

The board shall provide by rule for the administration of this section, including specifying allowable expenses. The rules may provide a maximum percentage of gross receipts which may be expended for certain expenses.

Sec. 7. Minnesota Statutes 1986, section 349.151, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] The compensation of board members is \$35 per day spent on commission activities, when authorized by the board, plus expenses in the same manner and amount as provided in the commissioner's plan adopted according to section ~~43A.18, subdivision 2~~ as provided in section 15.0575, subdivision 3.

Sec. 8. Minnesota Statutes 1986, section 349.161, subdivision 3, is amended to read:

Subd. 3. [QUALIFICATIONS.] A license may not be issued under this section to a person, or to a corporation, firm, or partnership which has as an officer, director, or other person in a supervisory or management position, or employee eligible to make sales on behalf of the distributor a person, who:

(1) has been convicted of a felony in a state or federal court within the past five years or who has a felony charge pending;

(2) has ever been convicted in a state or federal court of a gambling-related offense; or

(3) is or has ever been engaged in an illegal business.

Sec. 9. Minnesota Statutes 1986, section 349.161, subdivision 5, is amended to read:

Subd. 5. [PROHIBITION.] (a) No distributor, or employee eligible to make sales on behalf of a distributor, may also be a wholesale distributor of liquor or alcoholic beverages.

(b) No distributor, or employee authorized to make sales on behalf of a distributor, may be involved directly in the operation of lawful gambling conducted by an organization.

Sec. 10. Minnesota Statutes 1986, section 349.161, subdivision 7, is amended to read:

Subd. 7. [CRIMINAL HISTORY.] The board may request the assistance of the bureau of criminal apprehension in investigating the background of an applicant for a ~~supplier's distributor's~~ license and may reimburse the bureau for the costs thereof. The board has access to all criminal history data compiled by the bureau on licensees and applicants.

Sec. 11. Minnesota Statutes 1986, section 349.161, is amended by adding a subdivision to read:

Subd. 9. [PERMANENT OFFICE.] Licensed distributors must maintain a permanent office in Minnesota. All records required to be maintained by this chapter must be kept at that location.

Sec. 12. Minnesota Statutes 1986, section 349.162, subdivision 1, is amended to read:

Subdivision 1. [STAMP REQUIRED.] A distributor may not sell to an organization and an organization may not purchase from a distributor gambling equipment unless the equipment has been registered with the board and has a registration stamp affixed. The stamps must be kept in Minnesota and affixed to gambling equipment at a facility owned or leased by the distributor. The board shall charge a fee of five cents for each stamp. Each stamp must bear a registration number assigned by the board. A distributor is entitled to a refund for unused stamps and replacement for stamps which are defective or canceled by the distributor.

Sec. 13. Minnesota Statutes 1986, section 349.162, is amended by adding a subdivision to read:

Subd. 4. [PROHIBITION.] No person other than a licensed organization or a licensed distributor may possess registration stamps issued by the board.

Sec. 14. Minnesota Statutes 1986, section 349.18, subdivision 1, is amended to read:

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] An organization may conduct lawful gambling only on premises it owns or leases. Leases must be for a period of at least one year and must be in writing. Copies of all leases must be made available to employees of the board on request. A lease may not provide for rental payments based on a percentage of receipts or profits from lawful gambling. The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for lawful gambling.

Sec. 15. Minnesota Statutes 1986, section 349.18, subdivision 3, is amended to read:

Subd. 3. [PROCEEDS FROM RENTAL.] A licensed organization which leases Rental proceeds from premises it owns owned by a licensed organization and leased or subleased to one or more other licensed organizations for the purposes including the conduct of conducting lawful gambling may expend the rental proceeds, less reasonable deductions for maintenance, furnishings, and utilities, only for lawful purposes. The rental proceeds must be recorded and reported as proceeds from gambling under section 349.19 shall not be reported as gambling proceeds under this chapter.

Sec. 16. Minnesota Statutes 1986, section 349.19, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES.] All expenditures of bingo profits from lawful gambling must be itemized as to payee, purpose, amount, and date of payment.

