STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1989

THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 26, 1989

The House of Representatives convened at 12:00 noon and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Vivian Jones of Plymouth Congregational Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Abrams	Frederick	Kostohryz	Olson, K.	Scheid
Anderson, G.	Frerichs	Krueger	Omann	Schreiber
Anderson, R.	Girard	Lasley	Onnen	Seaberg
Battaglia	Greenfield	Lieder	Orenstein	Segal
Bauerly	Gruenes	Limmer	Osthoff	Simoneau
Beard	Gutknecht	Long	Ostrom	Skoglund
Begich	Hartle	Lynch	Otis	Solberg
Bennett	Haukoos	Macklin	Ozment	Sparby
Bertram	Heap	Marsh	Pappas	Stanius
Bishop	Henry	McDonald	Pauly	Steensma
Blatz	Himle	McEachern	Pellow	Sviggum
Boo	Hugoson	McGuire	Pelowski	Tjornhom
Brown	Jacobs	McLaughlin	Peterson	Tompkins
Burger	Janezich	McPherson	Poppenhagen	Trimble
Carlson, D.	Jaros	Milbert	Price	Tunheim
Carlson, L.	Jefferson	Miller	Pugh	Uphus
Carruthers	Jennings	Morrison	Quinn	Valento
Clark	Johnson, A.	Munger	Redalen	Vellenga
Conway	Johnson, R.	Murphy	Reding	Wagenius
Cooper	Johnson, V.	Nelson, C.	Rice	Waltman
Dauner	Kahn	Nelson, K.	Richter	Weaver
Dawkins	Kalis	Neuenschwander	Rodosovich	Welle
Dempsey	Kelly	O'Connor	Rukavina	Wenzel
Dille	Kelso	Ogren	Runbeck	Williams
Dorn	Kinkel	Olsen, S.	Sarna	Winter
Forsythe	Knickerbocker	Olson, E.	Schafer	Wynia
				Spk. Vanasek

A quorum was present.

Hasskamp, Rest and Swenson were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. McDonald moved that further reading of the Journals be dispensed with and that the Journals 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. 1389, 1540, 1560, 619, 728, 953, 965, 1454, 1506, 1589 and 1408 and S. F. Nos. 787, 297 and 388 have been placed in the members' files.

S. F. No. 787 and H. F. No. 965, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jefferson moved that the rules be so far suspended that S. F. No. 787 be substituted for H. F. No. 965 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 21, 1989

The Honorable Robert E. 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. 1586, relating to appropriations; providing emergency relief for Red River Valley area flooding; providing for an arbitration award.

Sincerely,

RUDY PERPICH
Governor

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

The Honorable Robert E. 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 1989 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:

S.F. No.	*H.F. No.*	*Session Laws Chapter No.*	*Time and Date Approved 1989*	*Date Filed 1989*
	1586	41	16:35 - April 21	April 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 56, A bill for an act relating to watercraft; providing for titling of watercraft; providing for perfection of security interests in watercraft; providing penalties; amending Minnesota Statutes 1988, section 336.9-302; proposing coding for new law as Minnesota Statutes, chapter 361A.

Reported the same back with the recommendation that 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. 162, A bill for an act relating to insurance; regulating insurance information collection, use, disclosure, access, and correction practices; requiring reasons for adverse underwriting decisions;

amending Minnesota Statutes 1988, section 72A.20, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 72A.

Reported the same back with the following amendments:

Page 1, line 20, after "Minnesota" insert "insurance"

Page 8, lines 21 and 32, delete "3" and insert "4"

Page 21, line 15, delete "actual"

Page 21, line 16, delete "In"

Page 21, delete lines 17 to 21

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. 222, A bill for an act relating to health, human services, and corrections; establishing requirements to prevent overconcentration of residential facilities; requiring county plans for the dispersal and downsizing of facilities in overconcentrated areas; limiting municipal zoning restrictions on certain residential facilities; proposing coding for new law in Minnesota Statutes, chapters 245A and 462; repealing Minnesota Statutes 1988, sections 245A.11; and 462.357, subdivisions 6a, 7, and 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [245A.111] [OVERCONCENTRATION AND DISPERSAL OF RESIDENTIAL PROGRAMS.]

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

(a) [STATE-LICENSED RESIDENTIAL FACILITY.] "State-licensed residential facility" means a program or facility licensed by the commissioner of health, the commissioner of human services, or the commissioner of corrections to provide lodging in conjunction with monitoring, supervision, treatment, rehabilitation, habilitation, education, or training of the residents in the facility. State-licensed residential facility does not include:

(1) a foster care program operated in the permanent residence of the license holder, or in which a client or the client's guardian owns, rents, or leases the home;

(2) a motel, hotel, or board and lodging facility licensed by the commissioner of health, unless the facility receives more than 50 percent of its residents under a contract or other arrangement with the state or a local government human services agency to provide lodging for people who are mentally ill or chemically dependent, or who have other human services needs;

(3) a hospital or nursing home licensed only by the commissioner of health;

(4) a regional treatment center as defined in section 246.50, subdivision 3, operated by the commissioner of human services;

(5) a municipal, county, or regional jail, workhouse, work release center, or juvenile detention facility, or a state correctional program operated by the commissioner of corrections;

(6) semi-independent living services for persons with mental retardation or related conditions or mental illness, if the license holder has no financial or ownership interest in the housing used by persons receiving the semi-independent living services;

(7) a residential school operated by the commissioner of education; or

(8) a facility described in section 256B.431, subdivision 4, paragraph (c).

(b) [FREESTANDING FOSTER CARE PROGRAM.] "Freestanding foster care program" means a foster care program that is licensed by the commissioner of human services and that is not operated in the permanent residence of the license holder.

(c) [OVERCONCENTRATED AREA.] "Overconcentrated area" means a municipality or planning district with more than one percent of its population residing in state-licensed residential facilities. If a municipality has planning districts, the concentration percentage is determined for each district and not for the municipality as a whole. Municipal population is determined using the figures reported annually by the state demographer.

(d) [NURSING HOME.] "Nursing home" has the meaning given in section 256B.421, subdivision 7.

Subd. 2. [REQUIREMENTS FOR SITING OF RESIDENTIAL PROGRAMS.] (a) To protect residents of state-licensed residential

facilities from the potential detrimental impact of an overconcentration of facilities and to preserve the character of residential neighborhoods, the following requirements apply to the locations of state-licensed residential facilities:

(1) for facilities other than freestanding foster care programs, the facility must not be located within 450 feet of an existing freestanding foster care program or within 1,320 feet of another state-licensed residential facility or a facility described in subdivision 1, paragraph (a), clause (8);

(2) for freestanding foster care programs, the program must not be located within 450 feet of an existing state-licensed residential facility, including another freestanding foster care program, or a facility described in subdivision 1, paragraph (a), clause (8);

(3) the facility must not be located within an overconcentrated area; and

(4) if the facility will be located in a multiple-family dwelling and does not have exclusive use of the dwelling, a total of no more than 25 percent of the units or the floor area in the building may be used by the facility. In the case of two- to four-family dwellings, if the facility does not have exclusive use of the dwelling, no more than one-half of the units may be used by the facility.

(b) At the request of a facility, county, city, or town, the licensing commissioner may waive one or more of the requirements of paragraph (a) if the commissioner is satisfied that the waiver will not be detrimental to the residents of affected facilities. A city or town may not submit a request for a waiver under this paragraph unless the local governing body has approved the request using the procedures for granting conditional use permits.

Subd. 3. [INITIAL LICENSES.] The commissioner of human services, the commissioner of health, and the commissioner of corrections shall not issue an initial license to an applicant for licensure as a state-licensed residential facility unless the licensing commissioner has granted a waiver for the facility or the facility satisfies the requirements of subdivision 2.

Subd. 4. [DISPERSAL OF OVERCONCENTRATED PROGRAMS.] (a) By July 1, 1990, every county shall report to the commissioner of human services on the number, location, and type of state-licensed residential facilities located in the county and the extent to which the existing locations of the facilities satisfy the requirements of subdivision 2. If the existing locations of facilities do not satisfy the requirements of subdivision 2, the county shall submit with the report a plan for the dispersal, downsizing, and future siting of state-licensed residential facilities. A county may prepare a joint plan with other contiguous counties. In developing

the plan, the counties shall solicit the participation of license holders, local zoning and land use planning authorities, consumers, advocacy groups, and the general public. The plan must be designed to achieve the objectives of this section and must include:

(1) specific target neighborhoods, data describing the extent to which each of the target neighborhoods is overconcentrated, and the addresses and licensed capacity of facilities in the target neighborhoods;

(2) a description of the specific actions the county will take to bring the county's state-licensed residential facilities into full compliance with subdivision 2 by January 1, 1996, including changes in client placement policies and procedures, the levels of concentration that will be achieved, timelines for achieving target levels of concentration, and the agency or agencies that will be responsible for carrying out each action;

(3) identification of priority areas for the siting of new facilities, including a description of the existing level of concentration in priority areas and the level of concentration that will exist after full implementation of the plan;

(4) specific plans for community and neighborhood education and public relations efforts to ease siting of facilities;

(5) a mechanism for soliciting and recording information about state-licensed residential facilities to be used in making decisions about dispersal, downsizing, and the awarding of county contracts, including samples of forms that will be used, methods for collecting information, and the objective criteria that will be used in decision making;

(6) plans for the coordinated development of related services, including projections of services that will be needed, a description of existing services in the priority areas for siting new facilities, timelines for developing needed services, a description of the methods that will be used to develop services, and the agency or agencies that will be responsible for developing needed services;

(7) the annualized, detailed costs of implementing the plan on forms provided by the commissioner;

(8) a statement of the standards and criteria that will be used to monitor and evaluate the implementation of the dispersal plan;

(9) provisions to ensure that no person in a state-licensed residential facility will be displaced as a result of the plan until a relocation plan has been implemented that provides for an acceptable alternative placement; and

(10) for counties required to submit plans, an annual report on the county's progress toward substantial compliance with the plan which is due on July 1 of each year following July 1, 1990.

(b) By September 1, 1989, the commissioner must provide counties with planning guidelines for preparing the plans and reports. The commissioner shall approve plans and reports required under paragraph (a) if they conform with the requirements of paragraph (a), they are prepared using forms and in a manner prescribed by the commissioner, and the commissioner determines that the plan will achieve the objectives of this section. The guidelines must be developed in consultation with the commissioners of health and corrections. The commissioner of human services shall provide copies of all plans and reports received under this subdivision to the commissioners of health and corrections. The commissioner of human services may not approve a county plan unless the plan has been approved by the commissioners of health and corrections. Within 90 days after receiving a plan or report, the commissioner shall certify whether the plan or report satisfies the requirements of this section.

(c) The commissioner may order a county that has not submitted a plan or report required under paragraph (a) to pay a fine. The commissioner shall notify the affected county of the order to pay the fine. The notice must be in writing and delivered by certified mail or personal service to the chair of the county board of commissioners or county human service board. The notice must state the reasons for ordering the fine. The notice must inform the county of the right to a contested case hearing under chapter 14. The county may appeal the commissioner's order by notifying the commissioner, by certified mail, within ten calendar days after receiving the commissioner's order.

(d) After January 1, 1991, the commissioner may order a county to pay a fine if the county does not have an approved plan. The notice and appeal provisions of paragraph (c) apply to orders issued under this paragraph.

(e) After July 1, 1991, the commissioner may order a county to pay a fine if the commissioner determines that the county has failed to make good faith efforts to implement the plan. The notice requirements of paragraph (c) apply to fines ordered under this paragraph. The notice must state the reasons for the commissioner's determination and must identify the specific actions the county must take to implement the plan. The notice must also include a timetable that sets deadlines for each required action that must be taken by the county to implement the plan. If the county fails to meet a deadline set in the commissioner's notice, the commissioner may order the county to pay an additional fine. The appeal provisions of paragraph (c) apply to fines ordered under this paragraph.

(f) The amount of the fine to be imposed by the commissioner under this section for each day of noncompliance is 20 percent of the county's annual allocation under chapter 256E, the community social services act, or $10,000, whichever is less.

(g) After January 1, 1991, the commissioner may develop or arrange for the development of a plan for any county that does not have an approved plan, and may impose the plan upon the county. The commissioner shall calculate the actual cost of the development of the plan and withhold an equivalent amount from the community social services act funding or state administrative aids for any county affected by the plan.

(h) After January 1, 1992, the commissioner of human services, the commissioner of health, and the commissioner of corrections shall not issue or renew a residential facility license unless the licensing commissioner has granted a waiver for the facility or the county has certified that issuing or renewing the license is consistent with the county's plan developed under this subdivision. If the county is not required to have a plan, it must certify that the facility meets the standards outlined in subdivision 2. The county shall respond to a commissioner's request for certification within 15 calendar days after receiving the request.

(i) The commissioner may not order a county to pay a fine under paragraph (e) for failure to implement a plan unless the legislature has taken action regarding the costs of implementing the plan. Beginning January 1, 1991, the commissioner shall provide an annual report to the legislature on the estimated costs to the state, counties, and providers of implementing county plans, including recommendations regarding appropriations of money and other legislative action that will be needed for full implementation of the plans by the deadlines established in this section.

Subd. 5. [RELOCATION PLANS FOR DISPLACED RESIDENTS.] No person in a state-licensed residential facility may be displaced as a result of this section until a relocation plan has been implemented that provides for an acceptable alternative placement.

Subd. 6. [INITIAL LICENSES ISSUED BEFORE REPORTS AND PLANS ARE SUBMITTED.] For the period beginning on the effective date of this section and ending June 30, 1990, if the licensing commissioner notifies a municipality under section 2, subdivision 3, of a pending application for an initial license for a residential program proposed to be located in the municipality and the municipality does not provide the commissioner with information that shows that the facility would violate the requirements of subdivision 2, the commissioner may issue an initial license without further verification that the requirements of subdivision 2 are satisfied.

Sec. 2. [462.3575] [REQUIREMENTS FOR HUMAN SERVICES, HEALTH, AND CORRECTIONAL RESIDENTIAL PROGRAMS.]

Subdivision 1. [HUMAN SERVICES PROGRAMS.] (a) It is the policy of this state that persons in need of residential services from programs licensed by the commissioner of human services should not be excluded from the benefits of normal residential surroundings by municipal zoning ordinances, comprehensive municipal plans, regional development plans, or other land use plans or regulations.

(b) A residential program licensed by the commissioner of human services with a licensed capacity of six or fewer persons is a permitted use of property in districts where one- and two-family dwellings are allowed. The program must not be subjected to conditional or special use requirements for the purposes of zoning and other land use plans or regulations. A town, municipality, or other local government authority may only impose conditions or requirements on the property that apply to all one- or two-family properties in that zoning district.

(c) A residential program licensed by the commissioner of human services with a licensed capacity of 16 or fewer persons is a permitted use of property in districts where multiple family dwellings are allowed. The program must not be subjected to conditional or special use requirements for the purposes of zoning and other land use plans or regulations. A town, municipality, or other local government authority may only impose conditions or requirements on the property that apply to all multiple-family properties of similar size in that zoning district.

(d) Nothing in this section requires local governments to allow one-family or two-family dwellings in multiple-family districts.

Subd. 2. [CORRECTIONS PROGRAMS.] A residential program licensed by the commissioner of corrections with a licensed capacity of 50 or fewer residents is a permitted use of property in commercial or light industrial zones and is not subject to conditional or special use requirements for the purposes of zoning and other land use plans or regulations, provided the program is not located within 650 feet of any residential zone or district. A town, municipality, or other local government authority must not impose conditions or requirements on the program that do not apply to all multifamily dwellings in the zone that are of similar size. A residential program licensed by the commissioner of corrections is not a permitted use of property in a heavy industrial zone.

Subd. 3. [NOTIFICATION OF MUNICIPALITIES.] The commissioner of human services, the commissioner of health, and the commissioner of corrections shall notify a municipality of a pending application for an initial license or license renewal for a residential

program located within the municipality. The notice must be provided at least 60 days before the license is issued or renewed and must solicit the written comments of the municipality regarding the appropriateness of the zoning district, distance or concentration issues arising under section 1, and other matters of concern to the municipality. This subdivision does not limit the authority of the commissioner to issue or renew a license if at least 60 days' notice was provided.

