

STATE OF MINNESOTA

SEVENTY-FIFTH SESSION—1988

SEVENTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 21, 1988

The House of Representatives convened at 1:00 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Pastor Ralph Beckstrom, Sandy Lake Baptist Church, Barnum, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

McDonald was excused.

Orenstein was excused until 1:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1839, 704, 2186, 2216, 2289, 2511, 2517, 2521, 2057, 2059, 2407, 2527, 90, 1082, 1585, 1973, 2000, 2203, 2206, 2250, 2381, 2431, 1795, 1995 and 2038 and S. F. Nos. 1644, 321, 896 and 1018 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 16, 1988

The Honorable Robert Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1886, relating to crime; increasing penalties for advertising, selling, and renting devices designed to make an unauthorized connection to a cable communications system.

Sincerely,

RUDY PERPICH
Governor

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

March 16, 1988

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1988 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1988</i>	<i>Date Filed</i> <i>1988</i>
537		408	March 16	March 16
1715		409	March 16	March 16
	1886	410	March 16	March 16

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 681, A resolution memorializing the President, Congress, and the Federal Aviation Administration to accelerate the modernization of commercial aircraft fleets operating in and to the United States by requiring the use of quieter, Stage 3 aircraft.

Reported the same back with the following amendments:

Page 1, line 26, delete "80" and insert "70"

Page 3, line 3, delete "1988" and insert "1989"

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

The report was adopted.

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

H. F. No. 877, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; providing for a senate with six-year terms and a house of representatives with staggered four-year terms.

Reported the same back with the following amendments:

Page 1, line 18, after the period insert "Terms of senators shall be staggered as provided by law."

Page 1, line 22, after "representative" insert "and each senator"

Page 2, line 8, after "to" insert "staggered"

Amend the title as follows:

Page 1, line 4, before "six-year" insert "staggered"

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1130, A bill for an act relating to motor vehicles; establishing titling system for salvage and rebuilt motor vehicles; providing penalties; amending Minnesota Statutes 1986, sections 168.27, subdivisions 1, 2, 3, 10, 16, and 17, and by adding subdivisions; 168A.01, subdivision 1, and by adding subdivisions; and 168A.15; proposing coding for new law in Minnesota Statutes, chapter 168A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 168.27, subdivision 1, is amended to read:

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

(1) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

(2) "Brokering motor vehicles" means arranging sales between willing buyers and sellers of motor vehicles and receiving a fee for said service.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes new motor vehicle dealers, used motor vehicle dealers, brokers, wholesalers, auctioneers ~~and~~ lessors of new or used motor vehicles, scrap metal processors, used vehicle parts dealers, and salvage pools.

(6) "Commercial building" means a building adapted to commercial use and located in an area zoned for commercial or other less restrictive nonresidential use by the governmental unit in which it is located.

(7) "Horse trailer" is a trailer designed and used to carry horses and other livestock, which has not more than three axles and a maximum gross weight capacity of not more than 24,000 pounds.

(8) "Junked vehicle" means a vehicle that is graded and stamped as a "class D" total loss vehicle under section 19.

Sec. 2. Minnesota Statutes 1986, section 168.27, subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] (a) No person shall engage in the business of selling or arranging the sale of new motor vehicles or shall offer to sell, solicit, arrange, or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale, or auction and to solicit and advertise the sale, broker, wholesale, or auction of new motor vehicles covered by the franchise and any used motor vehicles or to

lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. A new motor vehicle dealer may engage in the business of buying or otherwise acquiring vehicles for dismantling the vehicles and selling used parts and remaining scrap materials under chapter 168A, except that a new motor vehicle dealer may not purchase a junked vehicle from a salvage pool, insurance company, or its agent unless the dealer is also licensed as a used vehicle parts dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in: (1) new and unused motor vehicle bodies; or (2) type A, B, or C motor homes as defined in section 168.011, subdivision 25, to have a bona fide contract or franchise in effect with either the first-stage manufacturer of the motor home or the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted. The modification or conversion of a new van-type vehicle into a multipurpose passenger vehicle which is not a motor home does not constitute dealing in new or unused motor vehicle bodies, and a person engaged in the business of selling these van-type vehicles must have a bona fide contract or franchise with the appropriate manufacturer under subdivision 10. A van converter or modifier who owns these modified or converted van-type vehicles may sell them at wholesale to new motor vehicle dealers having a bona fide contract or franchise with the first-stage manufacturer of the vehicles.

(b) The requirements pertaining to franchises do not apply to persons who remodel or convert motor vehicles for medical purposes. For purposes of this subdivision, "medical purpose" means certification by a licensed physician that remodeling or conversion of a motor vehicle is necessary to enable a handicapped person to use the vehicle.

Sec. 3. Minnesota Statutes 1986, section 168.27, subdivision 3, is amended to read:

Subd. 3. [USED MOTOR VEHICLE DEALER.] No person shall engage in the business of selling or arranging the sale of used motor vehicles or shall offer to sell, solicit, arrange, or advertise the sale of used motor vehicles without first acquiring a used motor vehicle dealer license. A used motor vehicle dealer licensee shall be entitled thereunder to sell, lease, broker, wholesale or auction and to solicit and advertise the sale, lease, broker, wholesale or auction of any used motor vehicles for consumer use at retail or for resale to a dealer. A used motor vehicle dealer may engage in the business of buying or otherwise acquiring vehicles for dismantling the vehicles and selling used parts and remaining scrap materials under chapter 168A, except that a used motor vehicle dealer may not acquire a junked vehicle from a salvage pool, insurance company, or its agent, unless the dealer is also licensed as a used vehicle parts dealer.

Sec. 4. Minnesota Statutes 1986, section 168.27, is amended by adding a subdivision to read:

Subd. 3a. [SCRAP METAL PROCESSOR.] (a) A person must have a scrap metal processor license to engage in the business of:

(1) buying or otherwise acquiring vehicles other than hulks; or

(2) offering to buy or otherwise acquire, or soliciting or advertising the buying or acquiring of, vehicles other than hulks for processing and selling the metal for remelting. For purposes of this subdivision, a "hulk" is a motor vehicle that is incapable, under its own power, of moving and is incapable of transporting persons or property and has had any valuable used parts removed. Its sole value is its metallic content.

(b) A scrap metal processor licensee is entitled to buy or otherwise acquire vehicles and to solicit and advertise the buying or acquiring of vehicles for processing and selling the metal for remelting. A scrap metal processor licensee may not acquire a junked vehicle for the purpose of dismantling and selling used vehicle parts and remaining scrap materials unless the scrap metal processor is also licensed as a used vehicle parts dealer.

Sec. 5. Minnesota Statutes 1986, section 168.27, is amended by adding a subdivision to read:

Subd. 3b. [USED VEHICLE PARTS DEALER.] A person must have a used vehicle parts dealer's license to be primarily engaged in the business of buying or otherwise acquiring vehicles for the purpose of dismantling the vehicles and selling used parts and the remaining scrap metals.

Sec. 6. Minnesota Statutes 1986, section 168.27, is amended by adding a subdivision to read:

Subd. 3c. [VEHICLE SALVAGE POOL.] A person must have a vehicle salvage pool license to engage in the business of: storing and displaying, offering to store or display, or soliciting or advertising the storing or displaying, for sale, of damaged or junked vehicles as an agent or escrow agent of an insurance company. A vehicle salvage pool licensee is entitled to store and display and to solicit and advertise the storing and displaying, for sale, of damaged or junked vehicles as an agent or escrow agent of an insurance company. A vehicle salvage pool licensee shall not sell junked vehicles to any party other than a licensed used parts dealer.

Sec. 7. Minnesota Statutes 1986, section 168.27, subdivision 8, is amended to read:

Subd. 8. [EXEMPTIONS.] (1) Salespeople and other employees of licensed dealers under this section shall not be required to obtain individual licenses.

(2) Isolated or occasional sales or leases of new or used motor vehicles shall be exempt from the provisions of this section. A person who makes only isolated or occasional sales or leases is not required to be licensed under this section and does not qualify to receive dealer plates under subdivision 16. "Isolated or occasional sales or leases" means the sale, purchase, or lease of not more than five motor vehicles in a 12-month period.

Sec. 8. Minnesota Statutes 1986, section 168.27, subdivision 10, is amended to read:

Subd. 10. [PLACE OF DOING BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum:

(1) For a new motor vehicle dealer, the following:

(a) a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours;

(b) a bona fide contract or franchise (1) in effect with a manufacturer or distributor of the new motor vehicles the dealer proposes to sell, broker, wholesale, or auction, or (2) in effect with the first-stage manufacturer or distributor of new motor vehicles purchased from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or auction, or (3) in effect with the final stage manufacturer of the new type A, B, or C motor homes which the dealer proposes to sell, broker, wholesale, or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services;

(d) an area to display motor vehicles, which is owned or under lease by the licensee.

(2) For a used motor vehicle dealer or vehicle salvage pool, the following: a permanent enclosed commercial building on a permanent foundation and an area to display motor vehicles, owned or under lease by the licensee. The lease shall be for a minimum term

of one year. The building shall contain office space ~~for~~ where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal working business hours.

(3) For a motor vehicle lessor or wholesaler, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(4) For a ~~motor vehicle broker~~ used parts dealer or scrap metal processor, the following: a ~~commercial office space~~ street address where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(5) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(7) (6) If a new or used motor vehicle dealer or salvage pool maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) (7) If a motor vehicle lessor, ~~broker~~ wholesaler, used parts dealer, scrap metal processor, or auctioneer maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required.

Sec. 9. Minnesota Statutes 1987 Supplement, section 168.27, subdivision 16, is amended to read:

Subd. 16. [PLATES, DISTINGUISHING NUMBERS.] (a) The

registrar shall issue to every motor vehicle dealer, upon a request from the motor vehicle dealer licensed as provided in subdivision 2 or 3, one or more plates displaying a general distinguishing number upon the payment of \$10 to the registrar. This subdivision does not apply to a scrap metal processor, a used vehicle parts dealer, or a vehicle salvage pool. In addition the dealer shall pay a motor vehicle excise tax of \$15 annually for each dealer plate purchased as required by section 297B.035. The registrar shall deposit the tax in the state treasury and it shall be credited as provided in section 297B.09. Motor vehicles, new or used, owned by the motor vehicle dealer and bearing the number plate, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck, may be driven upon the streets and highways of this state as follows:

(1) by the motor vehicle dealer, or any employee of the motor vehicle dealer or by any member of the immediate family of the dealer or employee for either private or business purposes;

(2) for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semitrailer, for a period of seven days; or

(3) in a promotional event that lasts no longer than four days in which at least three motor vehicles are involved.

(b) A new or used motor vehicle sold by the motor vehicle dealer and bearing the motor vehicle dealer's number plate may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before the buyer receives number plates pursuant to registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before the buyer receives number plates pursuant to registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles.

Sec. 10. Minnesota Statutes 1986, section 168.27, subdivision 24, is amended to read:

Subd. 24. [BONDS.] All persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat trailer, snowmobile trailer, horse trailer or motorized bicycle dealers in the amount of \$5,000; and as to all other persons in the amount of \$25,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of

motor vehicles, and the payment of all taxes, license fees, and penalties. The bond shall be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor.

Sec. 11. Minnesota Statutes 1986, section 168.33, subdivision 7, is amended to read:

Subd. 7. [FEES.] In addition to all other statutory fees and taxes, a filing fee of \$3.25 is imposed on every application; except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department or a deputy registrar. The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety. No filing fee or other fee may be charged for the permanent surrender of a certificate of title and license plates for a motor vehicle.

Sec. 12. Minnesota Statutes 1986, section 168A.01, subdivision 2, is amended to read:

Subd. 2. "Dealer" means a person who is licensed to engage in the business of buying, selling, or exchanging vehicles, and has an established place of business, in this state has the meaning given it in section 168.27, subdivision 1.

Sec. 13. Minnesota Statutes 1986, section 168A.01, is amended by adding a subdivision to read:

Subd. 6a. "High value vehicle" means a vehicle manufactured six or more years before the start of the current model year that had an actual cash value in excess of \$5,000 before being damaged, or a vehicle with a manufacturer's rating of over 26,000 pounds gross vehicle weight.

Sec. 14. Minnesota Statutes 1986, section 168A.01, is amended by adding a subdivision to read:

Subd. 8a. "Late model vehicle" means a vehicle manufactured in the current model year or the five model years immediately preceding the current model year.

Sec. 15. Minnesota Statutes 1986, section 168A.01, is amended by adding a subdivision to read:

Subd. 12a. "Older model vehicle" means a vehicle manufactured in the sixth model year immediately preceding the current model year or earlier that is not a high value vehicle.

Sec. 16. Minnesota Statutes 1986, section 168A.01, is amended by adding a subdivision to read:

Subd. 17a. "Salvage title" means a certificate of title that is issued to a vehicle graded and stamped as a "class C" total loss vehicle under section 19.

Sec. 17. Minnesota Statutes 1986, section 168A.01, is amended by adding a subdivision to read:

Subd. 17b. "Salvage vehicle" means a vehicle that has been graded and stamped under section 19.

Sec. 18. Minnesota Statutes 1986, section 168A.15, is amended to read:

168A.15. [SCRAPPED, DISMANTLED, DESTROYED OR RE-CONSTRUCTED VEHICLES.]

Subdivision 1. An owner who scraps, dismantles, or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall immediately cause the certificate of title to be mailed or delivered to the department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified in section 168A.04, subdivision 4, clause (3).

Subd. 2. If a vehicle is altered so as to become a reconstructed vehicle, the owner shall apply for a certificate of title to the reconstructed vehicle in the manner provided in section 168A.04, and any existing certificate of title to the vehicle shall be surrendered for cancellation.

Sec. 19. [168A.151] [GRADING OF LATE MODEL AND HIGH VALUE VEHICLES.]

Subdivision 1. [INSURERS.] When an insurer, licensed to conduct business in Minnesota, acquires ownership of a late model or high value vehicle through payment of damages, the insurer shall stamp and grade the assigned certificate of title as required under subdivision 3 and comply with all requirements of this chapter.

Subd. 2. [DEALERS.] When a dealer acquires ownership of a late model or high value vehicle that is a "class C" or "class D" total loss vehicle, and receives an assigned certificate of title, the dealer shall

stamp and grade the certificate of title as required by subdivision 3, and comply with all requirements of this chapter.

Subd. 3. [GRADING.] An insurer or dealer who acquires ownership of a late model or high value vehicle as described in subdivision 1 or 2 must grade and stamp the certificate of title as follows:

(a) A "class A" total loss vehicle means a vehicle with damage of less than ten percent of the actual cash value, as approved by an insurer.

(b) A "class B" total loss vehicle means a vehicle with damage of at least ten percent but less than 70 percent of the vehicle's actual cash value, as approved by an insurer.

(c) A "class C" total loss vehicle means a vehicle with damage of at least 70 percent of the vehicle's actual cash value that is repairable.

(d) A "class D" total loss vehicle means a vehicle with damage of at least 70 percent of the vehicle's actual cash value that is unrepairable, such as a total fire loss or a vehicle that cannot be restored for public use. A "class D" total loss vehicle may not be retitled, and the certificate of title must be surrendered to the department even if the vehicle is an out-of-state vehicle. A salvage pool, insurance company, or its agent may sell a "class D" total loss vehicle only to a licensed used parts dealer.

Subd. 4. [OTHER OWNERS.] When a person other than a dealer or insurer acquires ownership of a late model or high value vehicle that is a "class C" total loss vehicle, the person shall surrender the assigned certificate of title to the department and apply for a salvage certificate of title.

Sec. 20. [168A.152] [USE AND CERTIFICATION OF TITLE.]

A salvage certificate of title authorizes the holder to possess, transport, register, and transfer ownership in a vehicle. A certificate of title must not be issued for a vehicle for which a salvage certificate of title has been issued unless a certification of inspection in the form and content specified by the department accompanies the application for a certificate of title.

Sec. 21. [168A.153] [REPORT OF VEHICLE RECEIPT; SURRENDER OF CERTIFICATE.]

Subdivision 1. [OLDER MODEL VEHICLES.] A dealer who buys an older model vehicle to be dismantled or destroyed shall report to the department within 30 days including the vehicle's license plate

number and identification number, and the seller's name and driver's license number.

Subd. 2. [LATE MODEL OR HIGH VALUE VEHICLES.] A dealer who buys a late model or high value vehicle to be dismantled or destroyed shall surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days.

Sec. 22. [168A.154] [SALVAGE VEHICLES TAKEN OUT OF STATE.]

A dealer who sells a salvage vehicle to a buyer who intends to remove the vehicle from the state shall report the sale within ten days to the department on a form prescribed by the department.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 22 are effective January 1, 1989."

Delete the title and insert:

"A bill for an act relating to motor vehicles; establishing a titling system for salvage and rebuilt motor vehicles; requiring licenses for scrap metal processors, used vehicle parts dealers, and salvage pool operators; amending Minnesota Statutes 1986, sections 168.27, subdivisions 1, 2, 3, 8, 10, 24, and by adding subdivisions; 168.33, subdivision 7; 168A.01, subdivision 2, and by adding subdivisions; and 168A.15; Minnesota Statutes 1987 Supplement, section 168.27, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 168A."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1493, A bill for an act relating to actions; restoring pre-1986 status to computing awards of future damages; repealing Minnesota Statutes 1986, section 604.07.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 549.09, subdivision 1, is amended to read:

Subdivision 1. [WHEN OWED; RATE.] (a) When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the court administrator as provided in clause (c) and added to the judgment.

(b) Except as otherwise provided by contract or allowed by law, preverdict or prereport interest on pecuniary damages shall be computed as provided in clause (c) from the time of the commencement of the action, or the time of a written settlement demand, whichever occurs first, except as provided herein. The action must be commenced within 60 days of a written settlement demand for interest to begin to accrue from the time of the demand. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 60 days. After that time interest on the judgment shall be calculated by the judge in the following manner. The prevailing party shall receive interest on any judgment from the time the action was commenced or a written settlement demand was made, or as to special damages from the time when special damages were incurred, if later, until the time of verdict or report only if the amount of its offer is closer to the judgment than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment, whichever is less, and only from the time the action was commenced or a written settlement demand was made, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause (3), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict or prereport interest shall not be awarded on the following:

- (1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;
- (2) judgments, decrees, or orders in dissolution, annulment, or legal separation actions;
- (3) judgments for future damages;
- (4) punitive damages, fines, or other damages that are noncompensatory in nature;
- (5) judgments not in excess of the amount specified in section 487.30; and
- (6) that portion of any verdict or report which is founded upon

interest, or costs, disbursements, attorney fees, or other similar items added by the court.

(c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year; provided, however, that in no event shall the rate of interest be less than eight percent per annum. The state court administrator shall also determine the average rate of interest on judgments to be used during the succeeding calendar year for computation of the discount rate under section 604.07, subdivision 4. The state court administrator shall communicate the interest rates to the court administrators and sheriffs for use in computing the interest on verdicts and the discount rate under section 604.07.

When a judgment creditor, or the judgment creditor's attorney or agent, has received a payment after entry of judgment, whether the payment is made voluntarily by or on behalf of the judgment debtor, or is collected by legal process other than execution levy where a proper return has been filed with the court administrator, the judgment creditor, or the judgment creditor's attorney, before applying to the court administrator for an execution shall file with the court administrator an affidavit of partial satisfaction. The affidavit must state the dates and amounts of payments made upon the judgment after the most recent affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable disbursements and to accrued interest and to the unpaid principal balance of the judgment; and the accrued, but the unpaid interest owing, if any, after application of each payment.

Sec. 2. [549.25] [FUTURE DAMAGES; PAYMENT.]

Where a claimant is awarded an amount representing future damages greater than \$100,000, the court shall hold a hearing prior to ordering entry of judgment to allow the claimant to consider whether payment of the future damages over time as the damages are incurred is in the best interests of the claimant. The following factors may be considered at the hearing, as well as any others as justice requires:

(1) the claimant's financial ability to meet obligations likely to be incurred as a result of the injury at issue in the trial;

(2) the advantages, if any, to the claimant from voluntarily entering into a structured settlement; and

(3) the interests of the claimant in self-determination over the claimant's financial affairs.

If the claimant decides, after the hearing, that structured payments of future damages would be in the claimant's best interests, the court shall make available information to assist the claimant in seeking an appropriate financial instrument to provide such payments. Judgment may not be entered until the claimant has notified the court that the claimant does not wish to enter into a structured settlement.

Sec. 3. Minnesota Statutes 1986, section 604.02, subdivision 1, is amended to read:

Subdivision 1. When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is jointly and severally liable for the whole award. Except in cases where liability arises under chapters 18B - pesticide control, 115 - water pollution control, 115A - waste management, 115B - environmental response and liability, 115C - leaking underground storage tanks, and 299E - pipeline safety, public nuisance law for damage to the environment or the public health, any other environmental or public health law, or any environmental or public health ordinance or program of a municipality as defined in section 466.01, a person whose fault is ten percent or less is liable for a percentage of the whole award no greater than ten times the percentage of fault, including any amount reallocated to that person under subdivision 2.

If the state or a municipality as defined in section 466.01 is jointly liable, and its fault is less than 35 percent, it is jointly and severally liable for an amount a percentage of the whole award no greater than twice the amount of fault, including any amount reallocated to the state or municipality under subdivision 2.

Sec. 4. [INJURY COMPENSATION STUDY.]

The speaker of the house of representatives and the majority leader of the senate shall each appoint three persons to a commission to study the civil justice system and current and alternative methods of compensating injured persons. Not later than January 1, 1990, the study commission shall report its findings to the legislature along with any recommendations for legislative action.

Sec. 5. [REPEALER.]

Minnesota Statutes 1986, section 604.07, is repealed.

Sec. 6. [APPLICATION; EFFECTIVE DATE.]

Sections 2 and 3 apply to causes of action arising on or after their effective dates. Sections 1 and 5 are effective the day following final enactment and apply to all cases pending or brought on or after that date."

Delete the title, and insert:

"A bill for an act relating to civil law; deleting the minimum percentage amount for interest on judgments; altering the application of joint and several liability; providing for payment of future damages; amending Minnesota Statutes 1986, section 604.02, subdivision 1; Minnesota Statutes 1987 Supplement, section 549.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 549; repealing Minnesota Statutes 1986, section 604.07."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1685, A bill for an act relating to crimes; prohibiting unauthorized use of computer information; prohibiting denial of access to a computer; prohibiting use of a computer to commit a felony; authorizing persons injured by computer crime to collect treble civil damages; requiring the reporting of computer crimes; imposing penalties; amending Minnesota Statutes 1986, sections 609.531, subdivision 1; 609.87, subdivisions 3, 4, 5, and by adding subdivisions; and 609.88, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1, is amended to read:

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

(a) "Conveyance device" means a device used for transportation in connection with a designated offense and includes, but is not limited to, motor vehicles, trailers, snowmobiles, airplanes, and vessels. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Primary container" means a fundamental receptacle other than a conveyance device used to store or transport property.

(c) "Weapon used" means weapons used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(d) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(e) "Contraband property" means property which is illegal to possess under Minnesota law.

(f) "Appropriate agency" means either the bureau of criminal apprehension, Minnesota state patrol, county sheriffs and their deputies, or city police departments.

(g) "Designated offense" includes:

(1) For weapons used: any violation of this chapter;

(2) For all other purposes: violation of, or an attempt or conspiracy to violate, section 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322, subdivision 1 or 2; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.521; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; section 609.671, subdivisions 3, 4, and 5; 609.687; 609.825; 609.86; 609.88; 609.89; or 617.246, when the violation constitutes a felony; or a gross misdemeanor or felony violation of section 4.

(h) "Communications device or component" means a device or system used to facilitate in any manner the creation, storage, dissemination, or transmission of data in connection with a designated offense and includes computers and computer-related components as defined in section 609.87 and any other device or system that by means of electric, electronic or magnetic impulses may be used to facilitate in any manner the creation, storage, dissemination, or transmission of data.

Sec. 2. Minnesota Statutes 1986, section 609.87, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] For purposes of sections 609.87 to 609.89, and sections 4 and 5, the terms defined in this section have the meanings given them.