Sec. 17. Minnesota Statutes 1986, section 349.21, is amended to read:

#### 349.21 [COMPENSATION.]

Compensation to persons who participate in the conduct of lawful gambling may be paid only to active members of the conducting organization or its auxiliary, or the spouse or surviving spouse of an active member, except that nonmanagement assistants who are not active members or spouses may be hired to assist in the conduct of lawful gambling in nonmanagement positions if approved by a majority of the organization's members.

The amounts of compensation which may be paid under this section ~~must~~ may be provided for in a schedule of compensation adopted by the board by rule. In adopting ~~the~~ a schedule the board must consider the nature of the participation and the types of lawful gambling participated in.

A licensed organization may pay a percentage of the gross receipts from raffle ticket sales to a nonprofit organization which sells tickets for the licensed organization.

Sec. 18. Minnesota Statutes 1986, section 349.213, subdivision 1, is amended to read:

Subdivision 1. [LOCAL REGULATION.] A statutory or home rule city or county has the authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction, including the prohibition of any form of lawful gambling, and may require a

permit for the conduct of gambling exempt from licensing under section 349.214. The fee for a permit issued under this subdivision may not exceed \$100. The authority granted by this subdivision does not include the authority to require a license or permit to conduct gambling by organizations or sales by distributors licensed by the board. The authority granted by this subdivision does not include the authority to require an organization to make specific expenditures of more than ten percent from its net profits derived from lawful gambling. For the purposes of this subdivision, net profits are profits less amounts expended for allowable expenses. A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that city or county, except as authorized under section 349.16, subdivision 4, or section 349.212.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 18 are effective June 1, 1987."

Delete the title and insert:

"A bill for an act relating to lawful gambling; including payment of taxes as a lawful purpose; increasing the percentage of profits that may be used for necessary expenses; changing requirements for distributors; authorizing the board to adopt rules restricting the amount of rent charged by organizations; prohibiting local units of government from requiring organizations to make certain expenditures; making various technical changes; amending Minnesota Statutes 1986, sections 349.12, subdivisions 11, 12, 13, and 15; 349.14; 349.15; 349.151, subdivision 3; 349.161, subdivisions 3, 5, 7, and by adding a subdivision; 349.162, subdivision 1, and by adding a subdivision; 349.18, subdivisions 1 and 3; 349.19, subdivision 3; 349.21; and 349.213, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Taxes to which was referred:

H. F. No. 1219, A bill for an act relating to taxation; authorizing Scott county to impose a tax on admissions to major amusement facilities; providing for expenditure of the proceeds of the tax.

Reported the same back with the following amendments:

Page 1, line 11, before the period insert "for the county's share of the cost of the Bloomington ferry bridge"

Page 2, after line 11, insert:

“Sec. 2. [REPEALER.]

Section 1 is repealed ten days following the earlier of (1) certification by the Scott county treasurer that sufficient proceeds of the tax have been deposited in the county road and bridge fund to pay for the county's share of all related costs of the Bloomington ferry bridge, or (2) construction of the Bloomington ferry bridge is completed.”

Page 2, line 12, delete “2” and insert “3”

Page 2, line 13, delete “Section 1” and insert “This act”

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 169 and 1219 were read for the second time.

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, G., requested immediate consideration of S. F. No. 121.

S. F. No. 121 was reported to the House.

McEachern and Bauerly moved to amend S. F. No. 121, the unofficial engrossment, as follows:

Page 2, line 1, after the period, insert “A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment.”

A roll call was requested and properly seconded.

The question was taken on the McEachern and Bauerly amendment and the roll was called. There were 116 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Larsen	Pelowski	Solberg
Anderson, R.	Greenfield	Lasley	Peterson	Sparby
Battaglia	Gruenes	Lieder	Poppenhagen	Stanius
Bauerly	Gutknecht	Marsh	Price	Steensma
Beard	Hartle	McEachern	Quinn	Sviggum
Begich	Haukoos	McKasy	Quist	Swenson
Bennett	Heap	McPherson	Redalen	Thiede
Bertram	Himle	Milbert	Reding	Tjornhom
Bishop	Hugoson	Miller	Rest	Trimble
Blatz	Jefferson	Minne	Rice	Tunheim
Boo	Jennings	Morrison	Richter	Uphus
Brown	Jensen	Nelson, C.	Riveness	Valento
Burger	Johnson, A.	Nelson, D.	Rodosovich	Vanasek
Carlson, D.	Johnson, R.	Neuenschwander	Rose	Vellenga
Carlson, L.	Johnson, V.	O'Connor	Rukavina	Wagenius
Carruthers	Kalis	Ogren	Sarna	Waltman
Clausnitzer	Kelly	Olson, E.	Schafer	Welle
Cooper	Kelso	Olson, K.	Scheid	Wenzel
Dauner	Kinkel	Omamm	Schoenfeld	Winter
Dempsey	Kludt	Orenstein	Schreiber	Spk. Norton
Dille	Knickerbocker	Osthoff	Seaberg	
Dorn	Knuth	Otis	Segal	
Forsythe	Kostohryz	Ozment	Shaver	
Frederick	Krueger	Pauly	Simoneau	