Subd. 4. [CONCILIATION CONFERENCE.] An applicant or license holder who has been denied a conditional or special use permit to operate a residential program licensed by the commissioner of health, the commissioner of human services, or the commissioner of corrections, or who believes that the zoning or land use planning authority or other local government authority has imposed conditions on the use of property in violation of this section, may request a review of the decision by submitting a written request for review to the local government authority within ten days after the date of receiving notice of the authority's action to require or to deny a permit or to impose conditions on the use of property. Upon receipt of the request for review, the local government authority shall notify the appropriate licensing commissioner of the request and schedule a conciliation conference. The local government authority shall notify the applicant or license holder, the county, and the commissioner of the time, date, and location of the conciliation conference. The conference must occur within 30 days after receipt of the request for review. The commissioner shall assign a trained conciliator to be present at the conciliation conference and assist in the resolution of the dispute without judicial review. Within five days after the conciliation conference, the local government authority must give the applicant or license holder, the county, and the commissioner written notice, by certified mail, of the final action it will take, when the action will be taken, and the applicant or license holder's right to appeal the final action.

Sec. 3. [STUDY; REPORT.]

By August 1, 1989, the commissioner of corrections shall prepare and submit to the task force established under section 4, a report which details both the present site of all community correction group homes and the department's plans for placement of such group homes in communities, through the year 2000. The report shall include information on the projected number and type of residents to be housed at each of the current and proposed sites. The report shall be submitted to the speaker of the house and the president of the senate.

Sec. 4. [TASK FORCE.]

There is established a legislative task force composed of five members of the house of representatives appointed by the speaker of

the house and five members of the senate appointed by the president of the senate. The task force shall study issues related to the siting of community residential facilities licensed by the commissioner of corrections. The task force shall solicit input from community groups, persons in the corrections field, and city planning professionals to determine methods for involving community groups in the siting of community residential facilities licensed by the commissioner of corrections. The commissioner of corrections shall designate one or more agency staff members to serve on the task force. The task force shall consider methods for allowing affected communities to object to the proposed siting of a community corrections facility, including, but not limited to, an agency conciliation process or a complaint process through the office of the ombudsman for corrections established under sections 241.41 to 241.45.

Sec. 5. [APPLICABILITY.]

Sections 1 and 2 shall not apply to any single state-licensed multiple dwelling residential facility licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, before January 1, 1989.

Sec. 6. [REPEALER.]

Minnesota Statutes 1988, sections 245A.11; and 462.357, subdivisions 6a, 7, and 8, are repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day after final enactment, except that the effective date of section 2, subdivision 2, shall be delayed until July 1, 1990."

Delete the title and insert:

"A bill for an act relating to health, human services, and corrections; establishing requirements to prevent overconcentration of residential facilities; requiring county plans for the dispersal and downsizing of facilities in overconcentrated areas; limiting municipal zoning restrictions on certain residential facilities; requiring a study and report; establishing a task force; proposing coding for new law in Minnesota Statutes, chapters 245A and 462; repealing Minnesota Statutes 1988, sections 245A.11; and 462.357, subdivisions 6a, 7, and 8."

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. 337, A bill for an act relating to health; including anabolic steroids in the list of controlled substances; amending Minnesota Statutes 1988, section 152.02, subdivision 5.

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. 415, A bill for an act relating to agriculturally derived ethyl alcohol; clarifying eligibility for producer payments; defining terms; amending Minnesota Statutes 1988, section 41A.09, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 41A.09, subdivision 2, is amended to read:

Subd. 2. [~~DEFINITION~~ DEFINITIONS.] For purposes of this section the terms defined in this subdivision have the meanings given them.

(a) "Ethanol" means agriculturally derived fermentation ethyl alcohol of a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from the following agricultural products: potatoes, cereal, grains, cheese whey, or sugar beets.

(b) "Wet alcohol" means agriculturally derived fermentation ethyl alcohol having a purity of at least 50 percent but less than 99 percent.

Sec. 2. Minnesota Statutes 1988, section 41A.09, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS FROM FUND.] The commissioner of revenue shall make cash payments from the development fund to producers of ethanol or ~~agricultural grade~~ wet alcohol~~, for use as a motor fuel,~~ located in the state. These payments must be made only for ethanol or wet alcohol fermented in Minnesota. The amount of

the payment for each producer's annual production shall be as follows:

(a) For each gallon of ethanol produced:

(1) For the period beginning July 1, 1986, and ending June 30, 1987, 15 cents per gallon;

(2) For the period beginning July 1, 1987, and ending June 30, 2000, 20 cents per gallon.

(b) ~~For each gallon produced of agricultural grade alcohol of a purity of at least 50 percent but not more than 90 percent and designed to be used in conjunction with diesel fuel in an engine's internal combustion process, for the period beginning July 1, 1987, and ending June 30, 2000, 11 cents per gallon.~~ For each gallon produced of wet alcohol during the period beginning July 1, 1989, and ending June 30, 2000, a payment in cents per gallon calculated by the formula "alcohol purity in percent divided by five," and rounded to the nearest cent per gallon. The producer payment for wet alcohol under this section may be paid to either the original producer of wet alcohol or the secondary processor, at the option of the original producer, but not to both.

(c) The total payments from the fund to all producers may not exceed $200,000 during the period beginning July 1, 1986, and ending June 30, 1987, and may not exceed $10,000,000 in any fiscal year during the period beginning July 1, 1987, and ending June 30, 2000. Total payments to any producer from the fund in any fiscal year may not exceed $3,000,000.

By the last day of October, January, April, and July, each producer shall file a claim for payment for production during the preceding three calendar months. The volume of production must be verified by a certified financial audit performed by an independent certified public accountant using generally accepted accounting procedures.

Payments shall be made November 15, February 15, May 15, and August 15.

Sec. 3. [EFFECTIVE DATE.]

This act is effective July 1, 1989."

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. 901, A bill for an act relating to human services; establishing a resource center on caregiver support; creating a grant program of respite care services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [256.992] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 1 to 3, the following terms have the meanings given them.

Subd. 2. [CAREGIVER.] "Caregiver" means a person who resides with and has primary responsibility for the care of a person with a disability, including a licensed, full-time foster care provider.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of human services.

Subd. 4. [COUNTY BOARD.] "County board" means the board of county commissioners in each county.

Subd. 5. [PERSON WITH A DISABILITY.] "Person with a disability" means a person who, because of physical disability, degenerative disease, mental illness, chronic illness, frailty associated with aging, or mental retardation or a related condition, requires substantial continuous care and supervision and who would require institutionalization in the absence of a caregiver.

Subd. 6. [RESPITE CARE.] "Respite care" means the temporary or periodic care and supervision of a person with a disability, in or out of the home, on a planned or emergency basis to provide relief to the caregiver. Respite care includes adult day care.

Sec. 2. [256.993] [RESOURCE CENTER ON CAREGIVER SUPPORT AND RESPITE CARE SERVICES.]

Subdivision 1. [RESOURCE CENTER.] The commissioner shall establish a statewide resource center on caregiver support and respite care services.

Subd. 2. [PURPOSE OF RESOURCE CENTER.] The resource center shall:

(1) provide leadership and visibility on the need for caregiver support and respite care programs;

(2) develop a mechanism to address issues and system changes needed to increase caregiver support and respite care services;

(3) provide information statewide on identified direct service models of existing caregiver support and respite care;

(4) analyze and evaluate funding sources for respite care;

(5) identify and address concerns and gaps in statewide service delivery;

(6) provide technical assistance and training to foster the development of in-home respite care services;

(7) educate caregivers on the availability and use of respite care services;

(8) promote and expand caregiver support coordination by using existing networks when possible; and

(9) manage and oversee a respite care grant program to develop model county coordinated generic respite care services.

Subd. 3. [ADVISORY COMMITTEE.] An advisory committee of not more than 12 people appointed by the commissioner shall make recommendations on resource center direction and oversee its activities. The advisory committee includes caregivers, people with disabilities, and advocates, representing all areas of the state. The advisory committee shall review administrative procedures and make recommendations to the commissioner relating to the grant program.

Sec. 3. [256.994] [RESPITE CARE GRANT PROGRAM.]

Subdivision 1. [GRANT PROGRAM.] The commissioner shall establish a respite care grant program. The commissioner may adopt rules as necessary to administer the program, but the commissioner may implement the program without adopting rules to the extent allowed under chapter 14.

Subd. 2. [PURPOSE OF GRANT.] A grant program must establish a coordinated system of generic respite care to:

(1) enable caregivers to continue to provide care at home by providing relief and support;

(2) assist caregivers in securing affordable respite care, particularly for those individuals who are not eligible for Medicaid;

(3) foster the development of in-home care; and

(4) educate caregivers, professionals, and the general public on the availability, need for, and use of caregiver support services, particularly respite care.

Subd. 3. [USE OF GRANT MONEY.] (a) Grant money may be used to:

(1) plan and implement a coordinated array of respite care services;

(2) establish or expand subsidized respite care services;

(3) recruit and train paid or volunteer providers; or

(4) establish an educational program for caregivers that may include support groups.

(b) Grant funds may not be used to supplant existing funds and existing volunteer efforts or to purchase equipment.

Subd. 4. [ELIGIBILITY.] A county board may, alone or in combination with other county boards, apply for a respite care grant. A public or nonprofit agency may apply for a grant if there is a letter of agreement with the county or counties in which services will be developed stating the intention of the county or counties to work with and coordinate with the agency requesting a grant.

Subd. 5. [GRANT APPLICATIONS.] (a) The commissioner shall request proposals for grants and shall specify the information and criteria required.

(b) Grant applications must address the issues under subdivisions 2 and 3 and provide a description of:

(1) any new services to be provided and of existing services;

(2) the estimated number of persons to be served;

(3) how services would be coordinated;

(4) limitations on services;

(5) methods of generating additional funds including sliding fee schedules;

(6) use of volunteers;

(7) contracts with outside agencies; and

(8) training needs.

(c) The proposed budget shall indicate how grant funds will be used and the amount and sources of other funds.

(d) All grant applications must include a written performance plan that addresses the criteria contained in subdivision 3. The performance plan must include written performance objectives, specific measurable outcomes, time-lines, and the procedure the grantee will use to document and measure success in meeting the objectives.

Subd. 6. [GRANT AWARDS.] (a) The advisory committee shall review administrative procedures relating to the grant program including but not limited to forms, instructions, and the request for proposal. The advisory committee shall review grant applications and make recommendations to the commissioner. Grants must be awarded by the commissioner to programs that:

(1) meet the purpose of the grant program;

(2) have the ability to continue the project at the end of the funding period; and

(3) demonstrate cost-effective administration.

(b) Preference must be given to proposals that seek to address underserved populations or that come from areas where limited services are available. Grants must be awarded to achieve a geographic distribution. No grant award may exceed 20 percent of the total appropriation.

Subd. 7. [FORMS AND INSTRUCTIONS.] The commissioner shall provide necessary forms and instructions to eligible applicants upon request. Grant recipients shall submit financial reports and program and evaluation reports on forms prescribed by the commissioner according to instructions specified by the commissioner. The reports must include, but are not limited to, information on income, expenditures, number of caregivers served, the disabilities of the care receivers, and how grant money was used. The commissioner of human services may delay or revoke grant money if the commissioner determines that the grantee is not meeting the reporting requirements or other terms of the grant.

Subd. 8. [FINANCIAL RECORDS.] The county board, and its contractors and subcontractors, shall maintain financial records,

using generally accepted accounting principles, in a way so that expenditures can be easily compared with the approved budget.

Subd. 9. [ACCESS TO PROGRAMS AND RECORDS.] At the request of the commissioner, the grantee and its contractors and subcontractors shall make available for audit and inspection all program and fiscal records related to the requirements of this section and the grant contract.

Subd. 10. [DISTRIBUTION OF GRANTS.] The commissioner may award grants to continue until June 30, 1991, as long as the grantee demonstrates continuing compliance with the terms of the grant.

Sec. 4. [256.995] [START-UP GRANTS FOR FOSTER CARE PROVIDERS.]

Subdivision 1. [GRANTS AUTHORIZED.] The commissioner of human services may award grants to individuals or families who seek to begin providing foster care services licensed under chapter 245A. The grants may be used by the individual or family for structural changes, additions, and purchases of safety devices needed to make the home physically accessible to persons served by the foster care home, and to comply with fire, safety, health, and other licensing requirements for foster care homes.

Subd. 2. [REPAYMENT.] A family or individual who receives a grant under this subdivision and who makes the home available for foster care for four years after the date the grant is awarded is not required to repay the grant. A family or individual who makes the home available for foster care for less than four years after the grant is awarded shall repay a portion of the grant on a prorated basis according to the circumstances, terms, and conditions the commissioner establishes in rule for repayment. The commissioner shall determine appropriate security for repayment.

Subd. 3. [APPLICATION.] A family or individual seeking a grant under this subdivision shall apply to the commissioner of human services. A grant application must describe:

(1) a need for the grant that meets the specifications of subdivision 1;

(2) the services to be provided in the foster care home;

(3) the number of persons who will be served in the foster care home;

(4) how grant money will be used;

(5) the amount and source of other funds available to the applicant to meet the need stated in the grant application; and

(6) the methods of generating additional funds.

Subd. 4. [GRANT AWARDS.] (a) The commissioner shall award a grant to an applicant if the applicant's proposal:

(1) meets the purpose of the grant program;

(2) increases access to foster care services; and

(3) shows that the applicant has the ability to continue foster care services after the grant is spent.

(b) A person who qualifies for the grant may receive up to:

(1) $10,000 for modifications needed to make the home physically accessible to persons served by the foster care home;

(2) $5,000 for modifications needed to meet fire code, safety, health, and other licensing requirements for foster care homes;

(3) $5,000 to add additional space in the home for privacy of the persons served by the foster care provider; and

(4) $500 for training to become a foster care provider.

Subd. 5. [HOUSING FINANCE AGENCY.] After determining eligibility, the commissioner may contract with the housing finance agency to administer grants involving complex accessibility modifications or extensive structural changes to meet fire code standards.

Sec. 5. [REPORT ON RESPITE CARE RESOURCE CENTER AND GRANTS.]

By January 1, 1991, the commissioner shall submit a report to the legislature containing an analysis of the activities of the resource center, information on the need for respite care services, a projection of the need for respite care services, and a summary of the projects funded under the respite care grant program.

Sec. 6. [APPROPRIATION.]

(a) $215,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1991, for purposes of the resource center established under section 2. $171,400 of this appropriation may be used by the commissioner to

increase the approved complement of the department by 2.5 full-time equivalent positions to carry out the activities and objectives of the resource center. The commissioner may use part of this appropriation for administrative costs. Any unexpended balance remaining in the first year does not cancel and is available for the second year.

(b) $785,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1991, for the respite care grant program established under section 3. This appropriation is available for distribution on or after October 1, 1989. Any unexpended balance remaining in the first year does not cancel and is available for the second year.

(c) $345,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1991, for purposes of start-up grants for foster care providers under section 4."

Delete the title and insert:

"A bill for an act relating to human services; establishing a resource center on caregiver support; creating a grant program of respite care services; authorizing start-up grants for foster care providers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256."

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. 981, A bill for an act relating to juvenile justice; requiring reasonable efforts to prevent placement of children in need of protection or services proceedings; amending duty of juvenile court to ensure placement prevention and family reunification; defining reasonable efforts; clarifying definitions, jurisdiction, and services for Indian children; requiring preference for racial or ethnic heritage for appointment of guardian ad litem; requiring consideration of reasonable efforts in factors determining neglect; requiring finding of reasonable efforts at detention; imposing requirements for disposition case plans; providing for notice to and participation by certain grandparents in juvenile court; amending Minnesota Statutes 1988, sections 260.012; 260.015, subdivisions 11, 13, 14, and by adding subdivisions; 260.111, by adding a subdivision; 260.135, subdivision 2; 260.141, by adding a subdivision; 260.155, subdivisions 1a, 4, and 7; 260.165, subdivision 1; 260.171, subdivision 1; 260.172, subdivisions 1 and 4; 260.173, subdivision 2; 260.181,

subdivision 2; 260.191, subdivisions 1a and 1e; and 260.231, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 260.012, is amended to read:

260.012 [DUTY ~~OF~~ ~~JUVENILE~~ ~~COURT~~ TO ENSURE PLACEMENT PREVENTION AND FAMILY REUNIFICATION; REASONABLE EFFORTS.]