Sec. 3. Minnesota Statutes 1986, section 609.87, is amended by adding a subdivision to read:

Subd. 9a. [COMPUTER SECURITY SYSTEM.] "Computer security system" means a software program or computer device that:

(1) is intended to protect the confidentiality and secrecy of data and information stored in or accessible through the computer system; and

(2) displays a conspicuous warning to a user that the user is entering a secure system, or requires a person seeking access to knowingly respond by use of an authorized code to the program or device in order to gain access.

Sec. 4. [609.891] [UNAUTHORIZED COMPUTER ACCESS.]

Subdivision 1. [CRIME.] A person is guilty of unauthorized computer access if the person intentionally and without authority attempts to or does penetrate a computer security system.

Subd. 2. [FELONY.] (a) A person who violates subdivision 1 in a manner that creates a grave risk of causing the death of a person is guilty of a felony and may be sentenced to a term of imprisonment of not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who is convicted of a second or subsequent gross misdemeanor violation of subdivision 1 is guilty of a felony and may be sentenced under paragraph (a).

Subd. 3. [GROSS MISDEMEANOR.] (a) A person who violates subdivision 1 in a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and may be sentenced to imprisonment for a term of not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) A person who violates subdivision 1 in a manner that compromises the security of data that are protected under section 609.52, subdivision 2, clause (8), or are not public data as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(c) A person who is convicted of a second or subsequent misdemeanor violation of subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

Subd. 4. [MISDEMEANOR.] A person who violates subdivision 1 is guilty of a misdemeanor and may be sentenced to imprisonment

for a term of not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 5. [609.892] [SELLING PROTECTED DATA.]

Subdivision 1. [CRIME.] A person is guilty of selling protected data if the person:

(1) makes contact with a computer system and thereby gains access to data that are not public data as defined in section 13.02, subdivision 8a;

(2) transfers the data to a person who is not authorized to receive the data; and

(3) receives money or any other thing of value in exchange for the data.

Subd. 2. [SENTENCE.] A person who violates subdivision 1 is guilty of a felony and may be sentenced to a term of imprisonment of not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1988, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting unauthorized computer access; prohibiting selling protected data; making these new computer crimes subject to the criminal forfeiture law; prescribing penalties; amending Minnesota Statutes 1986, section 609.87, subdivision 1, and by adding a subdivision; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1719, A bill for an act relating to game and fish; prohibiting the use of meat in baiting bears; amending Minnesota Statutes 1986, section 97B.425.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 97B.425, is amended to read:

97B.425 [BAITING BEARS.]

A person placing bait to take bear must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. ~~A person may not use solid waste containing bottles, cans, plastic, paper, metal, or other materials that are not readily biodegradable as a bait to attract bear. To attract bear a person may not use a bait with:~~

- (1) meat from mammals, if the meat contains bones;
- (2) bones of mammals;
- (3) solid waste containing bottles, cans, plastic, paper, or metal;
- (4) materials that are not readily biodegradable; or
- (5) any part of a swine."

Delete the title and insert:

"A bill for an act relating to game and fish; prohibiting the use of certain meat in baiting bears; amending Minnesota Statutes 1986, section 97B.425."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1733, A bill for an act relating to traffic regulations; regulating the operation of motorized bicycles; amending Minnesota Statutes 1987 Supplement, section 169.223.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 169.223, is amended to read:

169.223 [MOTORIZED BICYCLES.]

Subdivision 1. Except as otherwise provided in this section, section 169.974 relating to motorcycles is applicable to motorized bicycles, except that:

(1) motorized bicycles equipped with lighted headlights and taillights meeting the lighting requirements for motorcycles may be operated during nighttime hours;

(2) protective headgear includes headgear that meets the American National Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute, Inc.;

(3) protective headgear is not required for operators 18 years of age or older; and

(4) the provisions of section 169.222 governing the parking of bicycles apply to motorized bicycles.

Subd. 2. ~~Motorized bicycles shall not be operated on any bicycle way or bicycle lane, as those terms are defined in section 160.263. A motorized bicycle may be operated under either a driver's license or a motorized bicycle permit issued under section 171.02, subdivision 3. A person under the age of 16 operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit, except that:~~

(1) a parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator, if the motorized bicycle is equipped with a seat and foot rests for a second passenger;

(2) a motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles, may be operated during nighttime hours;

(3) protective headgear includes headgear described in subdivision 1; and

(4) protective headgear is required only until the operator reaches the age of 18 years.

Subd. 3. No person shall operate a motorized bicycle upon a sidewalk at any time, except when such operation is necessary for

the most direct access to a roadway from a driveway, alley or building. No person shall operate a motorized bicycle that is carrying any person other than the operator, except as allowed under subdivision 2.

Subd. 4. The provisions of section 169.974, subdivision 5, clause (i), apply to motorized bicycles that are equipped with headlights. After June 1, 1987, a new motorized bicycle sold or offered for sale in Minnesota must be equipped with a headlight.

Subd. 5. ~~When operated within a statutory or home rule charter city, a motorized bicycle is entitled to the full use of a traffic lane. No motor vehicle shall be driven or operated in a way that deprives a motorized bicycle of the full use of a traffic lane. When operated on a highway that is not within a statutory or home rule charter city, a motorized bicycle shall be operated on the paved portion of the shoulder, or, if the shoulder is not paved, as near as is practicable to the right-hand side of the roadway.~~ (a) A person operating a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except in one of the following situations:

(1) when overtaking and passing another vehicle proceeding in the same direction;

(2) when preparing for a left turn at an intersection or into a private road or driveway; or

(3) when reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

(b) Persons operating motorized bicycles on a roadway may not ride more than two abreast and may not impede the normal and reasonable movement of traffic. On a laned roadway, a person operating a motorized bicycle shall ride within a single lane.

(c) This section does not permit the operation of a motorized bicycle on a bikeway or other lane bicycle path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic.

Sec. 2. Minnesota Statutes 1987 Supplement, section 169.522, subdivision 1, is amended to read:

Subdivision 1. (a) Except as provided in paragraph (b), all animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry and other machinery, including all road construction machinery, which are designed for operation at a speed of 25 miles per hour or

less shall display a triangular slow-moving vehicle emblem except when being used in actual construction and maintenance work and traveling within the limits of a construction area which is marked in accordance with requirements of the manual of uniform traffic control devices, as set forth in section 169.06. The emblem shall consist of a fluorescent yellow-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it shall not be necessary to display a similar emblem on the secondary unit. After January 1, 1975, all slow-moving vehicle emblems sold in this state shall be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of head lamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications shall be adopted by rule in accordance with the administrative procedure act. A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used by a person holding a sincere religious belief prohibiting the display of the emblem described in paragraph (a), after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix the alternate slow-moving vehicle emblem to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red. The white reflective border of the alternate slow-moving vehicle emblem must be visible from a distance of not less than 600 feet to the rear.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to traffic regulations; regulating the operation of motorized bicycles; providing for alternative emblems for slow-moving vehicles; amending Minnesota Statutes 1987 Supplement, sections 169.223; and 169.522, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1830, A bill for an act relating to game and fish; removing an age minimum from the law governing issuance of turkey licenses; amending Minnesota Statutes 1986, section 97A.435, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 97A.435, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner’s order. A person is eligible for a turkey license only if the person is a resident and at least age 16 before the season opens or possesses a firearms safety certificate.”

Amend the title as follows:

Page 1, line 2, delete “removing” and insert “qualifying”

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. 1865, A bill for an act relating to the town of White Bear; authorizing the town of White Bear to establish an economic development authority; giving the town of White Bear the powers of a city with respect to the authority.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1896, A bill for an act relating to marriage dissolution; providing for child support enforcement; specifying conditions for judgment by operation of law; amending Minnesota Statutes 1986, sections 256.87, subdivisions 1, 1a, and 6; 257.66, subdivision 5; 518.55, subdivision 2; 518.551, subdivision 9; 518C.17, subdivision 1; 548.091, subdivisions 2, 3, and by adding a subdivision; and Minnesota Statutes 1987 Supplement, section 548.091, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 256.87, subdivision 1, is amended to read:

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] A parent of a child is liable for the amount of assistance furnished under sections 256.72 to 256.87 to and for the benefit of the child, including any assistance furnished for the benefit of the caretaker of the child, which the parent has had the ability to pay. Ability to pay must be determined according to chapter 518. The parent's liability is limited to the amount of assistance furnished during the two years immediately preceding the commencement of the action, except that where child support has been previously ordered, the state or county agency providing the assistance, as assignee of the obligee, shall be entitled to judgments for child support payments accruing within ten years preceding the date of the commencement of the action up to the full amount of assistance furnished. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the recovery of the amount of assistance granted, together with the costs and disbursements of the action.

Sec. 2. Minnesota Statutes 1986, section 256.87, subdivision 1a, is amended to read:

Subd. 1a. [CONTINUING SUPPORT CONTRIBUTIONS.] In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing support contributions by a parent found able to reimburse the county or state agency. Except as provided in subdivision 4, the order shall be effective for the period of time during which the recipient receives public assistance from any county or state agency and for five months thereafter. The order shall require support according to chapter 518. An order for continuing contributions is reinstated without further hearing upon notice to the parent by any

county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance.

Sec. 3. Minnesota Statutes 1986, section 256.87, subdivision 6, is amended to read:

Subd. 6. [NOTICE ENTRY OF DOCKETING JUDGMENT.] Any order for support or maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make the a support or maintenance payments payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due, and the obligee or public agency responsible for support or maintenance enforcement may obtain entry and docketing of a the judgment for the unpaid amounts under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 4. Minnesota Statutes 1986, section 256.87, is amended by adding a subdivision to read:

Subd. 6a. [NOTICE OF DOCKETING OF MAINTENANCE JUDGMENT.] Every order for maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make the maintenance payments, the obligee or public agency responsible for maintenance enforcement may obtain docketing of a judgment for the unpaid amount under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 5. Minnesota Statutes 1986, section 257.66, subdivision 5, is amended to read:

Subd. 5. [NOTICE ENTRY OF DOCKETING JUDGMENT.] Any order for support or maintenance issued under this section shall provide for a conspicuous notice that, if the obligor fails to make the a support payments payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due and the obligee or a public agency responsible for support enforcement may obtain entry and docketing of a the judgment for the unpaid amounts under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 6. Minnesota Statutes 1986, section 518.55, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF DOCKETING OF MAINTENANCE JUDGMENT.] Every order for support or maintenance shall provide

for a conspicuous notice that, if the obligor fails to make the support or maintenance payments, the obligee or a public agency responsible for maintenance or support enforcement may obtain docketing of a judgment for the unpaid amount under the provisions of section 548.091. The notice shall enumerate the conditions that must be met before the judgment can be docketed.

Sec. 7. Minnesota Statutes 1986, section 518.55, is amended by adding a subdivision to read:

Subd. 2a. [ENTRY OF CHILD SUPPORT JUDGMENT.] Every order for support shall provide for a conspicuous notice that, if the obligor fails to make a support payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due, and the obligee or a public agency responsible for support enforcement may obtain entry and docketing of the judgment for the unpaid amount under the provisions of section 548.091.

Sec. 8. Minnesota Statutes 1986, section 518.551, subdivision 9, is amended to read:

Subd. 9. [ASSIGNMENT OF RIGHTS; JUDGMENT.] The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 256.74, subdivision 5. The court administrator shall enter and docket a judgment obtained by operation of law under section 548.091, subdivision 1, in the name of the public agency to the extent that the obligation has been assigned. When arrearages are reduced to judgment under circumstances in which section 548.091 is not applicable, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. After filing notice of an assignment with the court administrator, who shall enter the notice in the docket, the public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.

Sec. 9. Minnesota Statutes 1986, section 518C.17, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE OF ORDER.] If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 518C.01 to 518C.36 shall require that payments be made as the responding court directs and the responding court shall order support payments under chapter 518. Every order for support shall provide for a conspicuous notice that, if the obligor fails to make the a support payments payment, the payment owed becomes a judgment by operation of law on and after the date the payment is due, and the obligee or a public agency responsible for support enforcement may obtain entry and

docketing of a the judgment for the unpaid amounts under the provisions of section 548.091. ~~The notice shall enumerate the conditions that must be met before the judgment can be docketed.~~ The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 10. Minnesota Statutes 1987 Supplement, section 548.091, subdivision 1, is amended to read:

Subdivision 1. [DOCKETING OF MAINTENANCE JUDGMENT.] A judgment for unpaid amounts under a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260.251, any of which provide that provides for installment or periodic payments of child support, maintenance, or reimbursement to a county for the cost of care, examination, or treatment of a child, or any combination of these items, shall be entered and docketed by the court administrator only when ordered by the court or when the following conditions are met:

(a) The obligee ~~or the public authority~~ determines that the obligor is at least 30 days in arrears;

(b) The obligee ~~or public authority~~ serves a copy of an affidavit of default and notice of intent to enter judgment on the obligor by mail at the obligor's last known post office address. Service shall be deemed complete upon mailing in the manner designated. The affidavit shall state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date of the first unpaid amount, the date of the last unpaid amount, and the total amount unpaid;

(c) The obligor fails within 20 days after mailing of the notice either to pay all unpaid amounts or to request a hearing on the issue of whether arrears claimed owing have been paid and to seek, ex parte, a stay of entry of judgment; and

(d) Not less than 20 days after service on the obligor in the manner provided, the obligee ~~or public authority~~ files with the court administrator the affidavit of default together with proof of service and, if payments have been received by the obligee ~~or public authority~~ since

execution of the affidavit of default, a supplemental affidavit setting forth the amount of payment received.

Sec. 11. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 1a. [CHILD SUPPORT JUDGMENT BY OPERATION OF LAW.] Any payment or installment of support required by a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260.251, that is not paid or withheld from the obligor's income as required under section 518.611 or 518.613, is a judgment by operation of law on and after the date it is due and is entitled to full faith and credit in this state and any other state. Interest accrues from the date the judgment on the payment or installment is entered and docketed under subdivision 3a, at the annual rate provided in section 549.09, subdivision 1. A payment or installment of support that becomes a judgment by operation of law between the date on which a party served notice of a motion for modification under section 518.64, subdivision 2, and the date of the court's order on modification may be modified under that subdivision.

Sec. 12. Minnesota Statutes 1986, section 548.091, subdivision 2, is amended to read:

Subd. 2. [AMOUNT AND SURVIVAL OF MAINTENANCE JUDGMENT.] The court administrator shall enter and docket judgment in the amount of each affidavit filed under subdivision 1 less any amount paid. From the time of docketing, the judgment is a lien in the amount unpaid upon all the real property in the county then or after owned by the judgment debtor. The judgment survives and the lien continues for ten years after its entry.

Sec. 13. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 2a. [DOCKETING OF CHILD SUPPORT JUDGMENT.] On or after the date an unpaid amount becomes a judgment by operation of law under subdivision 1a, the obligee or the public authority may file with the court administrator:

(1) a statement identifying, or a copy of, the judgment or decree of dissolution or legal separation, determination of parentage, order under chapter 518C, an order under section 256.87, or an order under section 260.251, which provides for installment or periodic payments of child support;

(2) an affidavit of default. The affidavit of default must state the full name, occupation, place of residence, and last known post office

address of the obligor, the name and post office address of the obligee, the date or dates payment was due and not received and judgment was obtained by operation of law, and the total amount of the judgments; and

(3) an affidavit of service of a notice of entry of judgment on the obligor, in person or by mail at the obligor's last known post office address. Service is completed upon mailing in the manner designated.

Sec. 14. Minnesota Statutes 1986, section 548.091, subdivision 3, is amended to read:

Subd. 3. [MAINTENANCE JUDGMENTS DOCKETED PRIOR TO DEFAULT.] An obligor whose property is subject to the lien of a judgment for installment of periodic payments of ~~child support, maintenance, or both,~~ under section 548.09, and who claims that no amount of ~~support or maintenance~~ is in arrears, may move the court ex parte for an order directing the court administrator to vacate the lien of the judgment on the docket and register of the action where it was entered. The obligor shall file with the motion an affidavit stating that:

(a) The lien attached upon the docketing of a judgment or decree of dissolution or separate maintenance, ~~a determination of parentage, an order under the Reciprocal Enforcement of Support Act, or an order under section 256.87;~~

(b) The docketing was made while no installment or periodic payment of ~~child support, maintenance, or both,~~ was unpaid or overdue; and

(c) No installment or periodic payment of ~~child support, maintenance, or both,~~ that was due prior to the filing of the motion remains unpaid or overdue.

The court shall grant the obligor's motion as soon as possible if the pleadings and affidavit show that there is and has been no default.

Sec. 15. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 3a. [ENTRY, DOCKETING, AND SURVIVAL OF CHILD SUPPORT JUDGMENT.] Upon receipt of the documents filed under subdivision 2a, the court administrator shall enter and docket the judgment in the amount of the default specified in the affidavit of default. From the time of docketing, the judgment is a lien upon all the real property in the county owned by the judgment debtor. The judgment survives and the lien continues for ten years after the date the judgment was docketed.

Sec. 16. Minnesota Statutes 1986, section 548.091, is amended by adding a subdivision to read:

Subd. 4. [CHILD SUPPORT HEARING.] A child support obligor may request a hearing under the rules of civil procedure on the issue of whether the judgment amount or amounts have been paid and may move the court for an order directing the court administrator to vacate the judgment or judgments on the docket and register in any county or other jurisdiction in which judgment or judgments were entered pursuant to this action.

The court shall grant the obligor's motion if it determines that there is no default.

Sec. 17. [EFFECTIVE DATE.]

This act is effective the day after final enactment and applies to all support payments due on or after the effective date and to all unpaid payments which have not been reduced to judgment by the effective date."

Delete the title and insert:

"A bill for an act relating to marriage dissolution; providing for child support enforcement; specifying conditions for judgment by operation of law; amending Minnesota Statutes 1986, sections 256.87, subdivisions 1, 1a, 6, and by adding a subdivision; 257.66, subdivision 5; 518.55, subdivision 2, and by adding a subdivision; 518.551, subdivision 9; 518C.17, subdivision 1; 548.091, subdivisions 2, 3, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 548.091, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1898, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited lands in Carlton county.

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

The report was adopted.

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

H. F. No. 1900, A bill for an act relating to natural resources; adding certain land to Jay Cooke State Park in Carlton county.

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

The report was adopted.

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

H. F. No. 1932, A bill for an act relating to insurance; accident and health; exempting child health supervision services and prenatal care services from any requirement of coinsurance or dollar limitation; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [62A.047] [CHILDREN’S HEALTH SERVICES.]

No policy of individual or group health and accident insurance regulated under this chapter, or individual or group subscriber contract regulated under chapter 62C, shall be issued, renewed, continued, delivered, issued for delivery, or executed in this state, or approved for issuance or renewal in this state by the commissioner of commerce unless the policy or contract specifically exempts reasonable and customary charges for child health supervision services and perinatal care services from a deductible, copayment, or other coinsurance or dollar limitation requirement. Nothing in this section shall apply to a commercial health insurance policy issued as a companion to a health maintenance organization contract. Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit cited in this section subject to the schedule set forth in this section.

“Child health supervision services” means pediatric preventive services, appropriate immunizations, developmental assessments, and laboratory services appropriate to the age of a child from birth to age six. Reimbursement must be made for at least five child health supervision visits from birth to 12 months, three child health supervision visits from 12 months to 24 months, once a year from two years old to six years old.

“Perinatal care services” means the comprehensive package of medical and psychosocial support provided throughout the pregnancy, labor, delivery, and postpartum period including risk assessment, serial surveillance, prenatal education, use of specialized skills and technology, when needed, observation of the mother and infant, preparation for discharge, and follow-up during the postpartum period.”

Amend the title as follows:

Page 1, line 3, delete “prenatal” and insert “perinatal”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1956, A bill for an act relating to family law; prohibiting certain false allegations of child abuse; regulating child custody hearings; providing a penalty; amending Minnesota Statutes 1986, section 518.17, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, delete lines 16 to 19, and insert:

“A person who is a party to a custody proceeding under chapters 518, 518A, or 518B, or sections 257.51 to 257.74, who alleges to another person that another party to the custody proceeding has committed sexual abuse, physical abuse, or neglect of a child, as defined in section 626.556, subdivision 2, knowing that the allegation is false or having no reason to believe that the alleged abuse or neglect has occurred, and intending that the allegation influence the custody proceeding, is guilty of a misdemeanor.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2047, A bill for an act relating to transportation; exempting private carriers from certain hazardous materials regulations; amending Minnesota Statutes 1986, section 221.033, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 221.033, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] Except as provided in subdivisions 2 and 3 to 4, no person may transport or have transported or shipped within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 1801 to 1811 and the provisions of Code of Federal Regulations, title 49, sections 171 to 199.

Sec. 2. Minnesota Statutes 1986, section 221.033, is amended by adding a subdivision to read:

Subd. 4. [EXCEPTION.] A private carrier transporting gasoline, diesel fuel, or aviation fuel in a tank, that is securely mounted on a motor vehicle owned by the private carrier and has a capacity not exceeding 1,000 gallons, for use in fueling equipment owned and used by the private carrier in an agriculture-related business, is not subject to the requirements of the Code of Federal Regulations, title 49, sections 173.33(a), 173.119(a)(17), 178.340, 178.341, and 391.11(b)(1). This exception applies only to private carriers engaged in intrastate commerce.”

Delete the title and insert:

“A bill for an act relating to transportation; exempting certain private carriers of fuel for use in agriculture-related businesses from certain hazardous materials regulations; amending Minnesota Statutes 1986, section 221.033, subdivision 1, and by adding a subdivision.”

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. 2080, A bill for an act relating to human services; regulating payments for certain services for adults with mental retardation and related conditions; providing protection for the mentally retarded; providing for therapeutic work activities; negotiating medical assistance utilization review appeals; regulating child support; amending Minnesota Statutes 1986, section 246.56; Minnesota Statutes 1987 Supplement, sections 252.41, subdivision

7; 252.46, subdivisions 1, 2, 3, 4, 5, and 12; 252.47; 252A.111, subdivision 6; 254B.05, subdivision 1; 254B.09, subdivision 5; 256B.04, subdivision 15; and 518.64, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 4, after the period insert "In establishing services the commissioner shall cooperate with existing agencies to avoid duplication of available services to the extent feasible."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2100, A bill for an act relating to motor vehicles; extending time for dealers to transfer motor vehicle title certificate; amending Minnesota Statutes 1986, section 168A.04, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 15, after "15" insert "working"

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2128, A bill for an act relating to public safety; allowing certain political subdivisions to regulate the possession of firearms on publicly owned property; providing a defense for museum operators to a charge of possessing certain dangerous weapons; clarifying that dealers and manufacturers must report brand names of machine guns and certain shotguns to the bureau of criminal apprehension; amending Minnesota Statutes 1986, sections 471.634; 609.66, subdivision 2; Minnesota Statutes 1987 Supplement, section 609.67, subdivisions 3 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 471.634, is amended to read:

471.634 [DEFINITION.]

For purposes of section 471.633, the terms "municipal corporation" and "governmental subdivision," or instrumentality thereof, do not include:

(1) school districts and other entities composed exclusively of school districts, the University of Minnesota, a state university, or a community college, when school boards or school administrators are regulating school grounds, school facilities, school transportation services, school programs, or the conduct of students at any activities conducted under the direct or indirect supervision or control of the school board or administration; or

(2) the metropolitan airport commission or the metropolitan stadium commission when it is regulating the possession of firearms within buildings that are located on real property owned by the commission.

Sec. 2. Minnesota Statutes 1987 Supplement, section 609.67, subdivision 3, is amended to read:

Subd. 3. [USES PERMITTED.] The following persons may own or possess a machine gun or short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) law enforcement officers for use in the course of their duties;

(2) chief executive officers of correctional facilities and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties;

(3) persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or the superintendent's delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons;

(4) manufacturers of ammunition who possess and use machine guns for the sole purpose of testing ammunition manufactured for sale to law enforcement agencies and correctional facilities; and

(5) dealers and manufacturers who are federally licensed to buy and sell, or manufacture machine guns or short-barreled shotguns and who either use the machine guns or short-barreled shotguns in peace officer training under courses approved by the board of peace officer standards and training, or are engaged in the sale of machine

guns or short-barreled shotguns to Minnesota law enforcement agencies and will use the machine gun or short-barreled shotgun for law enforcement sales demonstrations.