Those who voted in the negative were:

McDonald	Murphy	Onnen	Tompkins
McLaughlin	Olsen, S.	Skoglund	

The motion prevailed and the amendment was adopted.

Begich and Carlson, D., moved to amend S. F. No. 121, the unofficial engrossment, as amended, as follows:

Page 1, line 24, delete "\$25" and insert "\$10"

The motion prevailed and the amendment was adopted.

Begich and Brown moved to amend S. F. No. 121, the unofficial engrossment, as amended, as follows:

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1986, section 169.686, subdivision 2, is amended to read:

Subd. 2. [SEAT BELT EXEMPTIONS.] This section shall not apply to:

(1) a person driving a passenger vehicle in reverse;

(2) a person riding in a seat in which all the seating positions equipped with safety belts are occupied by other persons;



(3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;

(4) a person who is actually engaged in work that requires the person to alight from and reenter a passenger vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

(5) a rural mail carrier of the United States Postal Service while in the performance of duties;

(6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and

(7) a person driving or riding in a pickup truck, as defined in section 168.011, subdivision 29, while engaged in normal farming work or activity; and

(8) a person licensed to and who is carrying a gun in a shoulder holster.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "subdivision 1," and insert "subdivisions 1, 2,"

#### POINT OF ORDER

Simoneau raised a point of order pursuant to rule 3.9 that the Begich and Brown amendment was not in order. Speaker pro tempore Long ruled the point of order not well taken and the amendment in order.

The question recurred on the adoption of the Begich and Brown amendment to S. F. No. 121, the unofficial engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Kludt moved to amend S. F. No. 121, the unofficial engrossment, as amended, as follows:

Page 1, line 27, delete "person" and insert "child of the driver under the age of 15 or any child under the age of 11"

Page 2, line 1, delete "under the age of 15"

The motion prevailed and the amendment was adopted.

Frerichs offered an amendment to S. F. No. 121, the unofficial engrossment, as amended.

#### POINT OF ORDER

Swenson raised a point of order pursuant to rule 3.9 that the Frerichs amendment was not in order. Speaker pro tempore Long ruled the point of order well taken and the amendment out of order.

S. F. No. 121, the unofficial engrossment, as amended, was read for the third time.

#### CALL OF THE HOUSE

On the motion of Vellenga and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Otis moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 121, A bill for an act relating to traffic regulations; clarifying that a child under four is not required to use a seat belt; imposing penalty for failure to wear seat belt; amending Minnesota Statutes 1986, section 169.686, subdivision 1.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Battaglia	Himle	McKasy	Ozment	Seaberg
Bauerly	Jaros	McLaughlin	Pappas	Segal
Bennett	Jefferson	Morrison	Pauly	Skoglund
Bishop	Johnson, A.	Munger	Peterson	Swenson
Boo	Kahn	Murphy	Price	Trimble
Clark	Kalis	Nelson, D.	Rest	Vellenga
DeBlieck	Kelly	Nelson, K.	Rice	Wagenius
Dille	Kludd	Neuenschwander	Rodosovich	Welle
Dorn	Knickerbocker	Olsen, S.	Rose	Wynia
Forsythe	Knuth	Olson, K.	Sarna	Spk. Norton
Greenfield	Lasley	Orenstein	Schafer	
Hartle	Long	Osthoff	Scheid	
Heap	McEachern	Otis	Schreiber	

Those who voted in the negative were:

Anderson, G.	Frederick	Larsen	Poppenhagen	Thiede
Anderson, R.	Frerichs	Lieder	Quinn	Tjornhom
Beard	Gruenes	Marsh	Quist	Tompkins
Begich	Gutknecht	McDonald	Redalen	Tunheim
Bertram	Haukoos	McPherson	Reding	Uphus
Blatz	Hugoson	Milbert	Richter	Valento
Brown	Jacobs	Miller	Riveness	Vanasek
Burger	Jennings	Minne	Rukavina	Voss
Carlson, D.	Jensen	Nelson, C.	Schoenfeld	Waltman
Carlson, L.	Johnson, R.	O'Connor	Shaver	Wenzel
Carruthers	Johnson, V.	Ogren	Simoneau	Winter
Clausnitzer	Kelso	Olson, E.	Sparby	
Cooper	Kinkel	Omann	Stanius	
Dauner	Kostohryz	Onnen	Steensma	
Dempsey	Krueger	Pelowski	Swiggum	

The bill was not passed, as amended.

### SPECIAL ORDERS

S. F. No. 1268 was reported to the House.

Nelson, C., moved that S. F. No. 1268 be returned to General Orders. The motion prevailed.

S. F. No. 577, A bill for an act relating to business corporations; regulating mergers and exchanges; amending Minnesota Statutes 1986, sections 302A.111, subdivision 2; 302A.471, subdivisions 1

and 3; 302A.601, subdivision 2; 302A.611; 302A.613; 302A.615; 302A.631; and 302A.641, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Rest moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Beard and Ogren were excused for the remainder of today's session.

S. F. No. 1261 was reported to the House.

DeBlieck moved to amend S. F. No. 1261, the unofficial engrossment, as follows:

Page 2, line 11, after the period insert "If the building officials of a municipality other than the state meet the requirements of section 16B.65, the commissioner must contract with the municipality for plan review, code administration, and code enforcement service for public buildings in the contractual jurisdiction, unless the commissioner determines that contracting is not advisable because of the complexity of the construction project and the inadequacy of the experience and training of the local building inspectors."

Page 4, after line 13, insert:

"Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment, but do not apply to the construction and remodeling of public buildings for which plans and specifications have been approved by the commissioner prior to that date."

The motion prevailed and the amendment was adopted.

S. F. No. 1261, A bill for an act relating to the state building code; changing certain provisions relating to public buildings; amending Minnesota Statutes 1986, sections 16B.60, subdivisions 3 and 6; 16B.61, by adding a subdivision; and 16B.71.

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 120 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Battaglia	Gruenes	Knuth	Olson, E.	Rukavina
Bauerly	Gutknecht	Kostohryz	Olson, K.	Sarna
Begich	Hartle	Krueger	Omann	Schafer
Bennett	Haukoos	Larsen	Onnen	Scheid
Bertram	Heap	Lasley	Orenstein	Schoenfeld
Bishop	Himle	Lieder	Otis	Schreiber
Blatz	Hugoson	Long	Ozment	Seaberg
Brown	Jacobs	McDonald	Pauly	Segal
Burger	Jaros	McEachern	Pelowski	Shaver
Carlson, D.	Jefferson	McKasy	Peterson	Simoneau
Carlson, L.	Jennings	McLaughlin	Poppenhagen	Skoglund
Carruthers	Jensen	Milbert	Price	Sparby
Clark	Johnson, A.	Miller	Quinn	Stanius
Clausnitzer	Johnson, R.	Minne	Quist	Steensma
Cooper	Johnson, V.	Morrison	Redalen	Sviggum
Dauner	Kahn	Munger	Reding	Swenson
DeBlieck	Kalis	Murphy	Rest	Tjornhom
Dille	Kelly	Nelson, C.	Rice	Tompkins
Forsythe	Kelso	Nelson, D.	Richter	Trimble
Frederick	Kinkel	Nelson, K.	Riveness	Tunheim
Frerichs	Kludt	O'Connor	Rodosovich	Uphus
Greenfield	Knickerbocker	Olsen, S.	Rose	Valento

Vanasek Vellenga	Voss Wagenius	Waltman Welle	Wenzel Winter	Wynia Spk. Norton
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Those who voted in the negative were:

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

S. F. No. 555, 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 607, A bill for an act relating to traffic regulations; peace officers; authorizing peace officers to inspect for regulated tires; amending Minnesota Statutes 1986, section 169.725.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 71 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Jacobs	Lieder	Pelowski	Steenma
Battaglia	Jaros	Long	Peterson	Swenson
Bauerly	Jefferson	McEachern	Price	Trimble
Begich	Jennings	Milbert	Quinn	Tunheim
Bennett	Jensen	Minne	Rest	Vellenga
Bertram	Johnson, A.	Morrison	Rice	Voss
Bishop	Johnson, R.	Murphy	Riveness	Wagenius
Burger	Kelly	Nelson, C.	Rukavina	Wenzel
Carlson, L.	Kelso	O'Connor	Sarna	Winter
Carruthers	Kinkel	Omann	Scheid	Wynia
Clark	Kludt	Orenstein	Schoenfeld	Spk. Norton
Greenfield	Knickerbocker	Osthoff	Segal	
Gruenes	Knuth	Otis	Simoneau	
Hartle	Kostohryz	Ozment	Skoglund	
Heap	Larsen	Pappas	Solberg	

Those who voted in the negative were:

Brown	Gutknecht	Miller	Reding	Thiede
Clausnitzer	Haukoos	Munger	Richter	Tjornhom
Cooper	Himle	Olsen, S.	Rodosovich	Tompkins
Dauner	Hugoson	Olson, E.	Rose	Uphus
DeBlick	Johnson, V.	Olson, K.	Schafer	Valento
Dempsey	Kalis	Onnen	Schreiber	Waltman
Dille	Krueger	Pauly	Shaver	Welle
Forsythe	Marsh	Poppenhagen	Sparby	
Frederick	McDonald	Quist	Stanius	
Frerichs	McPherson	Redalen	Svigum	

The bill was passed and its title agreed to.

S. F. No. 153 was reported to the House.

There being no objection, S. F. No. 153 was continued on Special Orders for one day.

H. F. No. 1496 was reported to the House.

Clark moved to amend H. F. No. 1496, the second engrossment, as follows:

Page 4, line 15, delete "disallowances" and insert "sanctions"

Page 4, line 16, delete "disallowance" and insert "sanction"

Page 4, line 18, after "costs" insert "for food stamps"

Page 4, line 20, delete "disallowances" and insert "sanctions"

The motion prevailed and the amendment was adopted.

H. F. No. 1496, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Forsythe moved that the action whereby H. F. No. 1496, as amended, was given its third reading be now reconsidered. The motion prevailed.

Forsythe moved to amend H. F. No. 1496, the second engrossment, as amended, as follows:

Page 5, after line 1, insert:

“(c) A county or counties jointly may elect not to have its sanction amount computed by the formula in paragraph (a). It may instead choose to have its sanction amount calculated on the basis of its own error rate. A county may elect this option provided that it does so at no cost to the state and that the county’s error rate is documented in the same way and with the same accuracy as the federal requirements for documentation of the statewide error rate. The county’s sanction amount shall then be the same proportion of all sanctions for the state that the county’s errors are of the total of all errors in the state for the program. The balance of the state’s sanction amount shall be distributed to the other counties according to paragraph (a). The county shall inform the department of its decision to use this paragraph ninety days before the beginning of the following fiscal year.”

Page 5, line 12, after the period insert “For years prior to 1987, a county may choose the option provided by section 256.01, subdivision 2, clause (14), paragraph (c) before ninety days after the effective date of this act.”

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Long called Simoneau to the Chair.

H. F. No. 1496, A bill for an act relating to human services; altering allocation of federal fiscal disallowances based on error rates; amending Minnesota Statutes 1986, section 256.01, subdivision 2.