(a) If a child in need of protection or services is under the court's ~~dependency~~ ~~or~~ ~~neglect~~ jurisdiction, the court shall ensure that reasonable efforts including culturally appropriate services by the social service agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time, consistent with the best interests, safety, and protection of the child. In the case of an Indian child, in proceedings under sections 260.172, 260.191, and 260.221 the juvenile court must make findings and conclusions consistent with the Indian Child Welfare Act, United States Code, title 25, section 1901 et. seq., as to the provision of active efforts. If a child is under the court's delinquency jurisdiction, it shall be the duty of the court to ensure that reasonable efforts are made to reunite the child with the child's family at the earliest possible time, consistent with the best interests of the child and the safety of the public.

(b) "Reasonable efforts" means the exercise of due diligence by the responsible social service agency to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family; or upon removal, services to eliminate the need for removal and reunite the family. Services may include those listed under section 256F.07, subdivision 3, and other appropriate services available in the community. The social service agency has the burden of demonstrating that it has made reasonable efforts.

Nothing in this section shall be interpreted to prevent out of home placement for treatment of a child with a mental disability when the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program.

(c) The juvenile court, in proceedings under sections 260.172, 260.191, and 260.221 shall make findings and conclusions as to the provision of reasonable efforts. When determining whether reason-

able efforts have been made, the court shall consider whether services to the child and family were:

(1) relevant to the safety and protection of the child;

(2) adequate to meet the needs of the child and family;

(3) culturally appropriate;

(4) available and accessible;

(5) consistent and timely; and

(6) realistic under the circumstances.

(d) Nothing in this section prevents, delays, or limits out-of-home placement for treatment of a child with an emotional disturbance or mental disability when the child's diagnostic assessment or individual treatment plan indicates the placement is clinically appropriate.

Sec. 2. Minnesota Statutes 1988, section 260.015, is amended by adding a subdivision to read:

Subd. 1a. "Agency" means the local social service agency or a licensed child placing agency.

Sec. 3. Minnesota Statutes 1988, section 260.015, subdivision 11, is amended to read:

Subd. 11. "Parent" means the natural or adoptive parent of a minor. For an Indian child, parent includes any Indian person who has adopted a child by tribal law or custom, as provided in section 257.351, subdivision 11.

Sec. 4. Minnesota Statutes 1988, section 260.015, subdivision 13, is amended to read:

Subd. 13. "Relative" means a parent, stepparent, grandparent, brother, sister, uncle, or aunt of the minor. This relationship may be by blood or marriage. For an Indian child, relative includes members of the extended family that shall be defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903. For purposes of dispositions, relative shall be defined consistent with section 260.181, subdivision 3.

Sec. 5. Minnesota Statutes 1988, section 260.015, subdivision 14, is amended to read:

Subd. 14. "Custodian" means any person who is under a legal obligation to provide care and support for a minor or who is in fact providing care and support for a minor. For an Indian child, custodian means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the child, as provided in section 257.351, subdivision 8.

Sec. 6. Minnesota Statutes 1988, section 260.015, is amended by adding a subdivision to read:

Subd. 26. [INDIAN.] "Indian," consistent with section 257.351, subdivision 5, means a person who is a member of an Indian tribe or an Alaskan native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, United States Code, title 43, section 1606.

Sec. 7. Minnesota Statutes 1988, section 260.015, is amended by adding a subdivision to read:

Subd. 27. [INDIAN CHILD.] "Indian child," consistent with section 257.351, subdivision 6, means an unmarried person who is under age 18 and is:

(1) a member of an Indian tribe; or

(2) eligible for membership in an Indian tribe.

Sec. 8. Minnesota Statutes 1988, section 260.111, is amended by adding a subdivision to read:

Subd. 5. [JURISDICTION OVER INDIAN CHILDREN.] In a child in need of protection or services proceeding, when an Indian child is a ward of a tribal court with federally recognized child welfare jurisdiction, the Indian tribe retains exclusive jurisdiction notwithstanding the residence or domicile of an Indian child, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1911.

Sec. 9. Minnesota Statutes 1988, section 260.135, subdivision 2, is amended to read:

Subd. 2. The court shall have notice of the pendency of the case and of the time and place of the hearing served upon a parent, guardian, or spouse of the child, who has not been summoned as provided in subdivision 1. For an Indian child, notice of all proceedings must comply with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et. seq., and section 257.353.

Sec. 10. Minnesota Statutes 1988, section 260.141, is amended by adding a subdivision to read:

Subd. 2a. In any proceeding regarding a child in need of protection or services in a state court, where the court knows or has reason to know that an Indian child is involved, the prosecuting authority seeking the foster care placement of, or termination of parental rights to an Indian child, shall notify the parent or Indian custodian and the Indian child's tribe of the pending proceedings and of their right of intervention. The notice must be provided by registered mail with return receipt requested unless personal service is accomplished. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, the notice shall be given to the Secretary of the Interior of the United States in like manner, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912. No foster care placement proceeding or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary. However, the parent or Indian custodian or the tribe shall, upon request, be granted up to 20 additional days to prepare for the proceeding.

Sec. 11. Minnesota Statutes 1988, section 260.155, subdivision 4, is amended to read:

Subd. 4. [GUARDIAN AD LITEM.] (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that the minor's parent is a minor or incompetent, or that the parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging a child's need for protection or services under section 260.015, subdivision 2a, clauses (1) to (10). In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

(b) The court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(c) In appointing a guardian ad litem pursuant to clause (a), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

(d) The following factors shall be considered when appointing a guardian ad litem in a case involving an Indian or minority child: (1) whether the person is the same racial or ethnic heritage as the

child, or if that is not possible, (2) whether the person knows and appreciates the child's racial or ethnic heritage.

Sec. 12. Minnesota Statutes 1988, section 260.155, subdivision 7, is amended to read:

Subd. 7. [FACTORS IN DETERMINING NEGLECT.] In determining whether a child is neglected and in foster care, the court shall consider, among other factors, the following:

(1) the length of time the child has been in foster care;

(2) the effort the parent has made to adjust circumstances, conduct, or condition that necessitates the removal of the child to make it in the child's best interest to be returned to the parent's home in the foreseeable future, including the use of rehabilitative services offered to the parent;

(3) whether the parent has visited the child within the three months preceding the filing of the petition, unless extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from visiting the child or it was not in the best interests of the child to be visited by the parent;

(4) the maintenance of regular contact or communication with the agency or person temporarily responsible for the child;

(5) the appropriateness and adequacy of services provided or offered to the parent to facilitate a reunion;

(6) whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time, whether the services have been offered to the parent, or, if services were not offered, the reasons they were not offered; and

(7) the nature of the ~~effort~~ efforts made by the responsible social service agency to rehabilitate and reunite the family, and whether the efforts were reasonable.

Sec. 13. Minnesota Statutes 1988, section 260.165, subdivision 1, is amended to read:

Subdivision 1. No child may be taken into immediate custody except:

(a) With an order issued by the court in accordance with the provisions of section 260.135, subdivision 5, or by a warrant issued in accordance with the provisions of section 260.145; or

(b) In accordance with the laws relating to arrests; or

(c) By a peace officer

(1) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes ~~such~~ the child has run away from a parent, guardian, or custodian; or

(2) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger such child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922; or

(d) By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

Sec. 14. Minnesota Statutes 1988, section 260.171, subdivision 1, is amended to read:

Subdivision 1. If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person. When a child is taken into custody by a peace officer under section 260.165, subdivision 1, clause (c)(2), release from detention may be authorized by the detaining officer, the detaining officer's supervisor, or the county attorney. If the social service agency has determined that the child's health or welfare will not be endangered and the provision of appropriate and available services will eliminate the need for placement, the agency shall request authorization for the child's release from detention. ~~That~~ The person to whom the child is released shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable, that person may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian, or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the

child does not appear as directed. The court may also release the child on the child's own promise to appear in juvenile court.

Sec. 15. Minnesota Statutes 1988, section 260.172, subdivision 1, is amended to read:

Subdivision 1. Except a child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), a hearing shall be held within 36 hours of a child's being taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in detention. Within 72 hours of a child being taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), excluding Saturdays, Sundays, and holidays, a hearing shall be held to determine whether the child should continue in custody. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person. In a proceeding regarding a child in need of protection or services, the court, before determining whether a child should continue in custody, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts, or in the case of an Indian child, active efforts, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement or to reunite the child with the child's family, or that reasonable efforts were not possible. The court shall also determine whether there are available services that would prevent the need for further detention.

If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

Sec. 16. Minnesota Statutes 1988, section 260.172, subdivision 4, is amended to read:

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

A hearing, rather than an informal review of the child's case file, shall be held at the request of any one of the parties notified

pursuant to subdivision 3, if that party notifies the court of a wish to present to the court new evidence concerning whether the child should be continued in detention or notifies the court of a wish to present an alternate placement arrangement to provide for the safety and protection of the child.

In addition, if a child was taken into detention under section 260.135, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and is held in detention under a court order issued under subdivision 2, the court shall schedule and hold an adjudicatory hearing on the petition within 60 days of the detention hearing upon the request of any party to the proceeding ~~unless~~. However, if good cause is shown by a party to the proceeding why the hearing should not be held within that time period, the hearing shall be held within 90 days, unless the parties agree otherwise and the court so orders.

Sec. 17. Minnesota Statutes 1988, section 260.173, subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, if the child had been taken into custody pursuant to section 260.165, subdivision 1, clause (a) or clause (c)(2), ~~or had been found in surroundings or conditions reasonably believed to endanger the child's health or welfare,~~ and is not alleged to be delinquent, the child ~~may~~ shall be detained ~~only~~ in the least restrictive setting consistent with the child's health and welfare and in closest proximity to the child's family as possible. Placement may be with a child's relative, or in a shelter care facility.

Sec. 18. Minnesota Statutes 1988, section 260.181, subdivision 2, is amended to read:

Subd. 2. [CONSIDERATION OF REPORTS.] Before making a disposition in a case, or terminating parental rights, or appointing a guardian for a child the court may consider any report or recommendation made by the county welfare board, probation officer, or licensed child placing agency, foster parent, guardian ad litem, tribal representative, or other authorized advocate for the child or child's family, or any other information deemed material by the court.

Sec. 19. Minnesota Statutes 1988, section 260.191, subdivision 1a, is amended to read:

Subd. 1a. [WRITTEN FINDINGS.] Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered;

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case; ~~and~~

(c) In the case of a child of minority racial or minority ethnic heritage, how the court's disposition complies with the requirements of section 260.181, subdivision 3.; and

(d) Whether reasonable efforts consistent with section 260.012 were made to prevent or eliminate the necessity of the child's removal and to reunify the family after removal. The court's findings must include a brief description of what preventive and reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of removal.

If the court finds that the social services agency's preventive or reunification efforts have not been reasonable but that further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

Sec. 20. Minnesota Statutes 1988, section 260.191, subdivision 1e, is amended to read:

Subd. 1e. [CASE PLAN.] For each disposition ordered, the court shall order the appropriate agency to prepare a written case plan developed after consultation with any foster parents, and consultation with and participation by the child and the child's parent, guardian, or custodian, guardian ad litem, and tribal representative if the tribe has intervened. The case plan shall comply with the requirements of section 257.071, where applicable. The case plan shall, among other matters, specify the actions to be taken by the child and the child's parent, guardian, foster parent, or custodian to comply with the court's disposition order, and the services to be offered and provided by the agency to the child and the child's parent, guardian, or custodian. The court shall review the case plan and, upon approving it; incorporate the plan into its disposition order. The court may review and modify the terms of the case plan in the manner provided in subdivision 2. For each disposition ordered, the written case plan shall specify what reasonable efforts shall be provided to the family. The case plan must include a discussion of:

(1) the availability of appropriate prevention and reunification services for the family to prevent the removal of the child from the home or to reunify the child with the family after removal;

(2) any services or resources that were requested by the child or the child's parent, guardian, foster parent, or custodian since the

date of initial adjudication, and whether those services or resources were provided or the basis for denial of the services or resources;

(3) the inappropriateness of other requested services that may be available;

(4) the need of the child and family for care, treatment, or rehabilitation;

(5) the need for participation by the parent, guardian, or custodian in the plan of care for the child; and

(6) a description of any services that could prevent placement or reunify the family if such services were available.

A party has a right to request a court review of the reasonableness of the case plan upon a showing of a substantial change of circumstances."

Delete the title and insert:

"A bill for an act relating to juvenile justice; requiring reasonable efforts to prevent placement of children in need of protection or services proceedings; amending duty of juvenile court to ensure placement prevention and family reunification; defining reasonable efforts; clarifying definitions, jurisdiction, and services for Indian children; requiring preference for racial or ethnic heritage for appointment of guardian ad litem; requiring consideration of reasonable efforts in factors determining neglect; requiring that a child be in imminent danger for detention; permitting social services to release for detention; requiring finding of reasonable efforts at detention; and imposing requirements for disposition case plans; amending Minnesota Statutes 1988, sections 260.012; 260.015, subdivisions 11, 13, 14, and by adding subdivisions; 260.111, by adding a subdivision; 260.135, subdivision 2; 260.141; 260.155, subdivisions 4 and 7; 260.165, subdivision 1; 260.171, subdivision 1; 260.172, subdivisions 1 and 4; 260.173, subdivision 2; 260.181, subdivision 2; and 260.191, subdivisions 1a and 1e."

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. 1110, A bill for an act relating to health; authorizing community health boards to establish health promotion teams; prescribing duties; authorizing the commissioner of health to fund

these teams; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 145A.10, is amended by adding a subdivision to read:

Subd. 5a. [HEALTH PROMOTION TEAM.] (a) The community health board may establish a community-based health promotion team made up of representatives of business and industry, public health, labor, voluntary agencies, hospitals, medical clinics, churches, media, schools, civic groups, local government and elected officials, nursing homes, consumers, and others as appropriate.

(b) A community-based health promotion team shall:

(1) collect and summarize community health data relating to behavioral risk factors such as smoking, consumption of alcoholic beverages, and poor nutrition habits;

(2) identify, rank, and prioritize lifestyle-based health problems;

(3) develop strategies to address health promotion concerns;

(4) implement a five-year health promotion plan that includes an annual evaluation component and establish a mechanism for program maintenance following completion of the plan;

(5) design and implement a "healthy messages" media plan; and

(6) seek grants and other funding from foundations, educational institutions, and other nonprofit entities.

(c) Within the limit of available appropriations, the commissioner may grant money to a community health board to enable the board to establish a community-based health promotion team. The commissioner shall monitor the activities of teams under this section and report to the legislature by January 1, 1991, on the teams' operation and progress."

Delete the title and insert:

"A bill for an act relating to health; authorizing community health boards to establish community-based health promotion teams; prescribing duties; amending Minnesota Statutes 1988, section 145A.10, by adding a subdivision."

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

The report was adopted.

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

H. F. No. 1128, A bill for an act relating to health; providing for the distribution of maternal and child health block grant funds; amending Minnesota Statutes 1988, section 145.882, subdivisions 1, 3, and 7.

Reported the same back with the following amendments:

Page 2, delete lines 12 to 28

Page 2, line 29, delete "3" and insert "2"

Amend the title as follows:

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

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. 1157, A bill for an act relating to human services; authorizing reimbursement for cost saving equipment under general assistance medical care; increasing the complement of the department of human services; amending Minnesota Statutes 1988, section 256D.03, subdivision 4.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1988, section 62D.02, subdivision 7, is amended to read:

Subd. 7. "Comprehensive health maintenance services" means a set of comprehensive health services which the enrollees might reasonably require to be maintained in good health including as a minimum, but not limited to, emergency care, inpatient hospital

and medical physician care, chiropractic care, outpatient health services, and preventive health services. Elective, induced abortion, except as medically necessary to prevent the death of the mother, whether performed in a hospital, other abortion facility or the office of a physician, shall not be mandatory for any health maintenance organization.

Sec. 2. Minnesota Statutes 1988, section 62D.102, is amended to read:

62D.102 [MINIMUM BENEFITS.]

~~(a)~~ Subdivision 1. [MENTAL AND NERVOUS DISORDER TREATMENT.] In addition to minimum requirements established in other sections, all group health maintenance contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage for at least ten hours of treatment over a 12-month period with a copayment not to exceed the greater of $10 or 20 percent of the applicable usual and customary charge for mental or nervous disorder consultation, diagnosis and treatment services delivered while the enrollee is not a bed patient in a hospital and at least 75 percent of the cost of the usual and customary charges for any additional hours of ambulatory mental health treatment during the same 12-month benefit period for serious or persistent mental or nervous disorders. Prior authorization may be required for an extension of coverage beyond ten hours of treatment. This prior authorization must be based upon the severity of the disorder, the patient's risk of deterioration without ongoing treatment and maintenance, degree of functional impairment, and a concise treatment plan. Authorization for extended treatment may be limited to a maximum of 30 visit hours during any 12-month benefit period.