Sec. 3. Minnesota Statutes 1987 Supplement, section 609.67, subdivision 4, is amended to read:

Subd. 4. [REPORT REQUIRED.] (a) A person owning or possessing a machine gun or short-barreled shotgun as authorized by subdivision 3, clause (1), (2), (3), or (4) shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing the person's name and address; the person's official title and position, if any; a description of the machine gun or short-barreled shotgun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require.

(b) Unless required to report under paragraph (a), a dealer or manufacturer owning or having a machine gun or short-barreled shotgun as authorized by subdivision 3, clause (5) shall, by the tenth day of each month, file a written report with the bureau of criminal apprehension showing the name and address of the dealer or manufacturer and, the manufacturer, model, and serial number of each machine gun or short-barreled shotgun acquired or manufactured during the previous month.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 3 are effective the day following final enactment. Section 2 is effective August 1, 1988, and applies to crimes committed on or after that date.

Delete the title and insert:

"A bill for an act relating to public safety; allowing certain political subdivisions to regulate the possession of firearms on publicly owned property; clarifying that dealers and manufacturers must report brand names of machine guns and certain shotguns to the bureau of criminal apprehension; amending Minnesota Statutes 1986, section 471.634; Minnesota Statutes 1987 Supplement, section 609.67, subdivisions 3 and 4."

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. 2146, A bill for an act relating to education; appointing a voting student member to the higher education coordinating board; amending Minnesota Statutes 1986, section 136A.02, subdivisions 1, 1a, and 7.

Reported the same back with the following amendments:

Page 2, line 2, after the period insert "A student member may receive compensation as a student body officer or may be a recipient of financial aid, including work study, but must not otherwise be employed or compensated by a post-secondary institution while serving on the board."

Page 3, after line 20, insert:

"Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2148, A bill for an act relating to child abuse; authorizing counties to establish pilot programs; allowing the appointment of a children's intermediary in certain criminal child abuse proceedings; prescribing powers and duties of the intermediary; proposing coding for new law in Minnesota Statutes, chapter 631.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 626.559, subdivision 1, is amended to read:

Subdivision 1. [JOB CLASSIFICATION; CONTINUING AND PRESERVICE EDUCATION.] The commissioner of human services, for employees subject to the Minnesota merit system, and directors of county personnel systems, for counties not subject to the Minnesota merit system, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills, and experience required to satisfactorily perform child protection duties pursuant to section 626.556, subdivisions 10, 10a, and 10b who have

completed preservice training under section 2. Only individuals who meet the criteria for this job classification are eligible for employment as child protection workers.

All child protection workers or social services staff having responsibility for child protective duties under section 626.556, subdivisions 10, 10a, and 10b, shall receive 15 hours of continuing education or in-service training each year. The local social service agency shall submit an annual plan for the provision of these hours of education and training to the commissioner of human services for approval.

Sec. 2. [626.5591] [CHILD PROTECTION WORKERS; TRAINING; ADVISORY COMMITTEE.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meaning given unless the specific context indicates otherwise:

(a) "Child protection agency" means an agency authorized to receive reports, conduct assessments and investigations, and make determinations pursuant to section 626.556, subdivision 10.

(b) "Child protection services" means the receipt, classification, and assessment of reports of child abuse and neglect, including (1) the assessment of risk to a child alleged to have been abused, (2) interviews of a person alleged to have abused a child and the child or children involved in the report, and interviews with persons having facts or knowledge necessary to assess the level of risk to a child and the need for protective intervention, (3) the gathering of written or evidentiary materials, (4) the recording of case findings, and (5) other actions required by section 626.556, administrative rule, or agency policy, but excluding administrative practices necessary solely for the collection of data.

(c) "Competency-based training" means a course of experiential and didactic instructional activity which is based upon specifically stated and clearly measurable instructional objectives and which requires demonstration of the achievement of a particular standard of skills and knowledge for satisfactory completion.

(d) "Preservice training" means training provided to local child protection workers before they perform official job duties in a local child protection agency.

(e) "Early inservice training" means training provided to a local child protection worker after the person has begun to perform child protection duties, but before the expiration of six months of job service.

(f) "Ongoing inservice training" means training provided to a local child protection worker after the person has performed an initial six months of job service.

Subd. 2. [TRAINING PROGRAM.] The commissioner of human services shall develop and implement a program of competency-based training which provides instruction for child protection workers who are hired to provide child protection services on or after the effective date of this section. The program shall include: (1) compulsory preservice training for child protection workers; and (2) early inservice training for child protection workers that includes work-site observation and evaluation, and demonstrated application of skills and knowledge. This training shall be made available throughout the state at reasonable intervals. The training shall be coordinated with ongoing inservice child protection worker training, but shall not include that training.

Sec. 3. [626.5592] [STEERING COMMITTEE.]

Subdivision 1. [APPOINTMENT.] The commissioner of human services shall appoint a steering committee to assist in the implementation of section 2.

Subd. 2. [MEMBERSHIP.] The steering committee shall consist of the following members:

(1) two individuals who are in a supervisory capacity in a local child protection agency;

(2) two individuals who are child protection workers with significant experience;

(3) one individual who has expertise in training and development;

(4) one law enforcement officer; and

(5) three individuals who have particular expertise in any aspect of child protection services described in section 2.

Subd. 3. [DUTIES.] The steering committee shall:

(1) advise the commissioner regarding the format and content of training to be provided under section 2;

(2) review and approve a two-year plan for implementation of section 2;

(3) make recommendations as to the staffing and operation of section 2;

(4) submit a semiannual report to the legislature on the implementation of section 2; and

(5) review implementation steps on a regular basis, and recommend necessary changes in department or public policy.

Subd. 4. [COMPENSATION.] The steering committee shall serve without compensation.

Sec. 4. [631.047] [APPOINTMENT OF CHILD INTERMEDIARY IN CERTAIN CHILD ABUSE CASES; PILOT PROGRAM.]

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) "Child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.255, 609.342, 609.343, 609.344, 609.345, 609.377, or 609.378.

(b) "Significant relationship" means a relationship as defined by Minnesota Statutes, section 609.341, subdivision 15.

(c) "Child" means a person under the age of 18 who is the alleged victim of child abuse perpetrated by an adult who has a significant relationship with the child victim.

Subd. 2. [ESTABLISHMENT OF PILOT PROGRAM.] Until July 1, 1989, a county board may establish a three-year pilot project authorizing the appointment of a child intermediary under this section and setting forth criteria for selecting and training the intermediary and monitoring the program. The intermediaries may be paid or may be volunteers, but shall function independently of the county human services agency, the county attorney's office, local law enforcement agencies, and the public defender's office.

By January 1, 1991, a county participating in the program must report to the legislature the interim results of its pilot program. The county must submit a final report of the results of the program to the legislature by January 1, 1993.

Subd. 3. [APPOINTMENT BY COURT.] In a county with a pilot program established under subdivision 2, a child intermediary may be appointed by the district court at the time a criminal charge is filed alleging child abuse against a child by an adult who has a significant relationship with that child. In making the appointment, the court shall consider the person's background in and familiarity with the judicial process, social service programs, and child abuse. If a guardian ad litem or other representative has been appointed to represent the child in concurrent judicial proceedings, the district

court shall appoint the same individual to be the child intermediary if possible and if qualifications are met. The court must not appoint as a child intermediary a person who is likely to be a witness in any proceeding associated with the alleged child abuse.

Subd. 4. [DUTIES.] A child intermediary's duties include the following:

(1) protecting the child from unnecessary further trauma by marshalling and coordinating the delivery of available resources and special services to the child and the child's family;

(2) advising the court as to the child's special needs with regard to pretrial interviews, deposition or trial testimony, and the expediting of proceedings, and with respect to the child's ability to understand the process;

(3) advising the prosecuting attorney as to a child's ability to cooperate with the prosecution, and the potential effects of the proceedings on the child; and

(4) guaranteeing that the rights established for victims in section 611A.037 are extended to the child or to the child intermediary on the child's behalf.

Subd. 5. [POWERS.] A child intermediary has the power to:

(1) gain access to all reports, records, and other data relating to assessments, evaluations, or examinations of the child, not including attorneys' work product; and

(2) make motions or objections to motions and petition the court for the appointment of an attorney for the intermediary if necessary to adequately protect the best interests of the child.

The intermediary may not introduce evidence or examine or cross-examine witnesses in the presence of the jury.

Subd. 6. [WITNESS PRIVILEGE.] Notwithstanding section 595.02, subdivision 1, child intermediaries appointed in child abuse cases under this section may not be compelled to testify in any court action or proceeding about any opinion or information received from or about the child victim in the course of serving as an intermediary."

Delete the title and insert:

"A bill for an act relating to child abuse; providing for the training of child protection workers; providing a pilot program for child intermediaries in child abuse situations; amending Minnesota Stat-

utes 1986, section 626.559, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 626 and 631.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2167, A bill for an act relating to crimes; making it a crime for athletic agents to induce student athletes to enter into agent contracts or professional sport services contracts before the athletes' collegiate eligibility expires; making it a crime for athletic agents to offer anything of value to employees of institutions of higher education in return for referral of student athlete clients; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [325E.32] [MISCONDUCT OF ATHLETIC AGENTS.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) “Student athlete” means a person who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program. The term includes any individual who may be eligible to engage in collegiate sports in the future.

(c) “Athletic director” means the person discharging the duties of coordinating and administering the overall athletic program for the educational institution attended by the student athlete.

(d) “Educational institution” means the public or private high school, college, junior college, or university that the student athlete last attended or to which the student athlete has expressed written intention to attend.

Subd. 2. [WAIVER OF ELIGIBILITY.] A student athlete's waiver of intercollegiate athletic eligibility is not effective until the waiver of eligibility form prescribed by this subdivision has been filed with the offices of the secretary of state and the athletic director for seven days. The waiver is considered to have been on file seven days as of the eighth day after the receipt by the offices of the secretary of state and the athletic director of the completed waiver of eligibility form

prescribed by this subdivision. The original waiver is to be filed with the secretary of state and must be available for public inspection in the office of the secretary of state during normal business hours. The waiver form must provide:

“WAIVER OF INTERCOLLEGIATE ATHLETIC ELIGIBILITY

I,, hereby waive any and all intercollegiate athletic eligibility. This waiver is not effective until seven days after it has been received by the Minnesota secretary of state and the office of the athletic director.

This waiver is revocable until my intercollegiate athletic eligibility is terminated as a result of my entering either a contract with an athletic agent or a professional sports contract.

.....

STUDENT ATHLETE

.....

EDUCATIONAL INSTITUTION

.....

DATE”

Subd. 3. [REPRESENTATION OF CERTAIN ATHLETES PROHIBITED.] A person may not, before the effective date of a student athlete’s waiver of intercollegiate athletic eligibility, enter into a contract, written or oral, with a student athlete to:

- (1) serve as the agent of the student athlete in obtaining a professional sports contract; or
- (2) represent the student athlete or a professional sports organization in obtaining a professional sports contract for or with a student athlete.

A person who violates this subdivision is subject to the remedies under section 8.31, except that a civil penalty imposed under that section may be not more than \$100,000, or three times the amount given, offered, or promised as an inducement for the student athlete to enter the agency contract or professional sports contract, exclusive of the compensation provided by the professional sports contract, whichever is greater.

Subd. 4. [INFLUENCING OF EDUCATIONAL INSTITUTION

EMPLOYEES PROHIBITED.] A person may not offer, give, or promise to give an employee of an educational institution, directly or indirectly, any benefit, reward, or consideration to which the employee is not legally entitled, with the intent that:

(1) the employee will influence a student athlete to enter into a contract with the person to serve as the athlete's agent or to enter into a professional sports contract; or

(2) the employee will refer student athletes to the person.

A person who violates this subdivision is subject to the remedies under section 8.31, except that a civil penalty imposed under that section may be not more than \$100,000, or three times the value offered to the employee in violating this subdivision, whichever is greater.

Subd. 5. [VOIDABILITY OF CONTRACT.] A contract entered into in violation of subdivision 3 is voidable by the student athlete. If voided by the student athlete, the athletic agent shall return to the student athlete any compensation received under the contract. The athletic agent shall also pay reasonable attorney's fees and costs incurred by a student athlete in any action or defense under this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1988, and applies to violations committed on or after that date."

Delete the title and insert:

"A bill for an act relating to student athletics; prohibiting persons from entering into a contract to serve as the agent of a student athlete or represent a student athlete or professional sports organization in obtaining a professional sports contract with a student athlete before expiration of the student athlete's collegiate eligibility unless the athlete has executed an effective waiver of eligibility; prohibiting a person from offering anything of value to an employee of an educational institution in return for the employee's influence on a student athlete to enter into contracts with agents or professional sports contracts or for the referral of student athlete clients; imposing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 325E."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2205, A bill for an act relating to crimes; requiring a warning label on replica firearms; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, line 10, delete "or otherwise" and insert "and"

Page 1, line 25, delete "red" and delete "against a white" and insert "that strongly contrasts the"

Page 2, line 3, delete "specifically"

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. 2227, A bill for an act relating to the environment; creating a task force to study certain issues relating to genetic engineering.

Reported the same back with the following amendments:

Page 2, after line 10, insert:

"The members shall serve without compensation."

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Metropolitan Affairs to which was referred:

H. F. No. 2234, A bill for an act relating to the city of Minneapolis; authorizing the Minneapolis park and recreation board to establish compensation for its members; amending Laws 1974, chapter 181, section 1, as amended.

Reported the same back with the following amendments:

Page 1, line 17, after "board" insert ", subject to the approval of the mayor,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2241, A bill for an act relating to crime; traffic safety; providing that operating a vehicle at a speed of 85 miles per hour or more is careless driving; limiting plea negotiations for speeding violations; amending Minnesota Statutes 1986, sections 169.13, subdivision 2; and 169.141, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 20, delete "careless driving, which is"

Pages 1 and 2, delete section 2

Page 2, line 5, delete "3" and insert "2"

Page 2, line 6, delete "Sections 1 and 2 are" and insert "Section 1 is"

Page 2, line 6, delete "apply" and insert "applies"

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "for speeding violations;"

Page 1, line 6, delete "sections" and insert "section" and delete everything after "2" and insert a period

Page 1, delete line 7

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2249, A bill for an act relating to economic development;

establishing a Minnesota main street grant program; establishing a celebrate Minnesota 1990 advisory committee; establishing a Minnesota marketplace program; authorizing certain fund transfers; appropriating money; amending Minnesota Statutes 1987 Supplement, section 116J.981; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 8, line 17, delete "getting the approval of" and insert "notifying"

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

The report was adopted.

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

H. F. No. 2343, A bill for an act relating to information management; providing for an inventory, referral, and intake system for jobs and training and income maintenance services; appropriating money; amending Minnesota Statutes 1986, section 268.86, by adding a subdivision; and Minnesota Statutes 1987 Supplement, section 256.01, subdivision 4.

Reported the same back with the following amendments:

Page 3, line 9, delete "combined" and insert "coordinated"

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

The report was adopted.

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

H. F. No. 2370, A bill for an act relating to human services; requiring county community social service plans to address the county's responsibility to establish a system of early intervention services for handicapped children; amending Minnesota Statutes 1987 Supplement, section 256E.09, subdivision 3.

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

The report was adopted.

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

H. F. No. 2378, A bill for an act relating to retirement; Minnesota state retirement system; authorizing the purchase of prior service credit by certain metropolitan sports facilities commission employees; repealing Minnesota Statutes 1986, section 473.565, subdivisions 3 and 4.

Reported the same back with the following amendments:

Page 2, after line 33, insert:

“Sec. 2. [PURCHASE OF PRIOR SERVICE; FOND DU LAC INDIAN RESERVATION.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding any provision of law to the contrary, any person who is currently a state employee, and a member of the Minnesota state retirement system, and who has prior service as an employee of the Fond du Lac Indian Reservation from July 2, 1973, to December 29, 1980, shall be entitled to purchase service credit from the public employees retirement association for any period of the military service or employment by the Fond du Lac Indian Reservation for which the person has not previously received service credit.

Subd. 2. [PURCHASE PAYMENT AMOUNT.] For any person eligible to purchase credit for prior service as provided in subdivision 1, there shall be paid to the public employees retirement association an amount equal to the present value, on the date of payment, of the amount of the additional retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the applicable mortality table adopted for the public employees retirement association and assuming continuous future service in the Minnesota state retirement system until, and retirement at, the age at which the minimum requirements of the retirement association for normal retirement or retirement with an annuity unreduced for retirement at an early age, including Minnesota Statutes, section 356.30, are met with the additional service credit purchased, for the retirement association, and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, section 356.215, subdivision 4d. The person requesting the purchase of prior service must establish in the records of the retirement fund or

association proof of the service for which the purchase of prior service is requested. The manner of the proof of service shall be in accordance with procedures prescribed by the executive director of the retirement association.

Subd. 3. [PAYMENT; CREDITING SERVICE.] Payment shall be made in one lump sum, unless the executive director of the retirement association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director.

Subd. 4. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment shall be made by the person entitled to purchase prior service. However, the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

Subd. 5. [TIME LIMIT ON AUTHORITY.] The authority to make a lump sum payment or to make an agreement to make installments shall expire on January 1, 1989."

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

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "Minnesota state retirement system;"

Page 1, line 5, after the semicolon insert "authorizing the purchase of credit for prior service as an employee of the Fond du Lac Indian Reservation;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to House Rule 9.3, H. F. No. 2378 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2396, A bill for an act relating to education; authorizing the sale of college savings bonds; requiring a market study and plan; exempting a specified amount of bonds from consideration in financial aid eligibility; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

Reported the same back with the following amendments:

Page 2, delete lines 21 to 36, and insert "means the compounded maturity amount of the bond."

Subd. 4. [DIRECT SALE PERMITTED.] Notwithstanding the provisions of section 2, subdivision 5, the commissioner may sell any series of college savings bonds directly to the public or to financial institutions for prompt resale to the public upon the terms and conditions and the restrictions the commissioner prescribes. The commissioner may enter into all contracts deemed necessary or desirable to accomplish the sale in a cost effective manner, but the commissioner may contract for investment banking and banking services only after receiving competitive proposals for the services."

Page 3, line 1, delete "6" and insert "5"

Page 3, line 7, delete "7" and insert "6"

Page 3, line 13, delete "8" and insert "7"

Page 3, line 15, delete "6" and insert "5"

Page 3, after line 16, insert:

"Sec. 2. [16A.652] [ZERO COUPON BONDS.]

Subdivision 1. [AUTHORITY TO ISSUE.] When authorized by law to issue state general obligation bonds, the commissioner may issue all or part of the bonds as serial maturity bonds or as zero coupon bonds or a combination of the two.

Subd. 2. [DEFINITIONS.] For purposes of sections 1 and 2, the following terms have the meanings given them.

(a) "Compounded maturity" means the amount of principal and interest payable at maturity on zero coupon bonds.

(b) "Serial maturity bonds" means bonds maturing on a specified day in two or more consecutive years and bearing interest at a specified rate payable periodically to maturity or prior redemption.

(c) "Zero coupon bonds" means bonds in a stated principal amount, maturing on a specified date or dates, and bearing interest that accrues and compounds to and is payable only at maturity or upon prior redemption of the bonds.

Subd. 3. [METHOD OF SALE; PRINCIPAL AMOUNT.] Except as otherwise provided by this section or section 1, any series of bonds including zero coupon bonds must be issued and sold under the provisions of section 16A.641. The stated principal amount of zero coupon bonds must be used to determine the principal amount of bonds issued under the laws authorizing issuance of state general obligation bonds.

Subd. 4. [SINKING FUND.] The commissioner's order authorizing the issuance of zero coupon bonds shall establish a separate sinking fund account for the zero coupon bonds in the state bond fund. There is annually appropriated from the general fund to each zero coupon bond account, beginning in the year in which the zero coupon bonds are issued, an amount not less than the sum of:

(1) the total stated principal amount of the zero coupon bonds that would have matured from their date of issue to and including the second July 1 following the transfer of appropriated money, if the bonds matured serially in an equal principal amount in each year during their term and in the same month as their stated maturity date; plus

(2) the total amount of interest accruing on the stated principal amount of the bonds and on interest previously accrued, from the bonds' date of issue to and including the second July 1 following the transfer of appropriated money; less

(3) the amount in the sinking fund account for the payment of the compounded maturity amount of the bonds, including interest earnings on amounts in the account. This appropriation is in lieu of all other appropriations made with respect to zero coupon bonds. The appropriated amounts must be transferred from the general fund to the sinking fund account in the state bond fund by December 1 of each year.

Subd. 5. [SALE.] Except as otherwise provided in section 1, zero coupon bonds, or a series of bonds including zero coupon bonds, must be sold at public sale at price not less than 98 percent of their stated principal amount. No state trunk highway bond may be sold for a price of less than par and accrued interest."

Page 3, line 17, delete "2" and insert "3"

Page 3, line 18, after "enactment" insert "and applies to authori-

zations of state bonds under laws enacted before or after the effective date of this act”

Amend the title as follows:

Page 1, line 3, after the second semicolon insert “authorizing the issuance of zero coupon bonds;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2430, A bill for an act relating to dogs; identifying and requiring licenses for potentially dangerous dogs; requiring licenses for pet stores and sellers who sell and kennels who keep potentially dangerous dogs; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 347.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [347.50] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purpose of sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. [DANGEROUS DOG.] “Dangerous dog” means any dog that has:

(1) without provocation, inflicted substantial bodily harm on a human being on public or private property;

(2) killed a domestic animal without provocation while off the owner's property; or

(3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 3. [POTENTIALLY DANGEROUS DOG.] “Potentially dangerous dog” means any dog that:

(1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;

(2) when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or

(3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 4. [PROPER ENCLOSURE.] "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog.

Subd. 5. [OWNER.] "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having custody or control of a dog.

Subd. 6. [SUBSTANTIAL BODILY HARM.] "Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

Sec. 2. [347.51] [DANGEROUS DOGS; REGISTRATION.]

Subdivision 1. [REQUIREMENT.] No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subd. 2. [REGISTRATION.] A county shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; and

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

Subd. 3. [FEE.] The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subd. 4. [LAW ENFORCEMENT; EXEMPTION.] The provisions

of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subd. 5. [EXEMPTION.] Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have provoked, tormented, abused, or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

Subd. 6. [COUNTIES WITHOUT LICENSING SYSTEMS.] If an owner of a dangerous dog resides in a county that does not license dogs under sections 347.08 to 347.21, the owner shall obtain a certificate as required under this section from the county auditor in the county where the owner resides.

Sec. 3. [347.52] [DANGEROUS DOGS; REQUIREMENTS.]

An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.

Sec. 4. [347.53] [POTENTIALLY DANGEROUS DOGS.]

Any statutory or home rule charter city, or any county, may regulate potentially dangerous dogs. Nothing in sections 1 to 5 limits any restrictions the local jurisdictions may place on owners of potentially dangerous dogs.

Sec. 5. [347.54] [CONFISCATION.]

Subdivision 1. [DANGEROUS DOGS.] The county shall immediately confiscate any dangerous dog if:

(1) the dog is not validly registered under section 2;

(2) the owner does not secure the proper liability insurance or surety coverage as required under section 2, subdivision 2;

(3) the dog is not maintained in the proper enclosure; or

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 3."

Delete the title and insert:

"A bill for an act relating to animals; regulating dangerous and potentially dangerous dogs; proposing coding for new law in Minnesota Statutes, chapter 347."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2461, A bill for an act relating to state and local governments; extending the requirement that vendors be paid promptly for goods and services to cover providers of medical and social services; setting a deadline for the resolution of disputed obligations by municipalities; amending Minnesota Statutes 1986, sections 16A.124, subdivisions 1 and 5; and 471.425, subdivisions 1 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 16A.124, subdivision 1, is amended to read:

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

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section 16B.01.