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 57 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Blatz	Himle	Morrison	Pappas	Skoglund
Burger	Jefferson	Munger	Pauly	Swenson
Carlson, L.	Jennings	Murphy	Price	Tjornhom
Carruthers	Kahn	Nelson, D.	Rest	Tompkins
Clark	Kelly	Nelson, K.	Rice	Trimble
Dempsey	Kludt	Neuenschwander	Riveness	Vellenga
Dille	Knickerbocker	O'Connor	Sarna	Wagenius
Forsythe	Knuth	Olsen, S.	Schafer	Wynia
Greenfield	Larsen	Olson, K.	Schreiber	Spk. Norton
Gruenes	Long	Orenstein	Seaberg	
Haukoos	McDonald	Otis	Segal	
Heap	McLaughlin	Ozment	Simoneau	

Those who voted in the negative were:

Anderson, R.	Frerichs	Krueger	Pelowski	Solberg
Bauerly	Gutknecht	Lasley	Peterson	Sparby
Begich	Hartle	Lieder	Poppenhagen	Steensma
Bennett	Hugoson	Marsh	Quinn	Sviggum
Bertram	Jacobs	McEachern	Quist	Thiede
Bishop	Jaros	McKasy	Redalen	Tunheim
Brown	Jensen	McPherson	Reding	Uphus
Carlson, D.	Johnson, A.	Miller	Richter	Valento
Clausnitzer	Johnson, R.	Minne	Rodosovich	Vanasek
Cooper	Johnson, V.	Nelson, C.	Rose	Voss
Dauner	Kalis	Olson, E.	Rukavina	Waltman
DeBlick	Kelso	Omann	Scheid	Welle
Dorn	Kinkel	Onnen	Schoenfeld	Wenzel
Frederick	Kostohryz	Osthoff	Shaver	Winter

The bill was not passed, as amended.

The Speaker resumed the Chair.

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1315, A bill for an act relating to the organization and operation of state government; appropriating money for the general

legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees and other costs to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; providing for a study of the Minnesota veterans' home; providing for information systems management; defining and amending terms; providing for settlement of claims; imposing certain duties, responsibilities, authority, and limitations on agencies and political subdivisions; amending Minnesota Statutes 1986, sections 2.722, subdivision 1; 3.099, subdivision 3; 3.30, subdivision 2; 3.85, subdivision 12; 3C.11, subdivision 2; 3C.12, subdivision 7; 8.15; 14.07, subdivisions 1 and 2; 14.08; 14.47, subdivision 8; 15.01; 15.06, subdivision 1; 15A.081, subdivision 1; 16A.127, subdivision 8; 16A.85, by adding a subdivision; 16B.20, subdivision 2; 16B.41; 16B.42, subdivision 4; 69.021, subdivision 5; 84.01, subdivision 3; 84.0272; 84.091, subdivision 3; 84.83, subdivision 3; 85.30; 85.41; 85.42; 85.43; 85.45; 85A.04, subdivision 1; 88.065; 88.17, subdivision 2; 88.75, subdivision 1; 88.76; 88.79, subdivision 2; 89.04; 92.46, subdivision 1; 92.67, subdivisions 1, 4, and by adding a subdivision; 93.335, subdivision 4; 97A.061, subdivision 1; 97A.065, subdivision 2; 97A.105, subdivision 1; 97A.415, subdivision 1; 97A.445, subdivision 1; 97A.451, subdivision 1; 97A.475, subdivisions 2, 3, 6, 7, 8, 9, 11, 12, 13, and 20; 97A.485, subdivision 6; 97C.211, by adding a subdivision; 115A.15, subdivision 6; 115A.42; 115A.44; 115A.45; 115A.46, subdivision 1; 115A.49; 115A.51; 115A.52; 115A.53; 115A.917; 116.41, subdivision 2; 116J.615, by adding a subdivision; 116M.06, subdivisions 2 and 4; 116M.11, subdivision 2; 161.1419, subdivision 4; 175A.07, subdivision 2; 176.611, subdivisions 2, 6a, and by adding a subdivision; 179A.03, subdivision 17; 179A.04, subdivision 3; 179A.13; 179A.16; 179A.21; 179A.25; 197.481, subdivision 5; 204B.11, subdivision 1; 221.67; 271.01, by adding a subdivision; 273.1314, subdivision 16a; 296.16, subdivision 1; 296.421, subdivision 5; 302A.011, subdivision 11; 302A.153; 303.13, subdivision 1; 303.21, subdivision 3; 317.67, subdivision 2; 322A.16; 322A.71; 330.11, subdivision 3; 333.055, subdivision 3; 363.05, subdivision 1; 363.071, subdivision 2; 363.14, subdivision 1; 403.11, subdivision 1; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; 473.351, by adding a subdivision; 480.241; 480A.08, subdivision 3; 540.152; 543.08; 609.101; 626.861, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3; 5; 43A; 84; 86; 88; 89; 93; 97A; 97C; 115A; 480; 481; repealing Minnesota Statutes 1986, sections 3.9226, subdivision 8; 3C.035, subdivision 2; 3C.055; 3C.056; 3C.057; 6.495, subdivision 2; 92.67, subdivision 6; 116J.87; 179A.03, subdivision 3; 179A.05; 296.421, subdivision 5a; 363.01, subdivisions 14 and 26; 363.04, subdivisions 1, 2, 9, and 10; 363.12, subdivision 3; 363.121; 473.351, subdivision 5.