~~(b)~~ For purposes of this ~~section~~ subdivision, covered treatment for a minor includes treatment for the family if family therapy is recommended by a health maintenance organization provider. For purposes of determining benefits under this ~~section~~ subdivision, "hours of treatment" means treatment rendered on an individual or single-family basis. If treatment is rendered on a group basis, the hours of covered group treatment must be provided at a ratio of no less than two group treatment sessions to one individual treatment hour. For a health maintenance contract that is offered as a companion to a health insurance subscriber contract, the benefits for mental or nervous disorders must be calculated in aggregate for the health maintenance contract and the health insurance subscriber contract.

Subd. 2. [CHIROPRACTIC CARE.] A plan or contract that limits participation to providers selected by the plan, but that does not employ a licensed chiropractor, shall select one or more licensed chiropractors according to section 3 and shall permit a subscriber to

receive chiropractic care according to section 62D.12, subdivision 14. A plan that does not limit participation to providers selected by the plan shall permit a subscriber to receive chiropractic care according to section 62D.12, subdivision 14, from licensed chiropractors who have agreed to participate in the plan and agree to its terms.

Health maintenance organizations and limited service health organizations, in complying with section 62D.12, subdivision 14, shall make every attempt to include as participating providers licensed chiropractors in number equal to the ratio of licensed chiropractors to licensed medical doctors in Minnesota. Participating providers shall be located in areas that will allow reasonable access for all enrollees of the health plan.

Sec. 3. Minnesota Statutes 1988, section 62D.12, is amended by adding a subdivision to read:

Subd. 17. No plan or contract may exclude or limit coverage for diagnosis and treatment to cure or relieve a condition or complaint by a licensed chiropractor within the scope of the chiropractor's professional license, if the plan or contract covers diagnosis and treatment of the condition or complaint by a licensed medical doctor or osteopath, even if different nomenclature is used to describe the condition or complaint. Examination by or referral from a medical doctor shall not be a precondition for receipt of chiropractic care under this subdivision. This subdivision does not:

(1) prohibit the application of deductibles or coinsurance provisions to chiropractic and medical doctor charges on an equal basis;

(2) prohibit the application of cost containment or quality assurance measures generally applicable to chiropractic and medical doctor services in a similar manner and consistent with this section;

(3) require the plan to cover any service by a chiropractor if the plan's coverage is limited to surgical benefits; and

(4) require the plan to cover any service by a chiropractor to a person who is not a registered bed patient in a hospital if the plan does not cover any service by a medical doctor to a person who is not a registered bed patient in a hospital."

Renumber remaining sections

Amend the title as follows:

Page 1, line 2, after the semicolon insert "describing requirements for coverage of chiropractic services by health maintenance organizations;"

Page 1, line 6, delete "section" and insert "sections 62D.02, subdivision 7; 62D.102; 62D.12, by adding a subdivision; and"

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

The report was adopted.

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

H. F. No. 1179, A bill for an act relating to Carver county; providing for the location of offices for the county attorney, court administrator, and sheriff, and for the location of the district court and the county jail.

Reported the same back with the following amendments:

Page 1, line 8, after "board" insert "and the Scott county board"

Page 1, lines 18 and 22, before "shall" insert "and Scott county"

Page 1, line 25, after "effect" insert "for each county"

Page 2, line 1, after "board" insert "and the Scott county board"

Amend the title as follows:

Page 1, line 2, delete "county" and insert "and Scott counties"

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. 1221, A bill for an act relating to education; allowing school districts to be considered providers under the state medical assistance plan; proposing coding for new law in Minnesota Statutes, chapter 124.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [124.90] [CONTRACT FOR SERVICES.]

A school district may contract for the provision of medical assistance-covered services, and may contract with a third party agency to assist in administering and billing for these services."

Amend the title as follows:

Page 1, line 2, delete "be"

Page 1, delete line 3

Page 1, line 4, delete "assistance plan" and insert "contract to provide medical assistance-covered services"

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. 1244, A bill for an act relating to human services; endorsing the store-to-door grocery delivery program for elderly and disabled citizens; appropriating money for a grant to expand the program.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 31.50, is amended to read:

31.50 [LIABILITY OF FOOD DONORS.]

Subdivision 1. For the purposes of this section, "distressed food" means, in addition to the definition in section 31.495, certain perishable foods, as defined in section 28A.03, which may not be readily marketable due to appearance, freshness, grade, surplus or other considerations and are not suspect of having been rendered unsafe or unsuitable for food use and are adequately labeled.

For purposes of this section, "prepared food" means food that is: (1) prepared by a restaurant as defined in section 157.01 and licensed under chapter 157; (2) prepared according to rules regulating preparation of food by licensed restaurants, under Minnesota Rules, chapter 4625; and (3) fit for consumption at the time of donation.

Subd. 2. A food manufacturer, distributor, processor or person who donates or collects distressed food or a restaurant that donates or

collects prepared food to or for a charitable organization as defined in section 309.50, subdivision 4, for distribution at no charge to the elderly or needy, or who directly distributes distressed food or prepared food to the elderly or needy at no charge, shall not be liable for any injury, including but not limited to injury resulting from the ingesting of the distressed food or prepared food, unless the injury is caused by the gross negligence, recklessness or intentional misconduct of the food manufacturer, processor, distributor ~~or~~, person, or restaurant.

Subd. 3. A charitable organization as defined in section 309.50, subdivision 4, which in good faith collects or receives distressed food and prepared food and distributes it at no charge to the elderly or needy shall not be liable for any injury, including but not limited to injury resulting from the ingesting of the distressed food or prepared food, unless the injury is caused by the gross negligence, recklessness or intentional misconduct of the charitable organization.

Subd. 4. The provisions of this section shall not restrict the authority of the commissioner to regulate or ban the use or consumption of distressed or prepared food donated, collected or received for charitable purposes.

Sec. 2. [APPROPRIATION FOR STORE-TO-DOOR DELIVERY GRANT.]

The legislature recognizes and endorses the store-to-door grocery delivery program as an important service that promotes nutrition and independence of elderly persons and persons with a disability who are capable of preparing their own meals, but physically unable to walk to the store or carry groceries. By allowing elderly persons and persons with a disability to order their groceries and prepare their own food, the store-to-door program provides these persons with the ability to care for themselves. The store-to-door program also complements other meal programs available to elderly persons and persons with a disability, such as congregate dining and home delivered meal programs.

$40,000 is appropriated from the general fund to the commissioner of human services for each year of the biennium ending June 30, 1991, for a grant to the store-to-door grocery delivery program to allow it to expand its grocery delivery services to elderly persons and persons with a disability."

Delete the title and insert:

"A bill for an act relating to human services; exempting restaurants from liability for injuries caused by donation of prepared food; endorsing the store-to-door grocery delivery program for elderly and disabled citizens; appropriating money for a grant to expand the program; amending Minnesota Statutes 1988, section 31.50."

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. 1288, A bill for an act relating to state buildings; establishing a state policy of barrier-free environments for state owned and leased buildings; appropriating money.

Reported the same back with the recommendation that 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. 1423, A bill for an act relating to nursing home admission agreements; prohibiting use of blanket waivers of liability by continuing care facilities and nursing homes; requiring nursing home admission agreements to be available to the public and clarifying that such agreements are consumer contracts; prohibiting nursing homes from requiring third party guarantors; requiring nursing homes to identify their status as medical assistance providers; prohibiting use of blanket consents for treatment; requiring written acknowledgment that residents have received a copy of the patients' bill of rights; providing penalties; amending Minnesota Statutes 1988, section 80D.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 80D.04, is amended by adding a subdivision to read:

Subd. 6. [WAIVERS OF LIABILITY PROHIBITED.] (a) A contract between a facility and resident or resident's representative must not include a waiver of facility liability for the health and safety or personal property of a resident while the resident is under the facility's supervision. A contract must not contain a provision that the facility knows or should know to be deceptive, unlawful, or unenforceable under state or federal law, nor any provision that

requires or implies a lesser standard of care or responsibility than is required by law.

(b) This subdivision applies to new admissions to facilities on and after October 1, 1989. This subdivision does not require the execution of a new admission contract for a resident who was residing in a facility before the enactment of this subdivision. However, provisions of the admission contract that are inconsistent with or in conflict with this subdivision are voidable at the sole option of the resident. Residents must be given notice of the changes in admission contracts according to this subdivision and must be given the opportunity to execute a new contract that conforms to this subdivision.

Sec. 2. [144.6501] [NURSING HOME ADMISSION CONTRACTS.]

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

(a) "Facility" means a nursing home licensed under chapter 144A or a boarding care facility licensed under sections 144.50 to 144.58.

(b) "Contract of admission," "admission contract," or "admission agreement," includes, but is not limited to, all documents that a resident or resident's representative must sign at the time of, or as a condition of, admission to the facility. Oral representations and statements between the facility and the resident or resident's representative are not part of the contract of admission unless expressly contained in writing in those documents.

(c) "Legal representative" means an attorney-in-fact under a valid power of attorney executed by the prospective resident, or a conservator or guardian of the person or of the estate, or a representative payee appointed for the prospective resident, or other agent of limited powers.

Subd. 2. [WAIVERS OF LIABILITY PROHIBITED.] An admission contract must not include a waiver of facility liability for the health and safety or personal property of a resident while the resident is under the facility's supervision. An admission contract must not include a provision that the facility knows or should know to be deceptive, unlawful, or unenforceable under state or federal law, nor any provision that requires or implies a lesser standard of care or responsibility than is required by law.

Subd. 3. [CONTRACTS OF ADMISSION.] (a) A facility shall make complete unsigned copies of its admission contract available to potential applicants and to the state or local long-term care ombudsman immediately upon request.

(b) A facility shall post conspicuously within the facility, in a location accessible to public view, either a complete copy of its admission contract or notice of its availability from the facility.

(c) An admission contract must be printed in black type of at least ten-point type size. The facility shall give a complete copy of the admission contract to the resident or the resident's legal representative promptly after it has been signed by the resident or legal representative.

(d) An admission contract is a consumer contract under sections 325G.29 to 325G.37.

(e) All admission contracts must state in bold capital letters the following notice to applicants for admission: "NOTICE TO APPLICANTS FOR ADMISSION. READ YOUR ADMISSION CONTRACT. ORAL STATEMENTS OR COMMENTS MADE BY THE FACILITY OR YOU OR YOUR REPRESENTATIVE ARE NOT PART OF YOUR ADMISSION CONTRACT UNLESS THEY ARE ALSO IN WRITING. DO NOT RELY ON ORAL STATEMENTS OR COMMENTS THAT ARE NOT INCLUDED IN THE WRITTEN ADMISSION CONTRACT."

Subd. 4. [RESIDENTS' SIGNATURES.] (a) Before or at the time of admission, the facility shall make reasonable efforts to communicate the content of the admission contract to, and obtain on the admission contract the signature of, the person who is to be admitted to the facility. The admission contract must be signed by the prospective resident unless the resident is legally incompetent or cannot understand or sign the admission contract because of the resident's medical condition.

(b) If the resident cannot sign the admission contract, the reason must be documented in the resident's medical record by the admitting physician.

(c) If the determination under paragraph (b) has been made, the facility may request the signature of another person on behalf of the applicant, subject to the provisions of paragraph (d). The facility must not require the person to disclose any information regarding the person's personal financial assets, liabilities, or income, unless the person voluntarily chooses to become financially responsible for the resident's care.

(d) A person other than the resident or a spouse who is financially responsible for the resident who signs an admission contract must not be required by the facility to assume financial responsibility for the resident's care. A person who desires to assume financial responsibility for the resident's care may contract with the facility to do so.

(e) The admission contract must include written notice, in bold capital letters, that a person other than the resident or financially responsible spouse may not be required by the facility to assume financial responsibility for the resident's care.

(f) This subdivision does not preclude the facility from obtaining the signature of a legal representative, if applicable.

Subd. 5. [PUBLIC BENEFITS ELIGIBILITY.] An admission contract must clearly and explicitly state whether the facility participates in the Medicare, medical assistance, or Veterans Administration programs. If the facility's participation in any of those programs is limited for any reason, the admission contract must clearly state the limitation and whether the facility is eligible to receive payment from the program for the person who is considering admission or who has been admitted to the facility.

Subd. 6. [MEDICAL ASSISTANCE PAYMENT.] (a) An admission contract for a facility that is certified for participation in the medical assistance program must state that neither the prospective resident, nor anyone on the resident's behalf, is required to pay privately any amount for which the resident's care at the facility has been approved for payment by medical assistance or to make any kind of donation, voluntary or otherwise. An admission contract must state that the facility does not require as a condition of admission, either in its admission contract or by oral promise before signing the admission contract, that residents remain in private pay status for any period of time.

(b) The admission contract must state that upon presentation of proof of eligibility, the facility will submit a medical assistance claim for reimbursement and will return any and all payments made by the resident, or by any person on the resident's behalf, for services covered by medical assistance, upon receipt of medical assistance payment.

(c) A facility that participates in the medical assistance program shall not charge for the day of the resident's discharge from the facility or subsequent days.

(d) If a facility's charges incurred by the resident are delinquent for 30 days, and no person has agreed to apply for medical assistance for the resident, the facility may petition the court under chapter 525 to appoint a representative for the resident in order to apply for medical assistance for the resident.

(e) The remedy provided in this subdivision does not preclude a facility from seeking any other remedy available under other laws of this state.

Subd. 7. [CONSENT TO TREATMENT.] An admission contract must not include a clause requiring a resident to sign a consent to all treatment ordered by any physician. An admission contract may require consent only for routine nursing care or emergency care. An admission contract must contain a clause that informs the resident of the right to refuse treatment.

Subd. 8. [WRITTEN ACKNOWLEDGMENT.] An admission contract must contain a written acknowledgment that the resident has been informed of the patient's bill of rights, as required in section 144.652.

Subd. 9. [VIOLATIONS; PENALTIES.] (a) Violation of this section is grounds for issuance of a correction order, and if uncorrected, a penalty assessment issued by the commissioner of health, under section 144A.10. The civil fine for noncompliance with a correction order issued under this section is $250 per day.

(b) Unless otherwise expressly provided, the remedies or penalties provided by this subdivision do not preclude a resident from seeking any other remedy and penalty available under other laws of this state.

Subd. 10. [APPLICABILITY.] This section applies to new admissions to facilities on and after October 1, 1989. This section does not require the execution of a new admission contract for a resident who was residing in a facility before the enactment of this section. However, provisions of the admission contract that are inconsistent with or in conflict with this section are voidable at the sole option of the resident. Residents must be given notice of the changes in admission contracts according to this section and must be given the opportunity to execute a new admission contract that conforms to this section.

Sec. 3. [256B.32] [FACILITY FEE FOR OUTPATIENT HOSPITAL EMERGENCY ROOM AND CLINIC VISITS.]

The commissioner shall establish a facility fee payment mechanism that will pay a facility fee to all enrolled outpatient hospitals for each emergency room or outpatient clinic visit provided on or after July 1, 1989. This payment mechanism shall not result in an overall increase in outpatient payment rates. This section shall not apply to federally mandated maximum payment limits, department-approved program packages, or services billed using a non-outpatient hospital provider number."

Amend the title as follows:

Page 1, lines 9 and 10, delete "medical assistance" and insert "public benefits"

Page 1, line 13, after the second semicolon insert "requiring a facility fee payment to enrolled hospitals for certain emergency room or clinic visits;"

Page 1, line 16, delete "chapter 144" and insert "chapters 144; and 256B"

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. 1425, A bill for an act relating to privacy of communications; modifying standards for disclosure of communications by electronic communications services; limiting use of contract personnel; modifying reporting requirements; modifying procedures for the use of pen registers and trap and trace devices; requiring orders for the use of mobile tracking devices; providing for a civil cause of action; removing the sunset on the privacy of communications act; imposing penalties; amending Minnesota Statutes 1988, sections 626A.02, subdivision 3; 626A.04; 626A.06, subdivision 4a; 626A.11, subdivisions 1 and 2; 626A.12, subdivision 1; 626A.17; 626A.35; 626A.36; 626A.37; 626A.38; 626A.39, by adding a subdivision; and 626A.40; proposing coding for new law in Minnesota Statutes, chapter 626A; repealing Minnesota Statutes 1988, sections 626A.12, subdivision 1a; 626A.22; 626A.23; and 626A.24; and Laws 1988, chapter 577, section 62.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1988, section 626A.02, subdivision 3, is amended to read:

Subd. 3. [DISCLOSING COMMUNICATIONS.] (a) Except as provided in paragraph (b), 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~~ in the normal course of business if there is reason to believe that the communication pertains to the commission of a crime, if divulgence is made to a law enforcement agency.