(c) "Vendor" means a provider of goods or services to the state and includes a provider of day care and other services to children, day or residential services to persons who are mentally ill or mentally retarded or who have related conditions, services to persons who are chemically dependent, and nursing home care. Vendor includes providers of services that are licensed or authorized under Minnesota Rules, parts 9502.0300 to 9502.0445, 9510.1020 to 9510.1140, 9525.0500 to 9525.0660, 9525.0750 to 9525.0830, 9525.1800 to 9525.1930, 9540.1000 to 9540.1500, 9545.0010 to 9545.0260, 9545.0510 to 9545.0670, 9545.0900 to 9545.1090, 9545.1400 to

9545.1500, 9553.0010 to 9553.0080, 9549.0010 to 9549.0080, 9555.6100 to 9555.6400, and 9570.2000 to 9570.3600.

Sec. 2. Minnesota Statutes 1986, section 471.425, subdivision 1, is amended to read:

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

(a) "Contract" means any written legal document or documents signed by both parties in which the terms and conditions of any interest or other penalty for late payments are clearly stated.

(b) "Date of receipt" means the completed delivery of the goods or services or the satisfactory installation, assembly or specified portion thereof, or the receipt of the invoice for the delivery of the goods or services, whichever is later.

(c) "Governing board" means the elected or appointed board of the municipality and includes, but is not limited to, city councils, town boards and county boards.

(d) "Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision or agency of local government. "Municipality" means the metropolitan council or any board or agency created under chapter 473.

(e) "Vendor" means a provider of goods or services to the state and includes a provider of day care and other services to children, day or residential services to persons who are mentally ill or mentally retarded or who have related conditions, services to persons who are chemically dependent, and nursing home care. Vendor includes providers of services that are licensed or authorized under Minnesota Rules, parts 9502.0300 to 9502.0445, 9510.1020 to 9510.1140, 9525.0500 to 9525.0660, 9525.0750 to 9525.0830, 9525.1800 to 9525.1930, 9540.1000 to 9540.1500, 9545.0010 to 9545.0260, 9545.0510 to 9545.0670, 9545.0900 to 9545.1090, 9545.1400 to 9545.1500, 9553.0010 to 9553.0080, 9549.0010 to 9549.0080, 9555.6100 to 9555.6400, and 9570.2000 to 9570.3600.

Sec. 3. Minnesota Statutes 1986, section 471.425, subdivision 4, is amended to read:

Subd. 4. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) Except otherwise provided in this section, a municipality shall calculate and pay interest to a vendor if the municipality has not paid the obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period as defined in subdivision 2. The standard payment period for a negotiated contract or agreement between a vendor and

a municipality which requires an audit by the municipality before acceptance and payment of the vendor's invoice shall not be begun until the completion of the audit by the municipality.

(b) The rate of interest calculated and paid by the municipality on the outstanding balance of the obligation not paid according to the terms of the contract or during the standard payment period shall be 1½ percent per month or part of a month.

(c) No interest penalties may accrue against a purchaser who delays payment of a vendor obligation due to a good faith dispute with the vendor regarding the fitness of the product or service, contract compliance, or any defect, error or omission related thereto, provided that the dispute must be settled within 30 days after the expiration of the standard payment period. If such delay undertaken by the municipality is not in good faith, the vendor may recover costs and attorney's fees.

(d) The minimum monthly interest penalty payment that a municipality shall calculate and pay a vendor for the unpaid balance for any one overdue bill of \$100 or more is \$10. For unpaid balances of less than \$100, the municipality shall calculate and pay the actual interest penalty due the vendor."

Amend the title as follows:

Page 1, line 8, delete "subdivisions" and insert "subdivision" and delete "and 5"

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

The report was adopted.

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

H. F. No. 2486, A bill for an act relating to human services; authorizing a county to establish an adult protection team; requiring records to be maintained; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [626.5571] [MULTIDISCIPLINARY ADULT PROTECTION TEAM.]

Subdivision 1. [ESTABLISHMENT OF THE TEAM.] A county may establish a multidisciplinary adult protection team comprised of the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, and representatives of health care. In addition, representatives of mental health or other appropriate human service agencies and adult advocate groups may be added to the adult protection team.

Subd. 2. [DUTIES OF TEAM.] A multidisciplinary adult protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its adult protection functions under section 626.557 and the community social services act, and to meet the community's needs for adult protection services. Case consultation may be performed by a committee of the team composed of the team members representing social services, law enforcement, the county attorney, health care, and persons directly involved in an individual case as determined by the case consultation committee. Case consultation is a case review process that results in recommendations about services to be provided to the identified adult and family."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2489, A bill for an act relating to land exchange; authorizing the exchange of certain state lands free from reservations of public travel under certain conditions; amending Minnesota Statutes 1986, section 94.342, subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 2. [CONVEYANCE OF STATE LAND; COOK COUNTY.]

Subdivision 1. [AUTHORIZATION.] Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may offer for sale and sell, in the manner provided for the sale of other trust fund lands, the land described in subdivision 3, except that the value of the improvements on the land must be appraised separately. The conveyance must be in a form approved by the attorney general.

Subd. 2. [CONDITIONS OF SALE.] (a) If at the sale of the land

Wilbur C. Nemitz, Robert W. Nemitz, and Marlene Kadrie are the purchasers, they are not required to pay for the improvements on furnishing an affidavit showing that the improvements were paid by any or all of them.

(b) If a person other than Wilbur C. Nemitz, Robert W. Nemitz, and Marlene Kadrie purchases the land, the purchaser shall pay in cash to the state at the time of sale, in addition to all required payments, the full amount for which improvements are appraised. The amount received by the state for the improvements must be paid by the commissioner of natural resources, with the approval of the commissioner of finance, to Wilbur C. Nemitz, Robert W. Nemitz, and Marlene Kadrie or their successors in interest as compensation for the improvements. The money required for the payment is appropriated from the fund to which the sale proceeds are credited to the commissioner of natural resources for this purpose.

Subd. 3. [LAND DESCRIPTION.] The commissioner may offer for sale and sell the land described as: the north 100.00 feet of government lot 4 of Section 10, Township 62 North, Range 1 East, Cook county, Minnesota, lying easterly of the centerline of the existing United States Forest Service road.

Subd. 4. [REASON FOR SALE.] A cabin was inadvertently built on this state property and has been owned, occupied, and improved since it was built."

Page 2, line 14, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "authorizing sale of certain land in Cook county;"

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

The report was adopted.

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

H. F. No. 2502, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Pine county.

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

The report was adopted.

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

H. F. No. 2504, A bill for an act relating to workers' compensation; reassigning certain administrative duties; regulating reporting of injuries and information about injuries; regulating the payment of benefits; regulating the membership of the rehabilitation review panel; regulating rehabilitation services; changing certain administrative procedures; regulating dependent benefits; prohibiting excessive treatment or medical services; providing for data privacy; amending Minnesota Statutes 1986, sections 129A.05, subdivision 2; 176.021, subdivision 3; 176.081, subdivision 1; 176.101, subdivision 3e; 176.104, subdivision 1; 176.111, subdivisions 7 and 8; 176.135, by adding a subdivision; 176.191, subdivision 3; 176.221, subdivision 9; 176.225, subdivision 5; 176.231, subdivisions 8 and 9; Minnesota Statutes 1987 Supplement, sections 176.102, subdivisions 3 and 4; 176.103, subdivision 3; 176.106, subdivisions 7 and 9; 176.131, subdivision 1; 176.135, subdivisions 1 and 6; 176.155, subdivision 1; 176.238, subdivisions 1 and 9; 176.305, subdivisions 1 and 4; repealing Minnesota Statutes 1986, sections 176.021, subdivision 3a; 176.111, subdivision 8a; and 176.136, subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 2. Minnesota Statutes 1986, section 175.171, is amended to read:

175.171 [POWERS AND DUTIES, DEPARTMENT OF LABOR AND INDUSTRY.]

The department of labor and industry shall have the following powers and duties:

(1) To exercise all powers and perform all duties of the department consistent with the provisions of this chapter;

(2) To adopt reasonable and proper rules relative to the exercise of its powers and duties, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings, ~~which shall not be effective until ten days after their adoption, and a copy of these rules shall be delivered to every citizen making application therefor;~~

(3) To collect, collate, and publish statistical and other information relating to the work under its jurisdiction, to keep records and

to make public reports in its judgment necessary; and on or before October 1 in each even-numbered year the department shall report its doings, conclusions, and recommendations to the governor, which report shall be printed and distributed by November 15 of each even-numbered year to the legislature pursuant to section 3.195, and otherwise as the department may direct;

(4) To establish and maintain branch offices as needed for the conduct of its affairs.”

Page 7, after line 30, insert:

“Sec. 7. Minnesota Statutes 1987 Supplement, section 176.102, subdivision 3a, is amended to read:

Subd. 3a. [DISCIPLINARY ACTIONS.] The panel has authority to discipline qualified rehabilitation consultants and vendors and may impose a penalty of up to \$1,000 per violation, and may suspend or revoke certification. Complaints against registered qualified rehabilitation consultants and vendors shall be made to the commissioner who shall investigate all complaints. If the investigation indicates a violation of this chapter or rules adopted under this chapter, the commissioner may initiate a contested case proceeding under the provisions of chapter 14. In these cases, the rehabilitation review panel shall make the final decision following receipt of the report of an administrative law judge. The decision of the panel is appealable to the workers' compensation court of appeals in the manner provided by section 176.421. The panel shall continuously study rehabilitation services and delivery, develop and recommend rehabilitation rules to the commissioner, and assist the commissioner in accomplishing public education.

The commissioner may appoint alternates for one-year terms to serve as a member when a member is unavailable. The number of alternates shall not exceed one labor member, one employer or insurer member, and one member representing medicine, chiropractic, or rehabilitation vendors, and qualified rehabilitation consultants.”

Page 8, line 29, strike “to” and insert “, attorney, or health care provider involved in” and after “case” strike the old language and delete the new language

Page 8, line 30, strike “chiropractors”

Page 12, line 1, before “Any” insert “The decision of the commissioner is final unless”

Page 12, line 2, strike “of the commissioner may request” and insert “requests”

Page 12, line 7, delete "and complete"

Page 12, line 26, delete everything after "appealed" and insert "is final for the particular dispute that was decided; however, the causation determination is not binding in subsequent disputes, except for the particular dispute that was previously decided."

Page 12, delete line 27

Page 15, after line 33, insert:

"Sec. 19. Minnesota Statutes 1986, section 176.136, subdivision 5, is amended to read:

Subd. 5. [PERMANENT RULES.] Where permanent rules have been adopted to implement this section, the commissioner shall annually give notice in the State Register of the 75th percentile to meet the requirements of subdivision 1. The notice shall be in lieu of the requirements of chapter 14 if the 75th percentile for the service data meets the requirements of paragraphs (a) to (e).

(a) The data base includes at least three different providers of the service.

(b) The data base contains at least 20 billings for the service.

(c) The standard deviation as a percentage of the mean of billings for the service is 50 percent or less. The value of the 75th percentile is not greater than or equal to three times the value of the 25th percentile.

(d) The means of the Blue Cross and Blue Shield data base and of the department of human services data base for the service are within 20 percent of each other.

(e) The data is taken from the data base of Blue Cross and Blue Shield ~~or the department of human services.~~

(e) If the commissioner identifies a problem with the data base such that the 75th percentile does not logically reflect the usual and customary charge, then, after consultation with the medical services review board, the commissioner may eliminate the category from the rules or adjust the rate to correct the inconsistency or error.

Page 19, lines 12 and 13, delete "medical data, benefit data, injury data, and employment"

Page 19, line 15, reinstate the stricken "under this"

Page 19, line 16, delete "are" and insert "chapter is"

Page 19, line 18, before the period insert "except as provided in this section"

Page 19, line 28, after "statistics" insert ", including statistics on individual employers and insurers"

Page 19, line 34, delete "under" and insert "pursuant to"

Page 19, line 35, delete "under" and insert "pursuant to"

Page 19, delete line 36

Page 20, delete line 1

Page 20, line 2, delete "(4)" and insert "(3)"

Page 20, line 6, delete "(5)" and insert "(4)"

Page 20, line 8, delete "(6)" and insert "(5)"

Page 20, line 11, delete "(7)" and insert "(6)"

Page 20, line 14, delete "public" and after "proceeding" insert "under this chapter"

Page 20, line 15, delete "and" and insert "or medical"

Page 20, line 16, delete "it is" and insert "they are"

Page 20, line 17, delete "public"

Page 20, line 36, strike everything after the period

Page 21, line 1, strike everything before "The"

Page 21, line 10, reinstate the stricken language

Page 21, line 11, delete "is"

Page 21, line 20, delete "completed"

Page 22, after line 6, insert:

"Sec. 30. Minnesota Statutes 1986, section 176.451, subdivision 4, is amended to read:

Subd. 4. [MATTERS FOR DETERMINATION; JUDGMENT]
When a judge hears the application for judgment upon the award, the judge has authority to determine only the facts of the award and,

the regularity of the proceedings upon which the award is based, interest, and attorney fees. When judgment is entered under this section, the judge shall order the employer or insurer to pay interest at the rate of 12 percent from the date of the administrative award plus reasonable attorney fees to the payer necessitated by the collection action. The judge shall enter judgment accordingly.

Judgment shall not be entered upon an award while an appeal is pending.

Sec. 31. Minnesota Statutes 1987 Supplement, section 176.521, subdivision 1, is amended to read:

Subdivision 1. [VALIDITY.] An agreement including a mediated agreement between an employee or an employee's dependent and the employer or insurer to settle any claim, which is not upon appeal before the court of appeals, for compensation under this chapter is valid where it has been executed in writing and signed by the parties and intervenors in the matter, and, where one or more of the parties is not represented by an attorney, the commissioner or a compensation judge has approved the settlement and made an award thereon. If the matter is upon appeal before the court of appeals or district court, the court of appeals or district court is the approving body. The legislature specifically encourages the reduction of litigation through voluntary dispute resolution, including mediated agreements approved by the division under this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "2," insert "175.171;"

Page 1, line 15, after "subdivision;" insert "176.136, subdivision 5;"

Page 1, line 17, after "9," insert "176.451, subdivision 4;"

Page 1, line 18, after "3" insert ", 3a,"

Page 1, line 22, after "4," insert "176.521, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2516, A bill for an act relating to employment and training; establishing the jobs 2000 fund; providing for training and transitional allowances; creating the training 2000 board; providing for grants and loans; promoting economic development; providing for the adoption of rules; appropriating money; amending Minnesota Statutes 1986, sections 116L.01, subdivision 3; and 116L.04; Minnesota Statutes 1987 Supplement, sections 116L.02; proposing coding for new law as Minnesota Statutes, chapter 268A; repealing Minnesota Statutes 1986, section 116L.03, subdivisions 3 and 4; Minnesota Statutes 1987 Supplement, section 116L.03, subdivisions 1, 2, 5, and 7; and Laws 1983, chapter 334, section 7, as amended.

Reported the same back with the following amendments:

Page 5, line 34, delete everything after the period

Page 5, line 35, delete "contributions levied under subdivision 3" and insert "Money appropriated to the fund"

Page 5, line 36, delete "are" and insert "is"

Page 6, line 1, delete "14" and insert "15"

Page 7, delete line 34

Page 7, line 35, delete everything before the semicolon

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

The report was adopted.

Pursuant to House Rule 9.3, H. F. No. 2516 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2551, A bill for an act relating to state lands; authorizing private conveyance of tax-forfeited land in St. Louis county.

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

The report was adopted.

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

H. F. No. 2584, A bill for an act relating to employment agencies; regulating job listing services; regulating fees and contracts; amending Minnesota Statutes 1986, sections 184.21, subdivision 2, and by adding subdivisions; 184.37, subdivision 1; 184.38, subdivisions 3 and 5.

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

The report was adopted.

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

H. F. No. 2585, A bill for an act relating to state lands; authorizing a certain conveyance by the commissioner of natural resources to the city of Big Fork.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CONVEYANCE TO CITY OF BIG FORK.]

The commissioner of natural resources may convey to the city of Big Fork property located in the city and described as:

Outlot number one (1), Zaiser's

Addition to the village of Bigfork

in the county of Itasca. Consideration for the conveyance shall be \$1, and the conveyance shall be in a form approved by the attorney general. The conveyance must provide that the property reverts back to the state if the city no longer uses the property for public purposes. The property was originally conveyed to the department of natural resources by the city in 1941 for \$1 to serve as residential property for a game warden. The property is no longer needed for state purposes.”

Delete the title and insert:

“A bill for an act relating to state lands; authorizing a certain conveyance by the commissioner of natural resources to the city of Big Fork.”

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2594, A bill for an act relating to criminal procedure; updating the wiretap law to conform to modern electronic communication technologies; providing procedures for interception of wire, electronic, or oral communication; regulating use of pen registers and trap and trace devices; prescribing penalties; amending Minnesota Statutes 1986, section 626A.01, subdivisions 3, 4, 5, 6, 8, 9, and by adding subdivisions; 626A.02, subdivisions 1, 2, and by adding subdivisions; 626A.03, subdivisions 1, and 2; 626A.05, subdivision 1; 626A.06, subdivisions 3, 4, 5, 6, and by adding subdivisions; 626A.08, subdivision 1; 626A.09, subdivisions 1, 2, 3, 4, and 5; 626A.10, subdivisions 1 and 2; 626A.11, subdivisions 1 and 2, and by adding a subdivision; 626A.12, subdivision 1, and by adding a subdivision; 626A.13; Minnesota Statutes 1987 Supplement, section 626A.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 8; 388; 609; and 626A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 626A.01, subdivision 3, is amended to read:

Subd. 3. [WIRE COMMUNICATIONS.] “Wire communication” means any ~~communication~~ aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station. “Wire communication” includes any electronic storage of the communication, but does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.

Sec. 2. Minnesota Statutes 1986, section 626A.01, subdivision 4, is amended to read:

Subd. 4. [ORAL COMMUNICATION.] “Oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but the term does not include any electronic communication.

Sec. 3. Minnesota Statutes 1986, section 626A.01, subdivision 5, is amended to read:

Subd. 5. [INTERCEPT.] "Intercept" means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.

Sec. 4. Minnesota Statutes 1986, section 626A.01, subdivision 6, is amended to read:

Subd. 6. [ELECTRONIC, MECHANICAL OR OTHER DEVICE.] "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire, electronic, or oral communication other than

(a) any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier provider or wire or electronic communications service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by a subscriber or user for connection to the facilities of service and used in the ordinary course of its business; or (ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of duties;

(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(c) that which is specifically designed to only record conversations to which the operator of the device is a party;

(d) that which is used in the normal course of broadcasting by radio or television; or

(e) that which is otherwise commonly used for a purpose or purposes other than overhearing or recording conversations.

In determining whether a device which is alleged to be an electronic, mechanical or other device is, in fact, such a device there shall be taken into account, among other things, the size, appearance, directivity, range, sensitivity, frequency, power, or intensity, and the representations of the maker or manufacturer as to its performance and use.

Sec. 5. Minnesota Statutes 1986, section 626A.01, subdivision 8, is amended to read:

Subd. 8. [CONTENTS.] "Contents", when used with respect to any wire, electronic, or oral communication, includes any information

concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

Sec. 6. Minnesota Statutes 1986, section 626A.01, subdivision 9, is amended to read:

Subd. 9. [AGGRIEVED PERSON.] "Aggrieved person" means a person who was a party to any intercepted wire, electronic, or oral communication or a person against whom the interception was directed.

Sec. 7. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 14. [ELECTRONIC COMMUNICATION.] "Electronic communication" means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system but does not include:

(1) the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

(2) a wire or oral communication;

(3) a communication made through a tone-only paging device; or

(4) a communication from a tracking device, defined as an electronic or mechanical device which permits the tracking of the movement of a person or object.

Sec. 8. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 15. [USER.] "User" means a person or entity who:

(1) uses an electronic communication service; and

(2) is duly authorized by the provider of the service to engage in the use.

Sec. 9. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 16. [ELECTRONIC COMMUNICATIONS SYSTEM.] "Electronic communications system" means a wire, radio, electromagnetic, photooptical, or photoelectronic facility for the transmission of electronic communications, and a computer facility or related electronic equipment for the electronic storage of communications.

Sec. 10. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 17. [ELECTRONIC COMMUNICATION SERVICE.] "Electronic communication service" means a service that provides to users of the service the ability to send or receive wire or electronic communications.

Sec. 11. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 18. [READILY ACCESSIBLE TO THE GENERAL PUBLIC.] "Readily accessible to the general public" means, with respect to a radio communication, that the communication is not:

- (1) scrambled or encrypted;
- (2) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;
- (3) carried on a subcarrier or other signal subsidiary to a radio transmission;
- (4) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or
- (5) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of title 47 of the Code of Federal Regulations, unless in the case of a communication transmitted on a frequency allocated under part 74 of title 47 of the Code of Federal Regulations that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

Sec. 12. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 19. [ELECTRONIC STORAGE.] "Electronic storage" means:

- (1) a temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission of the communication; and
- (2) a storage of communication described in clause (1) by an electronic communication service for purposes of backup protection of the communication.

Sec. 13. Minnesota Statutes 1986, section 626A.01, is amended by adding a subdivision to read:

Subd. 20. [AURAL TRANSFER.] "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception.

Sec. 14. Minnesota Statutes 1986, section 626A.02, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] Except as otherwise specifically provided in sections 626A.01 to 626A.23 any person who

(a) willfully intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, electronic, or oral communication;

(b) willfully intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication;

(c) willfully intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, electronic, or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or oral communication in violation of this subdivision; or

(d) willfully intentionally uses, or endeavors to use, the contents of any wire, electronic, or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or oral communication in violation of this subdivision; shall be fined not more than \$20,000 or imprisoned not more than five years, or both shall be punished as provided in section 17, or shall be subject to suit as provided in section 18.

Sec. 15. Minnesota Statutes 1986, section 626A.02, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] (a) It ~~shall~~ is not be unlawful under sections 626A.01 to 626A.23 for an operator of a switchboard, or an officer, employee, or agent of ~~any communication common carrier a~~ provider of wire or electronic communication service, whose facilities are used in the transmission of a wire communication, to

intercept, disclose, or use that communication in the normal course of employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of the carrier of such communication; provided, that said ~~communication~~ common carriers of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(b) It ~~shall is not be~~ unlawful under sections 626A.01 to 626A.23 for an officer, employee, or agent of the Federal Communications Commission, in the normal course of employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c) It ~~shall is not be~~ unlawful under sections 626A.01 to 626A.23 for a person acting under color of law to intercept a wire, electronic, or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It ~~shall is not be~~ unlawful under ~~this chapter~~ sections 626A.01 to 626A.23 for a person not acting under color of law to intercept a wire, electronic, or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitution or laws of the United States or of any state ~~or for the purpose of committing any other injurious act.~~

(e) It is not a violation of sections 626A.01 to 626A.23 or sections 47 to 55 for a person:

(1) to intercept or access an electronic communication made through an electronic communication system that is configured so that the electronic communication is readily accessible to the general public;

(2) to intercept any radio communication that is transmitted:

(i) by a station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(ii) by a governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

(iii) by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

(iv) by a marine or aeronautical communications system;

(3) to engage in any conduct which:

(i) is prohibited by section 553 of title 47 of the United States Code; or

(ii) is excepted from the application of section 605(a) of title 47 of the United States Code by section 605(b) of that title;

(4) to intercept a wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or

(5) for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if the communication is not scrambled or encrypted.

(f) It is not unlawful under sections 626A.01 to 626A.23:

(1) to use a pen register or a trap and trace device as those terms are defined by section 60; or

(2) for a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful, or abusive use of the service.

Sec. 16. Minnesota Statutes 1986, section 626A.02, is amended by adding a subdivision to read:

Subd. 3. [DISCLOSING COMMUNICATIONS.] (a) Except as provided in paragraph (b) of this subdivision, a person or entity providing an electronic communications service to the public must not intentionally divulge the contents of any communication other than one to the person or entity, or an agent of the person or entity, while in transmission on that service to a person or entity other than an addressee or intended recipient of the communication or an agent of the addressee or intended recipient.

(b) A person or entity providing electronic communication service to the public may divulge the contents of a communication:

(1) as otherwise authorized in subdivision 2, paragraph (a), and section 626A.09;

(2) with the lawful consent of the originator or any addressee or intended recipient of the communication;

(3) to a person employed or authorized, or whose facilities are used, to forward the communication to its destination; or

(4) that were inadvertently obtained by the service provider and that appear to pertain to the commission of a crime, if divulgence is made to a law enforcement agency.