PATRICK E. FLAHAVER, Secretary of the Senate

Kahn moved that the House refuse to concur in the Senate amendments to H. F. No. 1315, that the Speaker appoint a Confer-

ence Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1315:

Kahn; Battaglia; Anderson, G.; Nelson, D., and Carlson, D.

#### SPECIAL ORDERS, Continued

S. F. No. 830 was reported to the House.

Gruenes moved to amend S. F. No. 830, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 80C.14, is amended to read:

#### 80C.14 [UNFAIR PRACTICES.]

Subdivision 1. [PROHIBITION.] No person, whether by means of a term or condition of a franchise or otherwise, shall engage in any unfair or inequitable practice in contravention of such rules as the commissioner may adopt defining as to franchises the words "unfair and inequitable." For the purpose of rules defining the words "unfair and inequitable", the commissioner may specifically recognize classifications of franchises including but not limited to the classifications of motor vehicle fuel franchises, motor vehicle franchises, hardware franchises, and franchises which require that the franchisee make an initial, unfinanced investment in excess of \$200,000. Any A violation of this section is enjoined by a court of competent jurisdiction.

A temporary injunction may be granted under this section without requiring the posting of any bond or security. A bond or security shall be is required if a temporary restraining order is granted.

Subd. 2. [ACTS CONSTITUTING.] All franchise contracts or agreements, other than those classifications of franchises specifically recognized by the commissioner pursuant to under subdivision 1, and any other device or practice of a franchisor shall must conform to the following provisions subdivisions 3 and 4. It shall be deemed is an unfair and inequitable practice for any a person to: commit an act specified in subdivision 3 or 4.

Subd. 3. [TERMINATION OR CANCELLATION.] (a) terminate or cancel a franchise without first giving written notice setting forth all the reasons for the termination or cancellation to the franchisee at least 60 days in advance of termination or cancellation, except that the notice shall be effective immediately upon receipt where the alleged grounds are: No person may terminate or cancel a franchise unless: (i) that person has given written notice setting forth all the reasons for the termination or cancellation at least 90 days in advance of termination or cancellation, and (ii) the recipient of the notice fails to correct the reasons stated for termination or cancellation in the notice within 60 days of receipt of the notice; except that the notice is effective immediately upon receipt where the alleged grounds for termination or cancellation are:

(1) voluntary abandonment of the franchise relationship by the franchisee;

(2) the conviction of the franchisee of an offense directly related to the business conducted pursuant to the franchise; or

(3) failure to cure a default under the franchise agreement which materially impairs the goodwill associated with the franchisor's trade name, trademark, service mark, logotype or other commercial symbol after the franchisee has received written notice to cure of at least 24 hours in advance thereof;

(b) No person may terminate or cancel a franchise except for good cause. "Good cause" shall be means failure by the franchisee to substantially to comply with the material and reasonable franchise requirements imposed by the franchise franchisor including, but not limited to:

(1) the bankruptcy or insolvency of the franchisee;

(2) assignment for the benefit of creditors or similar disposition of the assets of the franchise business;

(3) voluntary abandonment of the franchise business;

(4) conviction or a plea of guilty or no contest to a charge of violating any law relating to the franchise business; or

(5) any act by or conduct of the franchisee which materially impairs the goodwill associated with the franchisor's trademark, trade name, service mark, logotype or other commercial symbol; or

(e) fail to renew a franchise unless the franchisee has been given written notice of the intention not to renew at least 90 days in advance thereof and has been given a sufficient opportunity to

recover the franchisee's investment unless the failure to renew is for good cause as defined in clause (b).

Subd. 4. [FAILURE TO RENEW.] Unless the failure to renew a franchise is for good cause as defined in subdivision 3, paragraph (b), and the franchisee has failed to correct reasons for termination as required by subdivision 3, no person may fail to renew a franchise unless (1) the franchisee has been given written notice of the intention not to renew at least 180 days in advance of the expiration of the franchise; (2) the franchisee has been given an opportunity to operate the franchise over a sufficient period of time to enable him to recover the fair market value of the franchise as a going concern; and (3) the franchisor's refusal to renew is not for the purpose of converting the franchisee's business premises to an operation that will be owned by the franchisor for its own account.

Subd. 5. [WITHHOLDING CONSENT TO TRANSFER.] It is unfair and inequitable for a person to unreasonably withhold consent to an assignment, transfer, or sale of the franchise whenever the franchisee to be substituted meets the present qualifications and standards required of the franchisees of the particular franchisor.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment and applies to all franchise contracts or agreements in effect on that date.

Delete the title and insert:

"A bill for an act relating to commerce; regulating nonrenewals and transfers of franchises; providing civil liability for unfair practices in relation to franchises; amending Minnesota Statutes 1986, section 80C.14."

The motion prevailed and the amendment was adopted.

Gruenes moved to amend S. F. No. 830, as amended, as follows:

Page 3, line 26, after the semicolon insert "and"

Page 3, line 30, after "concern" insert a period and delete the remainder of the line

Page 3, after line 30, insert:

"No franchisor may refuse to renew a franchise if the refusal is for"

The motion prevailed and the amendment was adopted.

S. F. No. 830, A bill for an act relating to commerce; regulating nonrenewals and transfers of franchises; providing civil liability for unfair practices in relation to franchises; amending Minnesota Statutes 1986, sections 80C.14; and 80C.17, subdivision 1.

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 102 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gutknecht	Lasley	Orenstein	Simoneau
Battaglia	Hartle	Lieder	Otis	Skoglund
Bauerly	Haukoos	Long	Ozment	Solberg
Begich	Jacobs	Marsh	Pappas	Sviggum
Bennett	Jaros	McDonald	Pelowski	Swenson
Bertram	Jefferson	McEachern	Peterson	Tjornhom
Bishop	Jennings	McLaughlin	Price	Trimble
Blatz	Jensen	McPherson	Quinn	Uphus
Burger	Johnson, A.	Minne	Quist	Vanasek
Carlson, D.	Johnson, R.	Munger	Reding	Vellenga
Carlson, L.	Johnson, V.	Murphy	Rest	Voss
Carruthers	Kahn	Nelson, C.	Rice	Wagenius
Clark	Kalis	Nelson, D.	Riveness	Waltman
Cooper	Kelly	Nelson, K.	Rodosovich	Welle
Dauner	Kelso	Neuenschwander	Rose	Wenzel
Dempsey	Kinkel	O'Connor	Rukavina	Winter
Dille	Kludt	Olsen, S.	Sarna	Wynia
Dorn	Knuth	Olson, E.	Scheid	Spk. Norton
Frerichs	Kostohryz	Olson, K.	Schreiber	
Greenfield	Krueger	Omann	Segal	
Gruenes	Larsen	Onnen	Shaver	

Those who voted in the negative were:

Clausnitzer	Himle	Osthoff	Schafer	Stanius
DeBlick	Hugoson	Pauly	Schoenfeld	Steensma
Fredrick	Knickerbocker	Poppenhagen	Seaberg	Thiede
Heap	Milbert	Richter	Sparby	Valento

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

Vanasek moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

### GENERAL ORDERS

Vanasek moved that the bills on General Orders for today be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Murphy moved that the name of Jefferson be added as an author on H. F. No. 1425. The motion prevailed.

Sarna moved that the following statement be printed in the Journal for today:

"When the vote was taken on final passage of H. F. No. 1145, as amended by the Senate, I inadvertently voted in the negative. If I had the opportunity to change my vote, I would have voted in the affirmative." The motion prevailed.

ADJOURNMENT

Vanasek moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, May 11, 1987. The motion prevailed.

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Monday, May 11, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