Sec. 2. Minnesota Statutes 1988, section 626A.04, is amended to read:

626A.04 [PROHIBITION OF USE AS EVIDENCE OF INTERCEPTED WIRE ~~OR~~, ORAL, OR ELECTRONIC COMMUNICATIONS.]

Whenever any wire ~~or~~, oral, or electronic communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court or grand jury if the disclosure of that information would be in violation of sections 626A.01 to 626A.23.

Sec. 3. Minnesota Statutes 1988, section 626A.06, subdivision 4a, is amended 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~~ an employee 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~~ who is an investigative or law enforcement officer authorized to conduct the investigation.

Sec. 4. Minnesota Statutes 1988, 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, or electronic 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. 5. Minnesota Statutes 1988, 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, or electronic communications pursuant to a warrant issued under section 626A.06 shall be admissible in any proceeding unless the 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 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. 6. Minnesota Statutes 1988, 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, or electronic communication, or evidence derived therefrom on the grounds that:

(i) the wire ~~or~~, oral, or electronic 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, or electronic 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. 7. Minnesota Statutes 1988, section 626A.17, is amended to read:

626A.17 [REPORT, CONCERNING INTERCEPTION OF COMMUNICATIONS.]

Subdivision 1. [REPORTS AND TRANSMITTAL OF DOCUMENTS TO STATE COURT ADMINISTRATOR.] Within 30 days after the expiration of an order granting or denying an application under this chapter, or each extension thereof, or the denial of an order approving an interception or the use of a pen register, trap and trace device, or mobile tracking device, the issuing or denying judge shall report to the state court administrator:

(a) the fact that an order or extension was applied for;

(b) the kind of order or extension applied for;

(c) the fact that the order or extension was granted as applied for, was modified, or was denied;

(d) the period of interceptions or use of a pen register, trap and trace device, or mobile tracking device authorized by the order, and the number and duration of any extensions of the order;

(e) the offense specified in the order or application, or extension of an order;

(f) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(g) the nature of the facilities from which or the place where communications were to be intercepted or activity under the order was to be carried out.

Subd. 2. [REPORT BY COUNTY ATTORNEY.] No later than January 15 of each year each county attorney shall report to the state court administrator:

(a) with respect to each application for an order or extension made during the preceding year:

(1) the fact that an order or extension was applied for;

(2) the kind of order or extension applied for;

(3) the fact that the order or extension was granted as applied for, was modified, or was denied;

(4) the period of interceptions or use of a pen register, trap and trace device, or mobile tracking device authorized by the order, and the number and duration of any extensions of the order;

(5) the offense specified in the order or application, or extension of an order;

(6) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(7) the nature of the facilities from which or the place where communications were to be intercepted, or activity under the order was to be carried out;

(b) a general description of the interceptions made or information obtained under such order or extension, including (i) the approximate nature and frequency of incriminating communications intercepted or evidence obtained, (ii) the approximate nature and frequency of other communications intercepted, (iii) the approximate number of persons whose communications were intercepted or whose activities were monitored, and (iv) the approximate nature, amount, and cost of the personnel and other resources used in the interceptions or the use of the pen register, trap and trace device, or mobile tracking device;

(c) the number of arrests resulting from interceptions made or activity conducted under such order or extension, and the offenses for which arrests were made;

(d) the number of trials resulting from such interceptions or activity;

(e) the number of motions to suppress made with respect to such interceptions or activity, and the number granted or denied;

(f) the number of convictions resulting from such interceptions or activity and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions or activity; and

(g) the information required by paragraphs (b) through (f) of this

subdivision with respect to orders or extensions obtained in a preceding calendar year.

Subd. 3. [REPORT TO LEGISLATURE BY STATE COURT ADMINISTRATOR.] On or before November 15 of each even numbered year, the state court administrator shall transmit to the legislature a report concerning (a) all warrants and orders authorizing the interception of communications and the use of a pen register, trap and trace device, mobile tracking device, or other electronic or mechanical device during the two previous calendar years and (b) all applications that were denied during the two previous calendar years. Each ~~such~~ report shall include a summary and analysis of the data required to be filed under this section. The report is public and must be available for public inspection at the legislative reference library and the state court administrator's office.

Sec. 8. Minnesota Statutes 1988, section 626A.35, is amended to read:

626A.35 [GENERAL PROHIBITION ON PEN REGISTER ~~AND~~, TRAP AND TRACE DEVICE, AND MOBILE TRACKING 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, or mobile tracking device without first obtaining a court order under section 626A.37.

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. 2a. [EXCEPTION.] The prohibition of subdivision 1 does not apply to the use of a mobile tracking device where the consent of the owner of the object to which the mobile tracking device is to be attached 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. 9. Minnesota Statutes 1988, section 626A.36, is amended to read:

626A.36 [APPLICATION FOR AN ORDER FOR A PEN REGISTER ~~OR A~~, TRAP AND TRACE DEVICE, OR MOBILE TRACKING DEVICE.]

Subdivision 1. [APPLICATION.] An investigative or law enforcement officer with responsibility for an ongoing criminal investigation may make application for an order or an extension of an order under section 626A.37 authorizing or approving the installation and use of a pen register ~~or a~~, trap and trace device, or mobile tracking device under sections 626A.35 to 626A.39, 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, the identity of any other officer or employee authorizing or directing 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. 10. Minnesota Statutes 1988, section 626A.37, is amended to read:

626A.37 [ISSUANCE OF AN ORDER FOR A PEN REGISTER ~~OR A~~, TRAP AND TRACE DEVICE, OR MOBILE TRACKING DEVICE.]

Subdivision 1. [IN GENERAL.] Upon an application made under section 626A.36, the court shall enter an ex parte order authorizing the installation and use of a pen register ~~or a~~, trap and trace device, or mobile tracking 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 or of the person to be traced by the mobile tracking device;

(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 or the identity or nature of the object or objects to which the mobile tracking 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, or mobile tracking device relates;

(5) the identity of the law enforcement or investigative officer responsible for installation and use of the pen register, trap and trace device, or mobile tracking device; and

(6) the period during which the use of the pen register, trap and trace device, or mobile tracking device is authorized.

(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, or mobile tracking device under section 626A.38.

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, or a mobile tracking device for a period not to exceed 60 days, or the period necessary to achieve the objective of the authorization, whichever is less.

(b) Extensions of an order may be granted, but only upon an application for an order under section 626A.36 and upon the judicial finding required by subdivision 1. The extension must include a statement of any changes in the information required in subdivision 2. The period of extension must be for a period not to exceed 60 days, or the period necessary to achieve the objective for which it is granted, whichever is less.

Subd. 4. [NONDISCLOSURE OF EXISTENCE OF PEN REGISTER ~~OR A~~, TRAP AND TRACE DEVICE, OR MOBILE TRACKING DEVICE.] An order authorizing or approving the installation

and use of a pen register ~~or a~~, trap and trace device, or a mobile tracking 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, mobile tracking device, or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

Subd. 5. [JURISDICTION.] A warrant or other order for a mobile tracking device issued under this section or other authority may authorize the use of a mobile tracking device within the jurisdiction of the court and outside of that jurisdiction as long as the device is installed in the jurisdiction.

Sec. 11. Minnesota Statutes 1988, section 626A.38, subdivision 1, is amended to read:

Subdivision 1. [PEN REGISTERS OR MOBILE TRACKING DEVICES.] Upon the request of an officer of a law enforcement agency authorized to install and use a pen register or mobile tracking device under sections 626A.35 to 626A.39, 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 or mobile tracking 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 assistance is directed by a court order as provided in section 626A.37, subdivision 2, paragraph (b).

Sec. 12. [626A.381] [SERVICE OF NOTICE; INVENTORY.]

Subdivision 1. [NOTICE REQUIRED.] Except as provided in subdivision 2, within a reasonable time not later than 90 days after the filing of an application under section 626A.36, if the application is denied, or of the termination of an order, as extended under section 626A.37, the issuing or denying judge shall have served on the persons named in the order or application an inventory that includes notice of:

(1) the fact of the entry of the order or the application;

(2) the date of the entry and the period of authorized, approved, or

disapproved activity under the order, or the denial of the application; and

(3) the fact that during the period, activity did or did not take place under the order.

Subd. 2. [EXCEPTION.] On an ex parte showing of good cause, a judge may postpone or dispense with service of the inventory required by this section.

Subd. 3. [INSPECTION.] The judge, upon the filing of a motion, may make available to a person or the person's counsel portions of the results of activity under the order or referred to in the application, or the order or application as the judge determines is in the interest of justice.

Sec. 13. Minnesota Statutes 1988, section 626A.39, is amended by adding a subdivision to read:

Subd. 5. [MOBILE TRACKING DEVICE.] "Mobile tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or object.

Sec. 14. [626A.391] [CIVIL ACTION; DAMAGES.]

Subdivision 1. [GENERAL.] A person who is harmed by a violation of sections 626A.35 to 626A.39 may bring a civil action against the person who violated these sections for damages and other appropriate relief, including:

(1) preliminary and equitable or declaratory relief; and

(2) reasonable costs and attorneys fees.

Subd. 2. [LIMITATION.] An action under this section must be commenced within two years after:

(1) the occurrence of the violation; or

(2) the date upon which the claimant first had a reasonable opportunity to discover the violation.

Subd. 3. [DEFENSES.]

(1) A good faith reliance on a court warrant or order, a grand jury subpoena, or a statutory authorization; or

(2) A good faith reliance on a request of an investigative or law

enforcement officer under United States Code, title 18, section 2518(7)

is a complete defense against any civil or criminal action brought under sections 626A.35 to 626A.39.

Sec. 15. Minnesota Statutes 1988, section 626A.40, is amended to read:

626A.40 [SUBJECT TO OTHER LAWS.]

Nothing in ~~sections 626A.24 to 626A.39 must be considered to authorize~~ this chapter authorizes conduct constituting a violation of any law of the United States.

Sec. 16. [626A.41] [CITATION.]

This chapter may be cited as the privacy of communications act.

Sec. 17. [REPEALER.]

Minnesota Statutes 1988, sections 626A.12, subdivision 1a; 626A.22; 626A.23; 626A.24; and 626A.38, subdivision 5, are repealed.

ARTICLE 2

Section 1. [8.16] [ATTORNEY GENERAL; ADMINISTRATIVE SUBPOENAS.]

Subdivision 1. [AUTHORITY.] The attorney general, or any deputy, assistant, or special assistant attorney general whom the attorney general authorizes in writing, has the authority in any county of the state to subpoena and require the production of any records of telephone companies, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation.

Subd. 2. [ENFORCEMENT.] The subpoena shall be enforceable through the district court.

Subd. 3. [EXPENSES.] The person directed to produce the records must be paid reasonable expenses incurred in producing the records.

Subd. 4. [DISCLOSURE PROHIBITED.] The subpoena must state that the person to whom the subpoena is directed may not disclose the fact that the subpoena was issued or the fact that the requested records have been produced except:

(1) insofar as the disclosure is necessary to find and disclose the records; or

(2) pursuant to court order.

Subd. 5. [PENALTY.] The willful failure to produce the documents required by the subpoena is a misdemeanor.

Subd. 6. [EX PARTE ORDER.] Upon the ex parte request of the attorney issuing the subpoena, the district court may issue an order directing the production of the records. It is not necessary for either the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court, or both.

Sec. 2. [388.23] [COUNTY ATTORNEY; ADMINISTRATIVE SUBPOENAS.]

Subdivision 1. [AUTHORITY.] The county attorney, or any deputy or assistant county attorney whom the county attorney authorizes in writing, has the authority in that county to subpoena and require the production of any records of telephone companies, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation.

Subd. 2. [ENFORCEMENT.] The subpoena shall be enforceable through the district court.

Subd. 3. [EXPENSES.] The person directed to produce the records shall be paid reasonable expenses incurred in producing the records.

Subd. 4. [DISCLOSURE PROHIBITED.] The subpoena must state that the person to whom the subpoena is directed may not disclose the fact that the subpoena was issued or the fact that the requested records have been given to law enforcement personnel except:

(1) insofar as the disclosure is necessary to find and disclose the records; or

(2) pursuant to court order.

Subd. 5. [PENALTY.] The willful failure to produce the documents required by the subpoena is a misdemeanor.

Subd. 6. [EX PARTE ORDER.] Upon the ex parte request of the attorney issuing the subpoena, the district court may issue an order directing the production of the records. It is not necessary for either the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court, or both.

Sec. 3. [609.497] [WARNING SUBJECT OF SURVEILLANCE OR SEARCH.]

Subdivision 1. [ELECTRONIC COMMUNICATION.] Whoever, having knowledge that an investigative or law enforcement officer has been authorized or has applied for authorization under sections 626A.01 to 626A.23 to intercept a wire, oral, or electronic communication, and with intent to obstruct, impede, or prevent interception, gives notice or attempts to give notice of the possible interception to a person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

Subd. 2. [PEN REGISTER.] Whoever, having knowledge that an investigative or law enforcement officer has been authorized or has applied for authorization under sections 626A.01 to 626A.23 to install and use a pen register or a trap and trace device, and with intent to obstruct, impede, or prevent the purposes for which the installation and use is being made, gives notice or attempts to give notice of the installation or use to any person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

Subd. 3. [SEARCH WARRANT.] Whoever, having knowledge that a peace officer has been issued or has applied for the issuance of a search warrant, and with intent to obstruct, impede, or prevent the search, gives notice or attempts to give notice of the search or search warrant to any person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

Sec. 4. [609.4971] [WARNING SUBJECT OF INVESTIGATION.]

Whoever, having knowledge that a subpoena has been issued under sections 1 and 2, and with intent to obstruct, impede, or prevent the investigation for which the subpoena was issued, gives notice or attempts to give notice of the issuance of the subpoena or the production of the documents to a person, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

Sec. 5. Minnesota Statutes 1988, 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, of the court of appeals, 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 subdivision 11, 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. 6. [626A.065] [EMERGENCY INTERCEPTION.]

Notwithstanding any other provision in sections 626A.01 to 626A.23, any investigative or law enforcement officer, specially designated by the attorney general or a county attorney, who:

(1) reasonably determines that:

(i) an emergency situation exists that involves immediate danger of death or serious physical injury to any person that requires a wire, oral, or electronic communication to be intercepted before a warrant authorizing such interception can, with due diligence, be obtained; and

(ii) there are grounds upon which a warrant could be issued under section 626A.01 to 626A.23 to authorize the interception; and

(2) obtains approval from a judge of the district court, of the court of appeals, or of the supreme court,

may intercept the wire, oral, or electronic communication. The judge's approval may be given orally and may be given in person or by using any medium of communication. The judge shall do one of the following: make written notes summarizing the conversation, tape record the conversation, or have a court reporter record the conversation. An application for a warrant approving the interception must be made in accordance with section 626A.06 within 36 hours after the interception has occurred, or begins to occur. In the absence of a warrant, the interception must immediately end when the communication sought is obtained or when the application for the warrant is denied, whichever is earlier. If application for approval is denied, or in any other case where the interception is ended without a warrant having been issued, the contents of a wire, oral, or electronic communication intercepted must be treated as having been obtained in violation of sections 626A.01 to 626A.23 and an inventory shall be served as provided for in section 626A.10 on the person named in the application.

Sec. 7. Laws 1988, chapter 577, section 63, is amended to read:

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.~~

Sec. 8. [REPEALER.]

Laws 1988, chapter 577, section 62, is repealed.

Sec. 9. [EFFECTIVE DATE.]