Sec. 17. Minnesota Statutes 1986, section 626A.02, is amended by adding a subdivision to read:

Subd. 4. [PENALTIES.] (a) Except as provided in paragraph (b) of this subdivision or in section 18, whoever violates subdivision 1 of this section shall be fined not more than \$20,000 or imprisoned not more than five years, or both.

(b) If the offense is a first offense under paragraph (a) of this subdivision and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense under paragraph (a) is a radio communication that is not scrambled or encrypted, then:

(1) if the communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication or a paging service communication, and the conduct is not that described in section 18, the offender shall be fined not more than \$3,000 or imprisoned not more than one year, or both; and

(2) if the communication is the radio portion of a cellular telephone communication, a public land mobile radio service communication or a paging service communication, the offender shall be fined not more than \$500.

(c) Conduct otherwise an offense under this subdivision that consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted:

(1) to a broadcasting station for purposes of retransmission to the general public; or

(2) as an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls.

is not an offense under this subdivision unless the conduct is for the purposes of direct or indirect commercial advantage or private financial gain.

Sec. 18. Minnesota Statutes 1986, section 626A.02, is amended by adding a subdivision to read:

Subd. 5. [CIVIL ACTION.] (a) (1) If the communication is:

(i) a private satellite video communication that is not scrambled or encrypted and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(ii) a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of title 47 of the Code of Federal Regulations and that is not scrambled or encrypted and the conduct in violation of sections 626A.01 to 626A.23 is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, then the person who engages in such conduct is subject to suit by the county or city attorney in whose jurisdiction the violation occurs.

(2) In an action under this subdivision:

(i) if the violation of sections 626A.01 to 626A.23 is a first offense for the person under paragraph (a) of section 17, and the person has not been found liable in a civil action under section 626A.13, the city or county attorney is entitled to seek appropriate injunctive relief; and

(ii) if the violation of sections 626A.01 to 626A.23 is a second or subsequent offense under paragraph (a) of section 17, or the person has been found liable in a prior civil action under section 626A.13, the person is subject to a mandatory \$500 civil fine.

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (a), clause (2)(i), and shall impose a civil fine of not less than \$500 for each violation of such an injunction.

Sec. 19. Minnesota Statutes 1986, section 626A.03, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise specifically provided in sections 626A.01 to 626A.23, any person who willfully intentionally

(a) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that

the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications;

(b) places in any newspaper, magazine, handbill, or other publication any advertisement of

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communications; or

(ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purposes of the surreptitious interception of wire, electronic, or oral communications, shall be fined not more than \$20,000 or imprisoned not more than five years, or both.

Sec. 20. Minnesota Statutes 1986, section 626A.03, subdivision 2, is amended to read:

Subd. 2. It ~~shall~~ is not be unlawful under this section for

(a) a provider of wire or electronic communications common carrier service or an officer, agent or employee of, or a person under contract with, a ~~communications common carrier provider~~, in the normal course of the ~~communications common carrier's~~ business of providing that wire or electronic communications service, or

(b) an officer, agent, or employee of, or a person under contract with, the United States, a state, or a political subdivision thereof, in the normal course of the activities of the United States, a state, or a political subdivision thereof, to manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, electronic, or oral communication.

Sec. 21. Minnesota Statutes 1986, section 626A.05, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FOR WARRANT.] The attorney general, or not more than one assistant or special assistant attorney general specifically designated by the attorney general, or a county attorney of any county, or not more than one assistant county attorney specifically designated by the county attorney, may make application as provided in section 626A.06, to a judge of the district court, of the court of appeals, or of the supreme court for a warrant authorizing or approving the interception of wire, electronic, or oral communications by investigative or law enforcement officers having

responsibility for the investigation of the offense as to which the application is made. No court commissioner shall issue a warrant under sections 626A.01 to 626A.23.

Sec. 22. Minnesota Statutes 1987 Supplement, section 626A.05, subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825; or

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 23. Minnesota Statutes 1986, section 626A.06, subdivision 1, is amended to read:

Subdivision 1. [THE APPLICATIONS.] Each application for a warrant authorizing or approving the interception of a wire, electronic, or oral communication shall be made in writing upon oath or affirmation to a judge of the district court or of the supreme court and shall state the applicant's authority to make such application. Each application shall include the following information:

(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify the applicant's belief that an order should be issued, including (i) details as to the particular

offense that has been, is being, or is about to be committed, (ii) except as provided in section 29, a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire, electronic, or oral communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each such application;

(f) where statements in the application are solely upon the information or belief of the applicant, the grounds for the belief must be given; and

(g) the names of persons submitting affidavits in support of the application.

Sec. 24. Minnesota Statutes 1986, section 626A.06, subdivision 3, is amended to read:

Subd. 3. [FINDING OF PROBABLE CAUSE BY THE JUDGE.]
Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire, electronic, or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that:

(a) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 626A.05, subdivision 2;

(b) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

(c) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) except as provided in section 29, there is probable cause for belief that the facilities from which, or the place where, the wire, electronic, or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

Nothing in sections 626A.01 to 626A.23 is to be considered as modifying in any way the existence or scope of those privileged communications defined in chapter 595. In acting upon an application for a warrant for intercepting communications, the potential contents of any such future communications that are within the provisions of chapter 595 shall not be considered by the court in making its finding as to the probability that material evidence will be obtained by such interception of communications.

Sec. 25. Minnesota Statutes 1986, section 626A.06, subdivision 4, is amended to read:

Subd. 4. [THE WARRANT.] Each warrant to intercept communications shall be directed to a law enforcement officer, commanding the officer to hold the recording of all intercepted communications conducted under said warrant in custody subject to the further order of the court issuing the warrant. The warrant shall contain the grounds for its issuance with findings, as to the existence of the matters contained in subdivision 1 and shall also specify:

(a) the identity of the person, if known, whose communications are to be intercepted and recorded;

(b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted, and in the case of telephone or telegraph communications the general designation of the particular line or lines involved;

(c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

(d) the identity of the law enforcement office or agency authorized to intercept the communications, the name of the officer or officers

thereof authorized to intercept communications, and of the person authorizing the application;

(e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained;

(f) any other limitations on the interception of communications being authorized, for the protection of the rights of third persons;

(g) a statement that using, divulging, or disclosing any information concerning such application and warrant for intercepting communications is prohibited and that any violation is punishable by the penalties of sections 626A.01 to 626A.23.

(h) a statement that the warrant shall be executed as soon as practicable, shall be executed in such a way as to minimize the interception of communications not otherwise subject to interception under sections 626A.01 to 626A.23 and must terminate upon attainment of the authorized objective, or in any event in ten days. The ten-day period begins on the earlier of the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or ten days after the order is received. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception.

An order authorizing the interception of a wire, oral, or electronic communication under sections 626A.01 to 626A.23 must, upon request of the applicant, direct that a provider of wire or electronic communication service, landlord, custodian, or other person shall furnish the applicant immediately all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the service provider, landlord, custodian, or person is according the person whose communications are to be intercepted. A provider of wire or electronic communication service, landlord, custodian, or other person furnishing facilities or technical assistance must be compensated by the applicant for reasonable expenses incurred in providing the facilities or assistance.

Denial of an application for a warrant to intercept communications or of an application for renewal of such warrant shall be by written order that shall include a statement as to the offense or offenses designated in the application, the identity of the official applying for the warrant and the name of the law enforcement office or agency.

Sec. 26. Minnesota Statutes 1986, section 626A.06, is amended by adding a subdivision to read:

Subd. 4a. [PERSONNEL USED.] An interception under sections 626A.01 to 626A.23 may be conducted in whole or in part by employees of the state or any subdivision of the state, or by an individual operating under a contract with the state or one of its subdivisions, acting under the supervision of an investigative or law enforcement officer authorized to conduct the investigation.

Sec. 27. Minnesota Statutes 1986, section 626A.06, subdivision 5, is amended to read:

Subd. 5. [DURATION OF WARRANT.] No warrant entered under this section may authorize or approve the interception of any wire, electronic, or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than ten days.

The effective period of any warrant for intercepting communications shall terminate immediately when any person named in the warrant has been charged with an offense specified in the warrant.

Sec. 28. Minnesota Statutes 1986, section 626A.06, subdivision 6, is amended to read:

Subd. 6. [EXTENSIONS.] Any judge of the district court, of the court of appeals, or of the supreme court may grant extensions of a warrant, but only upon application for an extension made in accordance with subdivision 1 and the court making the findings required by subdivision 3. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than ten days. In addition to satisfying the requirements of subdivision 1, an application for a renewal of any warrant for intercepting communications shall also:

(a) contain a statement that all interception of communications under prior warrants has been in compliance with sections 626A.01 to 626A.23;

(b) contain a statement setting forth the results thus far obtained from the interception or a reasonable explanation of the failure to obtain results;

(c) state the continued existence of the matters contained in subdivision 1; and

(d) specify the facts and circumstances of the interception of communications under prior warrants which are relied upon by the

applicant to show that such continued interception of communications is necessary and in the public interest.

Any application to intercept communications of a person previously the subject of such a warrant for any offense designated in a prior warrant shall constitute a renewal of such warrant.

Sec. 29. Minnesota Statutes 1986, section 626A.06, is amended by adding a subdivision to read:

Subd. 11. [REQUIREMENTS INAPPLICABLE.] The requirements of subdivision 1, clause (b)(ii), and subdivision 3, clause (d), relating to the specification of the facilities from which, or the place where, the communication is to be interpreted do not apply if:

(1) in the case of an application with respect to the interception of an oral communication:

(i) the application contains a full and complete statement as to why the specification is not practical and identifies the person committing the offense and whose communications are to be intercepted; and

(ii) the judge finds that the specification is not practical.

(2) in the case of an application with respect to a wire or electronic communication:

(i) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing of a purpose, on the part of that person, to thwart interception by changing facilities; and

(ii) the judge finds that the purpose has been adequately shown.

Sec. 30. Minnesota Statutes 1986, section 626A.06, is amended by adding a subdivision to read:

Subd. 12. [MOTION TO QUASH ORDER.] An interception of a communication under an order with respect to which the requirements of subdivision 1, clause (b)(ii), and subdivision 3, clause (d), of this section do not apply by reason of section 29 must not begin until the facilities from which, or the place where, the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communications service that has received an order as provided for in section 29, clause (2), may move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court, upon notice

to the attorney applying for the warrant, shall decide a motion expeditiously.

Sec. 31. Minnesota Statutes 1986, section 626A.08, subdivision 1, is amended to read:

Subdivision 1. [MATERIAL OBTAINED.] Every part of any wire, oral, or electronic communication, conversation, or discussion overheard intercepted pursuant to sections 626A.01 to 626A.23 shall be completely recorded on tape or wire or other comparable device and shall be done in such manner as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under the judge's directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge or a successor and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of section 626A.09 for investigations. The presence of the seal provided for by this subdivision, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, electronic, or oral communication or evidence derived therefrom under section 626A.09.

Sec. 32. Minnesota Statutes 1986, section 626A.09, subdivision 1, is amended to read:

Subdivision 1. Any investigative or law enforcement officer who, by any means authorized by sections 626A.01 to 626A.23, has obtained knowledge of the contents of any wire, electronic, or oral communication, or evidence derived therefrom may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

Sec. 33. Minnesota Statutes 1986, section 626A.09, subdivision 2, is amended to read:

Subd. 2. Any investigative or law enforcement officer who, by any means authorized by sections 626A.01 to 626A.23, has obtained knowledge of the contents of any wire, electronic, or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of official duties.

Sec. 34. Minnesota Statutes 1986, section 626A.09, subdivision 3, is amended to read:

Subd. 3. Any person who has received, by any means authorized by

sections 626A.01 to 626A.23, any information concerning a wire, electronic, or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of sections 626A.01 to 626A.23 may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of the United States or of any state or in any federal or state grand jury proceeding.

Sec. 35. Minnesota Statutes 1986, section 626A.09, subdivision 4, is amended to read:

Subd. 4. No otherwise privileged wire, electronic, or oral communication intercepted in accordance with, or in violation of, the provisions of sections 626A.01 to 626A.23 shall lose its privileged character.

Sec. 36. Minnesota Statutes 1986, section 626A.09, subdivision 5, is amended to read:

Subd. 5. When an investigative or law enforcement officer, while engaged in intercepting wire, electronic, or oral communications in the manner authorized herein, intercepts wire, electronic, or oral communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subdivisions 1 and 2. Such contents and any evidence derived therefrom may be used under subdivision 3 when authorized or approved by a judge of the district court where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of sections 626A.01 to 626A.23. Such application shall be made as soon as practicable.

Sec. 37. Minnesota Statutes 1986, section 626A.10, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] Within a reasonable time but not later than 90 days after the termination of the period of a warrant or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the warrant and the application, and such other parties to intercepted communications as the judge may determine that is in the interest of justice, an inventory which shall include notice of:

- (1) the fact of the issuance of the warrant or the application;
- (2) the date of the issuance and the period of authorized, approved or disapproved interception, or the denial of the application; and
- (3) the fact that during the period wire, electronic, or oral communications were or were not intercepted.

Sec. 38. Minnesota Statutes 1986, section 626A.10, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF INTENT TO USE EVIDENCE OBTAINED BY INTERCEPTION OF WIRE OR ORAL COMMUNICATION.] The contents of any intercepted wire, electronic, or oral communication or evidence derived therefrom shall not be received in evidence otherwise disclosed in any trial, hearing, or other proceeding in a federal or state court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if the judge finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Sec. 39. Minnesota Statutes 1986, section 626A.11, subdivision 1, is amended to read:

Subdivision 1. [ILLEGALLY OBTAINED EVIDENCE INADMISSIBLE.] Evidence obtained by any act of intercepting wire or oral communications, in violation of section 626A.02, and all evidence obtained through or resulting from information obtained by any such act, shall be inadmissible for any purpose in any action, proceeding, or hearing; provided, however, that any such evidence shall be admissible in any civil or criminal action, proceeding, or hearing against the person who has, or is alleged to have, violated sections 626A.01 to 626A.23.

Sec. 40. Minnesota Statutes 1986, section 626A.11, subdivision 2, is amended to read:

Subd. 2. [OFFICIAL AVAILABLE AS A WITNESS.] No evidence obtained as a result of intercepting wire or oral communications pursuant to a warrant issued under section 626A.06 shall be admissible in any proceeding unless the law enforcement official or officials person or persons overhearing or recording such communication, conversation, or discussion be called or made available as witnesses subject to cross examination by the party against whom such intercepted evidence is being offered. The provisions of this clause shall not apply if the trial court finds that such law enforcement official person is dead; or is out of the state; or is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting such persons in open court, to allow the evidence to be received.

Sec. 41. Minnesota Statutes 1986, section 626A.11, is amended by adding a subdivision to read:

Subd. 4. [REMEDIES AND SANCTIONS.] The remedies and sanctions described in sections 626A.01 to 626A.23 with respect to the interception of electronic communications are the only judicial remedies and sanctions for nonconstitutional violations of sections 626A.01 to 626A.23 involving communications.

Sec. 42. Minnesota Statutes 1986, section 626A.12, subdivision 1, is amended to read:

Subdivision 1. [THE MOTION.] Any aggrieved person may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom on the grounds that:

- (i) the wire or oral communication was unlawfully intercepted;
- (ii) the order of authorization or approval under which it was intercepted is insufficient on its face;
- (iii) the interception was not made in conformity with the order of authorization or approval;
- (iv) there was not probable cause for believing the existence of the grounds on which the warrant was issued; or
- (v) the evidence was otherwise illegally obtained.

The court shall hear evidence upon any issue of fact necessary to a determination of the motion.

If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of sections 626A.01 to 626A.23.

If the motion is denied, the order denying such may be reviewed on appeal from a judgment of conviction notwithstanding the fact that such judgment of conviction is predicated upon a plea of guilty.

Sec. 43. Minnesota Statutes 1986, section 626A.12, is amended by adding a subdivision to read:

Subd. 1a. [MOTION TO SUPPRESS.] Any aggrieved person may move to suppress the contents of any intercepted electronic communication on the ground that there was a constitutional violation.

Sec. 44. Minnesota Statutes 1986, section 626A.13, is amended to read:

626A.13 [CIVIL REMEDIES.]

Any person whose wire or oral communication is intercepted, disclosed, or used in violation of sections 626A.01 to 626A.23 shall (1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to the following remedies:

(a) to an injunction by any court of competent jurisdiction prohibiting further interception or use or divulgence by the person involved;

(b) to treble damages against the person or persons committing such interception, divulgence, or use, but in no event shall such recovery be less than \$1,000;

(c) to any punitive damages that may be awarded by the court or jury; and

(d) a reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order shall constitute a complete defense to any civil or criminal action brought under sections 626A.01 to 626A.23. Good faith reliance by a telephone or telegraph company on a warrant issued pursuant to sections 626A.01 to 626A.23, or on provisions of sections 626A.01 to 626A.23 requiring action by such company, shall constitute a complete defense to any civil action brought under sections 626A.01 to 626A.23.

Subdivision 1. [IN GENERAL.] Except as provided in section 2511 (2)(a)(ii) of title 18 of the United States Code, a person whose wire, oral, or electronic communication is intercepted, disclosed, or intentionally used in violation of sections 626A.01 to 626A.23 may in a civil action recover from the person or entity that engaged in that violation relief as may be appropriate.

Subd. 2. [RELIEF.] In an action under this section, appropriate relief includes:

(1) temporary and other equitable or declaratory relief as may be appropriate;

(2) damages under subdivision 3 and punitive damages in appropriate cases; and

(3) a reasonable attorney's fee and other litigation costs reasonably incurred.

Subd. 3. [COMPUTATION OF DAMAGES.] (a) In an action under this section, if the conduct in violation of sections 626A.01 to

626A.23 is the private viewing of a private satellite video communication that is not scrambled or encrypted or if the communication is a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of title 47 of the Code of Federal Regulations that is not scrambled or encrypted and the conduct is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, then the court shall assess damages as follows:

(1) If the person who engaged in that conduct has not previously been enjoined under section 18, subdivision 5, and has not been found liable in a prior civil action under this section, the court shall assess the greater of the sum of actual damages suffered by the plaintiff, or statutory damages of not less than \$50 and not more than \$500.

(2) If, on one prior occasion, the person who engaged in that conduct has been enjoined under section 18, subdivision 5, or has been found liable in a civil action under this section, the court shall assess the greater of the sum of actual damages suffered by the plaintiff, or statutory damages of not less than \$100 and not more than \$1,000.

(b) In any other action under this section, the court may assess as damages whichever is the greater of:

(1) the sum of three times the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

(2) statutory damages of whichever is the greater of \$100 a day for each day of violation or \$10,000.

Subd. 4. [DEFENSE.] A good faith reliance on:

(1) a court warrant or order, a grand jury subpoena, a legislative authorization, or a statutory authorization;

(2) a request of an investigative or law enforcement officer under United States Code, title 18, section 2518(7); or

(3) a good faith determination that section 626A.02, subdivision 3, permitted the conduct complained of;

is a complete defense against any civil or criminal action brought under sections 626A.01 to 626A.23 or any other law.

Subd. 5. [LIMITATION.] A civil action under this section may not be begun later than two years after the date upon which the claimant first has a reasonable opportunity to discover the violation.

Sec. 45. [626A.24] [MOBILE TRACKING DEVICES.]

Subdivision 1. [WARRANT.] When an investigative or law enforcement officer, under sections 626.04 to 626.17, applies to the district court for a warrant or other order authorizing the installation of a mobile tracking device, the warrant or other order may authorize the use of the mobile tracking device within the jurisdiction of the court and outside of that jurisdiction as long as the device is installed in the jurisdiction.

Subd. 2. [DEFINITION.] As used in this section, the term "tracking device," means an electronic or mechanical device that permits the tracking of the movement of a person or object.

Sec. 46. [626A.25] [INJUNCTION AGAINST ILLEGAL INTERCEPTION.]

Whenever it appears that a person is engaged or is about to engage in an act that constitutes or will constitute a felony violation of sections 626A.01 to 626A.23, the attorney general or a county attorney may initiate a civil action in district court to enjoin the violation. The court shall proceed as soon as practicable to the hearing and determination of the civil action, and may, at any time before final determination, enter a restraining order or prohibition, or take other action, as is warranted to prevent a continuing and substantial injury to the state, any of its subdivisions, or to a person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Rules of Civil Procedure, except that, if the defendant has been charged with the felony, discovery against that defendant is governed by the Rules of Criminal Procedure.

Sec. 47. [626A.26] [UNLAWFUL ACCESS TO STORED COMMUNICATIONS.]

Subdivision 1. [OFFENSE.] Except as provided in subdivision 3, whoever:

(1) intentionally accesses without authorization a facility through which an electronic communication service is provided; or

(2) intentionally exceeds an authorization to access that facility;

and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in the electronic storage in a system must be punished as provided in subdivision 2.

Subd. 2. [PUNISHMENT.] The punishment for an offense under subdivision 1 is:

(1) if the offense is committed for purposes of commercial advantage, malicious destruction or damage, or private commercial gain:

(i) a fine of not more than \$250,000 or imprisonment for not more than one year, or both, in the case of a first offense under this clause; and

(ii) a fine of not more than \$250,000 or imprisonment for not more than two years, or both, for any subsequent offense under this clause;

(2) a fine of not more than \$5,000 or imprisonment for not more than six months, or both, in any other case.

Subd. 3. [EXCEPTIONS.] Subdivision 1 does not apply with respect to conduct authorized:

(1) by the person or entity providing a wire or electronic communications service;

(2) by a user of that service with respect to a communication of or intended for that user; or

(3) in sections 626A.05 to 626A.09, section 49 or 50.

Sec. 48. [626A.27] [DISCLOSURE OF CONTENTS.]

Subdivision 1. [PROHIBITIONS.] Except as provided in subdivision 2:

(1) a person or entity providing an electronic communication service to the public must not knowingly divulge to a person or entity the contents of a communication while in electronic storage by that service; and

(2) a person or entity providing remote computing service to the public must not knowingly divulge to a person or entity the contents of any communication that is carried or maintained on that service:

(i) on behalf of, and received by means of electronic transmission from, or created by means of computer processing of communications received by means of electronic transmission, from a subscriber or customer of the service; and

(ii) solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communications for purposes of providing any services other than storage or computer processing.

Subd. 2. [EXCEPTIONS.] A person or entity may divulge the contents of a communication:

(1) to an addressee or intended recipient of the communication or an agent of the addressee or intended recipient;

(2) as otherwise authorized in sections 626A.02; subdivision 2, paragraph (a); 626A.05; or section 49;

(3) with the lawful consent of the originator or an addressee or intended recipient of the communication, or the subscriber in the case of remote computing service;

(4) to a person employed or authorized or whose facilities are used to forward a communication to its destination;

(5) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service; or

(6) to a law enforcement agency, if the contents:

(i) were inadvertently obtained by the service provider; and

(ii) appear to pertain to the commission of a crime.

Sec. 49. [626A.28] [REQUIREMENTS FOR GOVERNMENTAL ACCESS.]

Subdivision 1. [CONTENTS OF ELECTRONIC COMMUNICATIONS IN ELECTRONIC STORAGE.] A governmental entity may require the disclosure by a provider of electronic communication service of the contents of an electronic communication that is in electronic storage in an electronic communications system for 180 days or less only under a warrant. A government entity may require the disclosure by a provider of electronic communications services of the contents of an electronic communication that has been in electronic storage in an electronic communications system for more than 180 days by the means available under subdivision 2.

Subd. 2. [CONTENTS OF ELECTRONIC COMMUNICATIONS IN A REMOTE COMPUTING SERVICE.] (a) A governmental entity may require a provider of remote computing service to disclose the contents of electronic communication to which this paragraph is made applicable by paragraph (b):

(1) without required notice to the subscriber or customer, if the governmental entity obtains a warrant; or

(2) with prior notice if the governmental entity:

(i) uses an administrative subpoena authorized by statute or a grand jury subpoena; or

(ii) obtains a court order for such disclosure under subdivision 4; except that delayed notice may be given under section 51.

(b) paragraph (a) is applicable with respect to any electronic communication that is held or maintained on that service:

(1) on behalf of, and received by means of electronic transmission from, or created by means of computer processing of communications received by means of electronic transmission from, a subscriber or customer of such remote computing service; and

(2) solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any communications for purposes of providing any services other than storage or computer processing.

Subd. 3. [RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE.]

(a) (1) Except as provided in clause (2), a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to any person other than a governmental entity.

(2) A provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communications covered by subdivision 1 or 2, to a governmental entity only when the governmental entity:

(i) uses an administrative subpoena authorized by statute, or a grand jury subpoena;

(ii) obtains a warrant;

(iii) obtains a court order for such disclosure under subdivision 4; or

(iv) has the consent of the subscriber or customer to the disclosure.

(b) A governmental entity receiving records or information under this subdivision is not required to provide notice to a subscriber or customer.

Subd. 4. [REQUIREMENTS FOR COURT ORDER.] A court order for disclosure under subdivision 2 or 3 must issue only if the governmental entity shows that there is reason to believe the contents of a wire or electronic communication, or the records or other information sought, are relevant to a legitimate law enforcement inquiry. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

Subd. 5. [NO CAUSE OF ACTION AGAINST A PROVIDER DISCLOSING CERTAIN INFORMATION.] No cause of action lies in any court against any provider of wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, subpoena, or certification under sections 47 to 55.

Sec. 50. [626A.29] [BACKUP PRESERVATION.]

Subdivision 1. [BACKUP COPY.] (a) A governmental entity acting under section 49, subdivision 2, paragraph (b), may include in its subpoena or court order a requirement that the service provider to whom the request is directed create a backup copy of the contents of the electronic communications sought in order to preserve those communications. Without notifying the subscriber or customer of the subpoena or court order, the service provider shall create a backup copy, as soon as practicable, consistent with its regular business practices and shall confirm to the governmental entity that the backup copy has been made. The backup copy must be created within two business days after receipt by the service provider of the subpoena or court order.

(b) Notice to the subscriber or customer must be made by the governmental entity within three days after receipt of the confirmation, unless notice is delayed under section 51, subdivision 1.

(c) The service provider must not destroy a backup copy until the later of:

(1) the delivery of the information; or

(2) the resolution of any proceedings, including appeals of any proceeding, concerning the subpoena or court order.

(d) The service provider shall release the backup copy to the requesting governmental entity no sooner than 14 days after the governmental entity's notice to the subscriber or customer if the service provider:

(1) has not received notice from the subscriber or customer that the subscriber or customer has challenged the governmental entity's request; and

(2) has not initiated proceedings to challenge the request of the governmental entity.

(e) A governmental entity may seek to require the creation of a backup copy under subdivision 1, paragraph (a), if in its sole discretion the entity determines that there is reason to believe that notification under section 49 of the existence of the subpoena or court order may result in destruction of or tampering with evidence. This determination is not subject to challenge by the subscriber or customer or service provider.

Subd. 2. [CUSTOMER CHALLENGES.] (a) Within 14 days after notice by the governmental entity to the subscriber or customer under subdivision 1, paragraph (b), the subscriber or customer may file a motion to quash the subpoena or vacate the court order, with copies served upon the governmental entity and with written notice of the challenge to the service provider. A motion to vacate a court order must be filed in the court which issued the order. A motion to quash a subpoena must be filed in the district court of the county in which the governmental entity issuing the subpoena is located. The motion or application must contain an affidavit or sworn statement:

(1) stating that the applicant is a customer or subscriber to the service from which the contents of electronic communications maintained for him have been sought; and

(2) stating the applicant's reasons for believing that the records sought are not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this chapter in some other respect.

(b) Service must be made under this section upon a governmental entity by delivering or mailing by registered or certified mail a copy of the papers to the person, office, or department specified in the notice which the customer has received under sections 47 to 55. For the purposes of this section, the term "delivery" means handing it to the person specified in the notice or handing it to the person, or his designee, in charge of the office or department specified in the notice.

(c) If the court finds that the customer has complied with paragraphs (a) and (b), the court shall order the governmental entity to file a sworn response. The response may be filed in camera if the governmental entity includes in its response the reasons that make in camera review appropriate. If the court is unable to determine the motion or application on the basis of the parties' initial allegations and response, the court may conduct additional proceedings as it

considers appropriate. Proceedings must be completed and the motion or application decided as soon as practicable after the filing of the governmental entity's response.

(d) If the court finds that the applicant is not the subscriber or customer for whom the communications sought by the governmental entity are maintained, or that there is a reason to believe that the law enforcement inquiry is legitimate and that the communications sought are relevant to that inquiry, it shall deny the motion or application and order the process enforced. If the court finds that the applicant is the subscriber or customer for whom the communications sought by the governmental entity are maintained, and that there is not a reason to believe that the communications sought are relevant to a legitimate law enforcement inquiry, or that there has not been substantial compliance with the provisions of sections 47 to 55, it shall order the process quashed.

(e) A court order denying a motion or application under this section shall not be deemed a final order and no interlocutory appeal may be taken therefrom by the customer.

Sec. 51. [626A.30] [DELAYED NOTICE.]

Subdivision 1. [DELAY OF NOTIFICATION.] (a) A governmental entity acting under section 49, subdivision 2, may:

(1) where a court order is sought, include in the application a request, which the court shall grant, for an order delaying the notification required under section 49, subdivision 2, for a period not to exceed 90 days, if the court determines that there is reason to believe that notification of the existence of the court order may have an adverse result described in paragraph (b) of this subdivision; or

(2) where an administrative subpoena or a grand jury subpoena is obtained, delay the notification required under section 49 for a period not to exceed 90 days upon the execution of a written certification of a supervisory official that there is reason to believe that notification of the existence of the subpoena may have an adverse result described in paragraph (b) of this subdivision.

(b) An adverse result for the purposes of paragraph (a) of this subdivision is:

- (1) endangering the life or physical safety of an individual;
- (2) flight from prosecution;
- (3) destruction of or tampering with evidence;
- (4) intimidation of potential witnesses; or

(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

(c) The governmental entity shall maintain a true copy of certification under paragraph (a), clause (2).

(d) Extensions of the delay of notification provided in section 49 of up to 90 days each may be granted by the court upon application, or by certification by a governmental entity, but only in accordance with subdivision 2.

(e) Upon expiration of the period of delay of notification under paragraph (a) or (d) of this subdivision, the governmental entity shall serve upon, or deliver by registered or first-class mail to, the customer or subscriber a copy of the process or request together with notice that:

(1) states with reasonable specificity the nature of the law enforcement inquiry; and

(2) informs the customer or subscriber:

(i) that information maintained for the customer or subscriber by the service provider named in the process or request was supplied to or requested by that governmental authority and the date on which the supplying or request took place;

(ii) that notification of the customer or subscriber was delayed;

(iii) what governmental entity or court made the certification or determination under which that delay was made; and

(iv) which provision of sections 47 to 55 allowed such delay.

(f) As used in this subdivision, the term "supervisory official" means a peace officer with the rank of sergeant, or its equivalent, or above, a special agent in charge from the bureau of criminal apprehension, the attorney general, the head of the attorney general's criminal division, a county attorney, or the head of a county attorney's criminal division.

Subd. 2. [PRECLUSION OF NOTICE TO SUBJECT OF GOVERNMENTAL ACCESS.] A governmental entity acting under section 49 when it is not required to notify the subscriber or customer under section 49, subdivision 2, paragraph (a), or to the extent that it may delay notice under subdivision 1, may apply to a court for an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for a period as the court considers appropriate, not to notify any other person of the existence of the warrant, subpoena,

or court order. The court shall enter an order if it determines that there is reason to believe that notification of the existence of the warrant, subpoena, or court order will result in:

- (1) endangering the life or physical safety of an individual;
- (2) flight from prosecution;
- (3) destruction of or tampering with evidence;
- (4) intimidation of potential witnesses; or
- (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

Sec. 52. [626A.31] [COST REIMBURSEMENT.]

Subdivision 1. [PAYMENT.] Except as otherwise provided in subdivision 3, a governmental entity obtaining the contents of communications, records, or other information under sections 48, 49, and 50 shall pay to the person or entity assembling or providing the information a fee for reimbursement for costs that are reasonably necessary and that have been directly incurred in searching for, assembling, reproducing, or otherwise providing the information. The reimbursable costs must include any costs due to necessary disruption of normal operations of the electronic communication service or remote computing service in which the information may be stored.

Subd. 2. [AMOUNT.] The amount of the fee provided by subdivision 1, must be as mutually agreed by the governmental entity and the person or entity providing the information, or, in the absence of agreement, must be as determined by the court that issued the order for production of the information or the court before which a criminal prosecution relating to the information would be brought, if no court order was issued for production of the information.

Subd. 3. [INAPPLICABILITY.] The requirement of subdivision 1 does not apply with respect to records or other information maintained by a communications common carrier that relate to telephone toll records and telephone listings obtained under section 49. The court may, however, order a payment as described in subdivision 1 if the court determines the information required is unusually voluminous in nature or otherwise caused an undue burden on the provider.

Sec. 53. [626A.32] [CIVIL ACTION.]

Subdivision 1. [CAUSE OF ACTION.] Except as provided in section 49, subdivision 5, a provider of electronic communication

service, subscriber, or customer aggrieved by a violation of this chapter in which the conduct constituting the violation is engaged in with a knowing or intentional state of mind may, in a civil action, recover from the person or entity which engaged in that violation relief as may be appropriate.

Subd. 2. [RELIEF.] In a civil action under this section, appropriate relief includes:

(1) temporary and other equitable or declaratory relief as may be appropriate;

(2) damages under subdivision 3; and

(3) a reasonable attorney's fee and other litigation costs reasonably incurred.

Subd. 3. [DAMAGES.] The court may assess as damages in a civil action under this section the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation, but in no case is a person entitled to recover to receive less than the sum of \$1,000.

Subd. 4. [DEFENSE.] A good faith reliance on:

(1) a court warrant or order, a grand jury subpoena, a legislative authorization, or a statutory authorization; or

(2) a good faith determination that section 626A.02, subdivision 3, permitted the conduct complained of;

is a complete defense to a civil or criminal action brought under sections 47 to 55 or any other law.

Subd. 5. [LIMITATION.] A civil action under this section may not be commenced later than two years after the date upon which the claimant first discovered or had a reasonable opportunity to discover the violation.

Sec. 54. [626A.33] [EXCLUSIVITY OF REMEDIES.]

The remedies and sanctions described in sections 47 to 55 are the only judicial remedies and sanctions for nonconstitutional violations of sections 47 to 55.

Sec. 55. [626A.34] [DEFINITIONS.]

As used in sections 47 to 55, the term "remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communication system.

Sec. 56. [626A.35] [GENERAL PROHIBITION ON PEN REGISTER AND TRAP AND TRACE DEVICE USE; EXCEPTION.]

Subdivision 1. [IN GENERAL.] Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 58.

Subd. 2. [EXCEPTION.] The prohibition of subdivision 1 does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service:

(1) relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of the provider, or to the protection of users of that service from abuse of service or unlawful use of service; or

(2) to record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful, or abusive use of service; or

(3) where the consent of the user of that service has been obtained.

Subd. 3. [PENALTY.] Whoever knowingly violates subdivision 1 shall be fined not more than \$3,000 or imprisoned not more than one year, or both.

Sec. 57. [626A.36] [APPLICATION FOR AN ORDER FOR A PEN REGISTER OR A TRAP AND TRACE DEVICE.]

Subdivision 1. [APPLICATION.] An investigative or law enforcement officer may make application for an order or an extension of an order under section 58 authorizing or approving the installation and use of a pen register or a trap and trace device under sections 56 to 60, in writing under oath or equivalent affirmation, to a district court.

Subd. 2. [CONTENTS OF APPLICATION.] An application under subdivision 1 must include:

(1) the identity of the law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation; and

(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

Sec. 58. [626A.37] [ISSUANCE OF AN ORDER FOR A PEN REGISTER OR A TRAP AND TRACE DEVICE.]

Subdivision 1. [IN GENERAL.] Upon an application made under section 57, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the law enforcement or investigative officer has certified to the court that the information likely to be obtained by the installation and use is relevant to an ongoing criminal investigation.

Subd. 2. [CONTENTS OF ORDER.] (a) An order issued under this section must specify:

(1) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached;

(2) the identity, if known, of the person who is the subject of the criminal investigation;

(3) the number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order; and

(4) a statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

(b) An order issued under this section must direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and trace device under section 59.

Subd. 3. [TIME PERIOD AND EXTENSIONS.] (a) An order issued under this section must authorize the installation and use of a pen register or a trap and trace device for a period not to exceed sixty days.

(b) Extensions of an order may be granted, but only upon an application for an order under section 57 and upon the judicial finding required by subdivision 1. The period of extension must be for a period not to exceed sixty days.

Subd. 4. [NONDISCLOSURE OF EXISTENCE OF PEN REGISTER OR A TRAP AND TRACE DEVICE.] An order authorizing or approving the installation and use of a pen register or a trap and trace device must direct that:

(1) the order be sealed until otherwise ordered by the court; and

(2) the person owning or leasing the line to which the pen register or a trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

Sec. 59. [626A.38] [ASSISTANCE IN INSTALLATION AND USE OF A PEN REGISTER OR A TRAP AND TRACE DEVICE.]

Subdivision 1. [PEN REGISTERS.] Upon the request of an officer of a law enforcement agency authorized to install and use a pen register under sections 56 to 60, a provider of wire or electronic communication service, landlord, custodian, or other person shall furnish the investigative or law enforcement officer immediately with all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if the assistance is directed by a court order as provided in section 58, subdivision 2, paragraph (b).

Subd. 2. [TRAP AND TRACE DEVICE.] Upon the request of an officer of a law enforcement agency authorized to receive the results of a trap and trace device under sections 56 to 60, a provider of a wire or electronic communication service, landlord, custodian, or other person shall install the device immediately on the appropriate line and shall furnish the investigative or law enforcement officer all additional information, facilities, and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if the installation and assistance is directed by a court order as provided in section 58, subdivision 2, paragraph (b). Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of a law enforcement agency, designated by the court, at reasonable intervals during regular business hours for the duration of the order.

Subd. 3. [COMPENSATION.] A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance under this section must be reasonably compensated for reasonable expenses incurred in providing facilities and assistance.

Subd. 4. [NO CAUSE OF ACTION AGAINST A PROVIDER DISCLOSING CERTAIN INFORMATION.] No cause of action lies in any court against a provider of a wire or electronic communication service, its officers, employees, agents, or other specified

persons for providing information, facilities, or assistance in accordance with the terms of a court order under sections 56 to 60 .

Subd. 5. [DEFENSE.] A good faith reliance on a court order, a legislative authorization, or a statutory authorization is a complete defense against a civil or criminal action brought under sections 56 to 60 or any other law.

Sec. 60. [626A.39] [DEFINITIONS]

Subdivision 1. [APPLICABILITY.] The terms in this section apply to sections 56 to 60.

Subd. 2. [WIRE COMMUNICATION; ELECTRONIC COMMUNICATION; ELECTRONIC COMMUNICATION SERVICE.] The terms "wire communication," "electronic communication," and "electronic communication service" have the meanings set forth for the terms in section 626A.01.

Subd. 3. [PEN REGISTER.] "Pen register" means a device that records or decodes electronic or other impulses that identify the number dialed or otherwise transmitted on the telephone line to which the device is attached, but the term does not include a device used by a provider or customer of a wire or electronic communications service for billing, or recording as an incident to billing, for communications services provided by the provider or a device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

Subd. 4. [TRAP AND TRACE DEVICE.] "Trap and trace device" means a device which captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

Sec. 61. [626A.40] [SUBJECT TO OTHER LAWS.]

Nothing in sections 45 to 60 must be considered to authorize conduct constituting a violation of any law of the United States.

Sec. 62. [REPEALER.]

Minnesota Statutes 1986, sections 626A.01, 626A.02, 626A.03, 626A.04, 626A.05, as amended by Laws 1987, chapters 217, section 3; 329, section 17; 384, article 2, section 112, 626A.06, 626A.07, 626A.08, 626A.09, 626A.10, 626A.11, 626A.12, 626A.13, 626A.14, 626A.15, 626A.16, 626A.17, 626A.18, 626A.19, 626A.20, 626A.21, 626A.22, 626A.23, and sections 1 to 61 are repealed.

Sec. 63. [EFFECTIVE DATE.]

Sections 1 to 61 are effective August 1, 1988, and apply to crimes committed on or after that date. Section 62 is effective August 1, 1989.

Delete the title and insert:

"A bill for an act relating to criminal procedure; updating the wiretap law to conform to modern electronic communication technologies; providing procedures for interception of wire, electronic, or oral communication; regulating use of pen registers and trap and trace devices; prescribing penalties; amending Minnesota Statutes 1986, section 626A.01, subdivisions 3, 4, 5, 6, 8, 9, and by adding subdivisions; 626A.02, subdivisions 1, 2, and by adding subdivisions; 626A.03, subdivisions 1, and 2; 626A.05, subdivision 1; 626A.06, subdivisions 3, 4, 5, 6, and by adding subdivisions; 626A.08, subdivision 1; 626A.09, subdivisions 1, 2, 3, 4, and 5; 626A.10, subdivisions 1 and 2; 626A.11, subdivisions 1 and 2, and by adding a subdivision; 626A.12, subdivision 1, and by adding a subdivision; 626A.13; Minnesota Statutes 1987 Supplement, section 626A.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 626A; repealing Minnesota Statutes 1986, sections 626A.01 to 626A.04; 626A.05, as amended; and 626A.06 to 626A.23."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2597, A bill for an act relating to claims against the state; clarifying that a public defender appointed by the state board of public defense is an employee of the state; amending Minnesota Statutes 1987 Supplement, section 3.732, subdivision 1.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2607, A bill for an act relating to agriculture; appropriating money for beginning farmer educational programs.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2621, A resolution memorializing the Congress of the United States to reinstate diesel fuel tax exemptions for farmers and other off-road users.

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

The report was adopted.

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

H. F. No. 2638, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Pine county.

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

The report was adopted.

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

H. F. No. 2653, A bill for an act relating to natural resources; designating the fossil of the *castoroides ohioensis* as the state fossil; proposing coding for new law in Minnesota Statutes, chapter 1.

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

The report was adopted.

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

H. F. No. 2654, A bill for an act relating to retirement; public employees; authorizing employer deferred compensation plan contributions in certain instances; amending Minnesota Statutes 1986,

sections 179A.03, subdivision 19; 179A.07, subdivision 2; and 356.24.

Reported the same back with the following amendments:

Page 2, after line 17, insert:

"Sec. 3. Minnesota Statutes 1987 Supplement, section 352.96, subdivision 2, is amended to read:

Subd. 2. [PURCHASE OF SHARES.] The amount of compensation so deferred may be used to purchase:

(1) shares in the Minnesota supplemental investment fund established in section 11A.17;

(2) saving accounts in federally insured financial institutions;

(3) life insurance contracts, fixed annuity and variable annuity contracts from companies that are subject to regulation by the commissioner of commerce; or

(4) a combination of (1), (2), or (3), as specified by the participant.

The shares accounts or contracts purchased shall stand in the name of the state or other employing unit, for the officer or employee whose deferred compensation purchased the shares, until distributed to the officer or employee in a manner agreed upon by the employee and the executive director of the Minnesota state retirement system, acting for the employer. This subdivision does not authorize an employer contribution, except as authorized in section 356.24, paragraph (a), clause (4). The state, political subdivision, or other employing unit is not responsible for any loss that may result from investment of the deferred compensation."

Page 3, line 1, after "for" insert "in uniformly applied personnel policies or"

Page 3, line 5, delete "two percent of salary or \$1,000" and insert "\$2,000" and after "year" delete the comma

Page 3, line 6, delete everything before the period

Page 3, delete lines 12 and 13 and insert "This act is effective"

Page 3, line 14, delete "beginning after"

Re-number the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 6, before the period insert “; Minnesota Statutes 1987 Supplement, section 352.96, subdivision 2”

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2685, A bill for an act relating to human services; clarifying the administration of human services programs; establishing a compliance system for certain public assistance programs; establishing a public assistance incentive fund; appropriating money; amending Minnesota Statutes 1986, sections 256.72; 256.81; 256.82, subdivision 1; 256.871, subdivision 6; 256.935, subdivision 1; 256.991; 256B.041, subdivisions 5 and 7; 256B.05, subdivision 1; 256B.19, subdivision 2; 256D.03, subdivision 6; 256D.04; 256D.36, subdivision 1; and 393.07, subdivision 2; Minnesota Statutes 1987 Supplement, sections 256.01, subdivision 2; 256B.091, subdivision 8; 256B.19, subdivision 1; 256D.03, subdivision 2; 393.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1987 Supplement, sections 245.775; and 256D.22.

Reported the same back with the following amendments:

Page 1, after line 21, insert:

“Section 1. [INTENT.]

The purpose of the laws relating to the administration of human services programs is to assure that public assistance benefits are distributed accurately and in a timely manner, and that services delivered to applicants for, and recipients of, public assistance benefits are complete.

The purpose of the laws relating to the compliance system established for certain public assistance programs is not to arbitrarily impose fiscal penalties on local agencies. Instead, the legislative intent is to reduce the possibility of sanctions and fiscal disallowances for noncompliance with federal regulations and to encourage compliance with state statutes, administrative rules, written policies and procedures. The primary focus of this legislation is to promote program management which provides those client

services provided for by law in a timely, accurate, and effective manner. To that end, these laws establish an incentive fund in order for the department to reward local agencies that meet written program performance standards. In addition, these laws expand department program monitoring efforts to include program assessment, corrective action plans, and technical assistance to help counties meet program performance standards."

Page 7, after line 5, insert:

"The commissioner shall utilize training, technical assistance, and monitoring activities, as specified in section 256.01, subdivision 2, to encourage local agency compliance with written policies and procedures."

Page 8, line 30, after the period insert "A local agency shall not be penalized for complying with a written policy or procedure, even if the policy or procedure is found to be erroneous and is subsequently rescinded by the commissioner."

Page 8, line 32, delete "quality control case"

Page 10, line 9, after "\$100,000" insert “, or 1.5 percent of the total benefit expenditures for the income maintenance programs listed in subdivision 1, for that county, whichever is the lesser amount,”

Page 27, delete lines 13 to 18 and insert "monitor local agency performance in administering the income maintenance programs, provide technical assistance and program support, and review local agency exceptions to compliance actions under the provisions included in this bill."

Page 27, line 25, after the period insert "No portion of this act shall be effective unless other legislation is enacted providing county property tax relief through increases in state funding of income maintenance programs."

Renumber the sections in sequence

Correct the internal references

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

The report was adopted.

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

H. F. No. 2691, A bill for an act relating to state agencies; amending the authority of the Minnesota amateur sports commission; correcting references; exempting rulemaking from chapter 14; authorizing the commission to establish nonprofit corporations and charitable foundations; amending Minnesota Statutes 1987 Supplement, sections 16A.661, subdivision 3; 240A.02, subdivision 2; 240A.03, subdivisions 10, 12, and by adding a subdivision; and 297A.44, subdivision 1; and Laws 1987, chapter 400, section 13.

Reported the same back with the following amendments:

Pages 2 and 3, delete section 4

Page 3, line 7, after "commission" insert "and any other state office, agency or board owning or operating a sport facility designated as an official training center by the national governing body of that sport"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "commission" insert "and certain other state entities"

Page 1, line 9, delete "subdivisions" and insert "subdivision" and delete "12,"

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

The report was adopted.

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

H. F. No. 2720, A bill for an act relating to retirement; St. Paul police non-duty disability benefits; amending Laws 1955, chapter 151, section 9, subdivision 7, as amended.

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

The report was adopted.

Pursuant to House Rule 9.3, H. F. No. 2720 was re-referred to the Committee on Rules and Legislative Administration.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 462, A bill for an act relating to marriage dissolution; providing a date for valuing marital assets; providing for partial distribution of marital assets; requiring parties to file a statement of assets and liabilities; providing that parties owe each other a fiduciary duty with respect to marital assets; amending Minnesota Statutes 1986, sections 518.54, subdivision 5; and 518.58.