Sections 7 and 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to privacy of communications; modifying standards for disclosure of communications by electronic communications services; limiting use of contract personnel; modifying reporting requirements; modifying procedures for the use of pen registers and trap and trace devices; requiring orders for the use of mobile tracking devices; providing for a civil cause of action; removing the sunset on the privacy of communications act; authorizing the attorney general and county attorneys to issue administrative subpoenas; creating crimes that prohibit warning subjects of investigations, electronic surveillance, or search warrants; imposing penalties; amending Minnesota Statutes 1988, sections 626A.02, subdivision 3; 626A.04; 626A.06, subdivisions 1 and 4a; 626A.11, subdivisions 1 and 2; 626A.12, subdivision 1; 626A.17; 626A.35; 626A.36; 626A.37; 626A.38, subdivision 1; 626A.39, by adding a subdivision; and 626A.40; Laws 1988, chapter 577, section 63; proposing coding for new law in Minnesota Statutes, chapters 8, 388, 609, and 626A; repealing Minnesota Statutes 1988, sections 626A.12, subdivision 1a; 626A.22; 626A.23; 626A.24; and 626A.38, subdivision 5; Laws 1988, chapter 577, section 62."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1504, A bill for an act relating to Martin county; permitting the county board to assign certain duties to the county recorder.

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

The report was adopted.

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

H. F. No. 1667, A bill for an act relating to human services;

creating a temporary licensure exemption for supportive living arrangements for persons who have mental retardation or chemical dependency or who are frail elderly, or have other functional impairments; requiring the commissioner to adopt licensing rules; amending Minnesota Statutes 1988, section 245A.03, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [157.031] [ADDITIONAL LICENSE REQUIRED FOR BOARD AND LODGING ESTABLISHMENTS; SPECIAL SERVICES.]

Subdivision 1. [DEFINITIONS.] (a) "Supportive services" means the provision of supervision and minimal assistance with independent living skills such as social and recreational opportunities, assistance with transportation, arranging for meetings and appointments, arranging for medical and social services, and dressing, grooming, or bathing. Supportive services also include providing reminders to residents to take medications that are self administered or providing storage for medications if requested.

(b) "Health supervision services" means the provision of assistance in the preparation and administration of medications other than injectables, the provision of therapeutic diets, taking vital signs, or providing assistance in bathing or with walking devices.

Subd. 2. [REGISTRATION.] A board and lodging establishment that provides supportive services or health supervision services must register with the commissioner by September 1, 1989. The registration must include the name, address, and telephone number of the establishment, the types of services that are being provided, a description of the residents being served, the type and qualifications of staff in the facility, and other information that is necessary to identify the needs of the residents and the types of services that are being provided. The commissioner shall develop and furnish to the board and lodging establishment the necessary form for submitting the registration. The requirement for registration is effective until the special license rules required by subdivision 5 are effective.

Subd. 3. [RESTRICTION ON THE PROVISION OF SERVICES.] Effective September 1, 1989, and until the rules required under subdivision 5 are adopted, a board and lodging establishment may provide health supervision services only if a licensed nurse is on site in the facility for at least four hours a week to provide supervision and health monitoring of the residents. A board and lodging facility that admits or retains residents using wheelchairs or walkers must have the necessary clearances from the office of the state fire marshal.

Subd. 4. [SPECIAL LICENSE REQUIRED.] Upon adoption of the rules required by subdivision 5, a board and lodging establishment that provides either supportive care or health supervision services must obtain a special license from the commissioner. The special license is required until rules resulting from the recommendations made in accordance with section 2 are implemented.

Subd. 5. [RULES.] By July 1, 1990, the commissioner of health shall adopt rules necessary to implement the special license provisions. The rules may address the type of services that can be provided, staffing requirements, and the training and qualifications of staff. The rules must set a fee for the issuance of the special service license. The special license fee is in addition to the license fee prescribed in section 157.03.

Subd. 6. [SERVICES THAT MAY NOT BE PROVIDED IN A BOARD AND LODGING ESTABLISHMENT.] A board and lodging establishment may not admit or retain individuals who:

(1) would require assistance from facility staff because of the following needs: incontinence, catheter care, use of injectable or parenteral medications, wound care, or dressing changes or irrigations of any kind; or

(2) require a level of care and supervision beyond supportive services or health supervision services.

Subd. 7. [CERTAIN INDIVIDUALS MAY PROVIDE SERVICES.] This section does not prohibit the provision of health care services to residents of a board and lodging establishment by family members of the resident or by a registered or licensed home care agency employed by the resident.

Subd. 8. [EXEMPTION FOR ESTABLISHMENTS WITH A HUMAN SERVICES LICENSE.] This section does not apply to a board and lodging establishment that is licensed by the commissioner of human services under chapter 245A.

Subd. 9. [VIOLATIONS.] The commissioner may revoke both the special service license, when issued, and the establishment license, if the establishment is found to be in violation of this section. Violation of this section is a gross misdemeanor.

Sec. 2. Minnesota Statutes 1988, section 256D.06, subdivision 3, is amended to read:

Subd. 3. When a general assistance grant is used to pay a negotiated rate for a recipient living in a room and board arrangement or congregate living care, or when a recipient is living in a state hospital or nursing home, the recipient shall receive an

allowance for clothing and personal needs and the allowance shall not be less than that authorized for a medical assistance recipient pursuant to section 256B.35.

When a general assistance grant is used to pay a negotiated rate for a recipient living in a facility not certified to participate in the medical assistance program that is licensed as a boarding care facility, or which provides chemical dependency service to clients, the following provisions apply. The negotiated rate must be adjusted by the annual percentage change in the consumer price index (CPI-U United States city average), as published by the bureau of labor statistics between the previous two Septembers, new series index (1967-100) or 2.5 percent. If the negotiated rate is adjusted by the annual percentage change in the consumer price index, and this percentage is greater than 2.5, the county shall require a written affidavit from the facility. This affidavit must include assurances that the amount of increased reimbursement to the facility attributable to that portion of the percentage adjustment increase constituting the difference between the consumer price index percentage change and 2.5 percent shall be used for equitable increases for employee salaries, payroll taxes, and fringe benefits.

Sec. 3. [SUPPORTIVE RESIDENTIAL PROGRAMS REPORT.]

Subdivision 1. [SUPPORTIVE RESIDENTIAL PROGRAM REGULATION RECOMMENDATION.] By February 1, 1990, the commissioners of health and human services shall jointly make a recommendation to the legislature on the regulation and licensure of facilities and programs that provide housing services and provide or coordinate supportive services or health supervision services to residents. The recommendations must address:

(1) the existing use of residential arrangements with a lodging, hotel, or food service license under Minnesota Statutes, chapter 157;

(2) existing county board and local human service agency administrative or certification standards for board and lodging houses or supportive living residences;

(3) county referral and placement practices for persons who, in addition to food or lodging services, need assistance with health or supportive services;

(4) the status of persons in these facilities with respect to the vulnerable adults abuse reporting act and their need for referral to protective services or social services for assessment prior to placement by the county or referral to the residence by the county;

(5) the applicability of laws governing the rights of patients and

residents specified in Minnesota Statutes, section 144.651, and the rights of tenants in housing;

(6) a determination as to the need for and degree of regulation of these services;

(7) recommendations for repeal or revision of existing facility and program statutes and regulations; and

(8) a fiscal analysis of the current costs associated with the provision of supportive programs and facilities, recommendations for methods for maximizing all funding sources used for these services, and an analysis of the costs for licensure and regulation.

Subd. 2. [CONSULTATION WITH AFFECTED PARTIES.] In developing the recommendations, the commissioners may consult other state departments and agencies, the interagency board for quality assurance established under Minnesota Statutes, section 144A.31, counties and other affected political subdivisions, advocacy groups, representatives or owners of facilities and programs, lodging houses and assisted or supportive living services, and service consumers.

Subd. 3. [COUNTY REPORTING.] No later than September 1, 1989, and annually after that date, the county board or human services board in each county shall report to the commissioner of human services the names and addresses of the owners and operators of all facilities and programs with which the county has a negotiated rate agreement and which are not licensed under Minnesota Statutes, chapter 144, 144A, or 245A. The report must identify the amount of the negotiated rate for each facility or program, services other than the provision of lodging that the owner or operator is responsible for coordinating or providing, the number of persons receiving services, and the per unit cost for the services. No later than September 1, 1989, the county board or human services agency in each county shall also provide the commissioner of human services with a copy of any administrative standards or certification standards adopted by or used by the county for board and lodging facilities and supervised living residences that are in addition to or different from those contained in Minnesota Rules, chapter 4625, or that are for facilities and programs not licensed under Minnesota Statutes, chapter 144, 144A, or 245A.

Sec. 4. [LICENSURE EXCLUSIONS.]

Until July 1, 1990, Minnesota Statutes, sections 245A.01 to 245A.16, do not apply to board and lodging establishments licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness and who have refused an appropriate residential program offered by a county agency."

Delete the title and insert:

"A bill for an act relating to health and human services; requiring registration and a special license for board and lodging establishments that provide supportive services or health supervision; providing for adjustment of negotiated rates for residents in certain facilities; requiring a report; amending Minnesota Statutes 1988, section 256D.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 157."

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:

S. F. No. 134, A bill for an act relating to government data practices; authorizing release of certain data to state committee of blind vendors; amending Minnesota Statutes 1988, section 13.791, subdivision 1, and by adding a subdivision.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 321, A bill for an act relating to public nuisances; expanding the nuisance law to include prior convictions for certain drug and liquor offenses; amending Minnesota Statutes 1988, section 617.81, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 617.81, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING A NUISANCE.] For purposes of sections 617.80 to 617.87 a public nuisance exists upon proof of ~~any of the following:~~

~~(1)~~ three or more misdemeanor convictions or two or more convictions, of which at least one is a gross misdemeanor or felony, within the previous two years for:

(1) acts of prostitution or prostitution-related offenses committed within the building;

(2) ~~three or more misdemeanor convictions or two or more convictions, of which at least one is a gross misdemeanor or felony, within the previous two years for~~ acts of gambling or gambling-related offenses committed within the building; ~~or~~

(3) ~~two or more convictions within the previous two years for~~ keeping or permitting a disorderly house within the building.~~;~~

(4) unlawful sale or possession of controlled substances committed within the building;

(5) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401; or

(6) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1)."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 331, A bill for an act relating to notaries public; eliminating the requirement that notaries be bonded; amending Minnesota Statutes 1988, sections 359.02 and 359.071.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 1990."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 535, A bill for an act relating to real property; abolishing certain residual marital interests in real property; clarifying that the 40-year limitation on actions affecting title to real estate applies

to an action based on an option to repurchase or other restrictions on a surface estate; providing for certain certifications; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1988, sections 541.023, subdivision 2; 548.181, subdivisions 1, 3, and by adding a subdivision; and 582.27; proposing coding for new law in Minnesota Statutes, chapter 519.

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:

S. F. No. 628, A bill for an act relating to eminent domain; providing for relocation benefits for displaced persons; amending Minnesota Statutes 1988, section 117.52, subdivision 1.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 851, A bill for an act relating to driving while intoxicated; making it a crime for certain repeat offenders to refuse to submit to chemical testing under the implied consent law; imposing penalties; amending Minnesota Statutes 1988, sections 169.121, subdivisions 1, 1a, 3, and 3b; and 169.123, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 14, delete the second "or" and before the period, insert ", or 609.21, subdivision 4, clause (2) or (3)"

Page 3, line 18, after the third comma, insert "section 609.21, subdivision 1, clause (2) or (3), 609.21, subdivision 2, clause (2) or (3), 609.21, subdivision 3, clause (2) or (3), 609.21, subdivision 4, clause (2) or (3),"

Page 5, after line 32, insert:

"Sec. 6. Minnesota Statutes 1988, section 609.21, is amended to read:

609.21 [CRIMINAL VEHICULAR OPERATION.]

Subdivision 1. [RESULTING IN DEATH.] Whoever causes the death of a human being not constituting murder or manslaughter as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than ~~five~~ ten years or to payment of a fine of not more than ~~$10,000~~ $20,000, or both.

Subd. 2. [RESULTING IN INJURY.] Whoever causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than ~~three~~ five years or the payment of a fine of not more than ~~$5,000~~ $10,000, or both.

Subd. 3. [RESULTING IN DEATH TO AN UNBORN CHILD.] Whoever causes the death of an unborn child as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ~~five~~ ten years or to payment of a fine of not more than ~~$10,000~~ $20,000, or both. A prosecution for or conviction of a crime

under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4. [RESULTING IN INJURY TO UNBORN CHILD.] Whoever causes great bodily harm, as defined in section 609.02, subdivision 8, to an unborn child who is subsequently born alive, as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~$5,000~~ $10,000, or both. A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct."

Page 5, line 34, delete "5" and insert "6"

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "increasing penalties for criminal vehicular operation;"

Page 1, line 6, delete the second "and"

Page 1, line 7, before the period, insert "; and 609.21"

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:

S. F. No. 1082, A bill for an act relating to administrative procedure; clarifying the applicability of the requirement that agencies consider the impact of proposed rules on small business; amending Minnesota Statutes 1988, section 14.115, subdivision 7.

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:

S. F. No. 1106, A bill for an act relating to adoption; changing the minimum age at which an adopted person may request original birth certificate information; changing time periods during which birth parents may consent to disclosure; authorizing disclosure of information on the consenting parent when only one birth parent consents; amending Minnesota Statutes 1988, section 259.49, subdivisions 1, 2, and 4.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 162, 337, 415, 981, 1110, 1179, 1221, 1423, 1425 and 1504 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 787, 134, 321, 331, 535, 628, 851, 1082 and 1106 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel introduced:

H. F. No. 1735, A bill for an act relating to state agencies; contracting for professional and technical services; requiring publicizing the availability of contracts at least 21 days before proposals from prospective contractors are due; amending Minnesota Statutes 1988, section 16B.17, subdivision 3.

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

Pauly, Morrison and Valento introduced:

H. F. No. 1736, A bill for an act relating to taxation; property; modifying the metropolitan revenue distribution system; phasing out certain exemptions; decreasing the contribution percentage; changing certain definitions; eliminating the administrative auditor's functions; prohibiting use of proceeds for special purposes; amending Minnesota Statutes 1988, sections 473F.01; 473F.02, subdivisions 3 and 8; 473F.06; 473F.07; 473F.08, subdivisions 2, 5, 6, 7a, and by adding a subdivision; 473F.09; 473F.10, subdivisions 1 and 2; and 473F.13, subdivision 1; repealing Minnesota Statutes 1988, sections 473F.02, subdivisions 6, 9, 11, 16, 17, 18, 19, and 20; 473F.03; 473F.12; and 473F.13, subdivisions 2 and 3.

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

Simoneau introduced:

H. F. No. 1737, A bill for an act relating to public audits; providing for audits of the Duluth state convention center administration board; amending Laws 1985, First Special Session, chapter 15, section 36, subdivision 4.

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

Pappas introduced:

H. F. No. 1738, A bill for an act relating to motor vehicles; registration; abolishing authority to appoint corporations or private individuals other than persons acting on behalf of nonprofit corporations as deputy registrars; providing for the transfer of appointments of corporations as deputy registrars to private individuals in certain circumstances; requiring county auditors to accept appointments as deputy registrars except in certain situations; permitting any other county official or any statutory or home rule charter city official to be appointed as a deputy registrar; permitting counties to contract with private individuals for deputy registrar services in certain instances; requiring the registrar of motor vehicles to adopt rules governing the hours of operation of deputy registrars; permitting private individuals holding appointments as deputy registrars or qualifying for transfers of appointments held by corporations to continue to operate as deputy registrars; requiring the registrar of motor vehicles to develop a plan for compensating persons who by a

certain date purchased corporations holding appointments as deputy registrars; amending Minnesota Statutes 1988, section 168.33, subdivision 2.

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

Simoneau and Johnson, A., introduced:

H. F. No. 1739, A bill for an act relating to human services; requiring a study on methods of providing state assistance for persons with high out-of-pocket expenses for certain prescription drugs; appropriating money.

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

Waltman, Dauner, Redalen, Sviggum and Schreiber introduced:

H. F. No. 1740, A bill for an act relating to taxation; providing for hearings to establish need for and reasonable cost of reassessments; amending Minnesota Statutes 1988, sections 270.16, subdivision 1; and 270.18.

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

Stanius introduced:

H. F. No. 1741, A bill for an act relating to utilities; exempting the city of White Bear Lake from the electric service area boundaries set by statute.

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

Welle introduced:

H. F. No. 1742, A bill for an act relating to taxation; exempting certain capital equipment used in the printing industry from the sales and use tax; amending Minnesota Statutes 1988, section 297A.25, subdivision 10, and by adding a subdivision.

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

Welle introduced:

H. F. No. 1743, A bill for an act relating to taxation; exempting certain printed materials from the sales tax; amending Minnesota Statutes 1988, section 297A.25, by adding a subdivision.

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

Wynia, Skoglund, Gruenes, Ogren and Greenfield introduced:

H. F. No. 1744, A bill for an act relating to health; regulating mandated health care benefits; requiring referral and review by the commissioner; establishing review criteria; proposing coding for new law as Minnesota Statutes, chapter 62J.

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

Ogren introduced:

H. F. No. 1745, A bill for an act relating to retirement; authorizing purchase of prior service credit in the public employees retirement association by a certain Aitkin county elected official.

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

Munger; Anderson, G.; Kalis; Redalen and Price introduced:

H. F. No. 1746, A bill for an act relating to the environment; authorizing the sale of bonds to seal abandoned wells.

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

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. 695, A bill for an act relating to education; reducing the Askov school board from seven to six members; requiring local approval.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1488.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1488, A bill for an act relating to education; authorizing a school district to issue bonds when a calamity occurs and establishing certain procedures for repayment of the bonds.

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

CONSENT CALENDAR

H. F. No. 1389, A bill for an act relating to Goodhue county; permitting the county to establish certain payment procedures.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Abrams	Burger	Frederick	Janezich	Krueger
Anderson, G.	Carlson, D.	Frerichs	Jaros	Lasley
Anderson, R.	Carlson, L.	Girard	Jefferson	Lieder
Battaglia	Carruthers	Greenfield	Jennings	Limmer
Bauerly	Clark	Gruenes	Johnson, A.	Lynch
Beard	Conway	Gutknecht	Johnson, R.	Macklin
Begich	Cooper	Hartle	Johnson, V.	Marsh
Bennett	Dauner	Haukoos	Kalis	McDonald
Bertram	Dawkins	Heap	Kelly	McEachern
Bishop	Dempsey	Henry	Kelso	McGuire
Blatz	Dille	Himle	Kinkel	McLaughlin
Boo	Dorn	Hugoson	Knickerbocker	McPherson
Brown	Forsythe	Jacobs	Kostohryz	Milbert

Miller	Orenstein	Quinn	Simoneau	Vellenga
Morrison	Osthoff	Redalen	Skoglund	Wagenius
Munger	Ostrom	Reding	Solberg	Waltman
Murphy	Otis	Richter	Sparby	Weaver
Nelson, C.	Ozment	Rodosovich	Stanius	Welle
Neuenschwander	Pappas	Rukavina	Steensma	Wenzel
O'Connor	Pauly	Runbeck	Sviggum	Williams
Ogren	Pellow	Sarna	Tjornhom	Winter
Olsen, S.	Pelowski	Schafer	Tompkins	Wynia
Olson, E.	Peterson	Scheid	Trimble	Spk. Vanasek
Olson, K.	Poppenhagen	Schreiber	Tunheim	
Omann	Price	Seaberg	Uphus	
Onnen	Pugh	Segal	Valento	

The bill was passed and its title agreed to.

H. F. No. 1454, A bill for an act relating to Itasca county; authorizing a petition to annex unorganized territory to the town of Spang to be signed by residents of the town.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Abrams	Forsythe	Knickerbocker	Olson, K.	Scheid
Anderson, G.	Frederick	Kostohryz	Omann	Schreiber
Anderson, R.	Frerichs	Krueger	Onnen	Seaberg
Battaglia	Girard	Lasley	Orenstein	Segal
Bauerly	Greenfield	Lieder	Osthoff	Simoneau
Beard	Gruenes	Limmer	Ostrom	Skoglund
Begich	Gutknecht	Lynch	Otis	Solberg
Bennett	Hartle	Macklin	Ozment	Sparby
Bertram	Haukoos	Marsh	Pauly	Stanius
Bishop	Heap	McDonald	Pellow	Steensma
Blatz	Henry	McEachern	Pelowski	Sviggum
Boo	Himle	McGuire	Peterson	Tjornhom
Brown	Hugoson	McLaughlin	Poppenhagen	Tompkins
Burger	Jacobs	McPherson	Price	Trimble
Carlson, D.	Janezich	Milbert	Pugh	Tunheim
Carlson, L.	Jaros	Miller	Quinn	Uphus
Carruthers	Jefferson	Morrison	Redalen	Valento
Clark	Jennings	Munger	Reding	Wagenius
Conway	Johnson, A.	Murphy	Rice	Waltman
Cooper	Johnson, R.	Nelson, C.	Richter	Weaver
Dauner	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1540, A bill for an act relating to local government;

regulating storm sewer improvements in Plymouth and Golden Valley; amending Laws 1979, chapter 303, article 10, section 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Krueger	Orenstein	Simoneau
Anderson, G.	Frerichs	Lasley	Osthoff	Skoglund
Anderson, R.	Girard	Lieder	Ostrom	Solberg
Battaglia	Greenfield	Limmer	Otis	Sparby
Bauerly	Gruenes	Lynch	Ozment	Stanius
Beard	Gutknecht	Macklin	Pauly	Steensma
Begich	Hartle	Marsh	Pellow	Sviggum
Bennett	Haukoos	McDonald	Pelowski	Tjornhom
Bertram	Heap	McEachern	Peterson	Tompkins
Bishop	Henry	McGuire	Poppenhagen	Trimble
Blatz	Himle	McLaughlin	Price	Tunheim
Boo	Hugoson	McPherson	Pugh	Uphus
Brown	Jacobs	Milbert	Quinn	Valento
Burger	Janezich	Miller	Redalen	Vellenga
Carlson, D.	Jaros	Morrison	Reding	Wagenius
Carlson, L.	Jefferson	Munger	Rice	Waltman
Carruthers	Jennings	Murphy	Richter	Weaver
Clark	Johnson, A.	Nelson, C.	Rodosovich	Welle
Conway	Johnson, R.	Neuenschwander	Rukavina	Wenzel
Cooper	Johnson, V.	O'Connor	Runbeck	Williams
Dauner	Kalis	Ogren	Sarna	Winter
Dawkins	Kelly	Olsen, S.	Schafer	Wynia
Dempsey	Kelso	Olson, E.	Scheid	Spk. Vanasek
Dille	Kinkel	Olson, K.	Schreiber	
Dorn	Knickerbocker	Omann	Seaberg	
Forsythe	Kostohryz	Onnen	Segal	

The bill was passed and its title agreed to.

S. F. No. 264, A bill for an act relating to health; requiring that health care providers timely furnish patient health records and reports; amending Minnesota Statutes 1988, section 144.335, subdivisions 2 and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bertram	Brown	Carruthers
Anderson, G.	Beard	Bishop	Burger	Clark
Anderson, R.	Begich	Blatz	Carlson, D.	Conway
Battaglia	Bennett	Boo	Carlson, L.	Cooper

Dauner	Jennings	McLaughlin	Pappas	Simoneau
Dawkins	Johnson, A.	McPherson	Pauly	Skoglund
Dempsey	Johnson, R.	Milbert	Pellow	Solberg
Dille	Johnson, V.	Miller	Pelowski	Sparby
Dorn	Kahn	Morrison	Peterson	Stanius
Forsythe	Kalis	Munger	Poppenhagen	Steensma
Frederick	Kelly	Murphy	Price	Sviggum
Frerichs	Kelso	Nelson, C.	Pugh	Tjornhom
Girard	Kinkel	Nelson, K.	Quinn	Tompkins
Greenfield	Knickerbocker	Neuenschwander	Redalen	Trimble
Gruenes	Kostohryz	O'Connor	Reding	Tunheim
Gutknecht	Krueger	Ogren	Rice	Valento
Hartle	Lasley	Olsen, S.	Richter	Vellenga
Haukoos	Lieder	Olson, E.	Rodosovich	Wagenius
Heap	Limmer	Olson, K.	Rukavina	Waltman
Henry	Long	Omann	Runbeck	Weaver
Himle	Lynch	Onnen	Sarna	Welle
Hugoson	Macklin	Orenstein	Schafer	Wenzel
Jacobs	Marsh	Osthoff	Scheid	Williams
Janezich	McDonald	Ostrom	Schreiber	Winter
Jaros	McEachern	Otis	Seaberg	Wynia
Jefferson	McGuire	Ozment	Segal	Spk. Vanasek

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 1270, A bill for an act relating to unemployment compensation; making various technical corrections; amending Minnesota Statutes 1988, sections 268.04, subdivisions 12 and 25; 268.06, subdivisions 1, 8a, and 28; 268.07, subdivisions 2 and 3; 268.09, subdivision 1; 268.10, subdivisions 1 and 2; 268.12, subdivision 12; 268.16, subdivision 4; 268.162, subdivision 1; 268.163, subdivision 1; and 268.165, subdivisions 1 and 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson, L.	Gruenes	Johnson, V.	Marsh
Anderson, G.	Carruthers	Gutknecht	Kahn	McDonald
Anderson, R.	Clark	Hartle	Kalis	McEachern
Battaglia	Conway	Haukoos	Kelly	McGuire
Bauerly	Cooper	Heap	Kelso	McLaughlin
Beard	Dauner	Henry	Kinkel	McPherson
Begich	Dawkins	Himle	Knickerbocker	Milbert
Bennett	Dempsey	Hugoson	Kostohryz	Miller
Bertram	Dille	Jacobs	Krueger	Morrison
Bishop	Dorn	Janezich	Lasley	Munger
Blatz	Forsythe	Jaros	Lieder	Murphy
Boo	Frederick	Jefferson	Limmer	Nelson, C.
Brown	Frerichs	Jennings	Long	Nelson, K.
Burger	Girard	Johnson, A.	Lynch	Neuenschwander
Carlson, D.	Greenfield	Johnson, R.	Macklin	Ogren

Olsen, S.	Pauly	Richter	Solberg	Vellenga
Olson, E.	Pellow	Rodosovich	Sparby	Wagenius
Olson, K.	Pelowski	Rukavina	Stanius	Waltman
Omann	Peterson	Runbeck	Steensma	Weaver
Onnen	Poppenhagen	Schafer	Sviggum	Welle
Orenstein	Price	Scheid	Tjornhom	Wenzel
Osthoff	Pugh	Schreiber	Tompkins	Williams
Ostrom	Quinn	Seaberg	Trimble	Winter
Otis	Redalen	Segal	Tunheim	Wynia
Ozment	Reding	Simoneau	Uphus	Spk. Vanasek
Pappas	Rice	Skoglund	Valento	

The bill was passed and its title agreed to.

H. F. No. 1323, A bill for an act relating to financial institutions; amending Minnesota Statutes 1988, sections 46.041, subdivision 2; 47.015, subdivision 1; 47.101, subdivision 2; 47.16, subdivision 1; 47.54, subdivision 1; 48.475, subdivision 3; 48.48, subdivision 1; 49.24, subdivision 9; 49.33; 49.34, subdivision 1; 49.35; 49.36, subdivision 1; 49.37; 49.38; 49.39; 49.40; 49.41; 53.015; 53.02; 53.03, subdivisions 1 and 5; 53.05; 53.06; 53.08; 53.09, subdivision 3; 54.294, subdivision 1; 56.131, subdivision 1; and 56.155, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kostohryz	Omann	Schreiber
Anderson, G.	Frerichs	Krueger	Onnen	Seaberg
Anderson, R.	Girard	Lasley	Orenstein	Segal
Battaglia	Greenfield	Lieder	Osthoff	Simoneau
Bauerly	Gruenes	Limmer	Ostrom	Skoglund
Beard	Gutknecht	Long	Otis	Solberg
Begich	Hartle	Lynch	Ozment	Sparby
Bennett	Haukoos	Macklin	Pappas	Stanius
Bertram	Heap	Marsh	Pauly	Steensma
Bishop	Henry	McDonald	Pellow	Sviggum
Blatz	Himle	McEachern	Pelowski	Tjornhom
Boo	Hugoson	McGuire	Peterson	Tompkins
Brown	Jacobs	McLaughlin	Poppenhagen	Trimble
Burger	Janezich	McPherson	Price	Tunheim
Carlson, D.	Jaros	Milbert	Pugh	Uphus
Carlson, L.	Jefferson	Miller	Quinn	Valento
Carruthers	Jennings	Morrison	Redalen	Vellenga
Clark	Johnson, A.	Munger	Reding	Wagenius
Conway	Johnson, R.	Murphy	Rice	Waltman
Cooper	Johnson, V.	Nelson, C.	Richter	Weaver
Dauner	Kahn	Nelson, K.	Rodosovich	Welle
Dawkins	Kalis	Neuenschwander	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 930, A bill for an act relating to wild animals; removing authority to offer a bounty on rattlesnakes; amending Minnesota Statutes 1988, sections 348.12 and 348.13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Krueger	Omann	Schreiber
Anderson, G.	Frerichs	Lasley	Onnen	Seaberg
Anderson, R.	Girard	Lieder	Orenstein	Segal
Battaglia	Greenfield	Limmer	Osthoff	Simoneau
Bauerly	Gruenes	Long	Ostrom	Skoglund
Beard	Gutknecht	Lynch	Otis	Sparby
Begich	Hartle	Macklin	Ozment	Stanius
Bennett	Haukoos	Marsh	Pappas	Steensma
Bertram	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Tjornhom
Blatz	Himle	McGuire	Peterson	Tompkins
Boo	Hugoson	McLaughlin	Poppenhagen	Trimble
Brown	Jacobs	McPherson	Price	Tunheim
Burger	Janezich	Milbert	Pugh	Uphus
Carlson, D.	Jaros	Miller	Quinn	Valento
Carlson, L.	Jefferson	Morrison	Redalen	Vellenga
Carruthers	Jennings	Munger	Reding	Wagenius
Clark	Johnson, A.	Murphy	Rice	Waltman
Conway	Johnson, R.	Nelson, C.	Richter	Weaver
Cooper	Kahn	Nelson, K.	Rodosovich	Welle
Dauner	Kelly	Neuenschwander	Rukavina	Wenzel
Dawkins	Kelso	Ogren	Runbeck	Williams
Dempsey	Kinkel	Olsen, S.	Sarna	Winter
Dorn	Knickerbocker	Olson, E.	Schafer	Wynia
Forsythe	Kostohryz	Olson, K.	Scheid	Spk. Vanasek

Those who voted in the negative were:

Dille	Kalis	Pauly	Solberg

The bill was passed and its title agreed to.

H. F. No. 1354, A bill for an act relating to insurance; regulating cancellations and terminations of agents; amending Minnesota Statutes 1988, sections 60A.172; and 72A.20, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kostohryz	Olson, K.	Scheid
Anderson, G.	Frerichs	Krueger	Omann	Schreiber
Anderson, R.	Girard	Lasley	Onnen	Seaberg
Battaglia	Greenfield	Lieder	Orenstein	Segal
Bauerly	Gruenes	Limmer	Osthoff	Simoneau
Beard	Gutknecht	Long	Ostrom	Skoglund
Begich	Hartle	Lynch	Otis	Solberg
Bennett	Haukoos	Macklin	Ozment	Sparby
Bertram	Heap	Marsh	Pappas	Stanius
Bishop	Henry	McDonald	Pauly	Steensma
Blatz	Himle	McEachern	Pellow	Sviggum
Boo	Hugoson	McGuire	Pelowski	Tjornhom
Brown	Jacobs	McLaughlin	Peterson	Tompkins
Burger	Janezich	McPherson	Poppenhagen	Trimble
Carlson, D.	Jaros	Milbert	Price	Tunheim
Carlson, L.	Jefferson	Miller	Pugh	Uphus
Carruthers	Jennings	Morrison	Quinn	Valento
Clark	Johnson, A.	Munger	Redalen	Vellenga
Conway	Johnson, R.	Murphy	Reding	Wagenius
Cooper	Johnson, V.	Nelson, C.	Rice	Waltman
Dauner	Kahn	Nelson, K.	Richter	Weaver
Dawkins	Kalis	Neuenschwander	Rodosovich	Welle
Dempsey	Kelly	O'Connor	Rukavina	Wenzel
Dille	Kelso	Ogren	Runbeck	Williams
Dorn	Kinkel	Olsen, S.	Sarna	Winter
Forsythe	Knickerbocker	Olson, E.	Schafer	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1027, A bill for an act relating to state employees; authorizing the donation of accrued vacation time by state employees in 1989 to pay unreimbursed medical costs incurred by other state employees.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Abrams	Boo	Dempsey	Haukoos	Johnson, V.
Anderson, G.	Brown	Dille	Heap	Kahn
Anderson, R.	Burger	Dorn	Henry	Kalis
Battaglia	Carlson, D.	Forsythe	Himle	Kelly
Bauerly	Carlson, L.	Frederick	Jacobs	Kelso
Beard	Carruthers	Frerichs	Janezich	Kinkel
Begich	Clark	Girard	Jaros	Knickerbocker
Bennett	Conway	Greenfield	Jefferson	Kostohryz
Bertram	Cooper	Gruenes	Jennings	Krueger
Bishop	Dauner	Gutknecht	Johnson, A.	Lasley
Blatz	Dawkins	Hartle	Johnson, R.	Lieder

Limmer	Nelson, K.	Pauly	Sarna	Trimble
Long	Neuenschwander	Pellow	Schafer	Uphus
Lynch	O'Connor	Pelowski	Scheid	Valento
Macklin	Ogren	Peterson	Schreiber	Vellenga
Marsh	Olsen, S.	Poppenhagen	Seaberg	Wagenius
McDonald	Olson, E.	Price	Segal	Waltman
McEachern	Olson, K.	Pugh	Simoneau	Weaver
McGuire	Omann	Quinn	Skoglund	Welle
McLaughlin	Onnen	Redalen	Solberg	Wenzel
McPherson	Orenstein	Reding	Sparby	Williams
Milbert	Osthoff	Rice	Stanius	Winter
Morrison	Ostrom	Richter	Steensma	Wynia
Munger	Otis	Rodosovich	Sviggum	Spk. Vanasek
Murphy	Ozment	Rukavina	Tjornhom	
Nelson, C.	Pappas	Runbeck	Tompkins	

The bill was passed and its title agreed to.