Reported the same back with the following amendments:

Page 4, after line 22, insert:

“Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1988, and apply to dissolution and annulment proceedings commenced on or after that date.”

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. 1223, A bill for an act relating to state departments and agencies; creating a commission for the quincentennial of the Hispanic presence in the western hemisphere.

Reported the same back with the following amendments:

Page 1, line 22, delete “January” and insert “July”

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Metropolitan Affairs to which was referred:

S. F. No. 1608, A bill for an act relating to the city of Minneapolis; updating references in its development laws; amending Laws 1980,

chapter 595, section 3, subdivisions 1, as amended, 3, 6, and 7; and section 4.

Reported the same back with the following amendments:

Page 5, after line 28, insert:

“Sec. 6. [SMALL BUSINESS LOANS.]

The city council or the agency may make or guarantee working capital loans in an amount not exceeding \$450,000, subject to such terms and conditions as may be established by the city or the agency, to expanding small businesses which are located in the city for the purpose of increasing the tax base and providing employment opportunities within the city. As used in this subdivision, the term “small business” has the meaning given it in Minnesota Statutes, section 645.445, subdivision 2. This section expires June 30, 1990.”

Renumber the remaining section in sequence

Amend the title as follows:

Page 1, line 3, after “laws;” insert “authorizing small business loans;”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 681, 1493, 1685, 1719, 1733, 1830, 1865, 1896, 1898, 1900, 1932, 1956, 2047, 2080, 2128, 2146, 2148, 2167, 2205, 2227, 2234, 2241, 2370, 2396, 2430, 2486, 2489, 2502, 2504, 2551, 2584, 2585, 2594, 2597, 2621, 2653 and 2654 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 462, 1223 and 1608 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Simoneau and Reding introduced:

H. F. No. 2767, A bill for an act relating to retirement; consolidating local police and salaried firefighters relief associations; providing a benefit increase for retirees and beneficiaries of consolidating relief associations; amending Minnesota Statutes 1987 Supplement, section 353A.08, subdivisions 1 and 2.

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

Forsythe, Jennings, Stanius, Clausnitzer and Onnen introduced:

H. F. No. 2768, A bill for an act relating to human services; establishing a 30-day state residence requirement for general assistance; amending Minnesota Statutes 1986, section 256D.01, by adding a subdivision.

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

McDonald introduced:

H. F. No. 2769, A bill for an act relating to holidays; designating May 30 as Memorial Day; amending Minnesota Statutes 1986, section 645.44, subdivision 5.

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

Wenzel, Sparby, Bertram, Dille and Winter introduced:

H. F. No. 2770, A bill for an act relating to taxation; property; reducing the classification ratios for commercial-industrial property and providing for state payment to local units of government for the revenue lost as a result of the reduction; appropriating money; amending Minnesota Statutes 1987 Supplement, section 273.13, subdivision 24.

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

Wenzel, Cooper, Sarna, Steensma and DeBlieck introduced:

H. F. No. 2771, A bill for an act relating to taxation; income; providing a subtraction for certain expenses incurred in providing volunteer charitable services; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b.

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

Valento, McKasy, Seaberg, Swenson and Gruenes introduced:

H. F. No. 2772, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Dempsey, Schafer, Blatz, Haukoos and Dille introduced:

H. F. No. 2773, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Schreiber, Waltman, Heap, Uphus and Johnson, V., introduced:

H. F. No. 2774, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Segal, Orenstein, Kahn and Greenfield introduced:

H. F. No. 2775, A resolution memorializing Kurt Waldheim to resign as President of Austria.

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

Wenzel, Winter, Dempsey and Quinn introduced:

H. F. No. 2776, A bill for an act relating to taxation; property; classifying utility property as commercial-industrial; classifying certain personal property; amending Minnesota Statutes 1986, section 273.13, by adding a subdivision; and Minnesota Statutes 1987 Supplement, section 273.13, subdivision 24.

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

Jefferson introduced:

H. F. No. 2777, A bill for an act relating to taxation; income; allowing a credit for elderly and disabled taxpayers; repealing the piggy-back federal elderly and disabled credit; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1987 Supplement, section 290.06, subdivision 20.

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

Neuenschwander, Krueger and Larsen introduced:

H. F. No. 2778, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Johnson, R., and Kinkel introduced:

H. F. No. 2779, A bill for an act relating to taxation; income; excluding certain volunteer firefighters lump sum distributions; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Greenfield; Skoglund; Jefferson; Johnson, A., and Long introduced:

H. A. No. 67, A proposal to study a safe school zone around public schools and a safe park zone around public parks.

The advisory was referred to the Committee on Judiciary.

Segal and Nelson, K., introduced:

H. A. No. 68, A proposal to study impact of living costs and training and experience on K-12 education.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1884, A bill for an act relating to state lands; authorizing private conveyance of tax-forfeited land in Beltrami county.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 2264, 2358, 2367, 1607, 1623, 1713, 1717 and 2134.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2264, A bill for an act relating to elections; allowing the city of Falcon Heights to consolidate election precincts.

The bill was read for the first time.

Rose moved that S. F. No. 2264 and H. F. No. 2539, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2358, A bill for an act relating to highways; naming and designating legislative trunk highway No. 299 as Olof Hanson Drive; amending Minnesota Statutes 1986, section 161.14, by adding a subdivision.

The bill was read for the first time.

Rodosovich moved that S. F. No. 2358 and H. F. No. 2511, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2367, A bill for an act relating to natural resources; eliminating a diversion of game and fish license fee money; repealing Laws 1987, chapter 373, section 15.

The bill was read for the first time.

Kahn moved that S. F. No. 2367 and H. F. No. 2521, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1607, A bill for an act relating to the city of Minneapolis; providing for the appointment, compensation, and liability of certain city employees and contractors; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended, and 9a; Laws 1980, chapter 607, article 15, section 21; and Laws 1987, chapter 55, section 2.

The bill was read for the first time.

Nelson, K., moved that S. F. No. 1607 and H. F. No. 1862, now on

General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1623, A bill for an act relating to natural resources; designating the white-tailed deer as the official state mammal; proposing coding for new law in Minnesota Statutes, chapter 1.

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

S. F. No. 1713, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited lands in Carlton county.

The bill was read for the first time.

Ogren moved that S. F. No. 1713 and H. F. No. 1898, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1717, A bill for an act relating to natural resources; adding certain land to Jay Cooke State Park in Carlton county.

The bill was read for the first time.

Ogren moved that S. F. No. 1717 and H. F. No. 1900, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2134, A bill for an act relating to St. Louis county; requiring a polling place at a certain location.

The bill was read for the first time.

Rukavina moved that S. F. No. 2134 and H. F. No. 2210, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 1939, A bill for an act relating to agriculture; changing the continuing effect of certain farmer-lender mediation rules; repealing certain conflicting language relating to food handler license fees; amending Laws 1987, chapter 292, section 35; repealing Laws 1987, chapter 358, section 85.

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

The bill was passed and its title agreed to.

H. F. No. 2490 was reported to the House.

Tunheim moved to amend H. F. No. 2490, the first engrossment, as follows:

Pages 1, 2, and 3, delete section 2

Page 3, line 16, delete "3." and insert "2."

Page 3, line 17, delete "Sections 1 and 2 are" and insert "Section 1 is"

Amend the title as follows:

Page 1, line 3, delete "Chisago and Kittson counties" and insert "Kittson county"

The motion prevailed and the amendment was adopted.

H. F. No. 2490, A bill for an act relating to state land; conveying title to state land in Kittson county.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2554, A bill for an act relating to education; allowing noncontiguous school districts to consolidate; amending Minnesota Statutes 1986, section 122.23, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Beard	Bishop	Burger	Clark
Anderson, R.	Begich	Blatz	Carlson, D.	Clausnitzer
Battaglia	Bennett	Boo	Carlson, L.	Cooper
Bauerly	Bertram	Brown	Carruthers	Dauner

Dawkins	Johnson, R.	Minne	Price	Stanius
DeBlieck	Johnson, V.	Morrison	Quinn	Steensma
Dempsey	Kahn	Munger	Quist	Sviggum
DeRaad	Kalis	Murphy	Redalen	Swenson
Dille	Kelly	Nelson, C.	Reding	Thiede
Dorn	Kelso	Nelson, D.	Rest	Tjornhom
Forsythe	Kinkel	Nelson, K.	Rice	Tompkins
Frederick	Kludt	Neuenschwander	Richter	Trimble
Frerichs	Knickerbocker	O'Connor	Riveness	Tunheim
Greenfield	Knuth	Ogren	Rodosovich	Uphus
Gruenes	Kostohryz	Olsen, S.	Rose	Valento
Gutknecht	Krueger	Olson, E.	Rukavina	Vellenga
Hartle	Larsen	Olson, K.	Sarna	Voss
Haukoos	Lasley	Omann	Schafer	Wagenius
Heap	Lieder	Onnen	Scheid	Waltman
Himle	Long	Osthoff	Schreiber	Welle
Hugoson	Marsh	Otis	Seaberg	Wenzel
Jacobs	McEachern	Ozment	Segal	Winter
Jaros	McKasy	Pappas	Shaver	Wynia
Jefferson	McLaughlin	Pauly	Simoneau	Spk. Vanasek
Jennings	McPherson	Pelowski	Skoglund	
Jensen	Milbert	Peterson	Solberg	
Johnson, A.	Miller	Poppenhagen	Sparby	

The bill was passed and its title agreed to.

H. F. No. 2703, A bill for an act relating to intoxicating liquor; authorizing the city of Bloomington to issue an on-sale intoxicating liquor license to Midsummer, A Festival of Music.

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 2 nays as follows:

Those who voted in the affirmative were:

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

Vellenga
Voss

Wagenius
Waltman

Welle
Wenzel

Winter
Wypia

Spk. Vanasek

Those who voted in the negative were:

Lasley

Olson, K.

The bill was passed and its title agreed to.

H. F. No. 1585, A bill for an act relating to natural resources; designating a basin of Twin Lake within the city of Robbinsdale as a separate basin, South Twin Lake.

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

The bill was passed and its title agreed to.

H. F. No. 2000, A bill for an act relating to civil actions; requiring the judgment creditor to file satisfaction of judgment documents; amending Minneosta Statutes 1986, section 548.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2059, A bill for an act relating to crime; children; clarifying the defenses to a charge of deprivation of parental rights; requiring defendant to prove elements of defenses; amending Minnesota Statutes 1987 Supplement, section 609.26, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Dempsey	Haukoos	Johnson, V.
Anderson, R.	Burger	DeRaad	Heap	Kahn
Battaglia	Carlson, D.	Dille	Himle	Kalis
Bauerly	Carlson, L.	Dorn	Hugoson	Kelly
Beard	Carruthers	Forsythe	Jacobs	Kelso
Begich	Clark	Frederick	Jaros	Kinkel
Bennett	Clausnitzer	Frerichs	Jefferson	Kludt
Bertram	Cooper	Greenfield	Jennings	Knickerbocker
Bishop	Dauner	Gruenes	Jensen	Knuth
Blatz	Dawkins	Gutknecht	Johnson, A.	Kostohryz
Boo	DeBlick	Hartle	Johnson, R.	Krueger

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

The bill was passed and its title agreed to.

S. F. No. 896, A bill for an act relating to probate; providing for the award of sentimental property to the decedent's children; amending Minnesota Statutes 1986, sections 525.15; and 525.151; proposing coding for new law in Minnesota Statutes, chapter 525.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Wynia, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Monday, March 21, 1988:

H. F. Nos. 2232, 2253, 2388 and 1777; S. F. No. 1710; H. F. Nos. 1812, 2596, 1935, 1957, 1897 and 2468; S. F. No. 187; and H. F. Nos. 2041, 2049, 2106, 2115, 2155, 2441, 2524, 1794, 1971, 1983, 2185, 2190, 2224, 2272, 2419, 2422, 2470, 2487, 2568, 1469, 1526, 1848, 2118, 2193, 2210, 2235, 2341, 2364, 2446, 2450, 2481, 2514, 2542, 2567 and 2642.

SPECIAL ORDERS

H. F. No. 2232 was reported to the House.

Jacobs moved to amend H. F. No. 2232, the first engrossment, as follows:

Page 2, line 17, before the first "A" insert "(a)"

Page 2, lines 19 to 21, delete the new language and insert:

"(b) No municipality shall grant an additional franchise for cable service for an area included in an existing franchise on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to: (1) the area served; (2) public, educational, or governmental access requirements; or (3) franchise fees. The provisions of this paragraph shall not apply when the area in which the additional franchise is being sought is not actually being served by any existing cable communications company holding a franchise for the area. Nothing in this paragraph prevents a municipality from imposing additional terms and conditions on any additional franchises."

The motion prevailed and the amendment was adopted.

H. F. No. 2232, A bill for an act relating to cable television; exempting certain small cable systems; requiring new franchises to be granted on same terms as original franchise; prohibiting utilities from giving unfair preference to affiliated companies that provide cable television service; amending Minnesota Statutes 1986, sec-

tions 238.02, subdivision 3; and 238.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 238.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2253, A bill for an act relating to corporations; making certain corrections to shareholder protection and corporate take-over legislation; eliminating restrictions on certain business combinations with an interested shareholder after five years; amending Minnesota Statutes 1986, sections 80B.03, subdivisions 1 and 6; and 302A.243; Minnesota Statutes 1987 Supplement, sections 302A.011, subdivisions 37, 41, 42, 46, 49, 50, and 51; 302A.553, subdivision 3; 302A.671, subdivisions 1, 2, 3, 4, and 4a; and 302A.673.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gutknecht	Miller	Shaver	Thiede
Himle	Quist	Svigum	

The bill was passed and its title agreed to.

H. F. No. 2388 was reported to the House.

Rice moved to amend H. F. No. 2388, as follows:

Page 2, line 3, after "classification" insert "within an unrepresented bargaining unit"

The motion prevailed and the amendment was adopted.

H. F. No. 2388, A bill for an act relating to public employees; providing for assignment of University of Minnesota job classifications to appropriate units; amending Minnesota Statutes 1986, sections 179A.10, subdivision 4; and 179A.11, by adding a subdivision.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1777 was reported to the House.

Sarna moved to amend H. F. No. 1777, the first engrossment, as follows:

Page 1, line 19, delete "percentage and"

Page 1, line 20, delete "carried to four decimal places" and insert "dollar amount"

Page 1, line 21, delete ".5" and insert "1.5" and delete "or an"

Page 1, delete line 22

Page 1, line 23, delete everything before the period and insert "and does not exist unless the time weighted total rate of return of the fund exceeds five percent"

Page 2, line 5, delete "for at least" and insert "during the" and delete "as of" and insert "prior to"

Page 2, line 6, after the period insert "Members who received an annuity for the entire 12 months prior to the determination date are eligible for a full annual postretirement payment."

Page 2, line 6, delete "were receiving" and insert "received"

Page 2, line 7, delete "as of" and insert "prior to"

Page 2, line 8, after "prorated" insert "annual"

Page 2, after line 12, insert:

"(b) The board of trustees of the relief association shall determine by May 1 of each year whether the relief association has excess investment income. The amount of excess investment income, if any, must be stated as a dollar amount and reported by the relief association to the governing body of the municipality, the state auditor, the commissioner of finance, and the legislative commission on pensions and retirement. The dollar amount of excess investment income up to 1.5 percent of the assets of the fund must be applied for the purposes specified in paragraphs (c) and (d). Excess investment income must not be considered for actuarial valuations of the fund for that year under sections 69.77, 356.215, and 356.216. Additional investment income must be included in the actuarial valuations performed under sections 69.77, 356.215, and 356.216.

(c) The amount determined by paragraph (b) must be applied as follows:

(1) one-third of the excess investment income must be paid as a benefit to eligible members under paragraph (d) in an amount not to exceed .5 percent of the assets of the fund or an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the pension plan, whichever is less;

(2) the state amortization state aid or supplementary amortization state aid payments otherwise due to the relief association under section 423A.02 for the current calendar year must be reduced by one-third of the amount of the excess investment income; and

(3) the minimum obligation of the municipality otherwise due to the relief association for the following calendar year must be reduced by one-third of the amount of excess investment income."

Page 2, line 13, delete "(b)" and insert "(d)"

Page 2, line 14, delete "a percent" and insert "an"

Page 2, line 15, delete "the amount of excess investment income" and insert ".5 percent of the assets of the fund"

Page 2, line 22, delete "(a)" and insert "(b)"

Page 2, line 25, before the comma insert "available for distribution to members"

Page 2, line 31, delete "(c)" and insert "(e)"

Page 2, line 35, delete "(d)" and insert "(f)"

Page 3, line 18, delete "percentage"

Page 3, line 19, delete everything before the semicolon and insert "dollar amount"

Page 3, line 20, delete ".5" and insert "1.5" and delete "or"

Page 3, delete line 21

Page 3, line 22, delete everything before the period and insert "and does not exist unless the time weighted total rate of return of the fund exceeds five percent"

Page 3, line 30, delete "for at least" and insert "during the" and delete "as of" and insert "prior to"

Page 3, line 31, after the period insert "Members who received an annuity for the entire 12 months prior to the determination date are eligible for a full annual postretirement payment" and delete "were receiving" and insert "received"

Page 3, line 32, delete "as of" and insert "prior to"

Page 3, line 33, after "prorated" insert "annual"

Page 4, after line 1, insert:

"(b) The board of trustees of the relief association shall determine by May 1 of each year whether the relief association has excess investment income. The amount of excess investment income, if any, must be stated as a dollar amount and reported by the relief association to the governing body of the municipality, the state auditor, the commissioner of finance, and the legislative commission on pensions and retirement. The dollar amount of excess investment income up to 1.5 percent of the assets of the fund must be applied for the purposes specified in paragraphs (c) and (d). Excess investment income must not be considered for actuarial valuations of the fund for that year under sections 69.77, 356.215, and 356.216. Additional investment income must be included in the actuarial valuations performed under sections 69.77, 356.215, and 356.216.

(c) The amount determined by paragraph (b) must be applied as follows:

(1) one-third of the excess investment income must be paid as a benefit to eligible members under paragraph (d) in an amount not to exceed .5 percent of the assets of the fund or an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the pension plan, whichever is less;

(2) the state amortization state aid or supplementary amortization state aid payments otherwise due to the relief association under section 423A.02 for the current calendar year must be reduced by one-third of the amount of the excess investment income; and

(3) the minimum obligation of the municipality otherwise due to the relief association for the following calendar year must be reduced by one-third of the amount of excess investment income."

Page 4, line 2, delete "(b)" and insert "(d)"

Page 4, line 3, delete "a percent" and insert "an"

Page 4, line 4, delete "the amount of excess investment income" and insert ".5 percent of the assets of the fund"

Page 4, line 11, delete "(a)" and insert "(b)"

Page 4, line 14, after "income" insert "available for distribution to members"

Page 4, line 20, delete "(c)" and insert "(e)"

Page 4, line 24, delete "(d)" and insert "(f)"

Page 4, after line 29, insert:

"Sec. 3. [NONENTITLEMENT OF ANNUAL POSTRETIREMENT PAYMENT.]

No provision of, or payment made under, sections 1 or 2 shall be interpreted or relied upon by any member of either the Minneapolis police relief association or the Minneapolis fire department relief association to guarantee or entitle a member to annual postretirement benefits for a period when no excess investment income is earned by either fund."

Page 4, line 30, delete "3" and insert "4"

The motion prevailed and the amendment was adopted.

H. F. No. 1777, A bill for an act relating to the city of Minneapolis; providing for postretirement payments for Minneapolis police offic-

ers and Minneapolis firefighters, their surviving spouses and dependents; amending Laws 1949, chapter 406, section 5, by adding a subdivision.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1710, A bill for an act relating to insurance; clarifying powers of state compensation insurance fund; amending Minnesota Statutes 1987 Supplement, section 176A.04; proposing coding for new law in Minnesota Statutes, chapter 176A.

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.	Bauerly	Bennett	Boo	Carlson, D.
Anderson, R.	Beard	Bertram	Brown	Carlson, L.
Battaglia	Begich	Blatz	Burger	Carruthers

Clark	Jensen	Miller	Peterson	Solberg
Clausnitzer	Johnson, A.	Minne	Poppenhagen	Sparby
Cooper	Johnson, R.	Morrison	Price	Stanius
Dauner	Johnson, V.	Munger	Quinn	Steensma
Dawkins	Kalis	Murphy	Quist	Sviggum
DeBlieck	Kelly	Nelson, C.	Redalen	Swenson
Dempsey	Kelso	Nelson, D.	Reding	Thiede
DeRaad	Kinkel	Nelson, K.	Rest	Tjornhom
Dille	Kludt	Neuenschwander	Rice	Tompkins
Dorn	Knickerbocker	O'Connor	Richter	Trimble
Forsythe	Knuth	Ogren	Riveness	Tunheim
Frederick	Kostohryz	Olsen, S.	Rodosovich	Uphus
Greenfield	Krueger	Olsen, E.	Rose	Valento
Gruenes	Larsen	Olson, K.	Rukavina	Vellenga
Gutknecht	Lasley	Omann	Sarna	Voss
Hartle	Lieder	Onnen	Schafer	Wagenius
Haukoos	Long	Orenstein	Scheid	Waltman
Heap	Marsh	Osthoff	Schreiber	Welle
Hugoson	McEachern	Otis	Seaberg	Wenzel
Jacobs	McKasy	Ozment	Segal	Winter
Jaros	McLaughlin	Pappas	Shaver	Wymia
Jefferson	McPherson	Pauly	Simoneau	Spk. Vanasek
Jennings	Milbert	Pelowski	Skoglund	

The bill was passed and its title agreed to.

The Speaker called Long to the Chair.

H. F. No. 1812 was reported to the House.

Miller moved that H. F. No. 1812 be re-referred to the Committee on Appropriations.

A roll call was requested and properly seconded.

The question was taken on the Miller motion and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DeBlieck	Jefferson	Lieder	Olson, E.
Battaglia	Dempsey	Jennings	Long	Olson, K.
Bauerly	DeRaad	Jensen	Marsh	Omann
Beard	Dille	Johnson, A.	McEachern	Onnen
Begich	Dorn	Johnson, R.	McKasy	Orenstein
Bennett	Forsythe	Johnson, V.	McLaughlin	Osthoff
Bertram	Frederick	Kahn	McPherson	Otis
Blatz	Frerichs	Kalis	Milbert	Ozment
Boo	Greenfield	Kelly	Miller	Pauly
Brown	Gruenes	Kelso	Minne	Pelowski
Burger	Gutknecht	Kinkel	Morrison	Peterson
Carlson, D.	Hartle	Kludt	Murphy	Poppenhagen
Carlson, L.	Haukoos	Knickerbocker	Nelson, C.	Price
Carruthers	Heap	Knuth	Nelson, D.	Quinn
Clark	Himle	Kostohryz	Nelson, K.	Quist
Clausnitzer	Hugoson	Krueger	Neuenschwander	Redalen
Cooper	Jacobs	Larsen	O'Connor	Reding
Dauner	Jaros	Lasley	Olsen, S.	Rest

Rice	Scheid	Sparby	Trimble	Wenzel
Richter	Schreiber	Stanius	Tunheim	Winter
Riveness	Seaberg	Steensma	Uphus	Wynia
Rodosovich	Segal	Sviggum	Vellenga	Spk. Vanasek
Rose	Shaver	Swenson	Voss	
Rukavina	Simoneau	Thiede	Wagenius	
Sarna	Skoglund	Tjornhom	Waltman	
Schafer	Solberg	Tompkins	Welle	

Those who voted in the negative were:

Dawkins Pappas

The motion prevailed and H. F. No. 1812 was re-referred to the Committee on Appropriations.

H. F. No. 2596 was reported to the House.

McLaughlin moved to amend H. F. No. 2596, the first engrossment, as follows:

Page 10, after line 34, insert:

“Subd. 7. [COORDINATION WITH LEGISLATURE.] The council and each agency shall facilitate legislative oversight of equal opportunity practices by providing the legislature access, including computerized access if compatible systems exist, to public data maintained by the agency.”

The motion prevailed and the amendment was adopted.

McLaughlin moved to amend H. F. No. 2596, the first engrossment, as amended, as follows:

Page 2, lines 13 and 14, delete “and assure agency compliance with the requirements of this subdivision”

Page 3, line 4, after “report” insert “, except for reports of disciplinary action,”

Page 3, line 6, after the period, insert “Reports of disciplinary action must specify what protected group, if any, the disciplined person is a member of.”

Page 3, line 24, after “for” insert “and status of”; after “and” delete “any” and insert “must state whether”

Page 3, line 25, after “action” insert “was”

Page 6, line 32, delete "require" and insert "attempt to assure"

Page 6, line 34, delete "small"

Page 7, line 3, delete "small"

Page 7, line 20, after "16B.21" insert "that pertains to purchasing from businesses owned by socially or economically disadvantaged persons."

Page 10, line 24, after the period, insert "In providing this information, the council and agencies are not required to reveal information that is not public data under chapter 13."

The motion prevailed and the amendment was adopted.

H. F. No. 2596, A bill for an act relating to metropolitan government; creating a legislative task force to monitor performance of metropolitan agencies in complying with certain laws; prescribing the contents of affirmative action plans for metropolitan agencies and a process for approval and reporting of those plans; requiring purchases from businesses owned by socially or economically disadvantaged persons; amending Minnesota Statutes 1986, sections 473.141, subdivision 9; and 473.406, subdivisions 2, 5, 6, and 7; proposing coding for new law in Minnesota Statutes, chapters 3 and 473.

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 114 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dawkins	Johnson, R.	Milbert	Ozment
Anderson, R.	DeBlicek	Kahn	Minne	Pappas
Battaglia	Dempsey	Kalis	Morrison	Pauly
Bauerly	DeRaad	Kelly	Munger	Pelowski
Beard	Dille	Keiso	Murphy	Peterson
Begich	Dorn	Kinkel	Nelson, C.	Price
Bennett	Forsythe	Kludt	Nelson, D.	Quinn
Bertram	Greenfield	Knickerbocker	Nelson, K.	Reding
Blatz	Gruenes	Knuth	Neuenschwander	Rest
Boo	Gutknecht	Kostohryz	O'Connor	Rice
Brown	Hartle	Krueger	Ogren	Riveness
Burger	Heap	Larsen	Olsen, S.	Rodosovich
Carlson, D.	Himle	Lasley	Olsen, E.	Rose
Carlson, L.	Jacobs	Lieder	Olson, K.	Rukavina
Carruthers	Jaros	Long	Omann	Sarna
Clark	Jefferson	Marsh	Onnen	Scheid
Clausnitzer	Jennings	McEachern	Orenstein	Seaberg
Cooper	Jensen	McKasy	Osthoff	Segal
Dauner	Johnson, A.	McLaughlin	Otis	Shaver

Simoneau	Steensma	Tunheim	Voss	Winter
Skoglund	Swenson	Uphus	Wagenius	Wynia
Solberg	Tjornhom	Valento	Welle	Spk. Vanasek
Sparby	Trimble	Vellenga	Wenzel	

Those who voted in the negative were:

Frederick	Hugoson	Miller	Redalen	Svigum
Frerichs	Johnson, V.	Poppenhagen	Schafer	Thiede
Haukoos	McPherson	Quist	Stanius	Waltman

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

H. F. No. 1935 was reported to the House.

Skoglund and Minne moved to amend H. F. No. 1935, the first engrossment, as follows:

Page 1, before line 8, insert:

“Section 1. Minnesota Statutes 1987 Supplement, section 62A.27, is amended to read:

62A.27 [COVERAGE FOR ADOPTED CHILDREN.]

~~No An individual or group policy or plan of health and accident insurance regulated under this chapter or chapter 64B, subscriber contract regulated under chapter 62C, or health maintenance contract regulated under chapter 62D, providing coverage for more than one person may be issued or renewed in this state after August 1, 1983, unless the policy, plan, or contract covers that provides coverage to a Minnesota resident must cover adopted children of the insured, subscriber, or enrollee on the same basis as other dependents. Consequently, the policy or plan shall not contain any provision concerning preexisting condition limitations, insurability, eligibility, or health underwriting approval concerning adopted children.~~

The coverage required by this section is effective from the date of placement for the purpose of adoption and continues unless the placement is disrupted prior to legal adoption and the child is removed from placement.”

Page 1, line 22, after “1988,” insert “that provides coverage to a Minnesota resident”

Renumber sections in sequence

Page 1, after line 25, insert:

“Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following its final enactment.”

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Orenstein moved to amend H. F. No. 1935, the first engrossment, as amended, as follows:

Page 1, after line 25, insert:

“Sec. 26. [62A.161] [COVERAGE FOR SERVICES PROVIDED TO A VENTILATOR-DEPENDENT PERSON.]

Subdivision 1. [SCOPE OF COVERAGE.] This section applies to all policies of accident and health insurance, group subscriber contracts offered by nonprofit health service plan corporations regulated under chapter 62C, health maintenance contracts regulated under chapter 62D, and health benefit certificates offered through a fraternal beneficiary association regulated under chapter 64B. This section does not apply to policies designed primarily to provide coverage payable on a per diem, fixed indemnity or nonexpense incurred basis, or policies that provide only accident coverage.

Subd. 2. [REQUIRED COVERAGE.] If a policy, plan, certificate, or contract referred to in subdivision 1 issued or renewed after August 1, 1988, provides coverage for services provided by a private duty nurse or personal care assistant to a ventilator-dependent person in the person's home, it must provide coverage for up to 120 hours of services provided by a private duty nurse or personal care assistant to the ventilator-dependent person during the time the ventilator-dependent person is in a hospital licensed under chapter 144. Subject to the patient's rights under Minnesota Statutes, section 144.651, the hospital, physicians and hospital staff, consistent with the standards of care in the medical community, shall, while the patient is hospitalized, at all times retain final decision-making authority and otherwise retain responsibility for the care and treatment of the ventilator-dependent patient. The personal care assistant or private duty nurse shall perform the services of communicator or interpreter for the ventilator-dependent patient during a transition period of up to 120 hours to assure adequate training of the hospital staff to communicate with the patient and to understand the unique comfort, safety and personal care needs of the patient. The personal care assistant or private duty nurse may offer nonbinding advice to the health care professionals in charge of the ventilator-dependent patient's care and treatment on matters pertaining to the comfort and safety of the patient. After the 120 hour transition period, an assessment may be made by the ventila-

tor-dependent patient, the attending physician and the patient's primary care nurse to determine whether continued services of communicator or interpreter for the patient by the private duty nurse or personal care assistant is necessary and appropriate for the patient's needs."

Correct internal cross references

Renumber sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1935, A bill for an act relating to insurance; accident and health; broadening the average for adopted children; requiring coverage for routine diagnostic procedures for cancer and services provided to ventilator-dependent persons; amending Minnesota Statutes 1987 Supplement, section 62A.27; and proposing coding for new law in Minnesota Statutes, chapter 62A.

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 122 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frederick Frerichs	Gutknecht Haukoos	Poppenhagen Redalen	Thiede
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1957, A bill for an act relating to marriage dissolution; providing for parties to a dissolution to disclose assets and liabilities; requiring the supreme court to prepare forms for disclosure; providing sanctions for misrepresentations or omissions or failure to file any disclosure; permitting the sealing of marriage dissolution records; proposing coding for new law in Minnesota Statutes, chapter 518.

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

The bill was passed and its title agreed to.

H. F. No. 1897, A bill for an act relating to insurance; regulating the Minnesota Insurance Guaranty Association; excluding investment risks insurance from coverage; modifying the definitions of "resident" and "covered claim"; regulating claims; preventing insol-

vencies; making certain technical changes; amending Minnesota Statutes 1986, sections 60C.02, subdivision 1; 60C.03, subdivisions 2, 7, and by adding a subdivision; 60C.05, subdivisions 1 and 2; 60C.06, by adding a subdivision; 60C.13, subdivision 2; 60C.15; and 60C.18; Minnesota Statutes 1987 Supplement, section 60C.09; repealing Minnesota Statutes 1987 Supplement, section 60C.06, subdivision 5.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2468, A bill for an act relating to economic development; authorizing the commissioner to award set-aside procurements to local small businesses; amending Minnesota Statutes 1986, section 16B.19, subdivision 5; Minnesota Statutes 1987 Supplement, sections 16B.19, subdivision 6; and 645.445, subdivision 5.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 187 was reported to the House.

Ogren moved to amend S. F. No. 187, the unofficial engrossment, as follows:

Page 4, line 10, after “\$50” and before the comma insert “per item”

The motion prevailed and the amendment was adopted.

Larsen moved to amend S. F. No. 187, the unofficial engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [504.30] [TITLE.]

Sections 1 to 8 may be cited as the “Minnesota self-service storage act.”

Sec. 2. [504.31] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 8, the terms defined in this section have the meanings given them.

Subd. 2. [SELF-SERVICE STORAGE FACILITY.] “Self-service storage facility” means real property or a portion thereof that is designed and used only for renting or leasing individual enclosures, cubicles, or rooms permanently constructed and affixed to the real property and locked for security by the occupant in the facility under the following conditions:

(1) the occupants have access to the enclosures, cubicles, or rooms only for the purpose of storing and removing personal property;

(2) the owner does not issue a warehouse receipt, bill of lading, or other document of title for the personal property stored in the enclosures, cubicles, or rooms; and

(3) the property has 50 or more individual enclosures, cubicles, or rooms.

The term does not include a garage used principally for parking motor vehicles or any property of a financial institution that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the financial institution’s customers.

Subd. 3. [OWNER.] “Owner” means one or more persons, jointly or severally, who are either the owner of a self-service storage facility, or the lessor of an entire self-service storage facility, and who receive rent from an occupant under a rental agreement entered into with the occupant.

Subd. 4. [OCCUPANT.] “Occupant” means a person who rents an enclosure, cubicle, or room at a self-service storage facility under a rental agreement entered into with the owner.

Subd. 5. [RENTAL AGREEMENT.] “Rental agreement” means a written agreement that is entered into by the owner and the occupant and that establishes the terms and conditions of the occupant’s use of enclosures, cubicles, or rooms at a self-service storage facility.

Subd. 6. [PERSONAL PROPERTY.] “Personal property” means money and every inanimate tangible thing that is the subject of ownership. The term does not include anything forming part of a parcel of real estate and agricultural commodities.

Subd. 7. [DEFAULT.] “Default” means failure of the occupant to pay the rent and other charges becoming due under the rental agreement within 15 days of the rents and other charges becoming due under the terms of the rental agreement.

Sec. 3. [504.32] [RENTAL AGREEMENTS.]

The rental agreement between the owner and the occupant must include a disclosure of the rights of the owner upon failure of the occupant to pay rent, and the extent and the limits of insurance carried by the owner covering the occupant's personal property stored in the leased premises. A rental agreement may not include an exculpatory clause. The rental agreement must request the occupant to insert an alternate mailing address.

Sec. 4. [504.33] [DISCLOSURE AND ACTIONS.]

Subdivision 1. [DISCLOSURE.] There must be disclosed to the occupant either in the rental agreement or otherwise in writing prior to commencement of the occupancy the name and address of:

(1) the person authorized to manage the premises; and

(2) an owner of the premises or an agent authorized by the owner to accept service of process and receive and give receipt for notices and demands.

Subd. 2. [POSTING OF NOTICE.] A printed or typewritten notice containing the information that must be disclosed under subdivision 1 must be placed in a conspicuous place on the premises.

Subd. 3. [ALTERNATE SERVICE.] If subdivisions 1 and 2 have not been complied with and an occupant desiring to make service of process upon or give a notice or demand to the owner does not know the name and address of the owner or the owner's agent, as that term is used in subdivision 1, then a caretaker or manager of the premises or an individual to whom rental payments for the premises are made is considered to be an agent authorized to accept service of process and receive and give receipt for notices and demands on behalf of the owner.

Subd. 4. [ACTION.] Except as otherwise provided in this subdivision, an owner may not maintain an action to recover rent or possession of the premises unless the information required by this section has been disclosed to the occupant, or unless the information is known by or has been disclosed to the occupant at least 30 days prior to the initiation of the action. Failure by the owner to post a notice required by subdivision 2 does not prevent any action to recover rent or possession of the premises.

Subd. 5. [APPLICATION.] This section applies to any successor owner, caretaker, manager, or individual to whom rental payments for the storage space are made.

Sec. 5. [504.34] [DEFAULT.]

If an occupant defaults in the payment of rent or otherwise

breaches the rental agreement, the owner may commence an unlawful detainer action under section 566.01.

Sec. 6. [504.35] [WAIVER OR MODIFICATION PROHIBITED.]

The owner and occupant may not waive or modify the provisions of sections 1 to 8.

Sec. 7. [504.36] [ADVERTISING.]

An owner may not advertise or represent its services, or permit its services to be advertised or represented, in a manner that uses the word "warehouse" or "storage" unless the owner is licensed and bonded as provided in chapter 231.

Sec. 8. [504.37] [ENFORCEMENT.]

The rights and remedies of owners and occupants under sections 1 to 7 must be enforced in accordance with the provisions contained therein.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective August 1, 1988, and apply to rental agreements entered into on or after that date."

Delete the title and insert:

"A bill for an action relating to landlords and tenants; regulating self-service storage facilities; proposing coding for new law in Minnesota Statutes, chapter 504."

A roll call was requested and properly seconded.

The question was taken on the Larsen amendment and the roll was called. There were 17 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Larsen	Rice	Solberg	Wenzel
Carruthers	Lieder	Rodosovich	Stanis	
Dille	McLaughlin	Segal	Uphus	
Heap	Orenstein	Skoglund	Voss	

Those who voted in the negative were:

Anderson, R.	Bennett	Burger	Dauner	Frederick
Battaglia	Bertram	Carlson, L.	DeBlieck	Greenfield
Bauerly	Bishop	Clark	DeRaad	Gruenes
Beard	Boo	Clausnitzer	Dorn	Hartle
Begeh	Brown	Cooper	Forsythe	Himle

Hugoson	Kostohryz	O'Connor	Quinn	Steensma
Jaros	Krueger	Ogren	Quist	Svigum
Jefferson	Lasley	Olsen, S.	Reding	Swenson
Jennings	Long	Olsen, E.	Rest	Thiede
Jensen	Marsh	Olson, K.	Richter	Tjornhom
Johnson, R.	McEachern	Omann	Riveness	Tompkins
Johnson, V.	McPherson	Osthoff	Rose	Trimble
Kahn	Milbert	Otis	Rukavina	Tunheim
Kalis	Miller	Ozment	Sarna	Valento
Kelly	Minne	Pappas	Schafer	Wagenius
Kelso	Morrison	Pauly	Scheid	Waltman
Kinkel	Murphy	Pelowski	Schreiber	Welle
Kludt	Nelson, C.	Peterson	Seaberg	Winter
Knickerbocker	Nelson, K.	Poppenhagen	Shaver	
Knuth	Neuenschwander	Price	Sparby	

The motion did not prevail and the amendment was not adopted.

Stanius moved to amend S. F. No. 187, the unofficial engrossment, as amended, as follows:

Page 6, after line 29, insert:

“Sec. 11. [514.980] [STORAGE OF HAZARDOUS MATERIALS AND WASTE.]

It shall be unlawful for an owner or lessor or employee of the owner or lessor to permit or assist any person to engage in any other business or activity in a self-service storage facility unit other than the storage of personal property; provided that there shall be no storage of hazardous materials or hazardous wastes as defined by law or the environmental protection agency and the Minnesota pollution control agency. Violation of this section is a misdemeanor and voids any owner's lien during the entire period of time of the violation.”

Re-number remaining section in sequence

Re-number internal section references

The motion did not prevail and the amendment was not adopted.

S. F. No. 187, A bill for an act relating to liens; personal property; establishing a lien on personal property held in self-service storage facilities; providing for the enforcement of these liens; regulating rental agreements and advertising; proposing coding for new law in Minnesota Statutes, chapter 514.

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 119 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Larsen	Murphy	Rice	Wenzel
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The bill was passed, as amended, and its title agreed to.

Jennings was excused for the remainder of today's session.

H. F. No. 2041 was reported to the House.

Waltman and Brown moved to amend H. F. No. 2041, the first engrossment, as follows:

Page 4, line 15, after "May 1, 1988," insert "which is the subject of purchase agreement or other contract for sale executed prior to the day following enactment of this act"

Page 4, line 15, after "ownership" insert "by a corporation or a pension or investment fund"

Page 4, line 19, after "May 1, 1988," insert "if owned pursuant to a purchase agreement or other contract for sale executed prior to the day following final enactment of this act."

Page 4, line 21, before the semicolon insert ". Agricultural land owned by an authorized farm partnership as of the effective date of this act may not be expanded"

Page 6, lines 7 and 9, reinstate the stricken language and delete the new language

The motion prevailed and the amendment was adopted.

Sparby moved to amend H. F. No. 2041, the first engrossment, as amended, as follows:

Page 7, after line 32, insert:

"A limited partnership is subject to the reporting requirements provided in subdivision 4 for corporations and pension or investment funds."

The motion prevailed and the amendment was adopted.

H. F. No. 2041, A bill for an act relating to agriculture; limiting ownership of agricultural land by certain corporations and limited partnerships; amending Minnesota Statutes 1986, section 500.24, subdivision 3; Minnesota Statutes 1987 Supplement, section 500.24, 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 112 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Blatz	Knickerbocker	Pauly	Seaberg	Thiede
Forsythe	McKasy	Quist	Shaver	Tjornhom
Heap	Miller	Rose	Stanius	Valento
Himle	Morrison	Schreiber	Swenson	

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

The Speaker resumed the Chair.

H. F. No. 2049 was reported to the House.

Skoglund moved to amend H. F. No. 2049, the first engrossment, as follows:

Page 1, before line 14, insert:

“Section 1. Minnesota Statutes 1986, section 60A.08, is amended by adding a subdivision to read:

Subd. 13. [EXCLUSIONS.] All liability policies must provide coverage for rented vehicles as required in chapter 65B.

This subdivision does not apply to liability policies that the commissioner has exempted by order.

This coverage can be excess over any and all specific motor vehicle coverage that is applicable.

Sec. 2. Minnesota Statutes 1987 Supplement, section 65B.49, subdivision 5a, is amended to read:

Subd. 5a. [RENTAL VEHICLES.] (a) No Every plan of reparation security may be issued or renewed after August 1, 1987, unless the plan provides that all coverages under the plan are extended to any motor vehicle while being rented by the named insured. The plan insuring a natural person as named insured, covering private passenger vehicles as defined under section 65B.001, subdivision 3, must also provide that all or any part of the obligation of the named insured for property damage and loss of use to a rented vehicle would be covered by the collision or comprehensive portion of the plan. The plan must provide that any deductible will not apply to claims that arise while a motor vehicle is being rented by a named insured property damage liability portion of the plan. The obligation of the plan must not be contingent on fault or negligence. In all cases where the plan's property damage liability coverage is less than \$25,000, the coverage available under the subdivision must be \$25,000. Other than as described in this paragraph, nothing in this

section amends or alters the provisions of the plan of reparation security as to primacy of the coverages in section 65B.49.

(b) A vehicle is rented for purposes of this subdivision if the rate for the use of the vehicle is determined on a weekly or daily basis. A vehicle is not rented for purposes of this subdivision if the rate for the vehicle's use is determined on a monthly or longer period ~~or~~ the vehicle is rented principally for business purposes.

(c) The policy or certificate issued by the plan must inform the insured of the application of the plan to rental vehicles and that the insured may not need to purchase additional coverage from the rental company.

(d) Where an insured has two or more vehicles covered by a plan or plans of reparation security containing the rented motor vehicle coverage required under paragraph (a), claims must be made against the plan covering the motor vehicle most often driven by the insured may select the plan the insured wishes to collect from and that plan is entitled to a pro rata contribution from the other plan or plans based upon the property damage limits of liability.

(e) A notice advising the insured of rental vehicle coverage must be given by the reparation obligor to each current insured with the first renewal notice after January 1, ~~1988~~ 1989. The notice must be approved by the commissioner of commerce. The commissioner may specify the form of the notice. A form approved by the commissioner must be reasonably calculated to put the insured on notice of the coverage.

(f) When a motor vehicle is rented or leased in this state on a weekly or daily basis, the rental contract must contain a written notice in at least 10-point bold type, if printed, or in capital letters, if typewritten, which states:

Under Minnesota law, a personal automobile insurance policy issued in Minnesota must cover the rental of a this motor vehicle unless the rental is principally for business use or rented on a monthly or longer basis against damage to the vehicle and against loss of use of the vehicle. Therefore, purchase of any collision damage waiver or other similar insurance affected in this rental contract may is not be necessary if your policy was issued in Minnesota.

No collision damage waiver or other insurance offered as part of or in conjunction with a rental of a motor vehicle may be sold unless the person renting the vehicle provides a written acknowledgment that the above consumer protection notice has been read and understood.

(g) When damage to a rented vehicle is covered by a plan of reparation security as provided under paragraph (a), the rental contract must state that payment by the reparation obligor within the time limits of section 72A.201 is acceptable, and prior payment by the renter is not required.

Sec. 3. Minnesota Statutes 1987 Supplement, section 72A.125, is amended by adding a subdivision to read:

Subd. 3. [COLLISION DAMAGE WAIVER.] A "collision damage waiver" is a discharge of the responsibility of the renter or leasee to return the motor vehicle in the same condition as when it was first rented. The waiver is a full and complete discharge of the responsibility to return the vehicle in the same condition as when it was first rented. The waiver may not contain any exclusions except those approved by the commissioner pursuant to the requirements contained in section 61A.02, subdivisions 2 to 5."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 2, before "regulating" insert "clarifying the intent of the legislature regarding certain motor vehicle coverages;"

Page 1, line 9, after "sections" insert "60A.08, by adding a subdivision;" and delete "and" and insert "Minnesota Statutes 1987 Supplement, sections 65B.49, subdivision 5a; and 72A.125, by adding a subdivision;"

The motion prevailed and the amendment was adopted.

H. F. No. 2049, A bill for an act relating to commerce; motor vehicles; clarifying the intent of the legislature regarding certain motor vehicle coverages; regulating motor vehicle franchises; clarifying the intent of the legislature regarding cancellations, terminations, or nonrenewals; specifying unfair practices; prohibiting agreements designed to waive, nullify, or modify statutory regulation; requiring lessors to title and register vehicles; amending Minnesota Statutes 1986, sections 60A.08, by adding a subdivision; 80E.06; 80E.07; 80E.08; 80E.09; 80E.13; Minnesota Statutes 1987 Supplement, sections 65B.49, subdivision 5a; and 72A.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 80E.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2106 was reported to the House.

Milbert moved to amend H. F. No. 2106, as follows:

Page 2, line 11, after "society" insert "located in the county"

Page 2, line 12, delete "deems" and insert "certifies to the executive director"

Page 2, line 13, after "of" insert "retirement coverage under" and delete "Such a classification" and insert ", which status shall be accorded to all similarly situated county historical society employees and"

Page 2, line 15, delete "meets other requirements of this chapter" and insert "is not excluded under subdivision 2b"

The motion prevailed and the amendment was adopted.

H. F. No. 2106, A bill for an act relating to public employees; providing that certain historical society employees be eligible for

public employees benefits; amending Minnesota Statutes 1986, section 471.61, subdivision 1; and Minnesota Statutes 1987 Supplement, section 353.01, subdivision 2a.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Wynia moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Stanius moved that the name of Bennett be added as an author on H. F. No. 1865. The motion prevailed.

Bennett moved that the names of Osthoff and Valento be added as authors on H. F. No. 1953. The motion prevailed.

Rodosovich moved that the names of Welle and Lasley be added as authors on H. F. No. 2372. The motion prevailed.

Scheid moved that the name of McKasy be added as an author on H. F. No. 2430. The motion prevailed.

Murphy moved that H. F. No. 1724 be returned to its author. The motion prevailed.

Lasley moved that H. F. No. 1755 be returned to its author. The motion prevailed.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 1:00 p.m., Tuesday, March 22, 1988. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Tuesday, March 22, 1988.

EDWARD A. BURDICK, Chief Clerk, House of Representatives