H. F. No. 1107, A bill for an act relating to landlord and tenant; authorizing emergency proceeding for loss of essential services; proposing coding for new law in Minnesota Statutes, chapter 566.

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:

Abrams	Frederick	Krueger	Omann	Schreiber
Anderson, G.	Frerichs	Lasley	Onnen	Seaberg
Anderson, R.	Girard	Lieder	Orenstein	Segal
Battaglia	Greenfield	Limmer	Osthoff	Simoneau
Bauerly	Gruenes	Long	Ostrom	Skoglund
Beard	Gutknecht	Lynch	Otis	Solberg
Begich	Hartle	Macklin	Ozment	Stanius
Bennett	Haukoos	Marsh	Pappas	Steensma
Bertram	Heap	McDonald	Pauly	Sviggum
Bishop	Henry	McEachern	Pellow	Tjornhom
Blatz	Himle	McGuire	Pelowski	Tompkins
Boo	Hugoson	McLaughlin	Peterson	Trimble
Brown	Jacobs	McPherson	Poppenhagen	Tunheim
Burger	Janezich	Milbert	Price	Uphus
Carlson, D.	Jaros	Miller	Pugh	Valento
Carlson, L.	Jefferson	Morrison	Quinn	Vellenga
Carruthers	Jennings	Munger	Redalen	Wagenius
Clark	Johnson, A.	Murphy	Reding	Waltman
Conway	Johnson, R.	Nelson, C.	Rice	Weaver
Cooper	Johnson, V.	Nelson, K.	Richter	Welle
Dauner	Kalis	Neuenschwander	Rodosovich	Wenzel
Dawkins	Kelly	O'Connor	Rukavina	Williams
Dempsey	Kelso	Ogren	Runbeck	Winter
Dille	Kinkel	Olsen, S.	Sarna	Wynia
Dorn	Knickerbocker	Olson, E.	Schafer	Spk. Vanasek
Forsythe	Kostohryz	Olson, K.	Scheid	

The bill was passed and its title agreed to.

H. F. No. 1139, A bill for an act relating to corrections; requiring county boards to provide medical aid for prisoners in jail; amending Minnesota Statutes 1988, section 641.15.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Lasley	Osthoff	Simoneau
Anderson, G.	Girard	Lieder	Ostrom	Skoglund
Anderson, R.	Greenfield	Limmer	Otis	Solberg
Battaglia	Gruenes	Long	Ozment	Sparby
Bauerly	Gutknecht	Lynch	Pappas	Stanius
Beard	Haukoos	Macklin	Pauly	Steensma
Begich	Heap	Marsh	Pellow	Sviggum
Bennett	Henry	McDonald	Pelowski	Tjornhom
Bertram	Himle	McEachern	Peterson	Tompkins
Bishop	Hugoson	McGuire	Poppenhagen	Trimble
Blatz	Jacobs	McPherson	Price	Tunheim
Boo	Janezich	Milbert	Pugh	Uphus
Brown	Jaros	Miller	Quinn	Valento
Carlson, D.	Jefferson	Morrison	Redalen	Vellenga
Carlson, L.	Jennings	Munger	Reding	Wagenius
Carruthers	Johnson, A.	Murphy	Rice	Waltman
Clark	Johnson, R.	Nelson, C.	Richter	Weaver
Conway	Johnson, V.	Nelson, K.	Rodosovich	Welle
Cooper	Kahn	Neuenschwander	Rukavina	Wenzel
Dauner	Kalis	Ogren	Runbeck	Williams
Dawkins	Kelly	Olsen, S.	Sarna	Winter
Dempsey	Kelso	Olson, E.	Schafer	Wynia
Dille	Kinkel	Olson, K.	Scheid	Spk. Vanasek
Dorn	Knickerbocker	Omann	Schreiber	
Forsythe	Kostohryz	Onnen	Seaberg	
Frederick	Krueger	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 1016, A bill for an act relating to juvenile justice; authorizing the juvenile court to place juvenile alcohol or controlled substance offenders on probation; authorizing the juvenile court to require the commissioner of public safety to revoke the driver's license or permit of habitual petty offenders or to deny driving privileges to them if they do not have a license or permit; removing certain limitations on parental liability for thefts by minors; removing a repealer; amending Minnesota Statutes 1988, sections 171.04; 260.195, subdivision 3, and by adding subdivisions; and 332.51, subdivision 3; repealing Laws 1985, chapter 278, section 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 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Lieder	Osthoff	Simoneau
Anderson, G.	Girard	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanius
Beard	Haukoos	Marsh	Pauly	Steensma
Begich	Heap	McDonald	Pellow	Sviggum
Bennett	Henry	McEachern	Pelowski	Tjornhom
Bertram	Himle	McGuire	Peterson	Tompkins
Blatz	Hugoson	McPherson	Poppenhagen	Trimble
Boo	Jacobs	Milbert	Price	Tunheim
Brown	Janezich	Miller	Pugh	Uphus
Burger	Jaros	Morrison	Quinn	Valento
Carlson, D.	Jefferson	Munger	Redalen	Vellenga
Carlson, L.	Jennings	Murphy	Reding	Wagenius
Carruthers	Johnson, A.	Nelson, C.	Rice	Waltman
Clark	Johnson, R.	Nelson, K.	Richter	Weaver
Conway	Johnson, V.	Neuenschwander	Rodosovich	Welle
Cooper	Kalis	O'Connor	Rukavina	Wenzel
Dauner	Kelly	Ogren	Runbeck	Williams
Dawkins	Kelso	Olsen, S.	Sarna	Winter
Dempsey	Kinkel	Olson, E.	Schafer	Wynia
Dille	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Dorn	Kostohryz	Omann	Schreiber	
Forsythe	Krueger	Onnen	Seaberg	
Frederick	Lasley	Orenstein	Segal	

Those who voted in the negative were:

Bishop	Greenfield

The bill was passed and its title agreed to.

H. F. No. 1339 was reported to the House.

Anderson, R.; Simoneau; Skoglund and Bishop moved to amend H. F. No. 1339, the first engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1988, section 38.013, is amended to read:

38.013 [TORT LIABILITY.]

The provisions of chapter 466, regarding tort liability apply to county agricultural societies organized under this chapter, except that no person who serves without compensation as a member of the board of a county agricultural society created or organized under chapter 38 shall be held civilly liable for an act or omission by that

person if the act or omission was in good faith, was within the scope of the person's responsibilities as a member of the board and did not constitute willful or reckless misconduct.

This subdivision does not apply to:

(1) an action or proceeding brought by the attorney general for a breach of a fiduciary duty as a director;

(2) a cause of action to the extent it is based on federal law; or

(3) a cause of action based on the board member's express contractual obligation.

Nothing in this subdivision shall be construed to limit the liability of a member of the board for physical injury to the person of another or for wrongful death which is personally and directly caused by the board member.

For purposes of this subdivision the term "compensation" means any thing of value received for services rendered, except:

(1) reimbursement for expenses actually incurred;

(2) a per diem in an amount not to exceed the per diem authorized for state advisory councils and committees pursuant to section 15.059, subdivision 3; or

(3) payment by the county agricultural society of insurance premiums on behalf of a member of the board."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1339, A bill for an act relating to agricultural societies; permitting certain officials to serve on societies; limiting the tort liability of certain board members; amending Minnesota Statutes 1988, sections 38.013; and 38.04.

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:

Abrams	Anderson, R.	Bauerly	Begich	Bertram
Anderson, G.	Battaglia	Beard	Bennett	Bishop

Blatz	Heap	Macklin	Ostrom	Segal
Boo	Henry	Marsh	Otis	Simoneau
Brown	Himle	McDonald	Ozment	Skoglund
Burger	Hugoson	McEachern	Pappas	Solberg
Carlson, D.	Jacobs	McGuire	Pauly	Sparby
Carlson, L.	Janezich	McLaughlin	Pellow	Stanius
Carruthers	Jaros	McPherson	Pelowski	Steensma
Clark	Jefferson	Milbert	Peterson	Sviggum
Conway	Jennings	Miller	Poppenhagen	Tjornhom
Cooper	Johnson, A.	Morrison	Price	Tompkins
Dauner	Johnson, R.	Munger	Pugh	Trimble
Dawkins	Johnson, V.	Murphy	Quinn	Tunheim
Dempsey	Kalis	Nelson, C.	Redalen	Uphus
Dille	Kelly	Nelson, K.	Reding	Valento
Dorn	Kelso	Neuenschwander	Rice	Vellenga
Forsythe	Kinkel	O'Connor	Richter	Wagenius
Frederick	Knickerbocker	Ogren	Rodosovich	Waltman
Frerichs	Kostohryz	Olsen, S.	Rukavina	Weaver
Girard	Krueger	Olson, E.	Runbeck	Welle
Greenfield	Lasley	Olson, K.	Sarna	Wenzel
Gruenes	Lieder	Omann	Schafer	Williams
Gutknecht	Limmer	Onnen	Scheid	Winter
Hartle	Long	Orenstein	Schreiber	Wynia
Haukoos	Lynch	Osthoff	Seaberg	Spk. Vanasek

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

H. F. No. 1113 was reported to the House.

Anderson, G.; Girard; Munger; Olson, K.; Cooper; Uphus and McDonald moved to amend H. F. No. 1113, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 239.79, subdivision 2, is amended to read:

Subd. 2. [~~GASOLINE-ALCOHOL BLENDS; IDENTIFICATION~~ PRODUCT INFORMATION AVAILABLE.] ~~When~~ gasoline ~~blended with alcohol is sold, offered for sale, or dispensed for use in motor vehicles, the dispenser shall be clearly marked to identify the type of alcohol, if more than one percent by volume, blended with the gasoline. The marking must consist of a white or yellow adhesive decal at least two inches by six inches with clearly printed black lettering at least one-half inch high and one-eighth inch in stroke. The marking shall be conspicuously displayed on both sides of the dispenser and state that the gasoline "CONTAINS ETHANOL" or "CONTAINS METHANOL" or has been "ETHANOL ENRICHED." This subdivision does not prohibit the posting of other alcohol or additive information.~~ A sign stating "INFORMATION ON THE CONTENTS AND PROPERTIES OF MOTOR FUELS SOLD HERE IS AVAILABLE FROM THE SALES ATTENDANT" shall be displayed conspicuously on the premises.

Sec. 2. Minnesota Statutes 1988, section 239.79, is amended by adding a subdivision to read:

Subd. 3. [MOTOR FUEL INFORMATION SHEET.]

A materials safety data sheet fulfills the information requirements of subdivision 2."

Amend the title accordingly

A roll call was requested and properly seconded.

Price moved to amend the Anderson, G., et al amendment to H. F. No. 1113, as follows:

Page 1, line 20, delete "premises" and insert "dispenser"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Anderson, G., et al amendment, as amended, and the roll was called. There were 90 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Kelso	Olson, K.	Schreiber
Battaglia	Dorn	Kinkel	Omann	Sparby
Bauerly	Forsythe	Krueger	Onnen	Stanius
Begich	Frederick	Lasley	Ostrom	Steensma
Bennett	Frerichs	Lieder	Otis	Sviggum
Bertram	Girard	Limmer	Pauly	Tjornhom
Blatz	Gruenes	Lynch	Pellow	Tompkins
Boo	Hartle	Macklin	Pelowski	Trimble
Brown	Haukoos	Marsh	Peterson	Tunheim
Burger	Henry	McDonald	Poppenhagen	Uphus
Carlson, D.	Himle	McPherson	Pugh	Valento
Carruthers	Hugoson	Miller	Redalen	Waltman
Clark	Janezich	Morrison	Reding	Weaver
Conway	Jefferson	Munger	Richter	Welle
Cooper	Jennings	Murphy	Rodosovich	Wenzel
Dauner	Johnson, R.	Nelson, C.	Rukavina	Williams
Dawkins	Johnson, V.	Neuenschwander	Runbeck	Winter
Dempsey	Kalis	Olson, E.	Schafer	Spk. Vanasek

Those who voted in the negative were:

Abrams	Jacobs	McLaughlin	Osthoff	Skoglund
Beard	Johnson, A.	Milbert	Price	Solberg
Bishop	Kahn	Nelson, K.	Quinn	Vellenga
Carlson, L.	Knickerbocker	O'Connor	Sarna	Wagenius
Greenfield	Kostohryz	Ogren	Scheid	
Gutknecht	Long	Olsen, S.	Seaberg	
Heap	McEachern	Orenstein	Segal	

The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 1113, A bill for an act relating to motor fuels; abolishing requirement that labeling of gasoline-alcohol blends be placed on dispenser; amending Minnesota Statutes 1988, section 239.79, subdivision 2; and 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 85 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Kelso	Onnen	Schreiber
Battaglia	Dorn	Kinkel	Ostrom	Simoneau
Bauerly	Frederick	Krueger	Otis	Sparby
Begich	Frerichs	Lasley	Ozment	Steensma
Bertram	Girard	Lieder	Pappas	Sviggum
Bishop	Greenfield	Macklin	Pauly	Tompkins
Boo	Gruenes	Marsh	Pellow	Trimble
Brown	Hartle	McDonald	Pelowski	Tunheim
Burger	Haukoos	McPherson	Peterson	Uphus
Carlson, D.	Henry	Miller	Poppenhagen	Valento
Carruthers	Himle	Morrison	Redalen	Waltman
Clark	Hugoson	Munger	Reding	Weaver
Conway	Janezich	Nelson, C.	Richter	Welle
Cooper	Jefferson	Neuenschwander	Rodosovich	Wenzel
Dauner	Jennings	Olson, E.	Rukavina	Winter
Dawkins	Johnson, V.	Olson, K.	Runbeck	Wynia
Dempsey	Kalis	Omann	Schafer	Spk. Vanasek

Those who voted in the negative were:

Abrams	Jaros	Lynch	Osthoff	Solberg
Beard	Johnson, A.	McEachern	Price	Stanius
Bennett	Johnson, R.	McLaughlin	Pugh	Tjornhom
Blatz	Kahn	Milbert	Quinn	Vellenga
Carlson, L.	Kelly	Nelson, K.	Sarna	Wagenius
Forsythe	Knickerbocker	O'Connor	Scheid	Williams
Gutknecht	Kostohryz	Ogren	Seaberg	
Heap	Limmer	Olsen, S.	Segal	
Jacobs	Long	Orenstein	Skoglund	

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

H. F. No. 693 was reported to the House.

Carlson, D., moved that H. F. No. 693 be returned to General Orders. The motion prevailed.

GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olsen, S., moved that the name of Wenzel be added as an author on H. F. No. 62. The motion prevailed.

Dawkins moved that the name of Limmer be added as an author on H. F. No. 1158. The motion prevailed.

Skoglund moved that the name of Tjornhom be added as an author on H. F. No. 1286. The motion prevailed.

Lasley moved that the name of Vanasek be added as an author on H. F. No. 1521. The motion prevailed.

Jefferson moved that the name of Clark be added as an author on H. F. No. 1731. The motion prevailed.

Nelson, C., moved that H. F. No. 1522, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

ADJOURNMENT

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, April 27, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives