

## STATE OF MINNESOTA

## SEVENTY-SIXTH SESSION—1990

## SIXTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 8, 1990

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Representative James I. Rice, District 57A, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Tompkins was excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Tjornhom 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. 1555, 2062, 2135, 168, 693, 1328, 1730, 1857, 1918, 1989, 2018, 2050, 2162, 2199, 2393, 1569, 1846 and 2025 and S. F. Nos. 1366, 1694, 1696, 1727, 1692, 1778, 1663 and 1087 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

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

H. F. No. 367, A bill for an act relating to employment; providing a medical leave of absence and a leave to care for family members; amending Minnesota Statutes 1988, sections 181.940, subdivisions 1, 3, and by adding subdivisions; 181.942; 181.943; 181.944; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 181.940, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] For the purposes of sections 181.940 to ~~181.944~~ 181.946, the following terms have the meanings given to them in this section.

Sec. 2. Minnesota Statutes 1988, section 181.940, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER.] For the purposes of leaves of absence under sections 181.941, 181.945, and 181.946, "employer" means a person or entity that employs 21 or more employees at at least one site and except that for purposes of the school leave allowed under section 181.945, subdivision 1, employer means a person or entity that employs one or more employees in Minnesota. Employer includes an individual, corporation, partnership, association, non-profit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Sec. 3. Minnesota Statutes 1988, section 181.940, is amended by adding a subdivision to read:

Subd. 4. [CHILD.] "Child" means a natural, adopted, or foster child, a stepchild, or a legal ward who:

(1) is a minor; or

(2) is 18 years of age or older and is a dependent of the employee or employee's spouse because of a physical or mental condition.

Sec. 4. Minnesota Statutes 1988, section 181.940, is amended by adding a subdivision to read:

Subd. 5. [SERIOUS HEALTH CONDITION.] "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility; (2) continuing treatment or continuing supervision by a health care provider or accredited Christian Science practitioner; or (3) a terminally ill patient.

Sec. 5. Minnesota Statutes 1988, section 181.942, is amended to read:

#### 181.942 [REINSTATEMENT AFTER LEAVE.]

Subdivision 1. [COMPARABLE POSITION.] An employee returning from a leave of absence under section 181.941 shall be entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one month must notify a supervisor at least two weeks prior to return from leave. An employee returning from a medical or family care leave under section 181.945 shall be entitled to the employee's former position.

If, during the leave, the employer experiences a layoff and the employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

Subd. 2. [PAY; BENEFITS; ON RETURN.] An employee returning from a leave of absence under section 181.941 or 181.945 shall return to work at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjust-

ments in the employee's pay scale that occurred during leave period. The employee returning from a leave shall retain all accrued preleave benefits of employment and seniority, as if there had been no interruption in service; provided that nothing in sections 181.940 to ~~181.943~~ 181.945 prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.

Subd. 3. [PART-TIME RETURN.] An employee, by agreement with the employer, may return to work part time during the leave period without forfeiting the right to return to employment at the end of the leave period, as provided in sections 181.940 to ~~181.943~~ 181.945.

Sec. 6. Minnesota Statutes 1988, section 181.943, is amended to read:

181.943 [RELATIONSHIP TO OTHER LEAVE.]

The length of leave provided by ~~sections 181.940 to 181.944~~ section 181.941 may be reduced by any period of paid parental or disability leave, but not accrued sick leave, provided by the employer, so that the total leave does not exceed six weeks, unless agreed to by the employer.

Nothing in sections 181.940 to ~~181.943~~ 181.946 prevents any employer from providing ~~parental~~ leave benefits in addition to those provided in sections 181.940 to ~~181.943~~ 181.946 or otherwise affects an employee's rights with respect to any other employment benefit.

Sec. 7. Minnesota Statutes 1988, section 181.944, is amended to read:

181.944 [INDIVIDUAL REMEDIES.]

In addition to any remedies otherwise provided by law, any person injured by a violation of sections 181.940 to ~~181.943~~ 181.946 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive injunctive and other equitable relief as determined by a court.

Sec. 8. [181.945] [MEDICAL AND FAMILY CARE LEAVE.]

Subdivision 1. [FAMILY LEAVE.] An employer must grant an employee, who has been employed by the employer for at least 12 months, leaves of up to a total of ten work days during any 12-month period:

(1) to care for the employee's child, spouse, or parent, including a parent-in-law, who has a serious health condition;

(2) to attend school conferences or other school events related to the employee's child, provided the conference or events cannot be scheduled during nonwork hours; or

(3) for care necessary for the employee's own serious health condition.

A maximum of three days of the leave required by this subdivision may be used for school events and conferences under clause (2).

Leave under this subdivision need not be taken at one time but may be used more than once until the maximum allowed by this subdivision is used.

Subd. 2. [TIMING; NOTICE.] Where the need for the leave is foreseeable, the employee must (1) provide reasonable prior notice of the leave; and (2) make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

Subd. 3. [PAYMENT DURING LEAVE.] (a) Nothing in this section requires that the leave be paid.

(b) An employee may substitute any accrued paid vacation leave, sick leave, or other appropriate paid leave for any part of the leave, except that the employer is not required to provide paid sick leave if the employer would not normally provide paid leave in such circumstances.

Subd. 4. [CONTINUED HEALTH INSURANCE.] During the period of the leave, the employer shall maintain group health insurance coverage under the conditions that applied immediately before the leave began. If the employee continues to make required contributions to the plan, the employer shall continue making group health insurance premium contributions as if the employee had not taken the leave.

#### Sec. 9. [181.946] [USE OF SICK LEAVE.]

An employee may use sick leave benefits for absences due to the illness of a child, for such reasonable periods as the employee's attendance may be necessary, on the same terms the employee is able to use sick leave benefits for the employee's own illness."

Delete the title and insert:

"A bill for an act relating to employment; providing a medical

leave of absence, a school event leave, and a leave to care for family members; amending Minnesota Statutes 1988, sections 181.940, subdivisions 1, 3, and by adding subdivisions; 181.942; 181.943; and 181.944; proposing coding for new law in Minnesota Statutes, chapter 181."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 869, A bill for an act relating to transportation; motor carriers; creating a legislative commission to study the regulation of irregular route carriers; deferring enforcement of Minnesota Statutes, chapter 221, and related rules with respect to irregular route carriers.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [STUDY DIRECTED.]

The chairs of the committees on transportation of the senate and the house of representatives shall appoint a joint subcommittee on motor carrier regulation. The joint subcommittee must consist of an equal number of members of each committee. The joint subcommittee shall oversee those activities of the transportation regulation board which relate to a study by the board, or by a board task force or advisory committee, of current and proposed law and rules on regulated motor carriers. The chair and other members of the transportation regulation board, and the members of any task force or advisory committee of the board, shall cooperate and consult with the joint subcommittee throughout the study. The chair and any person selected by the chair as a facilitator for any of the board's task forces, must report to the joint subcommittee at least once every 60 days until February 1, 1991. The joint subcommittee must report to the chairs of each committee not later than February 1, 1991, on the results of its activities and any recommendations of the joint subcommittee for changes in motor carrier laws.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to motor carriers; establishing a joint legislative subcommittee on motor carrier regulation and requiring a report."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1279, A bill for an act relating to criminal procedure; proposing an amendment to the Minnesota Constitution, article I, section 7, to eliminate the right to cash bail; authorizing the pretrial detention of criminal defendants under certain circumstances; providing procedures governing pretrial and postconviction release and detention decisions; providing for appellate review of release and detention orders; imposing penalties for failure to appear in court as required and for commission of a crime while on release; amending Minnesota Statutes 1988, sections 589.16; 629.53; 629.63; and 629.72, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; proposing coding for new law as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1988, sections 609.49; 629.44; 629.45; 629.47; 629.48; 629.49; 629.54; 629.55; 629.58; 629.59; 629.60; 629.61; 629.62; and 629.64.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PREVENTIVE DETENTION STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A study commission on preventive detention is created consisting of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the senate committee on subcommittees. The commission shall select from its membership a chair or co-chairs and other officers it considers necessary.

Subd. 2. [STUDY.] The commission shall study whether Minnesota's current laws and rules regarding the pretrial detention of alleged criminal offenders should be changed to permit the preventive detention of certain dangerous offenders without bail.

Subd. 3. [REPORT.] The commission shall report to the legislature on its findings and recommendations no later than February 1, 1991, and ceases to function after that date.

Subd. 4. [COMPENSATION.] Members of the commission must be compensated in the same manner as for other legislative meetings."

Delete the title and insert:

"A bill for an act relating to crime; creating a legislative study commission to study whether the preventive detention of certain dangerous criminal offenders without bail should be authorized."

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

The report was adopted.

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

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.

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

The report was adopted.

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

H. F. No. 1816, A bill for an act relating to the environment; changing the collection period of the fee; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; amending Minnesota Statutes 1988, section 115C.08, subdivision 2; and Minnesota Statutes 1989 Supplement, sections 115C.08, subdivision 5; and 115C.09, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1988, section 115C.02, is amended by adding a subdivision to read:

Subd. 10a. [PETROLEUM REFINERY.] "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oil, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives. "Petroleum refinery" includes fluid catalytic cracking unit incinerator-waste heat boilers, fuel gas combustion devices, and all indirect heating equipment associated with the refinery.

Sec. 2. Minnesota Statutes 1988, section 115C.02, is amended by adding a subdivision to read:

Subd. 15. [TANK FACILITY.] "Tank facility" means a contiguous area where tanks are located which are owned or operated by the same person, or by affiliated persons.

Sec. 3. Minnesota Statutes 1988, section 115C.08, subdivision 2, is amended to read:

Subd. 2. [IMPOSITION OF FEE.] The board shall notify the commissioner of revenue if the ~~unexpended unencumbered~~ balance of the fund falls below ~~\$1,000,000~~ \$2,000,000, and within 60 days of receiving notice from the board, the commissioner of revenue shall impose the fee established in subdivision 3 on the use of a tank for a 30-day period, within 60 days of receiving notice from the board four calendar months, payment to be submitted with each monthly distributor tax return.

Sec. 4. Minnesota Statutes 1989 Supplement, section 115C.08, subdivision 5, is amended to read:

Subd. 5. [FUND TRANSFER.] The board shall authorize the commissioner of finance to transfer to the harmful substance compensation fund the amount requested by the harmful substance compensation board under section 115B.26, subdivision 4. Transfer of the amount must be made at the earliest practical date after authorization by the board. If the ~~unexpended unencumbered~~ balance in the fund is less than ~~\$1,000,000~~ \$2,000,000 the transfer must be made at the earliest practical date after the ~~unexpended unencumbered~~ balance in the fund exceeds that amount.

Sec. 5. Minnesota Statutes 1989 Supplement, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENT.] (a) The board shall reimburse a responsible person who is eligible under subdivision 2 from the fund for 90 percent of the portion of the total reimbursable costs less than

\$250,000 or \$1,000,000, whichever is less. Not more than \$250,000 \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the fund under this subdivision until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) Money in the fund is appropriated to the board to make reimbursements under this section. Reimbursements to state agencies are appropriated to the state agencies for the fiscal year in which they are received.

Sec. 6. Minnesota Statutes 1989 Supplement, section 115C.09, is amended by adding a subdivision to read:

Subd. 6. [FACILITIES INELIGIBLE FOR REIMBURSEMENT.] Notwithstanding subdivisions 1 to 3b, no reimbursement shall be made under this section for costs associated with a release:

(1) from tanks located at petroleum refineries; or

(2) from tank facilities, including pipeline terminals, where more than 1,000,000 gallons of petroleum are stored. For purposes of this subdivision, the amount stored at the tank facility is calculated as the total capacity of all tanks located at the tank facility.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the environment; changing the collection period of the fee; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; appropriating money reimbursed to state agencies; amending Minnesota Statutes 1988, sections 115C.02, by adding subdivisions; 115C.08, subdivision 2; Minnesota Statutes 1989 Supplement, sections 115C.08, subdivision 5; and 115C.09, subdivision 3, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1881, A bill for an act relating to highways; designating certain highway within a state wild, scenic, and recreational river corridor as possessing natural, scenic, historical, and aesthetic characteristics; protecting and maintaining these characteristics; allowing commissioner of transportation to provide state-aid funding; amending Minnesota Statutes 1988, section 86A.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 21, delete "To" and insert "The county shall make every effort to"

Page 1, line 22, delete the first comma and insert "on"

Page 1, line 23, delete "must be" and insert a period

Page 1, delete line 24

Page 1, line 25, delete "drainage, and maintenance necessary" and insert "The county shall adhere to accepted state-aid highway design and engineering practices in order"

Page 1, line 26, before "traveling" insert "state-aid highway for the"

Page 2, line 6, delete everything after the period

Page 2, delete lines 7 to 11 and insert:

"(c) A road authority with jurisdiction over the right-of-way described in this section, and its officers and employees, is exempt from liability for any tort claim for injury to person or property arising from travel on the highway and related to its maintenance or condition."

Amend the title as follows:

Page 1, line 8, after the semicolon insert "providing for liability;"

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

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 1897, A bill for an act relating to insurance; regulating liability insurance claim denials; amending Minnesota Statutes 1988, section 72A.201, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 60A.

Reported the same back with the following amendments:

Page 1, line 7, delete "60A.083" and insert "65B.526" and delete "LIABILITY" and insert "NO-FAULT"

Page 1, line 9, delete "a policy of liability" and insert "no-fault coverage"

Page 1, line 10, delete "insurance"

Page 1, line 11, after "insured" insert "the option of obtaining"

Page 1, line 12, delete "to obtain"

Page 1, line 21, after "roster" insert "is an insurance company health care provider and that no provider"

Page 1, line 23, after the period insert "The rules also shall require that the neutral provider is randomly assigned to examine the claimant."

Page 3, line 5, delete "60A.083" and insert "65B.526"

Amend the title as follows:

Page 1, line 2, delete "liability" and insert "no-fault"

Page 1, line 5, delete "60A" and insert "65B"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1927, A bill for an act relating to traffic regulations; regulating approaches of vehicles to certain intersections; amending Minnesota Statutes 1988, section 169.20, subdivision 1.

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

The report was adopted.

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

H. F. No. 1948; A bill for an act relating to health; clarifying requirements for water well construction and ownership; amending Minnesota Statutes 1989 Supplement, sections 103I.005, subdivisions 8, 16, and by adding a subdivision; 103I.101, subdivisions 2 and 6; 103I.111, subdivision 5; 103I.205, subdivisions 1, 2, 4, and 8; 103I.208, subdivision 2, and by adding a subdivision; 103I.301, subdivision 3; 103I.325, subdivision 2; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; Laws 1989, chapter 326, article 3, section 49; repealing Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533.

Reported the same back with the following amendments:

Page 2, after line 11, insert:

"Sec. 3. Minnesota Statutes 1989 Supplement, section 103I.005, subdivision 9, is amended to read:

Subd. 9. [EXPLORATORY BORING.] "Exploratory boring" means a surface drilling done to explore or prospect for oil, natural gas, kaolin clay, and metallic minerals, including iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and niobium, and a drilling or boring for petroleum."

Page 3, after line 4, insert:

"Sec. 6. Minnesota Statutes 1989 Supplement, section 103I.101, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt rules including:

(1) issuance of licenses for:

(i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;

(ii) persons constructing unconventional wells such as drive points or dug wells;

(iii) persons constructing, repairing, and sealing dewatering wells;

(iv) persons sealing wells; and

~~(iv)~~ (v) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders;

(2) issuance of registration for monitoring well contractors;

(3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells to implement the purpose and intent of this chapter;

(6) establishment of a system for reporting on wells drilled and sealed;

(7) modification of fees prescribed in this chapter, according to the procedures for setting fees in section 16A.128;

(8) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination, for which the commissioner may adopt emergency rules;

(9) establishment of wellhead protection measures for wells serving public water supplies;

(10) establishment of procedures to coordinate collection of well data with other state and local governmental agencies; and

(11) establishment of criteria and procedures for submission of well logs, formation samples or well cuttings, water samples, or other special information required for geologic and water resource mapping."

Page 3, after line 13, insert:

"Sec. 8. Minnesota Statutes 1989 Supplement, section 103I.111, is amended by adding a subdivision to read:

Subd. 2a. [FEES.] A board of health under a delegation agreement with the commissioner may charge permit and notification fees in excess of the fees specified in section 103I.208 provided that said fees do not exceed the total direct and indirect costs to administer the delegated duties.

Page 7, after line 29, insert:

"Sec. 16. Minnesota Statutes 1989 Supplement, section 103I.235, is amended to read:

**103I.235 [SALE OF PROPERTY WHERE WELLS ARE LOCATED.]**

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and the location of all known wells on the property, including by delivering to the buyer either a statement by the seller that the seller knows of no wells on the property, or a disclosure statement indicating the legal description, and the quartile, section, township, range, and county, and a map drawn from available information showing the location of the wells each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information must be provided on a well certificate signed by the seller of ~~the property~~ or a person authorized to act on behalf of the seller. No well certificate need be provided if the seller knows of no well on the property and the deed or other instrument of conveyance contains the statement: "Seller certifies that Seller knows of no well on the real property described herein."

(c) If ~~a the~~ seller fails to provide a required well certificate, ~~a the~~ buyer, or a person authorized to act on behalf of the buyer, may sign a well certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(d) A county recorder or registrar of titles may not record a deed, or other instrument, ~~or writing of conveyance~~ dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or contract for deed other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless such deed or other instrument of conveyance either contains the statement "Seller certifies that Seller knows of no well on the real property described herein," or is accompanied by the well certificate required by this subdivision is filed with the county recorder or registrar of titles and the filing fee paid under section 357.18. The county

recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well certificate that the well certificate was received. The well certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. The county recorder or registrar of titles shall transmit the well certificate to the commissioner of health within 15 days after receiving the well certificate.

(e) The commissioner in consultation with county recorders shall prescribe the form for a well certificate and provide well certificate forms to county recorders and registrars of titles and other interested persons.

(f) Neither the validity of a deed or other instrument of conveyance as between the parties thereto and as to any other person who otherwise would be bound thereby, nor the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this section, shall be impaired by failure to comply with any requirement of this section.

Subd. 2. [LIABILITY FOR FAILURE TO DISCLOSE.] Unless the buyer and seller agree to the contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence of a well at the time of sale and knew of or had reason to know of the existence of a the well, is liable to the buyer for costs and reasonable attorney fees relating to the sealing of a the well, provided the action must be is commenced by the buyer within six years after the date the buyer purchased closed the purchase of the real property where the well is located."

Page 8, after line 1, insert:

"Sec. 18. Minnesota Statutes 1989 Supplement, section 103I.311, subdivision 3, is amended to read:

Subd. 3. [PROHIBITION ON STATE LAND PURCHASED WITHOUT WELL IDENTIFICATION.] The state may not purchase or sell real property or an interest in real property without identifying the location of all wells on the property, whether in use, not in use, or sealed on the property, and making provisions to have the wells not in use properly sealed at the cost of the seller as part of the contract. The deed or other instrument of conveyance evidencing the sale may not be recorded with the county recorder or registrar of titles unless this subdivision is complied with, provided the validity of a deed or other instrument of conveyance as between the parties thereto and as to any persons who otherwise would be bound thereby, shall not be affected by failure to comply herewith, nor shall the record, as notice, of a deed or other instrument of conveyance accepted for recording or filing contrary to the provisions hereof, be impaired by failure to comply herewith."



Renumber the sections in sequence

Correct internal references

Delete the title and insert:

"A bill for an act relating to health; clarifying requirements for water well construction and ownership; amending Minnesota Statutes 1989 Supplement, sections 103I.005, subdivisions 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5, and by adding a subdivision; 103I.205, subdivisions 1, 2, 4, and 8; 103I.208, subdivision 2, and by adding a subdivision; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; Laws 1989, chapter 326, article 3, section 49; repealing Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 1984, A bill for an act relating to insurance; accident and health; providing for coordination of benefits between group and individual contracts; amending Minnesota Statutes 1989 Supplement, section 62A.046.

Reported the same back with the following amendments:

Page 2, after line 29, insert:

"Benefits coordinated under this clause must provide for 100 percent coverage of an insured, subscriber, or enrollee."

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

The report was adopted.

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

H. F. No. 1991, A bill for an act relating to natural resources; repealing certain pipeline review authority of the commissioner of natural resources; repealing Minnesota Statutes 1988, section 117.49.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2008, A bill for an act relating to education; establishing a program for the state to match gifts to endowments for certain undergraduate academic programs; directing the higher education coordinating board to administer the program; permitting rulemaking; proposing coding for new law in Minnesota Statutes, chapter 136A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [135A.16] [STATE MATCH OF ENDOWMENT GIFTS FOR UNDERGRADUATE PROGRAMS.]

Subdivision 1. [LIMITATIONS.] The state shall match a gift for an undergraduate academic program made to an endowment fund of a college or university. The state's matching program has the elements, conditions, and financial and legal limits described in sections 1 to 8.

Subd. 2. [ADMINISTRATION.] The higher education coordinating board shall administer the state's matching program. The board may adopt rules as necessary to administer the documentation of gifts and the payment of matching contributions.

Sec. 2. [135A.161] [ELEMENTS OF PROGRAM.]

Subdivision 1. [WHICH GIFTS MATCHED.] The state shall match a gift of money, of income from an asset, or of the proceeds or income from the disposition of an asset.

Subd. 2. [WHEN GIFT "MADE."] (a) A gift of money is made when the money is irrevocably credited to the recipient's endowment fund.

(b) A gift of income from an asset or of income or proceeds from the disposition of an asset is made when the net income or net proceeds are converted to money and credited to the recipient's endowment fund.

Subd. 3. [UNDERGRADUATE ACADEMIC PROGRAM.] An undergraduate academic program is a nonsectarian program leading to a degree from the accredited college or university offering the program.

Subd. 4. [NONSECTARIAN PROGRAM.] (a) A "nonsectarian" program is one that is not specifically for education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

(b) A nonsectarian program may provide for the scholarly study of religion as a discipline of knowledge in a manner similar to that provided for any other field of study.

(c) A nonsectarian program does not require its students:

(1) to take courses that are based on a particular set of religious beliefs;

(2) to receive instruction intended to propagate or promote any religious beliefs;

(3) to participate in religious activities;

(4) to maintain affiliation with a particular church or religious organization; or

(5) to attest to any particular religious beliefs.

Subd. 5. [ACCREDITED.] (a) Accredited means accredited by the north central association of secondary schools and colleges or by a substantially equivalent regional accrediting organization.

(b) An organization that accredits a program primarily for the content of the program in connection with admission of its participants to a profession is not accreditation for purposes of the state's matching program.

Subd. 6. [ENDOWMENT FUND.] (a) An endowment fund is a

fund or account maintained by trustees to benefit one or more colleges and universities described in subdivision 7.

(b) The fund or account must be solely for:

(1) gifts to be matched under sections 1 to 8;

(2) the state's grants matching the gifts in clause (1); and

(3) net income earned by the fund or account.

(c) The University of Minnesota foundations, the state universities' foundations, the community college foundations, the technical college foundations and the Minnesota private college fund and the endowment funds of each college or university that meets the definition in subdivision 7, or accounts within each of them, are endowment funds within the meaning of sections 1 to 8.

Subd. 7. [COLLEGE OR UNIVERSITY.] A college or university for purposes of the matching program is an accredited nonprofit institution of higher education, located and incorporated or chartered in the state, that offers, substantially totally within the state, undergraduate academic programs leading to a degree at the institution.

### Sec. 3. [135A.162] [CONDITIONS.]

(a) A gift to be matched under sections 1 to 8 must be restricted by the donor or by the trustees of the endowment fund to use for nonsectarian undergraduate academic programs at one or more colleges or universities. The matching contribution has the same restrictions.

(b) The principal amount of an endowment fund including the principal amount of matching grants from the state may only be invaded in accordance with generally accepted principles of trust law for endowment funds of colleges and universities.

(c) The gift must be made from nonstate money.

### Sec. 4. [135A.163] [THE MATCHING CONTRIBUTION.]

The state shall match each dollar of gifts made to an endowment fund under sections 1 to 8 with a dollar of state money, within the amount appropriated for these purposes. The money must be paid in a grant directly to the endowment fund.

### Sec. 5. [135A.164] [REPORT ON FUNDS TO BE MATCHED.]

Each gift to be matched shall be reported to the state governing board in the case of the University of Minnesota, the state universities, the community colleges and the technical colleges, or to the Minnesota private college council in the case of a private college or university. By June 30 of each year the governing board or the council shall review all submitted gifts and prioritize them for matching within the available appropriation. By July 15 the governing board or council shall submit its prioritized list to the higher education coordinating board together with any necessary supporting documentation. By August 15 of each year, the higher education coordinating board shall allocate the matching funds to each endowment consistent with the priorities of the governing board or council.

**Sec. 6. [135A.166] [INCOME MAY BE USED ONLY FOR ACADEMIC PROGRAMS.]**

(a) Net income from gifts to be matched under sections 1 to 8 and from the state's matching contributions may be used by the beneficiary college and university only for its:

- (1) faculty compensation and benefits;
- (2) endowed faculty chairs;
- (3) faculty development;
- (4) library, media center, and laboratory resources if the resources are accessible to undergraduate students;
- (5) collaborative research of undergraduate students and their faculty;
- (6) need-based scholarships, as defined by the appropriate governing board or council;
- (7) scientific, technical, and computer equipment and software accessible for instructional and research purposes to undergraduate students and their faculty; and
- (8) uses related to or consistent with other uses in this paragraph.

(b) Income from gifts to be matched under sections 1 to 8 and from the state's matching contributions must not be used by the beneficiary college or university for its:

- (1) administration;
- (2) admissions;

- (3) public relations;
- (4) fundraising;
- (5) athletics;
- (6) construction, remodeling, repair, and maintenance of buildings and grounds;
- (7) utility payments;
- (8) taxes, government assessments, or voluntary payments in place of taxes or assessments;
- (9) debt service;
- (10) furniture, fixtures, and equipment other than equipment described in paragraph (a), clause (7); and
- (11) other uses not included in paragraph (a).

Sec. 7. [135A.167] [LIMITS TO GRANTS.]

State grants under sections 1 to 8 are limited to the amount appropriated for the purpose. The appropriation shall be divided into four equal parts with one-fourth available to the University of Minnesota, one-fourth available to the state university system, one-fourth available to both the community college system and the technical college system, and one-fourth available to private colleges and universities that are members of the Minnesota private college council. The amounts appropriated in a biennium may be spent in either year of the biennium. Amounts unspent at the end of a biennium do not cancel but carry over into the next biennium. Any funds that are unspent after two years shall be placed in a common pool and be available as matching money to supplement any of the four parts in which the funds have been exhausted.

Sec. 8. [135A.168] [SUBJECT LAW.]

(a) A gift to be matched under sections 1 to 8 is received subject to the law of Minnesota with respect to the state's obligation to make a matching contribution under sections 1 to 8, regardless of the intent of anyone to invoke the law of another jurisdiction on this point.

(b) The state's obligation to make a matching contribution under sections 1 to 8 is subject to the laws of this state, as the laws exist at the time of the gift and as the law may be changed after the gift is made.

(c) No individual, government agency, endowment fund, or higher education institution is authorized to ensure that the state will match any gift under sections 1 to 8.

(d) The state is not liable to a donor, a higher education institution, an endowment fund, or anyone else who relies on the state to match a gift made under sections 1 to 8 if the matching contribution is not made or not fully made for any reason.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective July 1, 1991, to match gifts made after June 30, 1991."

Amend the title accordingly

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2011, A bill for an act relating to education; changing state board of vocational technical education powers; amending Minnesota Statutes 1988, section 136C.04, subdivision 12.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2024, A bill for an act relating to education; entering the Midwestern Higher Education Compact; providing the appointment of members; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 2031, A bill for an act relating to health; requiring insurers to provide medical malpractice insurance premium discounts to qualifying physicians; requiring the commissioner of health to purchase vaccine for resale to medical providers at discounted prices; declaring the goal of the legislature to achieve full funding for the WIC program by 1993; establishing additional responsibilities of the commissioner of health relating to the WIC program; requiring the commissioner of human services to seek federal approval to eliminate eligibility redeterminations for certain pregnant women and infants; expanding eligibility for the children's health plan to include certain pregnant women and children up to age six; increasing medical assistance income limits for pregnant women and children up to age seven; increasing payment rates for prenatal care and delivery services; requiring a plan to improve utilization rates for prenatal care and preventive care for children; expanding the prenatal care media outreach campaign; requiring the boards of medical examiners and nursing to report on complaints relating to obstetrics, gynecology, prenatal care, and delivery; appropriating money; amending Minnesota Statutes 1988, sections 214.07, subdivision 1, and by adding a subdivision; and 256.936, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 145.894; 256.936, subdivision 1; 256B.04, subdivision 17; and 256B.057, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 60A and 144.

Reported the same back with the following amendments:

Pages 2 to 4, delete sections 3 to 7

Page 12, delete lines 24 to 28

Page 12, line 29, delete everything before "(a)"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

The report was adopted.



Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2038, A bill for an act relating to human rights; amending definitions of public accommodation, age, and familial status; clarifying medical information obtainable from prospective employees; clarifying protection for pregnant employees; prohibiting threats against home owners and renters; adding familial status as a protected class in employment; prohibiting discriminatory business practices; clarifying the meaning of business necessity and continuing violations; renumbering definitions; amending Minnesota Statutes 1988, sections 363.01, subdivisions 18 and 28; 363.03, subdivisions 2, 8a, and by adding a subdivision; 363.06, subdivision 1, and by adding a subdivision; 363.11; and 363.116; Minnesota Statutes 1989 Supplement, sections 363.01, subdivision 31; 363.02, subdivision 1; and 363.03, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 363.01, subdivision 28, is amended to read:

Subd. 28. [AGE.] "Age" insofar as it refers to any prohibited unfair employment or education practice shall be deemed to protect only those individuals The prohibition against unfair employment or education practices based on age prohibits using a person's age as a basis for a decision if the person is over the age of majority except for section 363.03, subdivision 5 which shall be deemed to protect any individual over the age of 25 years.

Sec. 2. Minnesota Statutes 1989 Supplement, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by the individual's parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, layoff priorities, vacation credit, and job assignments based on seniority, so long as the operation of the system is not a subterfuge to evade the provisions of this chapter;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

(8) It is not an unfair employment practice for an employer, employment agency, or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided

(a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job except that a law enforcement agency filling a peace officer position or part-time peace officer position may require or request an applicant to undergo psychological evaluation before a job offer is made provided that the psychological evaluation is for those job-related abilities set forth by the board of peace officer standards and training for psychological evaluations. Nothing in this subdivision authorizes psychological evaluation which would otherwise be prohibited by another law;

(b) that the examination tests only for essential job-related abilities; and

(c) that the examination except for examinations authorized under chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, after employment has commenced, to obtain additional medical information necessary for the purposes of establishing an employee health record assessing continuing ability to perform the job or employee health insurance eligibility; for purposes mandated by local, state or federal law; for purposes of assessing the need to reasonably accommodate an employee or obtaining information to determine eligibility for the second injury fund under chapter 79A; or pursuant to sections 181.950 to 181.957;

(iii) to administer preemployment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability except for tests authorized under chapter 176, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria.

Sec. 3. Minnesota Statutes 1989 Supplement, section 363.03, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or age,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age; or, subject to section 363.02, subdivision 1, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting a criminal history check, a driver's license check, and fingerprint criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any

person who is involved in selecting the person or persons employed other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(b) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age, unless for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(c) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age.

Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under section 363.06.

(5) For an employer, an employment agency, or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work.

(6) For an employer with 50 or more permanent, full-time employees, an employment agency, or a labor organization, not to make reasonable accommodation to the known disability of a qualified disabled or pregnant person or job applicant unless the employer, agency, or organization can demonstrate that the accommodation would impose an undue hardship on the business, agency, or organization. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified disabled person. "Reasonable accommodation" may include but is not limited to, nor does it necessarily require: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of a business or organization, factors to be considered include:

(a) the overall size of the business or organization with respect to number of employees or members and the number and type of facilities;

(b) the type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;

(c) the nature and cost of the needed accommodation;

(d) the reasonable ability to finance the accommodation at each site of business; and

(e) documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

Sec. 4. Minnesota Statutes 1988, section 363.03, subdivision 2, is amended to read:

Subd. 2. [REAL PROPERTY.] It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or

lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(2) For a real estate broker, real estate salesperson, or employee, or agent thereof:

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(3) For a person, bank, banking organization, mortgage company,

insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(b) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination; or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(5) For a person to deny a totally or partially blind, physically handicapped, or deaf person with a service dog full and equal access to real property provided for in this section. The person may not be required to pay extra compensation for the service dog but is liable for damage done to the premises by the service dog.



(6) For a person to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged a third person in the exercise or enjoyment of, any right granted or protected by this subdivision.

Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in section 363.02, subdivision 2.

Sec. 5. Minnesota Statutes 1988, section 363.03, subdivision 8a, is amended to read:

Subd. 8a. [BUSINESS; SEX DISCRIMINATION.] It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(a) to refuse to do business with or provide a service to a woman based on her use of her current or former surname; or

It is an unfair discriminatory practice for a person (b) to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname; or

(c) to refuse to do business with, to refuse to contract with, or to discriminate in the terms, conditions, facilities, privileges, or performance of the business or contract due to a person's race, color, creed, religion, national origin, sex, marital status, disability, or age, unless the failure to contract is because of a legitimate business reason.

Nothing in this subdivision shall prohibit positive action plans.

Sec. 6. Minnesota Statutes 1988, section 363.03, is amended by adding a subdivision to read:

Subd. 11. [DISPARATE IMPACT CASES.] Business necessity may only be raised as an affirmative defense to a prima facie disparate impact case by showing the practice responsible for the disparity is necessary to the business. If a business necessity is established, then the opposing side may rebut it by establishing that a reasonable, less discriminatory alternative is available to achieve the business necessity.

Sec. 7. Minnesota Statutes 1988, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [ACTIONS.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or the commissioner's designated agent. A charge filed with the commissioner must be in writing on a form provided by the commissioner and signed by the charging party. The charge must state the name of the person alleged to have committed an unfair discriminatory practice and set out a summary of the details of the practice complained of. The commissioner may require a charging party to provide the address of the person alleged to have committed the unfair discriminatory practice, names of witnesses, documents, and any other information necessary to process the charge. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within ten days of the filing shall serve a copy of the charge and a form for use in responding to the charge upon the respondent personally or by mail. The respondent shall file with the department a written response setting out a summary of the details of the respondent's position relative to the charge within 20 days of receipt of the charge. If the respondent fails to respond within 30 days after service of the charge, and service was consistent with rule 4 of the rules of civil procedure, the commissioner, on behalf of the complaining party, may bring an action for default in district court pursuant to rule 55.01 of the rules of civil procedure.

Sec. 8. Minnesota Statutes 1988, section 363.06, is amended by adding a subdivision to read:

Subd. 3a. For purposes of subdivision 3, each application of an unfair discriminatory practice, employment policy, or seniority system to a new person establishes a basis for the filing of a claim.

Sec. 9. Minnesota Statutes 1988, section 363.11, is amended to read:

### 363.11 [CONSTRUCTION.]

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, age, disability, marital status, status with regard to public assistance or national origin or familial status; but, as to acts declared unfair by sections 363.03 and 363.123, the procedure herein provided shall, while pending, be exclusive.

An employer may not discriminate against an employee due to

disability as defined in section 363.01, subdivision 25, regardless of whether the employee is pursuing or has pursued a claim for compensation under other statutory or common law protections.

Sec. 10. Minnesota Statutes 1988, section 363.14, subdivision 2, is amended to read:

Subd. 2. [DISTRICT COURT JURISDICTION.] Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has a principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.

In an action brought under this chapter, a party is entitled to a trial by jury of any issue of fact in an action for recovery of amounts owing as a result of a violation of this chapter, regardless of whether equitable relief is sought by a party to the action.

If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing appropriate relief as provided by section 363.071, subdivision 2.

Sec. 11. Minnesota Statutes 1988, section 363.116, is amended to read:

#### 363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. Notwithstanding the provisions of any ordinance or resolution to the contrary, a charge may be filed with a local commission within 300 days one year after the occurrence of the practice. The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of the party's rights under Laws 1967, chapter 897.

Where this chapter provides additional protections and remedies not provided for under a local antidiscrimination ordinance, the local commission shall advise a party bringing a charge under a local ordinance of those additional protections and remedies and of the option to file a charge under this chapter.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

Sec. 12. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall alphabetize the definitions in Minnesota Statutes, section 363.01, and make all appropriate cross-reference changes in Minnesota Statutes and Minnesota Rules.

Sec. 13. [SEVERABILITY.]

If any provision of sections 1 to 12 is found to be unconstitutional and void, the remaining provisions of sections 1 to 12 shall remain valid."

Delete the title and insert:

"A bill for an act relating to human rights; amending the definition of age; clarifying medical information obtainable from prospective employees; clarifying protection for pregnant employees; prohibiting threats against home owners and renters; prohibiting discriminatory business practices; clarifying the meaning of business necessity and continuing violations; renumbering definitions; amending Minnesota Statutes 1988, sections 363.01, subdivision 28; 363.03, subdivisions 2, 8a, and by adding a subdivision; 363.06, subdivision 1, and by adding a subdivision; 363.11; 363.116; and 363.14, subdivision 2; Minnesota Statutes 1989 Supplement, sections 363.02, subdivision 1; and 363.03, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2042, A bill for an act relating to consumer protection; limiting the locations in which sales of tobacco by vending machine may be made; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The report was adopted.

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

H. F. No. 2045, A bill for an act relating to human services; clarifying the definition of mentally retarded person in the Minnesota Commitment Act; amending Minnesota Statutes 1988, section 253B.02, subdivision 14.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 253B.12, subdivision 4, is amended to read:

Subd. 4. [HEARING; STANDARD OF PROOF] The committing court shall not make a final determination of the need to continue commitment unless a hearing is held and the court finds by clear and convincing evidence that (1) the person continues to be mentally ill, mentally retarded or chemically dependent; (2) involuntary commitment is necessary for the protection of the patient or others; and (3) there is no alternative to involuntary commitment.

In determining whether a person continues to be mentally ill, chemically dependent or mentally retarded, the court need not find that there has been a recent attempt or threat to physically harm self or others, or a recent failure to provide necessary personal food, clothing, shelter, or medical care. Instead, the court must find that the patient is likely to attempt to physically harm self or others, or to fail to provide necessary personal food, clothing, shelter, or medical care unless involuntary commitment is continued.

Sec. 3. Minnesota Statutes 1988, section 253B.23, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] The commissioner or any other aggrieved party may appeal to the court of appeals from any order entered under this chapter as in other civil cases.

Upon perfection of the appeal, the return shall be filed forthwith. The court of appeals shall hear the appeal within 45 60 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the court of appeals."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "increasing the time limit for a court of appeals decision under the commitment act;"

Page 1, line 5, delete "section" and insert "sections" and after "14" insert "; 253B.12, subdivision 4; and 253B.23, subdivision 7"

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2058, A bill for an act relating to education; changing names of state board and state director of vocational technical education and local directors of technical colleges; amending Minnesota Statutes 1988, section 136C.02, subdivisions 4 and 5.

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

The report was adopted.

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

H. F. No. 2078, A bill for an act relating to Blue Earth county; permitting the appointment of the auditor, recorder, and treasurer; authorizing the reorganization of county offices.

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

The report was adopted.

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

H. F. No. 2081, A bill for an act relating to state government; regulating certain employment practices; permitting the transfer of vacation and sick leave for certain gubernatorial appointees; permitting employees on permanent layoff to test into new state positions; authorizing the donation of the value accrued vacation leave to other state employees under certain circumstances; making technical changes in the public employees insurance program; eliminating the authority of the board of medical examiners and the

board of dentistry to set the salaries of their executive directors; eliminating obsolete language; appropriating money; amending Minnesota Statutes 1988, sections 15A.081, by adding a subdivision; 43A.13, subdivisions 2 and 3; and 43A.316, subdivisions 2, 3, 5, 7, and 8; amending Minnesota Statutes 1989 Supplement, sections 43A.316, subdivisions 9 and 10; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 15A.081, is amended by adding a subdivision to read:

Subd. 9. [TRANSFER OF VACATION AND SICK LEAVE; CERTAIN APPOINTEES.] (a) This subdivision governs transfers of accumulated vacation leave and sick leave if the governor appoints the incumbent of a position listed in this section to another position listed in this section.

(b) An appointee moving between positions in the executive branch shall transfer all vacation leave and sick leave hours to the appointee's credit at the time of the new appointment.

(c) The governor may authorize an appointee to transfer accumulated vacation leave and sick leave hours under the following conditions:

(1) an appointee moving to a position in the executive branch from a position outside the executive branch may be permitted to transfer no more than 275 hours of accumulated unliquidated vacation leave and no more than 900 hours of accumulated unliquidated sick leave; and

(2) an appointee moving to a position outside the executive branch from a position within the executive branch may be permitted to transfer accumulated unliquidated vacation leave and sick leave hours up to the maximum accumulations permitted by the personnel policies governing the new position.

The governor shall notify the commissioner of employee relations of any transfers authorized under this paragraph.

Sec. 2. Minnesota Statutes 1988, section 15A.083, subdivision 5, is amended to read:

Subd. 5. [TAX COURT.] Salaries of judges of the tax court shall be

are the same as the base salary for district judges as ~~provided in set under section 15A.082, subdivision 1~~ 3.

Sec. 3. Minnesota Statutes 1988, section 15A.083, subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] Salaries of judges of the workers' compensation court of appeals ~~shall be~~ are 90 percent of the salary for district judges as ~~provided in set under section 15A.082, subdivision 1~~ 3. Salaries of compensation judges ~~shall be~~ are 75 percent of the salary of district court judges as ~~provided in subdivision 1~~. The chief workers' compensation settlement judge at the department of labor and industry may be paid an annual salary that is up to five percent greater than the salary of workers' compensation settlement judges at the department of labor and industry.

Sec. 4. Minnesota Statutes 1988, section 43A.04, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE LEADERSHIP.] (a) The commissioner ~~shall be~~ is the chief personnel and labor relations manager of the civil service in the executive branch.

(a) Whenever any power or responsibility is given to the commissioner by any provision of Laws 1981, chapter 210, unless otherwise expressly provided, the power or authority ~~shall apply~~ applies to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, the public employees retirement association, and the teacher's retirement association. Unless otherwise provided by law, the power or authority ~~shall does not~~ apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner ~~shall have~~ has access to all public and private personnel data kept by appointing authorities ~~which that~~ will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of Laws 1981, chapter 210, and may order any remedial actions consistent with law.

(d) The commissioner has sole authority to settle state employee workers' compensation claims.



(e) The commissioner may assess all state entities for the costs of programs under sections 15.46 and 176.603.

Sec. 5. Minnesota Statutes 1988, section 43A.04, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner shall ~~promulgate~~ adopt rules pursuant to under the administrative procedure act to implement the provisions of this chapter ~~which that~~ directly affect the rights of or processes available to the general public. The rules shall have the force and effect of law and ~~shall~~ may include but are not limited to:

(a) (1) the processes for determining the extent of competition for filling vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;

(b) (2) the process for effecting noncompetitive and qualifying appointments;

(c) (3) the process for temporary designation of positions in the unclassified service and for effecting appointments to the unclassified service;

(d) (4) a statewide affirmative action program to include requirements for agency affirmative action plans, statewide policies and procedures, reporting requirements, accountability and responsibility of employees in the executive branch, and overall objectives of the program;

(e) (5) conditions under which moving and other expenses may be authorized and paid prior to appointment to persons who have accepted state employment;

(f) (6) procedures for administration of the code of ethics for employees of the executive branch; and

(g) (7) examination procedures for candidates with handicaps disabilities as described in section 43A.10, subdivision 8; and

(8) procedures or policies that affect the operation of or participation in the public employees insurance program.

Sec. 6. Minnesota Statutes 1988, section 43A.04, is amended by adding a subdivision to read:

Subd. 9. [EXPERIMENTAL OR RESEARCH PROJECTS.] The commissioner of employee relations may conduct experimental or

research projects designed to improve recruitment, selection, referral, or appointment processes for the filling of state classified positions.

The commissioner shall meet and confer with the affected exclusive bargaining representative of state employees concerning the design and implementation of experimental and research projects under this subdivision.

Any provision in sections 43A.09 to 43A.15, associated personnel rules adopted under section 43A.04, subdivision 3, or administrative procedures established under section 43A.04, subdivision 4, is waived for the purposes of these projects. The number of appointments under this subdivision may not exceed five percent of the total number of appointments in the preceding fiscal year.

The commissioner shall report by September 1 to the legislative commission on employee relations the results of the experimental research projects conducted in the preceding fiscal year.

Sec. 7. Minnesota Statutes 1988, section 43A.10, subdivision 7, is amended to read:

Subd. 7. [EXAMINATION ACCOMMODATIONS.] Upon request, the commissioner shall provide examination accommodations to a candidate with a handicap disability that does not prevent performance of the duties of the class. The accommodations shall must provide an opportunity to fairly examine the ability of the candidate to perform the duties of the class notwithstanding the handicap disability but shall must preserve, to the extent feasible, the validity of the examination process and equitable comparison of examination scores with competitors without handicaps disabilities.

Sec. 8. Minnesota Statutes 1988, section 43A.10, subdivision 8, is amended to read:

Subd. 8. [ELIGIBILITY FOR QUALIFIED HANDICAPPED DISABLED EXAMINATIONS.] The commissioner shall establish examination procedures for candidates whose handicaps disabilities are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures shall must consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the disabled person has the option of being paid or unpaid. Up to three persons with severe disabilities and their job coach shall may be allowed to demonstrate their job competence as a unit through the on-the-job trial work experience examination procedure. This work experience shall must be limited to candidates for appointment, promotion, or transfer who have a physical or mental impairment for which there is no reasonable accommodation in the examination process. Implementation of

provisions of this subdivision ~~shall~~ may not be deemed a violation of other provisions of Laws 1981, chapter 210 or 363.

Sec. 9. Minnesota Statutes 1988, section 43A.12, subdivision 5, is amended to read:

Subd. 5. ~~[QUALIFIED HANDICAPPED DISABLED LISTS.]~~ On qualified ~~handicapped~~ disabled lists eligibles ~~shall~~ must be ranked in alphabetical order.

Sec. 10. Minnesota Statutes 1988, section 43A.13, subdivision 2, is amended to read:

Subd. 2. [LAYOFF.] If an agency has a layoff list for the class and employment conditions of the vacancy to be filled, the commissioner shall certify eligibles as provided in collective bargaining agreements, plans established ~~pursuant to~~ under section 43A.18, rules, or procedures implemented ~~pursuant to~~ under section 43A.04, subdivision 4.

The commissioner, in accordance with collective bargaining agreements or plans established under section 43A.18, may also afford employees on permanent layoff from state service the opportunity to be tested for existing competitive open and promotional eligible lists for classes equal to or lower than those from which they are on layoff. Candidates tested under this procedure who obtain passing scores are eligible in accordance with the ranking and certification provisions of section 43A.12 and this section.

Sec. 11. Minnesota Statutes 1988, section 43A.13, subdivision 3, is amended to read:

Subd. 3. [REEMPLOYMENT.] For positions to be filled by reemployment of a former employee, the commissioner may certify any eligible on the reemployment list for the class or approve direct reinstatement of a former classified employee within ~~three~~ four years of separation.

Sec. 12. Minnesota Statutes 1988, section 43A.13, subdivision 4, is amended to read:

Subd. 4. [COMPETITIVE OPEN.] (a) For positions to be filled by competitive open examination, the commissioner shall certify the first 20 eligibles on the list plus those eligibles having the same score as the 20th eligible certified.

(b) When the position to be filled by competitive open examination is in a class for which the initially established eligible list contained the names of more than 200 eligibles and that list has existed for more than 12 months and been referred to more than ten vacancies,

the commissioner shall certify the first 40 eligibles on the list plus those eligibles having the same score as the 40th eligible certified.

Sec. 13. Minnesota Statutes 1988, section 43A.13, subdivision 5, is amended to read:

Subd. 5. [COMPETITIVE PROMOTIONAL.] For positions to be filled by competitive promotional examination limited to employees of one or more agencies or organizational units, the commissioner shall certify the first ten eligibles on the list plus those eligibles having the same score as the tenth eligible certified. For positions to be filled by competitive promotional examination extended to all employees of the civil service, the commissioner shall certify the first 20 eligibles on the list, plus those eligibles having the same score as the 20th eligible certified.

Sec. 14. Minnesota Statutes 1988, section 43A.13, subdivision 6, is amended to read:

Subd. 6. [QUALIFIED HANDICAPPED DISABLED.] For a position to be filled by qualified handicapped disabled examination, the commissioner shall certify only the one eligible who has successfully completed the examination processes provided in section 43A.10, subdivision 8 for the position.

Sec. 15. Minnesota Statutes 1988, section 43A.13, subdivision 7, is amended to read:

Subd. 7. [EXPANDED CERTIFICATION.] When the commissioner determines that a disparity as defined in rules exists between an agency's work force and its affirmative action plan approved in accordance with section 43A.19, the commissioner shall ensure to the extent possible that eligibles who are members of the protected groups for which the disparity exists are certified for appointment. When fewer than two eligibles of each protected group for which a disparity has been determined to exist would be certified under subdivisions 4 and 5, the commissioner shall certify two eligibles from each protected group for which a disparity exists or four from each group for which a disparity exists if the number of names referred has been increased under subdivision 4, paragraph (b). Implementation of this subdivision shall may not be deemed a violation of other provisions of Laws 1981, chapter 210 or 363.

Sec. 16. Minnesota Statutes 1988, section 43A.15, subdivision 10, is amended to read:

Subd. 10. [ROUTINE SERVICE AND ENTRY CLERICAL APPOINTMENTS.] The commissioner may authorize the administration of a qualifying selection process if a class is of a routine, service nature involving unskilled tasks, the performance of which cannot

be directly related to qualifications beyond a minimum competency level. Appointing authorities may consider any candidate found so qualified for probationary appointment to such a position. The commissioner may also authorize the administration of qualifying skill tests for entry level clerical positions as an alternative to certification from an eligible list as provided in section 43A.13.

Sec. 17. Minnesota Statutes 1988, section 43A.17, subdivision 1, is amended to read:

Subdivision 1. [SALARY LIMITS.] As used in subdivisions 1 to 9, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established under section 43A.18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned.

The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of compensation in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. However, if an agency head is assigned a salary that is lower than the current salary of another agency employee, the employee retains the salary, but may not receive an increase in salary as long as the salary is above that of the agency head. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Sec. 18. Minnesota Statutes 1988, section 43A.17, subdivision 8, is amended to read:

Subd. 8. [ACCUMULATED VACATION LEAVE.] The commissioner of employee relations shall not agree to a collective bargaining agreement or recommend a compensation plan pursuant to section 43A.18, subdivisions 1, 2, 3, and 4, nor shall an arbitrator issue an award under sections 179A.01 to 179A.25, if the compensation plan, agreement, or award permits an employee to convert accumulated vacation leave into cash or deferred compensation before separation from state service.

This section does not prohibit the commissioner from negotiating a collective bargaining agreement or recommending approval of a compensation plan which permits an employee to receive payment for accumulated vacation leave upon beginning an unpaid leave of absence approved for more than one year in duration if the leave of absence is not for the purpose of accepting an unclassified position in state civil service.

Sec. 19. Minnesota Statutes 1988, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraphs (b), (c), and (d) must be approved by the legislature and the legislative commission on employee relations under subdivision 2 before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer shall must be determined by the governor, lieutenant governor, attorney general, secretary of state, state auditor and state treasurer, respectively.

(b) Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause (h) ~~(i)~~, in the higher education coordinating board, and in the state board of vocational technical education shall in the state universities and the community colleges not covered by a collective bargaining agreement must be determined by the state university board and the state board for community colleges, the higher education coordinating board, and the state board of vocational technical education, respectively.

(c) Total compensation for classified administrative law judges in the office of administrative hearings shall must be determined by the chief administrative law judge.

(d) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education coordinating board and in the state board of vocational technical education must be determined by the higher education coordinating board and the state board of vocational technical education, respectively.

Sec. 20. Minnesota Statutes 1988, section 43A.18, subdivision 5, is amended to read:

Subd. 5. [GOVERNOR TO RECOMMEND CERTAIN SALARIES.] (a) The governor shall, by July 1 of each odd-numbered year, submit to the legislative commission on employee relations recommendations for salaries within the salary range for the positions listed in section 15A.081, subdivisions 1 and 7. The governor may also propose additions or deletions of positions from those listed.

~~(a)~~ (b) Before submitting the recommendations, the governor shall

consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations.

(b) (c) In making recommendations, the governor shall consider ~~only~~ the criteria established in subdivision 8 and may ~~not~~ shall take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

(e) (d) Before the governor's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which must be submitted and approved in the same manner as provided in this subdivision.

(d) (e) The governor shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(e) (f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in section 15A.081, subdivision 1 or 7, may be increased or decreased by the governor from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the governor increases a salary under this paragraph, the governor shall submit the new salary to the legislative commission on employee relations and the full legislature for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2. If the legislature rejects an increased salary or adjourns without action during the following legislative session, the salary for the position reverts to the level in effect before the governor proposed the change.

#### Sec. 21. [43A.181] [UNREIMBURSED MEDICAL COSTS VACATION DONATION PROGRAM.]

Subdivision 1. [DONATION OF VACATION TIME.] A state employee may donate up to eight hours of accrued vacation time in any fiscal year to the account established by subdivision 2 for the benefit of another state employee. The employee must notify the employee's agency head of the amount of accrued vacation time the employee wishes to donate and the name of the other state employee who is to benefit from the donation. The agency head shall determine the

monetary value of the donated time, using the gross salary of the employee making the donation. The agency head shall transfer that amount, less deductions for applicable taxes and retirement contributions, to the account established by subdivision 2. A donation of accrued vacation time is irrevocable once its monetary value has been transferred to the account.

Subd. 2. [BENEFIT ACCOUNT.] The vacation benefit account, consisting of money transferred under subdivision 1, is administered by the commissioner of employee relations. Money in the account is appropriated to the commissioner for purposes of this section.

Subd. 3. [USE OF ACCOUNT ASSETS.] Expenditures from the account established by subdivision 2 may be made only to pay unreimbursed medical expenses when the total of those expenses is at least \$10,000 and the expenses are incurred because of the illness of or injury to a state employee or the employee's spouse or dependent. Any money remaining after all of the unreimbursed medical expenses incurred by the employee named to benefit from a donation have been paid may be transferred to a general pool. The commissioner may use the pool to pay unreimbursed medical expenses for another state employee named to benefit from donated vacation time but whose unreimbursed expenses exceed the monetary value of the donated time.

Sec. 22. Minnesota Statutes 1988, section 43A.191, subdivision 2, is amended to read:

Subd. 2. [AGENCY AFFIRMATIVE ACTION PLANS.] (a) The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules issued under section 43A.04, subdivision 3.

(b) The agency plan must include a plan for the provision of reasonable accommodation in the hiring and promotion of qualified ~~handicapped~~ disabled persons. The reasonable accommodation plan shall must consist of at least the following:

(1) procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended;

(2) methods and procedures for providing reasonable accommodation for ~~handicapped~~ disabled job applicants, current employees, and employees seeking promotion; and

(3) provisions for funding reasonable accommodations.



(c) The agency plan must be prepared by the agency head with the assistance of the agency affirmative action officer and the director of equal employment opportunity. The council on disability shall provide assistance with the agency reasonable accommodation plan.

(d) An agency affirmative action plan may not be implemented without the commissioner's approval.

Sec. 23. Minnesota Statutes 1988, section 43A.191, subdivision 3, is amended to read:

Subd. 3. [SANCTIONS AND INCENTIVES.] (a) The director of equal employment opportunity shall annually audit the record of each agency to determine the rate of compliance with annual hiring goals of each goal unit and to evaluate the agency's overall progress toward its affirmative action goals and objectives.

(b) By March 1 of each year, the commissioner shall submit a report on affirmative action progress of each agency and the state as a whole to the governor and to the finance committee of the senate, the appropriations committee of the house of representatives, the governmental operations committees of both houses of the legislature, and the legislative commission on employee relations. The report must include noncompetitive appointments made under section 43A.08, subdivision 2a, or 43A.15, subdivisions 3 to 13, and cover each agency's rate of compliance with annual hiring goals. In addition, any agency that has not met its affirmative action hiring goals, that fails to make an affirmative action hire, or fails to justify its nonaffirmative action hire in 25 percent or more of the appointments made in the previous calendar year must be designated in the report as an agency not in compliance with affirmative action requirements.

(c) The commissioner shall study methods to improve the performance of agencies not in compliance with affirmative action requirements.

(d) The commissioner shall establish a program to recognize agencies that have made significant and measurable progress toward achieving affirmative action objectives.

Sec. 24. Minnesota Statutes 1988, section 43A.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to underwrite and service the benefit plans. Contracts entered into with carriers are not subject to the requirements of sections 16B.189 to 16B.22. The commissioner may nego-

tiate premium rates and coverage provisions with all carriers licensed under chapters 62A, 62C, and 62D. The commissioner may also negotiate reasonable restrictions to be applied to all carriers under chapters 62A, 62C, and 62D. Contracts to underwrite the benefit plans must be bid or negotiated separately from contracts to service the benefit plans, which may be awarded only on the basis of competitive bids. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers and any other factors which the commissioner deems appropriate. Each benefit contract must be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. A carrier licensed under chapter 62A is exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Sec. 25. Minnesota Statutes 1988, section 43A.27, subdivision 4, is amended to read:

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] A (a) Retired judge judges or a former legislator legislators may elect to purchase coverage for themselves or their dependents at their own expense as provided below: in paragraphs (b) and (c).

(a) (b) A retired judge of the state supreme court, the court of appeals, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c); provided that the retired judge exercises this option within 30 days of the effective date of retirement; or. The commissioner shall notify judges no later than the effective date of their retirement of their right to exercise the option provided in this subdivision. A retired judge must notify the commissioner or designee of the commissioner within 30 days after the effective date of retirement if the judge intends to exercise the option.

(b) (c) A former member of the legislature may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (a).

Sec. 26. Minnesota Statutes 1988, section 43A.316, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purpose of this section, the terms defined in this subdivision have the meaning given them.

(a) [COMMISSIONER.] "Commissioner" means the commissioner of employee relations.

(b) [EMPLOYEE.] "Employee" means:

(1) a person who is a public employee within the definition of section 179A.03, subdivision 14, who is insurance eligible and is employed by an eligible employer or;

(2) an elected public official of an eligible employer who is insurance eligible; or

(3) a person employed by a labor organization or employee association certified as an exclusive representative of employees of an eligible employer or by another public employer approved by the commissioner, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32).

(c) [ELIGIBLE EMPLOYER.] "Eligible employer" means

(1) a public employer within the definition of section 179A.03, subdivision 15, that is a town, county, city, school district as defined in section 120.02, educational cooperative service unit as defined in section 123.58, intermediate district as defined in section 136C.02, subdivision 7, cooperative center for vocational education as defined in section 123.351, regional management information center as defined in section 121.935, or an education unit organized under the joint powers action, section 471.59; or

(2) an exclusive representative of employees, as defined in paragraph (b); or

(3) another public employer approved by the commissioner.

(d) [EXCLUSIVE REPRESENTATIVE.] "Exclusive representative" means an exclusive representative as defined in section 179A.03, subdivision 8.

(e) [LABOR-MANAGEMENT COMMITTEE.] "Labor-management committee" means the committee established by subdivision 4.

(f) [PLAN.] "Plan" means the statewide public employees insurance plan created by subdivision 3.

Sec. 27. Minnesota Statutes 1988, section 43A.316, subdivision 3, is amended to read:

Subd. 3. [PUBLIC EMPLOYEE INSURANCE PLAN.] There is created the "public employee insurance plan." The commissioner shall be the administrator of the public employee insurance plan and may determine its funding arrangements. The commissioner shall model the plan after the plan established in section 43A.18, subdivision 2, but may modify that plan, in consultation with the labor-management committee.

Sec. 28. Minnesota Statutes 1988, section 43A.316, subdivision 5, is amended to read:

Subd. 5. [PUBLIC EMPLOYEE PARTICIPATION.] (a) Participation in the plan is subject to the conditions in this subdivision.

~~(a)~~ (b) Each exclusive representative for an eligible employer determines whether the employees it represents ~~shall~~ will participate in the plan. The exclusive representative ~~must~~ shall give the employer notice of intent to participate at least 90 days before the expiration date of the collective bargaining agreement preceding the collective bargaining agreement that covers the date of entry into the plan. The exclusive representative and the eligible employer shall give notice to the commissioner of the determination to participate in the plan at least 90 days ~~prior to~~ before entry into the plan. Entry into the plan ~~shall be according to~~ is governed by a schedule established by the commissioner.

~~(b)~~ (c) Employees not represented by exclusive representatives may ~~become~~ become members of the plan upon a determination of an eligible employer to include these employees in the plan. Either all or none of the employer's unrepresented employees must participate. The eligible employer shall give at least 90 days' notice to the commissioner ~~prior to~~ before entering the plan. Entry into the plan ~~shall be according to~~ is governed by a schedule established by the commissioner.

(e) ~~(d)~~ Participation in the plan ~~shall be~~ is for a ~~three-year~~ two-year term if coverage begins in an ~~even-numbered year~~ and a four-year term if coverage begins in an ~~odd-numbered year~~ odd-numbered year. Participation is automatically renewed for an additional ~~four-year~~ two-year term unless the exclusive representative, or the employer for unrepresented employees, gives the commissioner notice of withdrawal at least 90 days ~~prior to~~ before expiration of the participation period. A group that withdraws ~~must~~ wait two years before rejoining. An exclusive representative, or employer for unrepresented employees, may also withdraw if premiums increase 50 percent or more from one insurance year to the next.

~~(d)~~ (e) The exclusive representative shall give the employer notice

of intent to withdraw to the commissioner at least 90 days before the expiration date of a collective bargaining agreement that includes the date on which the term of participation expires.

(e) (f) Each participating eligible employer shall notify the commissioner of names of individuals who will be participating within two weeks of the commissioner receiving notice of the parties' intent to participate. The employer ~~must~~ shall also submit other information as required by the commissioner for administration of the plan.

Sec. 29. Minnesota Statutes 1988, section 43A.316, subdivision 7, is amended to read:

Subd. 7. [PREMIUMS.] The proportion of premium paid by the employer and employee is subject to collective bargaining or personnel policies. If, at the beginning of the coverage period, no collective bargaining agreement has been finalized, the increased dollar costs, if any, from the previous year is the sole responsibility of the individual participant until a collective bargaining agreement states otherwise. Premiums, including an administration fee, shall be established by the commissioner. Each eligible employer shall pay monthly the amounts due for employee benefits including the amounts under subdivision 8 to the commissioner on or before no later than the dates established by the commissioner. ~~Failure to pay may result in cancellation of the~~ If an employer fails to make the payments as required, the commissioner may cancel plan benefits and pursue other civil remedies.

Sec. 30. Minnesota Statutes 1988, section 43A.316, subdivision 8, is amended to read:

Subd. 8. [CONTINUATION OF COVERAGE.] (a) A participating employee who is laid off or is on leave may elect to continue the plan coverage. This coverage is at the expense of the employee unless otherwise provided by a collective bargaining agreement. Premiums for these employees must be established by the commissioner. Coverage continues until one of the following occurs:

(1) the employee is reemployed and eligible for health care coverage under a group policy; or

(2) the insurance continuation periods required by state and federal laws expire.

(b) A participating employee who retires and is receiving an annuity or is eligible for and has applied for an annuity under chapter 352, 352B, 352C, 352D, 353, 353C, 354, 354A, 356, 422A, 423, 423A, or 424, or 490 is eligible to continue participation in the plan. These employees, and employees who have already retired prior to the group from which they retired entering the plan, are

eligible to participate as long as their group continues to participate. This participation is at the retiree's expense unless a collective bargaining agreement or personnel policy provides otherwise. Premiums for these participants must be established by the commissioner. An employer shall notify an employee of this option no later than the effective date of retirement. The retired employee shall notify the employer within 30 days of the effective date of retirement of intent to exercise this option.

(e) (b) The spouse of a deceased, active, or retired employee may purchase the benefits provided at premiums established by the commissioner if the spouse was a dependent under the active or retired employee's coverage under this section at the time of the death. These participants are eligible to participate as long as the group which included their spouse participates. Coverage under this clause must be coordinated with relevant insurance benefits provided through the federally sponsored Medicare program.

(d) (c) The plan benefits must continue in the event of strike permitted by section 179A.18, if the exclusive representative chooses to have coverage continue and the employee pays the total monthly premiums when due.

(e) (d) A person who desires to participate under paragraphs (a) to (d) (c) shall notify the eligible employer or former employer of intent to participate according to rules established by the commissioner. The eligible employer shall notify the commissioner and coverage begins as soon as the commissioner permits.

Persons participating under these paragraphs shall make appropriate premium payments in the time and manner established by the commissioner.

Sec. 31. Minnesota Statutes 1989 Supplement, section 43A.316, subdivision 9, is amended to read:

Subd. 9. [INSURANCE TRUST FUND.] An The insurance trust fund is established in the state treasury. The consists of deposits consist of the premiums received from employers participating in the plan and transfers from the public employees insurance reserve holding account established by section 353.65, subdivision 7. All money in the fund is appropriated to the commissioner to pay insurance premiums, approved claims, refunds, administrative costs, and other related service costs. Premiums are exempt from the tax imposed by sections 60A.15 and 60A.198. The commissioner shall reserve an amount of money to cover the estimated costs of claims incurred but unpaid. The state board of investment shall invest the money according to section 11A.24. Investment income and losses attributable to the fund shall must be credited to the fund.

Sec. 32. Minnesota Statutes 1989 Supplement, section 43A.316, subdivision 10, is amended to read:

Subd. 10. [BIDDING REQUIREMENT EXEMPTION.] The public employee insurance plan is and, where applicable, the employers participating in it are exempt from chapter 62H, section 471.617, subdivisions 2 and 3, and the bidding requirements imposed by of section 471.6161.

Sec. 33. Minnesota Statutes 1988, section 43A.37, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATION.] Neither the commissioner of finance nor any other fiscal officer of this state ~~shall~~ may draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor ~~shall~~ may the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid ~~shall bear~~ bears the certificate of the commissioner that the persons named in the payroll register have been appointed; as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed ~~pursuant to~~ by law. The appointing authority shall certify that all employees named in the payroll register are performing service as required by law. This provision ~~shall~~ does not apply to positions defined in section 43A.08, subdivision 1, clauses ~~(g), (h), (i), (j), and (k)~~ (l). Employees to whom this subdivision does not apply may be paid on the state's payroll system, and the appointing authority or fiscal officer submitting their payroll register ~~shall be~~ is responsible for the accuracy and legality of the payments.

Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.

Sec. 34. Minnesota Statutes 1988, section 176.421, is amended by adding a subdivision to read:

Subd. 6a. [TIME LIMIT FOR DECISION.] The court shall issue a decision in each case within 90 days after certification of the record to the court by the chief administrative law judge, the filing of a cross-appeal, oral argument, or a final submission of briefs or memoranda by the parties, whichever is latest. No part of the salary of a workers' compensation court of appeals judge may be paid unless the judge, upon accepting the payment, certifies that decisions in cases in which the judge has participated have been issued within the time limits prescribed by this subdivision.

Sec. 35. Minnesota Statutes 1988, section 176B.02, is amended to read:

176B.02 [PEACE OFFICERS BENEFIT FUND.]

There is hereby created in The police officers benefit fund is an account in the state treasury ~~an account to be known as peace officers benefit fund.~~ Funds in the peace officers benefit fund shall consist consisting of money appropriated to that fund. The administrator of the fund is the commissioner of ~~employee relations~~ public safety, who shall follow the procedures specified in section 176.541, subdivisions 2, 3, and 4.

Sec. 36. Minnesota Statutes 1989 Supplement, section 214.04, subdivision 3, is amended to read:

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

- (1) dentistry;
- (2) medical examiners;
- (3) nursing;
- (4) pharmacy;
- (5) accountancy;
- (6) architecture, engineering, land surveying and landscape architecture;
- (7) barber examiners;
- (8) cosmetology;
- (9) electricity;
- (10) teaching;
- (11) peace officer standards and training;



- (12) social work;
- (13) marriage and family therapy;
- (14) unlicensed mental health service providers; and
- (15) office of social work and mental health boards.

The board of medical examiners shall set the salary of its executive director, which may not exceed 95 percent of the top of the salary range set for the commissioner of health in section 15A.081, subdivision 1. The board of dentistry shall set the salary of its executive director, which may not exceed 80 percent of the top of the salary range set for the commissioner of health in section 15A.081, subdivision 1. The board shall submit a proposed salary increase to the legislative commission on employee relations and the full legislature for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2.

The executive secretaries serving the remaining boards are hired by those boards and are in the unclassified civil service, except for part-time executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 37. Minnesota Statutes 1988, section 473.405, subdivision 12, is amended to read:

Subd. 12. [MANAGEMENT CONTRACTS.] Notwithstanding any of the other provisions of sections 473.404 to 473.449, the commission may, in lieu of directly operating any public transit system or any part thereof, enter into contracts for management services. The contracts may provide for compensation, incentive fees, the employment of personnel, the services provided, and other terms and conditions that the commission deems proper. The contracts must provide that the compensation of personnel who work full time or substantially full time providing management or other services for the commission is public data under chapter 13.

The commission may not permit a contract manager to supervise or manage internal audit activities. Internal audit activity must be

supervised and managed directly by the commission. The commission shall advertise for bids and select contracts for management services through competitive bidding. The term of the contract may not be longer than two years. The contract must include clear operating objectives, stating the service policies and goals of the commission in terms of the movement of various passenger groups, and performance criteria, by means of which success in achieving the operating objectives can be measured. The commission shall consider and determine the feasibility and desirability of having all its transit management services provided internally by employees of the commission.

The employees of any public transit system operated pursuant to the provisions of this subdivision for the purpose of resolving any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, may either engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Sec. 38. [RETIRED JUDGES; OPTION TO PURCHASE INSURANCE.]

The following judges may exercise the option provided in section 24 within 30 days after the effective date of that section:

(1) judges who retired before July 1, 1981; and

(2) judges who retired after July 1, 1981, but who were not notified of the option available under Minnesota Statutes, section 43A.27, subdivision 4.

Sec. 39. [RATIFICATIONS.]

Subdivision 1. [COUNCIL 6.] The labor agreement between the state of Minnesota and the American Federation of State, County and Municipal Employees, Council 6, approved by the legislative commission on employee relations on July 26, 1989, is ratified.

Subd. 2. [PROFESSIONAL EMPLOYEES.] The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 3. [SPECIAL TEACHERS.] The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 4. [LAW ENFORCEMENT.] The labor agreement between the state of Minnesota and the Bureau of Criminal Apprehension Agents' Association, Minnesota Conservation Officers' Association, and the Minnesota State Patrol Officers' Association, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 5. [MIDDLE MANAGERS.] The labor agreement between the state of Minnesota and the Middle Management Association, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 6. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 7. [COMMUNITY COLLEGE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota Community College Faculty Association, approved by the legislative commission on employee relations on November 7, 1989, is ratified.

Subd. 8. [NURSES.] The labor agreement between the state of Minnesota and the Minnesota Nurses Association, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 9. [STATE UNIVERSITY FACULTY.] The labor agreement between the state of Minnesota and the State University Inter-Faculty Organization, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 10. [STATE UNIVERSITY ADMINISTRATORS.] The labor agreement between the state of Minnesota and the State University Administrative Unit, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 11. [MANAGERIAL PLANS.] The commissioner of employee relations' plan for managerial employees, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 12. [COMMISSIONER'S PLAN.] The commissioner of employee relations' plan for unrepresented employees, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 13. [AGENCY HEADS.] The salary plan for positions listed in Minnesota Statutes, section 15A.081, approved by the legislative commission on employee relations on November 7, 1989, is ratified.

Subd. 14. [BOARD OF MEDICAL EXAMINERS.] The salary for the executive director of the board of medical examiners, approved by the legislative commission on employee relations on July 26, 1989, is ratified.

Subd. 15. [CHANCELLOR, STATE UNIVERSITY SYSTEM.] The salary for the chancellor of the Minnesota state university system, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 16. [CHANCELLOR, COMMUNITY COLLEGE SYSTEM.] The salary for the chancellor of the Minnesota community college system, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 17. [DIRECTOR, HIGHER EDUCATION COORDINATING BOARD.] The salary for the executive director of the Minnesota higher education coordinating board, approved by the legislative commission on employee relations on January 23, 1990, is ratified.

Subd. 18. [BOARD OF DENTISTRY.] The salary for the executive director of the board of dentistry, approved by the legislative commission on employee relations on January 23, 1990, is ratified.

#### Sec. 40. [INTERIM APPROVAL.]

After adjournment of the 1990 session but before the 1991 session of the legislature, the legislative commission on employee relations may give interim approval to any negotiated agreement, arbitration award, or compensation or salary plan submitted to it under other law. The commission shall submit the agreement, award, or plan to the entire legislature for ratification in the same manner and with the same effect as provided for agreements, awards and plans submitted after adjournment of the legislature in an odd-numbered year.

#### Sec. 41. [APPLICABILITY.]

Section 37 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

#### Sec. 42. [REPEALER.]

Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5, are repealed.

#### Sec. 43. [EFFECTIVE DATE.]

Section 1 is effective retroactive to July 1, 1989, and applies to appointments that take effect on or after July 1, 1989.

Sections 2, 3, 17, 20, and 24 are effective July 1, 1990. Sections 25 and 38 are effective the day following final enactment. Section 34 is effective August 1, 1991.

Section 37 is effective the day following final enactment and applies to all contracts entered into or extended at the option of the commission after that date."

Delete the title and insert:

"A bill for an act relating to state government; regulating certain employment practices; permitting the transfer of vacation and sick leave for certain gubernatorial appointees; permitting employees on permanent layoff to test into new state positions; authorizing the donation of the value accrued vacation leave to other state employees under certain circumstances; making technical changes in the public employees insurance program; eliminating the authority of the board of medical examiners and the board of dentistry to set the salaries of their executive directors; eliminating obsolete language; appropriating money; amending Minnesota Statutes 1988, sections 15A.081, by adding a subdivision; 15A.083, subdivisions 5 and 7; 43A.04, subdivisions 1 and 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5; 43A.13, subdivisions 2, 3, 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.17, subdivisions 1 and 8; 43.18, subdivisions 4 and 5; 43A.191, subdivisions 2 and 3; 43A.23, subdivision 1; 43A.27, subdivision 4; 43A.316, subdivisions 2, 3, 5, 7, and 8; 43A.37, subdivision 1; 176.421, by adding a subdivision; 176B.02; 473.405, subdivision 12; Minnesota Statutes 1989 Supplement, section 43A.316, subdivisions 9 and 10; 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5."

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. 2084, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1988, chapters 367, as amended; and 368, as amended.

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

The report was adopted.

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

H. F. No. 2085, A bill for an act relating to the environment; placing restrictions on use of water for once-through cooling systems; changing water use processing fees for once-through cooling systems; appropriating money; amending Minnesota Statutes 1988, section 105.41, by adding a subdivision; and Minnesota Statutes 1989 Supplement, section 105.41, subdivisions 1c and 5a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 105.37, is amended by adding a subdivision to read:

Subd. 19. [ONCE-THROUGH SYSTEM.] "Once-through system" means any heating, ventilating, air conditioning (HVAC), or refrigeration system used for any type of temperature or humidity control application, utilizing groundwater, which circulates through the system and is then discharged without recirculating the majority of the water in the system components.

Sec. 2. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 1c, is amended to read:

Subd. 1c. [CERTAIN COOLING SYSTEM PERMITS PROHIBITED PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may shall not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of five million gallons annually.

(b) For purposes of this subdivision, a once-through cooling system means a cooling or heating system for human comfort that draws a continuous stream of water from a groundwater source to remove or add heat for cooling, heating, or refrigeration. The commissioner may issue no new or renewal water use permits for once-through cooling systems after December 31, 1995.

Sec. 3. Minnesota Statutes 1988, section 105.41, is amended by adding a subdivision to read:

Subd. 1d. [MT. SIMON-HINCKLEY AQUIFER.] (a) The commissioner shall not issue new water use permits that will appropriate water from the Mt. Simon-Hinckley aquifer within the seven-county metropolitan area unless the appropriation is for potable water use, there are no feasible or practical alternatives to using the aquifer, and a water conservation plan is incorporated with the permit.

(b) The commissioner shall terminate all permits authorizing appropriation and use of water from the Mt. Simon-Hinckley aquifer for once-through systems in the seven-county metropolitan area by December 31, 1992.

Sec. 4. Minnesota Statutes 1988, section 105.41, subdivision 4, is amended to read:

Subd. 4. [MEASURING AND RECORDING QUANTITIES USED.] It is unlawful for the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use waters of the state, surface or underground, without measuring and keeping a record of the quantity of water used or appropriated as provided in this section. Each installation for appropriating or using water must be equipped with a device or employ a method flow meter to measure the quantity of water appropriated with reasonable within the degree of accuracy required by rule. ~~The commissioner's determination of the method~~ commissioner can determine other methods to be used for measuring water quantity must be based on the quantity of water appropriated or used, the source of water, the method of appropriating or using water, and any other facts supplied to the commissioner.

Sec. 5. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 5a, is amended to read:

Subd. 5a. [WATER USE PROCESSING FEE.] (a) Except as provided in paragraph (b), a water use processing fee not to exceed \$2,000 must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cent per 1,000 gallons for the first 50 million gallons per year; and

(2) 0.1 cents per 1,000 gallons for the amounts greater than 50 million gallons per year.

(b) For once-through cooling systems as defined in subdivision 1c, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

- (1) ~~5.0~~ 15.0 cents per 1,000 gallons until December 31, ~~1991~~ 1990;
- (2) annual increments of 10.0 cents ~~for~~ per 1,000 gallons from January 1, ~~1992~~ 1991, until December 31, ~~1996~~ 1995; and
- (3) ~~15.0~~ 65.0 cents per 1,000 gallons after ~~January 1, 1997~~ December 31, 1995.

(c) The commissioner shall assess a holder of a water use permit double the amount in paragraph (b) if the commissioner finds that the holder has appropriated more water than authorized by the permit. The assessment must be made in the year following the finding of an excessive appropriation.

(d) The fee is payable based on the amount of water permitted appropriated during the year or the amount of water authorized by permit, whichever is greater, and in no case may the fee be less than \$25 \$150.

~~(d)~~ (e) Failure to pay the fee is sufficient cause for revoking a permit.

The commissioner shall notify all permittees of the fee changes authorized by this law by July 1, 1990. Permittees shall have until November 1, 1990, to amend permits to accurately reflect historic water use. The commissioner is authorized to refund 1989 water use report processing fees based on amendments under this subdivision.

Sec. 6. Minnesota Statutes 1988, section 105.41, is amended by adding a subdivision to read:

Subd. 7. [REPORTS TO LEGISLATURE.] The commissioner shall construct monitoring wells necessary to study aquifer behavior and report annually to the appropriate committees of the senate and the house of representatives on the results of the study.

Sec. 7. [APPROPRIATION.]

\$ . . . . . is appropriated to the commissioner of natural resources for the purposes of section 6, to be available for the biennium ending June 30, 1991.

Sec. 8. [EFFECTIVE DATE.]

Section 3 is effective the day after final enactment."

Delete the title and insert:



"A bill for an act relating to the environment; placing restrictions on use of water for once-through cooling systems; changing water use processing fees for once-through cooling systems; prohibiting the issuance of water use permits for the Mt. Simon-Hinckley aquifer; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1988, sections 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding subdivisions; Minnesota Statutes 1989 Supplement, section 105.41, subdivisions 1c and 5a."

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. 2086, A bill for an act relating to crime; imposing penalties on persons who commit a crime while wearing or possessing soft body armor; permitting summary forfeiture of weapons used to commit a controlled substance offense; permitting summary forfeiture of soft body armor worn or possessed during the commission of a crime; amending Minnesota Statutes 1988, section 609.5316, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.486] [COMMISSION OF CRIME WHILE WEARING OR POSSESSING A BULLET-RESISTANT VEST.]

A person who commits or attempts to commit a gross misdemeanor or felony while wearing or possessing a bullet-resistant vest is guilty of a felony and, upon conviction, shall be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. Notwithstanding section 609.035 or 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

As used in this section, "bullet-resistant vest" means a bullet-resistant garment that provides ballistic and trauma protection.

Sec. 2. Minnesota Statutes 1988, section 609.5316, subdivision 3, is amended to read:

Subd. 3. [WEAPONS AND BULLET-RESISTANT VESTS.] Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter. Bullet-resistant vests, as defined in section 1, worn or possessed during the commission or attempted commission of a crime is contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Notwithstanding this subdivision, weapons used and bullet-resistant vests worn or possessed may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1990, and apply to crimes committed on or after that date.

Amend the title as follows:

Page 1, line 3, delete everything after "a" and insert "gross misdemeanor or felony while wearing or possessing a bullet-resistant vest"

Page 1, line 4, delete "armor"

Page 1, line 6, delete "soft body armor" and insert "bullet-resistant vests"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2087, A bill for an act relating to agriculture; providing that checkoff fees from certain potato producers are not refundable; amending Minnesota Statutes 1988, section 17.63.

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

The report was adopted.

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

H. F. No. 2103, A bill for an act relating to public employee retirement plans; requiring the regular reporting of investment performance results calculated on a time-weighted total rate of return basis; proposing coding for new law in Minnesota Statutes, chapter 356.

Reported the same back with the following amendments:

Page 1, line 15, delete "September 15" and insert "December 31"

Page 2, line 2, delete everything after "auditor"

Page 2, line 3, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2108, A bill for an act relating to waste management; making several technical changes to the waste management act; establishing a time period for local decision-making on siting of solid waste facilities; establishing time periods for state and metropolitan council approval of county solid waste management plans; clarifying jurisdiction of county plans; clarifying order of funding priority for grants for solid waste management projects; adjusting procedures for the creation of solid waste management districts; increasing the authority of the districts; authorizing counties to set civil penalties by ordinance for violation of designation ordinances; adding procedures and requirements for cities to meet when they organize solid waste collection; requiring a supplementary incinerator ash report; reducing time for metropolitan review of local government solid waste facility siting decisions; repealing the requirement that government agencies use degradable polyethylene bags; changing references; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3a; 115A.03, subdivision 23; 115A.06, subdivisions 2, 5, 5a, 6, 8, 10, 11, 12, and 13; 115A.07, subdivisions 1 and 2; 115A.075; 115A.10; 115A.11, subdivision 1a; 115A.158, subdivision 2; 115A.191, subdivisions 1 and 2; 115A.192, subdivisions 1 and 2; 115A.193; 115A.194, subdivision 2; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.54, subdivision 3; 115A.64, subdivisions 2, 4, and 6; 115A.66, subdivision 3; 115A.67; 115A.86, by adding a

subdivision; 115A.914; 115A.94, subdivisions 3 and 4; 115A.97, subdivision 5; 325E.045, subdivision 1; 473.823, subdivision 5, and by adding a subdivision; 473.845, subdivision 4; 473.846; Minnesota Statutes 1989 Supplement, sections 115A.14, subdivision 4; 115A.195; 115A.54, subdivision 2a; 115A.84, subdivision 2; 115A.86, subdivision 5; 115B.04, subdivision 4; 116C.69, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 115A.072, subdivisions 1 and 4; 115A.55, subdivision 3; 115A.551, subdivisions 4 and 7; 115A.558; 115A.961, subdivisions 2 and 4; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, section 79; and chapter 335, article 1, sections 23, subdivision 4, and 269; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1988, sections 115A.09, subdivision 5; 115A.90, subdivision 2; 325E.045, subdivisions 3 and 4; and Laws 1987, chapter 348, section 51, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

Section 1. Minnesota Statutes 1988, section 16B.61, subdivision 3a, is amended to read:

Subd. 3a. [RECYCLING SPACE.] The code must require suitable space for the separation, collection, and temporary storage of recyclable materials within or adjacent to new or significantly remodeled structures that contain 1,000 square feet or more. Residential structures with less than ~~12~~ four dwelling units are exempt from this subdivision.

Sec. 2. Minnesota Statutes 1988, section 115A.06, subdivision 2, is amended to read:

Subd. 2. [RULES.] Unless otherwise provided, the ~~board~~ director shall promulgate rules in accordance with chapter 15 to govern its activities and implement ~~sections 115A.01 to 115A.72~~ chapter 115A.

Sec. 3. Minnesota Statutes 1989 Supplement, section 115A.14, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The commission shall oversee the activities of the ~~board~~ director and agency under this chapter relating to solid and hazardous waste management, the activities of the agency under sections 116.16 to 116.181 relating to water pollution control, and the activities of the metropolitan council relating to metropolitan waste management under sections

473.801 to 473.848, and direct such changes or additions in the work plan of the board director and agency as it deems fit.

(b) The commission shall make recommendations to the standing legislative committees on finance and appropriations for appropriations from:

(1) the environmental response, compensation, and compliance account in the environmental fund under section 115B.20, subdivision 5;

(2) the metropolitan landfill abatement account under section 473.844; and

(3) the metropolitan landfill contingency action trust fund under section 473.845.

(c) The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

Sec. 4. [115A.31] [LOCAL GOVERNMENT DECISIONS; TIME-LINES.]

When a county applies for or requests approval of establishment of a solid waste facility within the boundaries of a local government unit, the local government unit shall make a final decision on the application or request within 120 days following the delivery by the county to the local government unit of the application or request completed in accordance with the requirements of applicable local ordinances. When the proposed facility is one for which an environmental impact statement or environmental assessment worksheet is required under section 116D.04, the local government unit shall make a final decision on the application or request within 90 days after the final determination of adequacy of the environmental impact statement or environmental assessment worksheet.

Sec. 5. Minnesota Statutes 1988, section 115A.411, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; PURPOSE.] The board and director with assistance from the agency, shall jointly prepare and adopt a report on solid waste management policy excluding the metropolitan area. The report must be adopted by November 15 of each even-numbered year beginning in 1988. The report must be submitted by the board and the agency jointly director to the legislative

commission on waste management by November 15 of each even-numbered year.

Sec. 6. Minnesota Statutes 1988, section 115A.46, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) Plans shall address the state policies and purposes expressed in section 115A.02 and may not be inconsistent with state law.

(b) Plans for the location, establishment, operation, maintenance, and postclosure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116.

(c) Plans shall address:

(1) the resolution of conflicting, duplicative, or overlapping local management efforts: Plans shall address;

(2) the establishment of joint powers management programs or waste management districts where appropriate: Plans shall address; and

(3) other matters as the rules of the board office of waste management may require consistent with the purposes of sections 115A.42 to 115A.46.

(d) Political subdivisions preparing plans under sections 115A.42 to 115A.46 shall consult with persons presently providing solid waste collection, processing, and disposal services.

(e) Plans shall must be approved by submitted to the board director, or the metropolitan council pursuant to section 473.803, for approval. When a county board is ready to have a final plan approved, the county board shall submit a resolution requesting review and approval by the director or the metropolitan council. After receiving the resolution, the director or the metropolitan council must notify the county within 45 days whether the plan as submitted is complete and, if not complete, the specific items that need to be submitted to make the plan as submitted complete. By 90 days after a complete plan has been submitted, the director or the metropolitan council must approve or disapprove the plan. If the plan is disapproved, reasons for the disapproval must be provided.

(f) After initial approval, each plan shall be updated and submitted for approval every five years and. The plan shall be revised as necessary for further approval so that it is not inconsistent with state law.

Sec. 7. Minnesota Statutes 1988, section 115A.46, is amended by adding a subdivision to read:

Subd. 5. [JURISDICTION OF PLAN.] (a) After a county plan has been submitted for approval under subdivision 1, another political subdivision within the county may not enter into a binding agreement governing a solid waste management activity that is inconsistent with the county plan without the consent of the county.

(b) After a county plan has been approved under subdivision 1, the plan governs all solid waste management in the county and another political subdivision within the county may not develop or implement a solid waste management activity, other than an activity to reduce waste generation or reuse waste materials, that is inconsistent with the county plan that the county is actively implementing without the consent of the county.

Sec. 8. [115A.47] [GRANT PRIORITY FOR DISTRICT AND COOPERATIVE AGREEMENTS.]

In making grants and awarding other financial assistance for solid waste management projects under chapters 115A and 473, the director and the metropolitan council may give priority to proposals submitted by waste management districts and counties acting cooperatively through joint agreement.

Sec. 9. Minnesota Statutes 1988, section 115A.49, is amended to read:

#### 115A.49 [ESTABLISHMENT; PURPOSES AND PRIORITIES.]

There is established a program to encourage and assist cities, counties, solid waste management districts, and sanitary districts in the development and implementation of solid waste management projects and to transfer the knowledge and experience gained from such projects to other communities in the state. The program must be administered to encourage local communities to develop feasible and prudent alternatives to disposal, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program must be administered by the board director in accordance with the requirements of sections 115A.49 to 115A.54 and rules promulgated by the board director pursuant to chapter 14. In administering the program, the board director shall give priority to projects in the order of preference of the waste management practices listed in section 115A.02, areas where natural geologic and soil conditions are especially unsuitable for land disposal of solid waste; and areas where the capacity of existing solid waste disposal facilities is determined by the board director to be less than five years; and projects serving more than one local government unit.

Sec. 10. Minnesota Statutes 1988, section 115A.53, is amended to read:

115A.53 [WASTE REDUCTION AND SEPARATION PROJECTS.]

The ~~board~~ director shall provide grants to develop and implement projects for ~~waste reduction~~; waste separation by generators, collectors, and other persons; and collection systems for separated waste. Activities eligible for assistance under this section include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the development and implementation of the project. Preliminary planning and development, feasibility study, and conceptual design costs are eligible activities, but no more than 20 percent of program funds shall be used to fund those activities. Projects may include the management of household hazardous waste, as defined in section 115A.96. The director shall give priority to innovative methods for waste separation for reuse or recycling. ~~The rules of the board director shall prescribe by rule the level or levels of local funding required for grants under this section.~~

Sec. 11. Minnesota Statutes 1988, section 115A.64, subdivision 2, is amended to read:

Subd. 2. [PETITION CONTENTS.] (a) A petition requesting establishment or alteration of a waste district shall contain the information the ~~board~~ director may require, including at least the following:

(a) (1) the name of the proposed district;

(b) (2) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;

(c) (3) resolutions of support for the district, as proposed ~~to the board~~, from the governing body of each of the petitioning counties;

(d) (4) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in sections 115A.62 to 115A.72; and

(e) (5) articles of incorporation stating:

(i) the powers of the district consistent with sections 115A.62 to 115A.72, including a statement of powers proposed pursuant to sections 115A.70 ~~and~~, 115A.71, and section 13; and



(ii) provisions for representation and election of the board of directors of the district.

(b) After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the board.

Sec. 12. Minnesota Statutes 1988, section 115A.67, is amended to read:

115A.67 [ORGANIZATION OF DISTRICT.]

The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district, except that in the case of a district having territory within only two counties each county may appoint three persons. At least one person appointed by each county shall be an elected official of a local government unit having territory within the district. The first chair of the board of directors shall be appointed from outside the first board of directors by the chair of the waste management board. The first chair shall serve for a term of two years. Thereafter The chair shall be elected from outside the board of directors by majority vote of the board of directors. The first chair shall serve for a term of two years. Members of the board of directors shall be residents of the district. The first meeting of the board of directors shall be held at the call of the chair, after notice, for the purpose of proposing the bylaws, electing officers and for any other business that comes before the meeting. The bylaws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The bylaws shall state:

(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;

(b) the title, manner of selection, and term of office of officers of the district;

(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;

(d) the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;

(e) the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;

(f) the compensation and reimbursement for expenses for mem-

bers of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3; and

(g) such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.

Sec. 13. [115A.715] [SOLID WASTE AUTHORITY.]

A district has all the authority of a county for solid waste management purposes that is given to counties under this chapter, chapter 400, and chapter 473, except the authority to issue general obligation bonds or to levy property taxes. A district has the authority of a county to issue general obligation bonds and to levy property taxes only if and only to the extent that the governing body of each county that is a member of the district agrees to delegate the authority to the district. The delegation of the authority is irrevocable unless the governing body of each county that is a member of the district agrees to the revocation.

Sec. 14. Minnesota Statutes 1989 Supplement, section 115A.84, subdivision 2, is amended to read:

Subd. 2. [DESIGNATION; PLAN CONTENTS.] (a) The designation plan must evaluate:

(1) the benefits of the designation, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local and any district or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02; and

(2) the estimated costs of the designation, including the direct capital, operating, and maintenance costs of the facility designated, the indirect costs, and the long-term effects of the designation.

(b) In particular the designation plan must evaluate:

(1) whether the designation will result in the recovery of resources or energy from materials which would otherwise be wasted;

(2) whether the designation will lessen the demand for and use of indiscriminate land disposal;

(3) whether the designation is necessary for the financial support of the facility;

(4) whether less restrictive methods for ensuring an adequate solid waste supply are available;

(5) other feasible and prudent waste management alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators; and

(6) whether the designation takes into account and promotes local, regional, and state waste management goals.

(c) When the plan proposes designation to disposal facilities, the designation plan must also evaluate:

(1) whether the disposal facility is part of an integrated waste management system involving a processing facility and the designation is necessary for the financial support of the processing facility;

(2) whether the designation will better serve to protect public health and safety;

(3) the impacts on other disposal facilities inside and outside the area;

(4) whether the designation is necessary to promote regional waste management programs and cooperation; and

(5) the extent to which the design and operation of the disposal facility protects the environment including whether it is permitted under current agency rules and whether any portion of the facility's site is listed under section 115B.17, subdivision 13.

(d) When the plan proposes designation to a disposal facility, mixed municipal solid waste that is subject to a contract between a hauler and a different facility that is in effect on the date notice is given under section 115A.85, subdivision 2, is not subject to the designation during the contract period or for one year after the date notice is given, whichever period is shorter.

Sec. 15. Minnesota Statutes 1989 Supplement, section 115A.86, subdivision 5, is amended to read:

Subd. 5. [AMENDMENTS.] (a) Except as provided in section 16, amendments to a designation ordinance must be submitted to the reviewing authority for approval. The reviewing authority shall approve the amendment if the amendment is in the public interest and in furtherance of the state policies and purposes expressed in section 115A.02. If the reviewing authority finds that the proposed amendment is a substantive change from the existing designation plan, the reviewing authority may require that the county or solid waste management district submit a revised designation plan to the

reviewing authority for approval. After receiving approval for the designation plan amendment from the reviewing authority, the county or district shall follow the procedure outlined in section 115A.85 prior to submitting the amended designation ordinance to the reviewing authority for approval. If the reviewing authority does not act within 90 days after receiving the proposed amendment to the designation ordinance, the amendment is approved.

(b) Except as provided in section 16, prior to amending an ordinance to designate solid waste to a disposal facility, a county or district shall submit an amended designation plan to the reviewing authority for approval, and shall follow the procedures outlined in section 115A.85.

Sec. 16. Minnesota Statutes 1988, section 115A.86, is amended by adding a subdivision to read:

Subd. 6. [PENALTIES.] (a) A county may include in its designation ordinance civil and criminal penalties for violation of the ordinance. A civil penalty adopted by the county may not exceed a fine of \$10,000 per day of violation plus the cost of mitigating any damages caused by the violation and the attorney fees and court costs incurred by the county to enforce the ordinance.

(b) Subdivision 5 does not govern a designation ordinance amendment adopted under this subdivision.

Sec. 17. Minnesota Statutes 1989 Supplement, section 115A.919, is amended to read:

#### 115A.919 [COUNTY FEE AUTHORITY.]

Subdivision 1. [FEE.] A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste or construction debris located within the county, except a facility permitted solely for disposal of an industrial waste generated by the owner of the facility, or ash resulting from the combustion of solid waste. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. When the county makes expenditures of funds generated by the fee, it shall prioritize the expenditures based on the types of facilities from which the fees were generated.

Any fee imposed under this section must be the same for all facilities within the county that accept the same type of waste.

Waste residue from recycling facilities at which recyclable mate-

rials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

A facility permitted for the disposal of construction debris is exempt from 50 percent of a fee imposed under this section if the facility has implemented a recycling program that has been approved by the county.

Subd. 2. [ADDITIONAL FEE.] A county may impose a fee, by cubic yard or the equivalent of waste collected outside the county, in addition to a fee imposed under subdivision 1, on operators of mixed municipal solid waste disposal facilities located within the county. Revenue generated from the additional fee shall be credited to the county general fund and shall be used only for the purposes listed in subdivision 1, except it shall not be used for landfill abatement purposes.

Sec. 18. Minnesota Statutes 1989 Supplement, section 115A.921, is amended to read:

#### 115A.921 [CITY OR TOWN FEE AUTHORITY.]

(a) A city or town may impose a fee, not to exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste or construction debris, or facilities that are exempt from the payment of property taxes for the processing of refuse derived fuel or the direct incineration of solid waste located within the city or town, except a facility permitted solely for disposal of an industrial waste generated by the owner of the facility. The revenue from the fees must be credited to the city or town general fund. Revenue produced by ~~25 cents of the fee~~ must be used only for purposes of new landfill abatement programs or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. ~~Revenue produced by the balance of the fee may be used for any general fund purpose.~~

(b) Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification proce-

dures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town.

Sec. 19. Minnesota Statutes 1988, section 115A.94, subdivision 3, is amended to read:

Subd. 3. [GENERAL PROVISIONS.] (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit ~~may~~ shall invite and employ the assistance of interested persons, including persons operating solid waste collection services, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Sec. 20. Minnesota Statutes 1988, section 115A.94, subdivision 4, is amended to read:

Subd. 4. [CITIES AND TOWNS; NOTICE; PLANNING.] (a) At least 90 180 days before ~~proposing~~ implementing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be

operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During the a 90-day period following the resolution of intent, and before proposing a method of organizing collection, the city or town shall develop or supervise the development of plans or proposals for organized collection. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days from the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, it may then propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

(1) describe in detail the procedures it used to plan and to attempt implementation of organized collection through an arrangement with collectors who expressed interest; and

(2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision making process; and maximizing efficiency in solid waste collection.

(d) (f) Upon request, the city or town shall provide mailed notice of subsequent all proceedings on the organization of collection in the city or town.

Sec. 21. Minnesota Statutes 1988, section 115A.97, subdivision 5, is amended to read:

Subd. 5. [PLANS; ~~BOARD REPORT~~] A county solid waste plan, or revision of a plan, that includes incineration of mixed municipal solid waste must clearly state how the county plans to meet the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require

disposal. The ~~board~~ director, in cooperation with the agency, the counties, and the metropolitan council, may develop guidelines for counties to use to identify ways to meet the goals in subdivision 1.

The ~~board~~ director, in cooperation with the agency, the counties, and the metropolitan council, shall develop and propose statewide goals and timetables for the reduction of the noncombustible fraction of mixed municipal solid waste prior to incineration or processing into refuse derived fuel and for the reduction of the toxicity of the incinerator ash. By January 1, 1990, the ~~board~~ director shall report to the legislative commission on waste management on the proposal goals and timetables with recommendations for their implementation and, by November 15, 1991, shall submit to the legislative commission on waste management a supplementary report that, at a minimum, assesses the nature of the incinerator ash produced in the state and progress made in removal of problem materials and noncombustibles from the waste stream.

Sec. 22. Minnesota Statutes 1989 Supplement, section 115B.04, subdivision 4, is amended to read:

Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] (a) The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1, except when the political subdivision is liable under this section as the owner or operator of a disposal facility as defined in section 115A.03, subdivision 10.

(b) When a political subdivision is liable as an owner or operator of a disposal facility, the liability of each political subdivision is limited to \$400,000 at each facility unless the facility was owned or operated under a valid joint powers agreement by three or more political subdivisions, in which case the aggregate liability of all political subdivisions that are parties to the joint powers agreement is limited to \$1,200,000.

(c) The limits on the liability of a political subdivision for ownership or operation of a disposal facility apply to the costs of remedial response action incurred between the date a request for response action is issued by the agency and the date one year after the construction certificate of completion is approved by the commissioner, excluding the costs incurred during of negotiation of a consent order agreement.

(d) When a political subdivision takes remedial response action as the owner or operator of a disposal facility between the dates in paragraph (c), it may receive, after approval by the agency, reimbursement of any amount spent pursuant to an approved work plan that exceeds the applicable liability limit specified in this subdivision.



Sec. 23. Minnesota Statutes 1988, section 116.36, subdivision 1, is amended to read:

Subdivision 1. For the purposes of ~~this section and section 116.37~~ sections 116.36 to 116.38, the following terms shall have the meanings given.

Sec. 24. [116.38] [PCB BURNING.]

Subdivision 1. [STATE POLICY.] The legislature finds that risks to human health must be adequately evaluated before a facility may burn wastes containing 50 parts per million (ppm) or greater polychlorinated biphenyls (PCBs). The legislature also finds that if there is a risk to human health, all human health must be treated with equal concern, and facilities that cause risks to human health must not be allowed to operate in sparsely populated areas if they would not be allowed to operate in heavily populated areas.

Subd. 2. [ENVIRONMENTAL IMPACT STATEMENT REQUIRED.] A state agency may not allow burning of wastes containing 50 ppm or greater PCBs by permit or otherwise unless an environmental impact statement is completed. This section does not apply to experimental burning of small quantities of waste containing 50 ppm or greater PCBs.

Sec. 25. Minnesota Statutes 1989 Supplement, section 116.41, subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall may develop standards of competence for persons operating and inspecting various classes of disposal waste management facilities. The agency shall conduct training programs for persons operating waste management facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs. All fees received shall be paid into the state treasury and credited to the pollution control agency training account and are appropriated to the agency to pay expenses relating to the training of disposal waste management facility personnel.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.

Sec. 26. Minnesota Statutes 1989 Supplement, section 116C.69, subdivision 3, is amended to read:

Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site and route designation, from an assessment made quarterly, at least 30 days before the start of each quarter, by the board against all utilities with annual retail kilowatt-hour sales greater than 4,000,000 kilowatt-hours in the previous calendar year.

Until June 30, 1992, the assessment shall also include an amount sufficient to cover 60 percent of the costs to the pollution control agency of achieving, maintaining, and monitoring compliance with the acid deposition control standard adopted under sections 116.42 to 116.45, reprinting informational booklets on acid rain, and costs for additional research on the impacts of acid deposition on sensitive areas published under section 116.44, subdivision 1. The director of the pollution control agency must prepare a work plan and budget and submit them annually by June 30 to the pollution control agency board. The agency board must take public testimony on the budget and work plan. After the agency board approves the work plan and budget they must be submitted annually to the legislative water commission on waste management for review and recommendation before an assessment is levied. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.333, as determined by the board. The assessment shall be credited to the special revenue fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the sum of the annual budget of the board for carrying out the purposes of this subdivision plus 60 percent of the annual budget of the pollution control agency for achieving, maintaining, and monitoring compliance with the acid deposition control standard adopted under sections 116.42 to 116.45, for reprinting informational booklets on acid rain, and for costs for additional research on the impacts of acid deposition on sensitive areas published under section 116.44, subdivision 1. The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the board and the pollution control agency for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

Sec. 27. Minnesota Statutes 1988, section 325E.045, subdivision 1, is amended to read:

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

(a) "Degradable" means capable of being decomposed by natural biological processes, including exposure to ultraviolet rays of the sun, within five years after the date of disposal.

(b) "Person" means an individual, partnership, corporation, sole proprietorship, association, or other for-profit or nonprofit organization, including the state and its political subdivisions.

(c) "Polyethylene disposal bag" means a bag made of polyethylene that is used or intended to be used for disposal of mixed municipal solid waste as defined in section 115A.03.

(d) "Polyethylene beverage ring" means a device made of polyethylene that is used or intended to be used to hold beverage bottles or other beverage containers together.

(e) "Public agency" means the state, an office, agency, or institution of the state, a county, a statutory or home rule charter city, a town, a school district, or another special taxing district.

Sec. 28. Minnesota Statutes 1988, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties or for disposal at a facility and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 29. Minnesota Statutes 1988, section 473.823, subdivision 5, is amended to read:

Subd. 5. [REVIEW OF WASTE PROCESSING FACILITIES.] (a) A metropolitan county may establish a waste processing facility within the county without complying with local ordinances, if the action is approved by the council in accordance with the review process established by this subdivision. A county requesting review by the council shall show that:

(1) the required permits for the proposed facility have been or will be issued by the agency; ~~that;~~

(2) the facility is consistent with the council's policy plan and the approved county master plan; and ~~that~~

(3) a local government unit has refused to approve the establishment or operation of the facility, has failed to deny or approve establishment or operation of the facility within the time period required in section 4, or has approved the application or request with conditions that are unreasonable or impossible for the county to meet.

(b) The council shall meet to commence the review within 90 days of the submission of a request determined by the council to satisfy the requirements for review under this subdivision. At the meeting commencing the review the chair shall recommend and the council establish a scope and procedure, including criteria, for its review and final decision on the proposed facility. The procedure shall require the council to make a final decision on the proposed facility within 120 days following the commencement of review. For facilities other than waste incineration and mixed municipal solid waste composting facilities, the council shall meet to commence the review within 45 days of submission of the request and shall make a final decision within 75 days following commencement of review.

(c) The council shall conduct at least one public hearing in the city or town within which the proposed facility would be located. Notice of the hearing shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the hearing. The notice shall describe the proposed facility, its location, the proposed permits, and the council's scope and procedure, and criteria for review. The notice shall identify a location or locations within the local government unit and county where the permit applications and the council's scope and procedure, and criteria for review are available for review and where copies may be obtained.

(d) In its review and final decision on the proposed facility, the council shall consider at least the following matters:

(a) (1) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;

(b) (2) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) (3) the adverse effects of the facility on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site;

(d) (4) the need for the proposed facility and the availability of alternative sites;

(e) (5) the consistency of the proposed facility with the county master plan adopted pursuant to section 473.803 and the council's policy plan adopted pursuant to section 473.149;

(f) (6) transportation facilities and distance to points of waste generation.

(e) In its final decision in the review, the council may either approve or disapprove the proposed facility at the proposed site. The council's approval shall embody all terms, conditions, and requirements of the permitting state agencies, provided that the council may require more stringent permit terms, conditions, and requirements respecting the design, construction, operation, inspection, monitoring, and maintenance of the proposed facility at the proposed site.

Sec. 30. Minnesota Statutes 1988, section 473.833, is amended by adding a subdivision to read:

Subd. 2c. [BUFFER AREA.] The buffer area must ensure, at a minimum, protection of surrounding land uses from adverse or incompatible impacts due to landfill operations and related activities. Related activities that the buffer area must protect against include but are not limited to stockpiling of materials, soil modification operations, and landfill borrow operations.

Sec. 31. Minnesota Statutes 1988, section 473.845, subdivision 4, is amended to read:

Subd. 4. [COMMISSION RECOMMENDATION.] The commissioner shall notify the chair and the director of the legislative commission on waste management prior to making expenditures from the fund. The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations about appropriations from the fund.

Sec. 32. Minnesota Statutes 1988, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

By November 1, 1986, and each year thereafter, of each year, the commissioner of health, the commissioner of the agency and the chair of the metropolitan council shall submit to the senate finance committee, the house appropriations committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement and contingency action funds has been spent during the previous fiscal year. The council may incorporate its report in the report required by section 473.149. In its 1988 report, the council shall make recommendations to the legislature on the future management and use of the metropolitan landfill abatement fund.

Sec. 33. Laws 1989, chapter 325, section 79, is amended to read:

Sec. 79. [EFFECTIVE DATE; APPLICATION.]

Section 6 is effective January 1, 1990.

Sections 20 and 22 to 25 are effective August 1, 1989.

Section 21 is effective January 1, 1990, except that, with respect to nonhazardous solid waste from metal casting facilities, section 21 is effective January 1, 1991.

Section 8 is effective August 1, 1990.

Section 28 is effective June 30, 1989.

Sections 29 and 50 are effective the day following final enactment and apply to all response actions initiated or pending on or after that date.

Section 31 is effective the day following final enactment and section 31, paragraph (1), applies to expenditures resulting from emergencies that occur after January 1, 1988.

Sections 51 to 66 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and are effective August, 1989; except sections 60 to 63 are effective January 1, 1990; and section 59 is effective the day following final enactment.

Section 69 is effective the day following final enactment.

Sec. 34. Laws 1989, chapter 335, article 1, section 23, subdivision 4, is amended to read:

Subd. 4. Groundwater and Solid  
Waste Pollution Control

\$7,813,000      \$8,313,000

## Summary by Fund

General	\$2,553,000	\$3,053,000
Environmental Response	\$2,890,000	\$2,890,000
Metro Landfill Abatement	\$1,700,000	\$1,700,000
Metro Landfill Contingency	\$ 670,000	\$ 670,000

All money in the environmental response, compensation, and compliance fund not otherwise appropriated, is appropriated to the pollution control agency for the purposes described in the environmental response and liability act, Minnesota Statutes, section 115B.20, subdivision 2, paragraphs (a), (b), (c), and (d). This appropriation is available until June 30, 1991.

All money in the metropolitan landfill abatement fund not otherwise appropriated is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the purposes of Minnesota Statutes, section 473.844. The council may not spend the money until the legislative commission on waste management has made its recommendations on the budget and work program submitted by the council.

\$1,000,000 the first year and \$1,500,000 the second year are appropriated from the general fund for transfer to the environmental response, compensation, and compliance fund.

Any unencumbered balance from the metropolitan landfill contingency fund remaining in fiscal year 1990 does not cancel but is available for fiscal year 1991.

Sec. 35. Laws 1988, chapter 685, section 42, is amended to read:

Sec. 42. Laws 1980, chapter 564, article XII, section 1, subdivision

3, as amended by Laws 1983, chapter 299, section 31, and chapter 301, section 222, is amended to read:

Subd. 3. WASTE MANAGEMENT  
BOARD.

15,718,000

This appropriation is available for the following purposes:

(a) General Operations and Management. Approved Complement - 14. These positions are in the unclassified service and their continuation is dependent upon the availability of money from appropriations in this subdivision. When these appropriations have been expended the positions shall be canceled and the approved complement reduced accordingly. The annual salary of the full-time chairperson of the board shall be established pursuant to section 115A.081, subdivision 1.

(b) Evaluation, Development, and Acquisition of Sites and Buffer Areas for Hazardous Waste Stabilization and Containment

Facilities

6,200,000

This appropriation is from the state waste management fund, to be spent pursuant to article II, section 3 Minnesota Statutes, section 115A.06, subdivision 4, including payment of the costs of staff and independent professional services needed for the selection and acquisition of sites.

(c) Waste Processing Facility  
Demonstration Program

8,800,000

This appropriation is from the state waste management fund, to be spent pursuant to article VI, sections 4 and 6. Up to 5 percent is available for administration and technical and professional services.



The commissioner of administration shall amend the state building code to incorporate the requirements of section 1 no later than January 1, 1991.

Sec. 37. [USE OF THE GREATER MINNESOTA LANDFILL CLEANUP FEE UNTIL JULY 1, 1991.]

The operator of a facility shall pay the fee required under section 115A.923, subdivision 1, to the county or sanitary district where the facility is located until July 1, 1991.

By October 1, 1990, each county or sanitary district that collects the required fee shall pay three percent out of the revenue generated by the fee during the first quarter of collection to the department of revenue for deposit in the general fund of the state.

The remainder of the fees received by the county or sanitary district may not be spent but must be held in trust by the county or sanitary district until July 1, 1991, after which date the county or sanitary district may spend the funds generated by the fee for the purposes specified in section 115A.919.

Sec. 38. [STUDY; FINANCIAL ASSURANCE ASSISTANCE MECHANISM.]

The legislative commission on waste management, in coordination with counties, organizations of counties, state agencies, and other interested parties, shall develop and evaluate a possible mechanism or mechanisms to assist public and private landfill owners and operators to comply with the contingency action requirements of the financial assurance rules adopted under Minnesota Statutes, section 116.07, subdivision 4h. The assistance mechanisms identified may include use of the fees collected under section 37.

Development and evaluation of possible assistance mechanisms must include at least:

(1) how each mechanism should be structured;

(2) what facilities and costs should be assisted by each mechanism;

(3) how each mechanism should be funded and administered;

(4) how each mechanism should be coordinated with the environmental response and liability act, Minnesota Statutes, chapter 115B; and

(5) how and to what extent each mechanism would assist owners and operators of landfills to comply with the financial assurance rules.

The commission shall report its findings and make any applicable recommendations for legislative action by December 31, 1990.

Sec. 39. [REPEALER.]

Minnesota Statutes 1988, sections 115A.09, subdivision 5; and 325E.045, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; and 115A.928; and Laws 1987, chapter 348, section 51, subdivision 5, are repealed.

Sec. 40. [APPROPRIATION.]

\$ . . . . . is appropriated from the general fund to the legislative commission on waste management for the purposes of conducting the study required in section 38.

Sec. 41. [COMPLEMENT.]

The complement of the pollution control agency is increased by two full-time permanent positions to assist in administering Minnesota Statutes, section 115B.17, subdivision 14.

Sec. 42. [EFFECTIVE DATES.]

Sections 2, 4, 6, 9, 14 to 16, 22 to 29, 33 to 36, 38, and 39, are effective the day following final enactment. Section 7 is effective the day following final enactment and applies to only those activities, circumstances, or disputes that are undertaken or arise after that date. Section 7 does not apply to activities, circumstances, or disputes that have been undertaken or have arisen prior to its effective date. Section 37 is effective July 1, 1990.

ARTICLE 2

Section 1. Minnesota Statutes 1988, section 115A.03, subdivision 23, is amended to read:

Subd. 23. "Person" has the meaning given it in section 116.06, but does not include the board office or director.

Sec. 2. Minnesota Statutes 1988, section 115A.06, subdivision 5, is amended to read:

Subd. 5. [RIGHT OF ACCESS.] Whenever the ~~board or the chair acting on behalf of the board~~ director deems it necessary to the accomplishment of ~~its the~~ purposes of the office, the ~~board~~ director or any ~~member~~, employee, or agent ~~thereof of the office~~, when authorized by ~~it or the chair~~ director, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity. The ~~board~~ director may pay a reasonable estimate of the damages it believes will be caused by the entrance and activity before entering any property.

Sec. 3. Minnesota Statutes 1988, section 115A.06, subdivision 5a, is amended to read:

Subd. 5a. [ACQUISITION OF EASEMENTS.] If the ~~board~~ director determines that any activity deemed necessary to accomplish ~~its the~~ purposes ~~under of~~ subdivision 5 constitutes a substantial interference with the possession, enjoyment, or value of the property where the activity will take place, the ~~board~~ director may acquire a temporary easement interest in the property that permits the ~~board~~ director to carry out the activity and other activities incidental to the accomplishment of the same purposes. The ~~board~~ director may acquire temporary easement interests under this subdivision by purchase, gift, or condemnation. The right of the ~~board~~ director to acquire a temporary easement is subject to the same requirements and may be exercised with the same authority as provided for acquisition of property interests by the commissioner of administration under subdivision 4.

Sec. 4. Minnesota Statutes 1988, section 115A.06, subdivision 6, is amended to read:

Subd. 6. [GIFTS AND GRANTS.] The ~~board~~ director, or the ~~chair or~~ commissioner of administration on behalf of the ~~board~~ director, may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of the ~~board the office~~, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Sec. 5. Minnesota Statutes 1988, section 115A.06, subdivision 8, is amended to read:

Subd. 8. [CONTRACTS.] The ~~board or the chair~~ acting on behalf of the ~~board~~ director may enter into any contract necessary or proper

for the exercise of its the powers or the accomplishment of its the purposes of the office.

Sec. 6. Minnesota Statutes 1988, section 115A.06, subdivision 10, is amended to read:

Subd. 10. [RESEARCH.] ~~The board or the chair acting on behalf of the board~~ director may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and order all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its the powers, duties, and objectives of the office.

Sec. 7. Minnesota Statutes 1988, section 115A.06, subdivision 11, is amended to read:

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] ~~The board through its chair~~ director may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out its the functions of the office.

Sec. 8. Minnesota Statutes 1988, section 115A.06, subdivision 12, is amended to read:

Subd. 12. [INSURANCE.] ~~The board through its chair~~ director may require any employee to obtain and file with it an individual bond or fidelity insurance policy. ~~It~~ The director may procure insurance in amounts ~~it~~ the director deems necessary to insure against liability of the ~~board~~ director, office, and employees ~~or both,~~ for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of ~~any of its property as it deems necessary.~~

Sec. 9. Minnesota Statutes 1988, section 115A.06, subdivision 13, is amended to read:

Subd. 13. [PRIVATE AND NONPUBLIC DATA.] Any data held by the ~~board which~~ director that consists of trade secret information as defined by section 13.37, subdivision 1, clause (b), or sales information, ~~shall be~~ is classified as private or nonpublic data as defined in section 13.02, subdivisions 9 and 12. When data is classified private or nonpublic pursuant to this subdivision the ~~board~~ director may:

(a) Use the data to compile and publish analyses or summaries and to carry out its the director's statutory responsibilities in a manner which does not identify the subject of the data; or

(b) Disclose the data when ~~it~~ is obligated to disclose it to comply

with federal law or regulation but only to the extent required by the federal law or regulation.

The subject of data classified as private or nonpublic pursuant to this subdivision may authorize the disclosure of some or all of that data by the board director.

Sec. 10. Minnesota Statutes 1988, section 115A.07, subdivision 1, is amended to read:

Subdivision 1. [INTERAGENCY COORDINATION.] The ~~chair of the board director~~ shall inform the commissioner of trade and economic development of the board's director's activities, solicit the advice and recommendations of the agency, and coordinate its the work of the office with the regulatory and enforcement activities of the agency.

Sec. 11. Minnesota Statutes 1988, section 115A.07, subdivision 2, is amended to read:

Subd. 2. [BIENNIAL REPORT.] Before November 15 of each even-numbered year the ~~board through its chair director~~ shall prepare and submit to the legislative commission a report of the board's office's operations and activities pursuant to sections 115A.01 to 115A.72 and any recommendations for legislative action. The report shall include a proposed work plan for the following biennium.

Sec. 12. Minnesota Statutes Second 1989 Supplement, section 115A.072, subdivision 1, is amended to read:

Subdivision 1. [WASTE EDUCATION COALITION.] (a) The office director shall provide for the development and implementation of a program of general public education on waste management in cooperation and coordination with the pollution control agency, metropolitan council, department of education, department of agriculture, state planning agency, environmental quality board, environmental education board, educational institutions, other public agencies with responsibility for waste management or public education, and three other persons who represent private industry and who have knowledge of or expertise in recycling and solid waste management issues. The objectives of the program are to: develop increased public awareness of and interest in environmentally sound waste management methods; encourage better informed decisions on waste management issues by business, industry, local governments, and the public; and disseminate practical information about ways in which households and other institutions and organizations can improve the management of waste.

(b) The office director shall appoint an advisory task force, to be

called the waste education coalition, of up to 18 members to advise the office director in carrying out ~~its~~ the director's responsibilities under this section and whose membership represents the agencies and entities listed in this subdivision.

Sec. 13. Minnesota Statutes Second 1989 Supplement, section 115A.072, subdivision 4, is amended to read:

Subd. 4. [EDUCATION, PROMOTION, AND PROCUREMENT.] The ~~office director~~ shall include waste reduction as an element of ~~its~~ the program of public education on waste management required under this section. The waste reduction education program must include dissemination of information and may include an award program for model waste reduction efforts. Waste reduction educational efforts must also include provision of information about and promotion of the model procurement program developed by the commissioner of administration under section 115A.15, subdivision 7, or any other model procurement program that results in significant waste reduction.

Sec. 14. Minnesota Statutes 1988, section 115A.075, is amended to read:

115A.075 [LEGISLATIVE POLICY AGAINST DISPOSAL OF HAZARDOUS WASTE.]

The legislature finds that hazardous waste must be managed in a manner that protects the health, safety, and welfare of the citizens of the state and protects and conserves the state's natural resources and environment; that reduction of the amount of waste generated and processing, treatment, separation, and resource recovery are the preferred methods to manage hazardous waste; and that disposal of hazardous waste should be used only as a last resort when all other management methods are ineffective, and then only if an environmentally suitable site can be identified in the state.

The ~~board director~~, in its planning, facility approval, and other activities related to hazardous waste shall give first priority to eliminating the generation of hazardous waste and eliminating or reducing the hazardous character of the waste generated in the state through processing, treatment, separation, and resource recovery.

Sec. 15. Minnesota Statutes 1988, section 115A.10, is amended to read:

115A.10 [DUTIES OF THE ~~BOARD DIRECTOR~~; HAZARDOUS WASTE FACILITIES; ENCOURAGEMENT OF PRIVATE ENTERPRISE.]

The ~~board and the chair~~ on behalf of the ~~board~~ director shall

encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of sections 115A.01 to 115A.72 this chapter and the board's hazardous waste management plan adopted pursuant to section 115A.11. In preparing the reports under section 115A.08 and the inventory of processing facility sites under section 115A.09, In adopting the management plan, and in its actions and decisions under sections 115A.18 to 115A.30 and 115A.32 to 115A.39, the board and the chair on behalf of the board director shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state. The board director shall promulgate rules for accepting and evaluating applications for permits for the construction and operation of facilities at sites preferred by the board pursuant to section 115A.09. The rules shall include standards and procedures for making determinations on the minimum qualifications, including technical competence and financial capability, of permit applicants.

Sec. 16. Minnesota Statutes 1988, section 115A.11, subdivision 1a, is amended to read:

Subd. 1a. [POLICY.] In developing and implementing the plan, the director shall place highest priority of the board must be placed upon alternatives to land disposal of hazardous wastes including: technologies to modify industrial processes or introduce new processes that will reduce or eliminate hazardous waste generation; recycling, reuse, and recovery methods to reduce or eliminate hazardous waste disposal; and conversion and treatment technologies to reduce the degree of environmental risk from hazardous waste. The board director shall also consider technologies for retrievable storage of hazardous wastes for later recycling, reuse, recovery, conversion, or treatment.

Sec. 17. Minnesota Statutes 1989 Supplement, section 115A.14, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The commission shall oversee the activities of the board office under this chapter relating to solid and hazardous waste management, the activities of the agency under sections 116.16 to 116.181 relating to water pollution control, and the activities of the metropolitan council relating to metropolitan waste management under sections 473.801 to 473.848, and direct such changes or additions in the work plan of the board director and agency as it deems fit.

(b) The commission shall make recommendations to the standing legislative committees on finance and appropriations for appropriations from:

- (1) the environmental response, compensation, and compliance

account in the environmental fund under section 115B.20, subdivision 5;

(2) the metropolitan landfill abatement account under section 473.844; and

(3) the metropolitan landfill contingency action trust fund under section 473.845.

(c) The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

Sec. 18. Minnesota Statutes 1988, section 115A.158, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE; EVALUATION; REPORT.] In requesting proposals, the board director shall inform potential developers of the assistance available to them in siting and establishing hazardous waste processing and collection facilities and services in the state and improved industrial waste management in the state, including the availability of sites listed on the board's inventory of preferred areas for hazardous waste processing facilities, the authority of the board director to acquire sites and order the establishment of facilities in those areas, the policies and objectives of the hazardous waste management plan, and the availability of information developed by the board director on hazardous or industrial waste generation and management in the state.

The board director shall evaluate the proposals received in response to its request and determine the extent to which the proposals demonstrate the qualifications of the developers, the technical and economic feasibility of the proposed facility or service, and the extent to which the proposed facility or service will contribute in a significant way to the achievement of the policies and objectives of the hazardous waste management plan.

The board director shall report to the legislative commission on the proposals that it has received and evaluated, and on the legislative, regulatory, and other actions needed to develop and operate the proposed facilities or services.

Sec. 19. Minnesota Statutes 1988, section 115A.191, subdivision 1, is amended to read:

Subdivision 1. [BOARD DIRECTOR TO SEEK CONTRACTS.]



The waste management board director and any eligible county board may enter a contract as provided in this section expressing their voluntary and mutually satisfactory agreement concerning the location and development of a stabilization and containment facility. The chair director shall negotiate and enter into contracts with eligible counties and shall present drafts of the negotiated contracts to the board for its approval. The chair director shall actively solicit, encourage, and assist counties, together with developers, landowners, the local business community, and other interested parties, in developing resolutions of interest. The county shall provide affected political subdivisions and other interested persons with an opportunity to suggest contract terms.

Sec. 20. Minnesota Statutes 1988, section 115A.191, subdivision 2, is amended to read:

Subd. 2. [RESOLUTION OF INTEREST IN NEGOTIATING; ELIGIBILITY.] A county is eligible to negotiate a contract under this section if the county board files with the waste management board director and the board director accepts a resolution adopted by the county board that expresses the county board's interest in negotiations and its willingness to accept the preliminary evaluation of one or more study areas in the county for consideration as a location of a stabilization and containment facility. The county board resolution expressing interest in negotiations must provide for county cooperation with the board director, as necessary to facilitate the evaluation of study areas in the county, and for the appointment of a member of the county board or an officer or employee of the county as official liaison with the board director with respect to the matters provided in the resolution and future negotiations with the board. A county board by resolution may withdraw a resolution of interest, and the waste management board director may withdraw its acceptance of such a resolution, at any time before the parties execute a contract under this section. A county that is eligible to negotiate a contract shall receive the benefits as provided in section 477A.012.

Sec. 21. Minnesota Statutes 1988, section 115A.192, subdivision 1, is amended to read:

Subdivision 1. [REQUEST FOR PROPOSALS.] The chair director shall issue requests for proposals for the development and operation of a stabilization and containment facility. The request must be designed to obtain detailed information about the qualifications of a respondent to develop and operate the facility; the capital and operating costs of the facility and the sources and methods by which the respondent plans to finance the facility; the technical specifications of the proposed facility and the technologies to be employed for processing, stabilization, containment, and monitoring; the requirements of the site for the proposed facility; the schedule for developing and commencing operation of the facility; and other matters

which that the ~~chair~~ director deems necessary for the ~~board~~ to evaluate and select a developer and operator for the facility. Before issuing the requests, the ~~chair~~ director shall prepare a draft of clauses (a) to (e) of the report required by section 115A.193. The draft must accompany the requests for proposals.

Sec. 22. Minnesota Statutes 1988, section 115A.192, subdivision 2, is amended to read:

Subd. 2. [SELECTION OF DEVELOPER; PROCEDURE.] After evaluating responses to the request for proposals and before selecting a site as provided in section 115A.194, the ~~board~~ director shall decide whether to select a developer for a stabilization and containment facility. If the ~~board~~ director selects a developer ~~at the director~~ shall proceed as provided in section 115A.194 to select a site for the development of a facility. If the ~~board~~ director decides not to select a developer, the ~~board~~ director shall proceed as provided in section 115A.194 to select and acquire a site for potential future development of a facility.

Sec. 23. Minnesota Statutes 1988, section 115A.193, is amended to read:

#### 115A.193 [REPORT ON FACILITY DEVELOPMENT.]

The ~~chair~~ director shall prepare a report concerning the development of a stabilization and containment facility. The report must include:

(a) a conceptual plan that describes and evaluates the proposed design and operation of the facility, including an evaluation of technical feasibility, a description and evaluation of the types and quantities of hazardous waste and nonhazardous residual waste from hazardous waste processing that the facility would be designed to accept, and a description and evaluation of technologies needed or desired at the facility for processing, stabilization, and containment, including above grade containment;

(b) procedures and standards for the operation of the facility that require the use of reduction, recycling, and recovery of any hazardous waste before the waste is accepted for stabilization when the alternative or additional management method is feasible and prudent and would materially reduce adverse impact on human health and the environment;

(c) evaluation of the design and use of the facility for processing, stabilization, or containment of industrial waste, including technical and regulatory issues and alternative management methods;

(d) evaluation of feasible and prudent technologies that may

substantially reduce the possibility of migration of any hazardous constituents of wastes that the facility would be designed to accept;

(e) a general analysis of the necessary and desirable physical, locational, and other characteristics of a site for the facility;

(f) an evaluation of the prospects of and conditions required for the regulatory delisting of residual waste from hazardous waste processing;

(g) an evaluation of the feasibility of an interstate, regional approach to the management of hazardous waste; and

(h) an economic feasibility analysis of the development and operation of the facility, including the anticipated use of the facility by Minnesota generators from within and outside the state, and sources of private and public financing that may be available or necessary for development or operation.

The ~~chair~~ director shall submit a draft of the report to the ~~board~~ and the legislative commission on waste management by July 1, 1988, and before executing contracts under section 115A.191.

Sec. 24. Minnesota Statutes 1988, section 115A.194, subdivision 2, is amended to read:

Subd. 2. ~~[BOARD DIRECTOR; REQUIREMENTS BEFORE DECISIONS.]~~ Before the ~~board~~ director makes decisions under subdivision 4:

(a) the ~~board~~ director shall complete environmental impact statements on the environmental effects of the decisions, in the manner provided in chapter 116D and the rules issued under that chapter; and

(b) the ~~chair~~ director shall present to the ~~board~~ legislative commission the report on facility development prepared as provided in section 115A.193.

Sec. 25. Minnesota Statutes 1989 Supplement, section 115A.195, is amended to read:

#### 115A.195 [PUBLIC PARTICIPATION IN OWNERSHIP AND MANAGEMENT OF FACILITY.]

The stabilization and containment facility developed under sections 115A.18 to 115A.30 may be wholly owned by the state or jointly owned by the state and a developer selected by the ~~board~~ director under section 115A.192. The ~~board~~ ~~chair~~ director may negotiate and the ~~board~~ may enter into agreements with a selected

developer providing terms and conditions for the development and operation of the facility. If the agreements provide for capital improvements or equipment, or for payment of state money, the agreements may be implemented only if funds are appropriated and available to the board director for those purposes.

Sec. 26. Minnesota Statutes 1989 Supplement, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS.] (a) The board director shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less.

(c) A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

(d) Notwithstanding paragraph (e), the agency director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the agency director, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within five years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

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

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the

applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The board director shall adopt rules for the program by July 1, 1985.

Sec. 27. Minnesota Statutes 1988, section 115A.54, subdivision 3, is amended to read:

Subd. 3. [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other money pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by the director and by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

Sec. 28. Minnesota Statutes Second 1989 Supplement, section 115A.55, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL ASSISTANCE.] (a) The office director shall make loans and grants to any person for the purpose of developing and implementing projects or practices to prevent or reduce the generation of solid waste including those that involve reuse of items in their original form or in manufacturing processes that do not

cause the destruction of recyclable materials in a manner that precludes further use, or involve procuring, using, or producing products with long useful lives. Grants may be used to fund studies needed to determine the technical and financial feasibility of a waste reduction project or practice or for the cost of implementation of a waste reduction project or practice that the office has determined is technically and financially feasible.

(b) In making grants or loans, the office director shall give priority to waste reduction projects or practices that have broad application in the state and that have the potential for significant reduction of the amount of waste generated.

(c) All information developed as a result of a grant or loan shall be made available to other solid waste generators through the public information program established in subdivision 2.

(d) The office director shall adopt rules for the administration of this program. Office The rules must prescribe the level or levels of matching funds required for grants or loans under this subdivision.

Sec. 29. Minnesota Statutes Second 1989 Supplement, section 115A.551, subdivision 4, is amended to read:

Subd. 4. [INTERIM MONITORING.] The office director, for counties outside of the metropolitan area, and the metropolitan council, for counties within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goal in subdivision 2 and shall report to the legislative commission on waste management on the progress of the counties by November 1 of each year. If the office director or the council finds that a county is not progressing toward the goal in subdivision 2, it the director or council shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goal, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

Sec. 30. Minnesota Statutes Second 1989 Supplement, section 115A.551, subdivision 7, is amended to read:

Subd. 7. [RECYCLING IMPLEMENTATION STRATEGY.] Within one year of office approval by the director of the portion of the plan required in subdivision 6, each nonmetropolitan county shall submit for office approval by the director a local recycling implementation strategy. The local recycling implementation strategy must:

(1) be consistent with the approved county solid waste management plan;

(2) identify the materials that are being and will be recycled in the

county to meet the goals under this section and the parties responsible and methods for recycling the material; and

(3) define the need for funds to ensure continuation of local recycling, methods of raising and allocating such funds, and permanent sources and levels of local funding for recycling.

Sec. 31. Minnesota Statutes Second 1989 Supplement, section 115A.558, is amended to read:

115A.558 [SAFETY GUIDE.]

The ~~pollution control agency commissioner~~, in cooperation with the office of waste management director and the metropolitan council, shall prepare and distribute to all interested persons a guide for operation of a recycling or yard waste composting facility to protect the environment and public health.

Sec. 32. Minnesota Statutes 1988, section 115A.64, subdivision 4, is amended to read:

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the ~~chair of the board~~ director shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the ~~chair director~~ shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the ~~chair director~~ shall request the office of administrative hearings to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 14 for contested cases. If no comments have been received objecting to the establishment of the district as proposed, the ~~board director~~ may proceed to grant or deny the petition without the necessity of conducting a contested case hearing. If the petition conforms to the requirements of law and rule, the ~~chair director~~ shall also immediately submit the petition to the solid waste ~~and the technical management advisory councils of the board council~~ for review and recommendation and shall forward the petition to the commissioner of the agency, who shall prepare and submit to the ~~board director~~ a report containing recommendations on the disposition of the petition. The commissioner's report shall contain at least the commissioner's findings and conclusions on whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are appropriately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program.

Sec. 33. Minnesota Statutes 1988, section 115A.64, subdivision 6, is amended to read:

Subd. 6. [BOARD ORDER DIRECTOR'S ORDERS.] After considering the reports of the administrative law judge, if a contested case hearing has been held, and the recommendations of the solid waste management advisory ~~councils~~ council and the commissioner of the agency, the board director shall make a final decision on the petition. If the board director finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of sections 115A.62 to 115A.72, it the director shall give notice to the petitioners of its the director's intent to deny the petition. If a contested case hearing has not been held, the petitioners may request a hearing within 30 days of the notice of intent to deny the petition. The request shall be granted. Following the hearing and the report of the administrative law judge, the board director shall make a final decision on the petition and mail a copy of its decision to the governing body of each affected political subdivision. If the board director finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve the purposes of sections 115A.62 to 115A.72, it the director shall, by order, establish the district, define its boundaries, and give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the board director with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in sections 115A.62 to 115A.72 and the order of the board director. At the time of filing, a copy of the order shall be mailed by the board director to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 34. Minnesota Statutes 1988, section 115A.66, subdivision 3, is amended to read:

Subd. 3. [HEARING; DECISION.] If objection is made to the board director against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 14. If the board director determines that the termination of the district as proposed in the petition would not be in the public interest, the board director shall give notice to the petitioner of its the director's intent to deny the petition. If a contested case hearing has not been held, the petitioner may request a hearing within 30 days of the notice of intent to deny the petition. The request shall be granted. Following the hearing and the report of the administrative law judge, the board director shall make a final decision on the petition. If the petition is dismissed all costs of the proceeding shall be assessed against the petitioner. If the board director determines



that the existence of the district is no longer in the public interest, the board director shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Sec. 35. Minnesota Statutes 1988, section 115A.914, is amended to read:

115A.914 [ADMINISTRATION; COUNTY PLANNING AND ORDINANCES.]

Subdivision 1. [REGULATORY AND ENFORCEMENT POWERS.] For purposes of implementing and enforcing the waste tire programs in sections 115A.90 to 115A.914, the board commissioner may exercise the regulatory and enforcement powers of the agency under chapters 115 and 116.

Subd. 2. [BOARD RULES.] The board commissioner shall adopt rules for administration of waste tire collector and processor permits, waste tire nuisance abatement, and waste tire collection.

Subd. 3. [COUNTY PLANNING; ORDINANCES.] Counties shall include collection and processing of waste tires in the solid waste management plan prepared under sections 115A.42 to 115A.46 and shall adopt ordinances under sections 400.16 and 473.811 for management of waste tires that embody, but may be more restrictive than, board agency rules.

Sec. 36. Minnesota Statutes Second 1989 Supplement, section 115A.961, subdivision 2, is amended to read:

Subd. 2. [PROGRAM.] (a) The office director, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. The office director must coordinate ~~its~~ the programs with the legislative commission on Minnesota resources study on batteries.

(b) The office director shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the office director may investigate include:

(1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;

(2) establishing collection and transportation systems;

(3) developing and disseminating educational materials regarding environmentally sound battery management; and

(4) developing markets for materials recovered from the batteries.

(c) The ~~office~~ director may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Sec. 37. Minnesota Statutes Second 1989 Supplement, section 115A.961, subdivision 4, is amended to read:

Subd. 4. [REPORT.] By November 1, 1991, the ~~office~~ director shall report to the legislative commission on waste management on ~~its~~ the activities of the office under this section with recommendations for legislation necessary to address management of household batteries.

Sec. 38. Laws 1989, chapter 335, article 1, section 269, is amended to read:

Sec. 269. [INSTRUCTION TO THE REVISOR.]

(a) The revisor shall change references to "Minnesota future resources commission" to "legislative commission on Minnesota resources" wherever they appear in the 1990 edition of Minnesota Statutes and subsequent editions of the statutes.

(b) If legislation is enacted in the 1989 legislature to change section numbers of provisions governing watercraft licensing or to recodify those provisions into chapter 361A, the revisor of statutes shall correct cross-references to those provisions in this act and renumber the sections of Minnesota Statutes in this act consistent with those changes.

(c) The revisor shall change references to "waste management board" to "office of waste management," "board" where it means waste management board to "office," "chair" where it means chair of the waste management board to "director," "chair of the board" where it means chair of the waste management board to "director," and "board, through its chair" where it means waste management board through its chair to "director" in Minnesota Statutes 1990 and subsequent editions of the statutes. Wherever a reference to "waste management board" or "board" where it refers to the waste management board was changed to another board or agency in laws enacted in the 1989 regular session as a result of reorganization order number 155, the revisor shall change the reference to "office of waste management" or "office."

Sec. 39. [INSTRUCTION TO THE REVISOR.]

Except as specifically provided in article 1 and this article, in

Minnesota Statutes 1990 and subsequent editions of the statutes, the revisor of statutes shall change references as follows:

(i) in chapter 115A, except for sections 115A.08, 115A.09, 115A.159, 115A.201 to 115A.30, 115A.32 to 115A.39, and 115A.90 to 115A.914, the revisor shall change the words "waste management board," "board," "board or the chair acting on behalf of the board," "board and the chair acting on behalf of the board," "chair of the waste management board," "chair of the board," "board through its chair," "chair," and "board chair," where those words mean waste management board or chair of the waste management board; and "office of waste management," where it means director of the office of waste management, and "office," where it means director of the office of waste management, to "director";

(ii) in sections 115A.90 to 115A.914, the revisor shall change the word "board" to "agency"; and

(iii) in chapters other than chapter 115A, the revisor shall change the words "waste management board" to "office of waste management," where it means office of waste management, or to "director of the office of waste management," where it means director of the office of waste management.

#### Sec. 40. [REPEALER.]

Minnesota Statutes 1988, section 115A.90, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to waste management; making several technical changes to the waste management act; establishing a time period for local decision-making on siting of solid waste facilities; establishing time periods for state and metropolitan council approval of county solid waste management plans; clarifying jurisdiction of county plans; clarifying order of funding priority for grants for solid waste management projects; adjusting procedures for the creation of solid waste management districts; increasing the authority of the districts; authorizing counties to set civil penalties by ordinance for violation of designation ordinances; authorizing additional county fees on in-county disposal of out-of-county solid waste; adding procedures and requirements for cities to meet when they organize solid waste collection; requiring a supplementary incinerator ash report; reducing time for metropolitan review of local government solid waste facility siting decisions; repealing the funds established with the greater Minnesota landfill cleanup fee; repealing the requirement that government agencies use degradable polyethylene bags; requiring an environmental impact statement

for burning PCBs; appropriating money; changing references; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3a; 115A.03, subdivision 23; 115A.06, subdivisions 2, 5, 5a, 6, 8, 10, 11, 12, and 13; 115A.07, subdivisions 1 and 2; 115A.075; 115A.10; 115A.11, subdivision 1a; 115A.158, subdivision 2; 115A.191, subdivisions 1 and 2; 115A.192, subdivisions 1 and 2; 115A.193; 115A.194, subdivision 2; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.54, subdivision 3; 115A.64, subdivisions 2, 4, and 6; 115A.66, subdivision 3; 115A.67; 115A.86, by adding a subdivision; 115A.914; 115A.94, subdivisions 3 and 4; 115A.97, subdivision 5; 116.36, subdivision 1; 325E.045, subdivision 1; 400.08, subdivision 3; 473.823, subdivision 5, and by adding a subdivision; 473.833, by adding a subdivision; 473.845, subdivision 4; 473.846; Minnesota Statutes 1989 Supplement, sections 115A.14, subdivision 4; 115A.195; 115A.54, subdivision 2a; 115A.84, subdivision 2; 115A.86, subdivision 5; 115A.919; 115A.921; 115B.04, subdivision 4; 116.41, subdivision 2; 116C.69, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 115A.072, subdivisions 1 and 4; 115A.55, subdivision 3; 115A.551, subdivisions 4 and 7; 115A.558; 115A.961, subdivisions 2 and 4; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, section 79; and chapter 335, article 1, sections 23, subdivision 4, and 269; proposing coding for new law in Minnesota Statutes, chapters 115A and 116; repealing Minnesota Statutes 1988, sections 115A.09, subdivision 5; 115A.90, subdivision 2; 325E.045, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; and 115A.928; and Laws 1987, chapter 348, section 51, subdivision 5."

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

The report was adopted.

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

H. F. No. 2132, A bill for an act relating to child care funding; authorizing the commissioner of human services to promulgate rules directing county boards to establish certain payment policies; amending Minnesota Statutes 1989 Supplement, section 256H.02.

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

The report was adopted.

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

H. F. No. 2149, A bill for an act relating to port authorities; expanding the range of titles for certain offices; amending Minnesota Statutes 1988, section 469.051, subdivision 2.

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:

H. F. No. 2184, A bill for an act relating to statutes of limitations; establishing a three-year time limit to bring an action for penalty or forfeiture for violation of certain environmental statutes; amending Minnesota Statutes 1989 Supplement, section 541.07; proposing coding for new law in Minnesota Statutes, chapter 575.

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

The report was adopted.

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

H. F. No. 2187, A bill for an act relating to local government; requiring additional notice of various vacation proceedings; amending Minnesota Statutes 1988, section 368.01, subdivision 25; and Minnesota Statutes 1989 Supplement, section 412.851.

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

The report was adopted.

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

H. F. No. 2188, A bill for an act relating to local government; permitting towns to publish collections of town ordinances, resolutions, rules, and laws; amending Minnesota Statutes 1988, sections 415.021 and 599.13.

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:

H. F. No. 2196, A bill for an act relating to judicial administration; proposing an amendment to the Minnesota Constitution, articles VI and VIII, creating a court of compensation appeals; abolishing the workers' compensation court of appeals; providing for designation by the governor of the chief judge of the workers' compensation court of appeals; regulating the administration of the workers' compensation court of appeals; appropriating money; amending Minnesota Statutes 1988, sections 3C.11, subdivision 3; 3C.12, subdivision 2; 5.08, subdivision 2; 10A.01, subdivision 19; 14.03, subdivision 2; 15A.082, subdivisions 1 and 3; 15A.083, subdivision 7; 43A.18, subdivision 3; 43A.27, subdivision 4; 175A.01, subdivision 1; 175A.02; 175A.07, subdivision 4; 176.421, subdivisions 5, 6, and by adding a subdivision; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3, 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 209.01, subdivision 2; 268.10, subdivision 8; 268.12, subdivision 13; 480.052; 480.054; 480.055, subdivision 1; 480.19; 480A.06, subdivision 3; 481.02, subdivisions 3 and 6; 490.15, subdivision 1; and 574.18; Minnesota Statutes 1989 Supplement, sections 10A.01, subdivisions 5 and 18; 357.08; proposing coding for new law as Minnesota Statutes, chapter 480B; repealing Minnesota Statutes 1988, sections 175A.01 to 175A.10; and 176.471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

Section 1. Minnesota Statutes 1988, section 175A.01, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.] The workers' compensation court of appeals as previously constituted is reconstituted as an independent agency in the executive branch.

The workers' compensation court of appeals shall consist of five judges each serving in the unclassified service. The five judges shall be learned in the law and shall have been licensed to practice law for at least five years. Each judge of the workers' compensation court of

appeals shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall expire on the first Monday in January of the year in which they expire. The terms of the judges shall be staggered. The judges of the workers' compensation court of appeals as now created shall be the judges of the workers' compensation court of appeals until the expiration of the terms for which they have been appointed and qualified. They shall be selected on the basis of their experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota. The judges of the workers' compensation court of appeals shall be subject to the provisions of the Minnesota Constitution, article VI, section 6, the jurisdiction of the commission on judicial standards, as provided in sections 490.15 and 490.16, and the provisions of the code of judicial conduct.

Sec. 2. Minnesota Statutes 1988, section 175A.02, is amended to read:

175A.02 [OFFICERS COURT ADMINISTRATION.]

Subdivision 1. [CHIEF JUDGE.] The governor shall designate one of the judges of the workers' compensation court of appeals shall choose a to be chief judge from among their number. The chief judge shall appoint one of the judges to serve as the administrator, who shall be custodian of the court's files and records and shall coordinate and make hearing assignments.

Subd. 2. [ADMINISTRATIVE AUTHORITY.] The chief judge shall exercise general administrative authority over the court. The chief judge who is appointed the administrator may delegate the administrative duties of administrator to an employee chosen to be the assistant court administrator.

Subd. 3. [ASSIGNMENT OF CASES; PANELS.] Judges shall serve on the panels of the court on a rotating basis so that as nearly as practicable each judge serves a proportionate time with every other judge. Cases shall be assigned to panels on a random basis.

Subd. 4. [DRAFT CIRCULATION; REHEARING EN BANC.] When a draft opinion has been prepared, the authoring judge shall circulate the opinion, together with any concurring or dissenting opinions, to the other members of the court for their information. Any judge may submit comments within ten days. The opinion shall not be filed before the noted return date.

If three judges of the court request reconsideration during the ten-day comment period, the opinion shall not be issued and the case shall be reconsidered by the full court, sitting en banc, on the record

previously submitted and the arguments, if any, previously made by counsel.

Subd. 5. [COUNTY ADMINISTRATORS.] The court administrator of district court in each county shall be the court administrator of the workers' compensation court of appeals in that county. Filing fees and library fees deposited with the court administrator of district court in the capacity as clerk of the workers' compensation court of appeals and in cases originally commenced in district court and transferred to the workers' compensation court of appeals shall be retained by the court administrator of district court. The workers' compensation court of appeals court administrator in each county shall be subject to the supervision of the ~~administrator~~ chief judge in workers' compensation court of appeals matters.

Sec. 3. Minnesota Statutes 1988, section 175A.07, subdivision 4, is amended to read:

Subd. 4. [RULES.] The workers' compensation court of appeals shall prescribe rules of practice before it in appellate matters. The rules shall include procedures and schedules to ensure that the court complete work on each case within 180 days of the date that the record is certified to the court. The rules shall also permit the chief judge to waive the 180-day limitation for good cause shown.

Sec. 4. Minnesota Statutes 1988, section 176.421, subdivision 5, is amended to read:

Subd. 5. [TRANSCRIPT; CERTIFICATION OF THE RECORD.] When the notice of appeal has been filed with the chief administrative law judge and the fee for the preparation of the record has been paid, the chief administrative law judge shall immediately order the preparation of a typewritten transcript of that part of the hearing delineated in the notice. The official reporter or other person designated by the chief administrative law judge who transcribes the proceedings shall certify to their correctness.

If the transcript is prepared by a person who is not an employee of the office of administrative hearings, upon completion of the transcript, the original shall be filed with the chief administrative law judge.

When the transcript has been completed and is on file with the chief administrative law judge, the chief administrative law judge shall certify the record to the workers' compensation court of appeals and notify the commissioner of the certification. The chief administrative law judge shall complete the certification within 23 days of the filing of the notice of appeal, except that the chief administrative law judge may extend the time for certification because of extraordinary circumstances.



Sec. 5. Minnesota Statutes 1988, section 176.421, subdivision 6, is amended to read:

Subd. 6. [POWERS OF WORKERS' COMPENSATION COURT OF APPEALS ON APPEAL.] On an appeal taken under this section, the workers' compensation court of appeals' review is limited to the issues raised by the parties in the notice of appeal or by a cross-appeal. The court may reverse or modify a decision only on the grounds stated in subdivision 1. In these cases, on those issues raised by the appeal, the workers' compensation court of appeals may:

(1) grant an oral argument based on the record before the compensation judge;

(2) examine the record;

(3) ~~substitute for the findings of fact made by the compensation judge findings based on the total evidence;~~

(4) sustain, reverse, make or modify an award or disallowance of compensation or other order based on the facts, findings, and law; and,

(5) (4) remand or make other appropriate order.

Sec. 6. Minnesota Statutes 1988, section 176.421, is amended by adding a subdivision to read:

Subd. 8. [PROCEEDINGS ON REMAND.] When a case is remanded to the office of administrative hearings and does not require the submission of additional evidence, the compensation judge shall issue a decision within 30 days.

## ARTICLE 2

### Section 1. [PROPOSED AMENDMENT.]

The following amendment to the Minnesota Constitution is proposed to the people.

Subdivision 1. If the amendment is adopted, article VI, section 1, of the Minnesota Constitution, will read as follows:

Section 1. The judicial power of the state is vested in a supreme court, a court of appeals, if established by the legislature, a court of compensation appeals, if established by the legislature, a district court and such other courts, judicial officers and commissioners with

jurisdiction inferior to the district court as the legislature may establish.

Subd. 2. If the amendment is adopted article VI, section 2, of the Minnesota Constitution, will read as follows:

Sec. 2. The supreme court consists of one chief judge and not less than six nor more than eight associate judges as the legislature may establish. It shall have original jurisdiction in such remedial cases as are prescribed by law, and appellate jurisdiction in all cases, but there shall be no trial by jury in the supreme court.

The legislature may establish a court of appeals and provide by law for the number of its judges, who shall not be judges of any other court, and its organization and for the review of its decisions by the supreme court. The court of appeals shall have appellate jurisdiction over all courts, except the supreme court and the court of compensation appeals, and other appellate jurisdiction as prescribed by law.

The legislature may establish a court of compensation appeals and provide by law for the number of its judges, who shall not be judges of any other court, and its organization and for the review of its decisions by the supreme court. The court of compensation appeals shall have appellate jurisdiction over cases arising under the workers' compensation and unemployment insurance laws of the state as prescribed by law.

As provided by law judges of the court of appeals or of the district court may be assigned temporarily to act as judges of the supreme court upon its request and judges of the district court may be assigned temporarily by the supreme court to act as judges of the court of appeals.

The supreme court shall appoint to serve at its pleasure a clerk, a reporter, a state law librarian and other necessary employees.

Subd. 3. If the amendment is adopted, article VI, section 5, of the Minnesota Constitution, will read as follows:

Sec. 5. Judges of the supreme court, the court of appeals, the court of compensation appeals, and the district court shall be learned in the law. The qualifications of all other judges and judicial officers shall be prescribed by law. The compensation of all judges shall be prescribed by the legislature and shall not be diminished during their term of office.

Subd. 4. If the amendment is adopted, article VI, section 6, of the Minnesota Constitution, will read as follows:

Sec. 6. A judge of the supreme court, the court of appeals, court of

compensation appeals, or the district court shall not hold any office under the United States except a commission in a reserve component of the military forces of the United States and shall not hold any other office under this state. His term of office shall terminate at the time he files as a candidate for an elective office of the United States or for a nonjudicial office of this state.

Subd. 5. If the amendment is adopted, article VIII, section 2, of the Minnesota Constitution, will read as follows:

Sec. 2. The governor, secretary of state, treasurer, auditor, attorney general and the judges of the supreme court, court of appeals, court of compensation appeals, and district courts may be impeached for corrupt conduct in office or for crimes and misdemeanors; but judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted shall also be subject to indictment, trial, judgment and punishment according to law.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 1990 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to allow the creation of a court of compensation appeals?"

Yes .....  
No .....

Sec. 3. Minnesota Statutes 1988, section 268.10, subdivision 8, is amended to read:

Subd. 8. [CERTIORARI.] Any decision of the commissioner may be reviewed on certiorari by the court of compensation appeals provided a petition for the writ is filed and served upon the adverse party or parties within 30 days after the date of mailing notice of any decision to the party at the last known address.

Any party in interest, except a claimant for benefits, upon the service of the writ shall furnish a cost bond to be approved by the commissioner and pay to the department of jobs and training the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule.

Sec. 4. Minnesota Statutes 1988, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon the commissioner's own motion or upon appli-

cation of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of the determination. The determination shall be final unless the employing unit, within 30 days after the mailing of notice of the determination to the employing unit's last known address, files a written appeal from it.

(2) The commissioner shall designate one or more referees to conduct hearings on appeals. The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The referee shall fix a time and place within this state for the hearing and give interested parties written notice of it, by mail, not less than ten days prior to the time of the hearing. In the discharge of the duties imposed by this subdivision, the referee may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of the hearing. The written report of any employee of the department of jobs and training, made in the regular course of the performance of the employee's duties, shall be competent evidence of the facts contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of the hearing, the referee shall serve upon the interested parties by mail findings of fact and decision. The decision of the referee, together with the findings of fact and reasons in support of them, is final unless an interested party, within 30 days after the mailing of a copy of it to the interested parties' last known addresses, files an appeal with the commissioner, or unless the commissioner, within 30 days after mailing of the decision, on the commissioner's own motion orders the matter certified to the commissioner for review. Appeal from and review by the commissioner of the decision of the referee shall be in the manner provided by rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the referee on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the referee and examine the testimony taken and make any findings of fact as the evidence taken before the referee may, in the judgment of the commissioner, require, and make any decision as the facts found by the commissioner require. The commissioner shall notify the employing unit of the commissioner's findings and decision by mail, mailed to the interested parties' last known addresses. The decision of the commissioner is final unless judicial review of it is sought as provided by this subdivision. Any interested party to a proceeding before the commissioner may obtain a transcript of the testimony taken before the referee upon payment

to the commissioner of the cost of the transcript at the rate of ten cents per 100 words.

(4) The court of compensation appeals may, by writ of certiorari to the commissioner, review all questions of law and fact presented by the record in accordance with chapter 14. The commissioner shall not be required to certify the record to the court unless the party commencing the proceedings for review pays to the commissioner the cost of certification of the record at the rate of ten cents per 100 words less any amount previously paid by the party for a transcript. The commissioner shall, upon receipt of the payment, prepare and certify to the court a true and correct typewritten copy of all matters contained in the record. The costs collected by the commissioner shall be deposited in the economic security administration fund provided for in section 268.15.

(5) A final decision of the commissioner or referee, in the absence of appeal, is conclusive for all the purposes of sections 268.03 to 268.24 except as otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or referee determines the amount of contributions due under sections 268.03 to 268.24, then, if the amount, together with interest and penalties, is not paid within 30 days after the decision, the provisions of section 268.161 shall apply. The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report.

Sec. 5. Minnesota Statutes 1988, section 480A.06, subdivision 3, is amended to read:

Subd. 3. [CERTIORARI REVIEW.] The court of appeals shall have jurisdiction to issue writs of certiorari to all agencies, public corporations and public officials, except the tax court and the ~~workers' compensation court of appeals~~. The court of appeals shall have jurisdiction to review decisions of the commissioner of jobs and training, pursuant to section 268.10.

## Sec. 6. [480B.01] [COURT OF COMPENSATION APPEALS.]

Subdivision 1. [CREATION.] There is established a court of compensation appeals to hear appeals of cases arising under the workers' compensation laws and unemployment insurance laws of the state.

Subd. 2. [MEMBERSHIP; QUALIFICATIONS.] The court shall

consist of five judges. The judges shall be learned in the law and shall have been licensed to practice law for at least five years. The judges shall be subject to the Minnesota Constitution, article VI, the jurisdiction of the commission on judicial standards, as provided in sections 490.15 and 490.16, and the provisions of the code of judicial conduct.

Subd. 3. [OATH.] Before entering upon the duties of office, each judge shall take the oath prescribed by law for judicial officers.

Subd. 4. [ELECTION.] Each judge shall be elected at the general election for a term of six years, beginning on the first Monday of the January next following the election and until a successor qualifies. Vacancies occurring between general elections shall be filled by appointment, as prescribed in the constitution.

Subd. 5. [COMPENSATION; TRAVEL EXPENSES.] The salary of a judge of the court of compensation appeals shall be the same as the salary for a judge of the court of appeals. Travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

#### Sec. 7. [480B.02] [COURT ADMINISTRATION.]

Subdivision 1. [CHIEF JUDGE; ELECTION; TERM; REMOVAL.] The governor shall designate one of the judges of the court of compensation appeals to be chief judge for a term of three years. Vacancies in the office of chief judge shall be filled for the remainder of the unexpired term. The chief judge may be reappointed. If the chief judge ceases to be judge of the court, the office of chief judge also becomes vacant.

Subd. 2. [ADMINISTRATIVE AUTHORITY.] The chief judge shall exercise general administrative authority over the court. The chief judge may delegate administrative duties to an employee chosen to be the court administrator.

Subd. 3. [ASSIGNMENT OF CASES; PANELS.] Judges shall serve on the panels of the court on a rotating basis so that as nearly as practicable each judge serves a proportionate time with every other judge. Cases shall be assigned to panels on a random basis.

Subd. 4. [DRAFT CIRCULATION; REHEARING EN BANC.] When a draft opinion has been prepared, the authoring judge shall circulate the opinion, together with any concurring or dissenting opinions, to the other members of the court for their information. Any judge may submit comments within ten days. The opinion shall not be filed before the noted return date.

If three judges of the court request reconsideration during the

ten-day comment period, the opinion shall not be issued and the case shall be reconsidered by the full court, sitting en banc, on the record previously submitted and the arguments, if any, previously made by counsel.

Subd. 5. [DECISIONS.] The court of compensation appeals must complete work on each case within 180 days of the date that the record is certified to the court. The chief justice or the chief judge may waive the 180-day limitation for good cause shown.

In every case, the decision of the court, including any written opinion containing a summary of the case and a statement of the reasons for its decision, shall be indexed and made readily available.

Sec. 8. [480B.03] [CLERK OF COURT.]

The clerk of the appellate courts shall serve as clerk of the court of compensation appeals.

Sec. 9. [480B.04] [COURT SESSIONS.]

Subdivision 1. [QUORUM.] A panel of three judges of the court of compensation appeals shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the court, except that all appeals shall be heard by no more than three of the five judges, except as provided in section 7, subdivision 4, unless the appeal is determined to be of exceptional importance by a four-fifths vote of the judges. A vacancy shall not impair the ability of the remaining judges to exercise all of its powers and perform all of its duties.

Subd. 2. [SESSIONS TO BE PUBLIC.] The hearings of the court of compensation appeals shall be open to the public and may be adjourned from time to time. All proceedings of the court shall be shown on its records, which shall be public records.

Sec. 10. [480B.05] [POWERS.]

Subdivision 1. [PROCESS; PROCEDURES.] The court of compensation appeals shall keep records of all its proceedings as it deems appropriate and shall issue necessary processes, writs, warrants, and notices which the court is required or authorized to issue. Notices and other documents required to be served or filed on the court shall be served on the administrator of the court or the administrator's delegate.

Subd. 2. [PERSONNEL.] The judges of the court of compensation appeals shall appoint in the manner provided by law all personnel required by the court. The office of court administrator shall provide the court with necessary staff and administrative services.

Subd. 3. [RULES.] The supreme court may adopt rules of appellate procedure governing the proceedings before the court of compensation appeals and regulating appellate practice. The court of compensation appeals may adopt supplementary rules not in conflict with the rules of appellate procedure.

Sec. 11. [480B.06] [JURISDICTION.]

Subdivision 1. [WORKERS' COMPENSATION APPEALS.] The court of compensation appeals has jurisdiction to review decisions arising under the workers' compensation laws of Minnesota, as provided in chapters 176 and 176B, or as otherwise provided in law.

Subd. 2. [UNEMPLOYMENT INSURANCE APPEALS.] The court of compensation appeals has jurisdiction to issue writs of certiorari to review decisions of the commissioner of jobs and training relating to unemployment insurance, as provided in chapter 268.

Subd. 3. [ANCILLARY JURISDICTION.] The court of compensation appeals shall have jurisdiction to issue all writs and orders necessary in aid of its jurisdiction with respect to cases pending before it and for the enforcement of its judgments or orders.

Sec. 12. [480B.07] [CHAMBERS.]

The court of compensation appeals shall maintain its permanent chambers in St. Paul. The offices of the court shall be in a separate building from the department of labor and industry and the department of jobs and training. The court may hold sessions at any other place in the state as the convenience of the court and the interested parties require.

Sec. 13. [480B.08] [REVIEW IN THE SUPREME COURT.]

Subdivision 1. [AFTER DECISION IN COURT OF COMPENSATION APPEALS.] The supreme court may grant further review of any decision of the court of compensation appeals upon the petition of any party. In determining whether to grant such a petition, the supreme court should take into consideration whether the question presented is an important one upon which the court has not, but should, rule; whether the court of compensation appeals has held a statute to be unconstitutional; whether the court of compensation appeals has decided a question in direct conflict with an applicable precedent of the supreme court; or whether the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the court's supervisory powers. The supreme court shall issue its decision whether to grant a petition for review within 60 days of the date the petition is filed.



Subd. 2. [BEFORE DECISION IN COURT OF COMPENSATION APPEALS.] (a) The supreme court may grant accelerated review of any case pending in the court of compensation appeals upon the petition of any party. The supreme court shall establish rules for petitions. The petition should be granted only upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in the supreme court. Making a petition for accelerated review does not stay proceedings or extend time in the court of compensation appeals. If accelerated review is granted, the case shall be transferred to the supreme court without decision in the court of compensation appeals.

(b) Upon its own motion or upon the certification of the court of compensation appeals, the supreme court may provide for accelerated review of any case if (i) the question presented is an important one upon which the court has not, but should, rule; (ii) the lower courts have held a statute to be unconstitutional; or (iii) the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the court's supervisory powers.

Subd. 3. [RULES.] The rules of appellate procedure shall prescribe the form and procedures for petitions for further or accelerated review, and the time for filing them.

#### Sec. 14. [INITIAL APPOINTMENT OF JUDGES.]

The judicial offices created in section 6 shall be filled initially by appointment by the governor.

#### Sec. 15. [TRANSFER OF RECORDS AND PERSONNEL.]

All contracts, books, plans, papers, records, and property of every description of the workers' compensation court of appeals relating to its transferred responsibilities and within its jurisdiction or control are transferred to the court of compensation appeals; except that, all case files are transferred to the clerk of the appellate courts. All classified employees and staff attorneys of the workers' compensation court of appeals must be given preference in the employment of personnel required to staff the court of compensation appeals.

#### Sec. 16. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "workers' compensation court of appeals" whenever they appear in Minnesota Statutes to "court of compensation appeals" in Minnesota Statutes 1990 and subsequent editions of the statutes.

#### Sec. 17. [REAPPROPRIATION.]

\$ . . . . . is reappropriated from the special compensation fund, as a result of the savings to that fund in fiscal year 1991 due to the abolition of the workers' compensation court of appeals, to the court of compensation appeals for the purposes of this article.

\$ . . . . . is appropriated from the general fund to the supreme court for fiscal year 1991 for the operation of the court of compensation appeals.

#### Sec. 18. [REPEALER.]

Minnesota Statutes 1988, sections 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; 175A.10; and 176.471, are repealed.

#### Sec. 19. [EFFECTIVE DATE; TRANSITION.]

Sections 3 to 18 shall become effective only upon ratification of the amendment proposed in section 1 of this article as provided in the Minnesota Constitution. If the constitutional amendment proposed by section 1 is adopted by the people, sections 3 and 4 are effective July 1, 1991, and sections 5 to 18 are effective January 1, 1991.

The court of compensation appeals shall have jurisdiction over all cases arising under the workers' compensation laws which are pending in the workers' compensation court of appeals on December 31, 1990, or in which the notice of appeal, petition for review, or writ is filed on or after January 1, 1991. The court of compensation appeals shall have jurisdiction over cases arising under the unemployment insurance laws in which the notice of appeal, petition for review, or writ is filed on or after July 1, 1991. In all unemployment insurance cases in which the notice of appeal, petition for review, or writ was filed on or before June 30, 1991, the court to which the appeal, petition, or writ was taken shall continue to exercise jurisdiction, notwithstanding any provision of this act.

### ARTICLE 3

Section 1. Minnesota Statutes 1988, section 3C.11, subdivision 3, is amended to read:

Subd. 3. [SLIP LAWS.] In the time before Laws of Minnesota is published each year, the revisor's office shall furnish, upon request and without charge, a copy of each law or resolution to a member of the legislature, a legislative staff member, a constitutional officer, a justice of the supreme court, or a judge of the court of appeals or court of compensation appeals.

Sec. 2. Minnesota Statutes 1988, section 3C.12, subdivision 2, is amended to read:

Subd. 2. [FREE DISTRIBUTION.] The revisor shall distribute without charge copies of each edition of Minnesota Statutes, supplements to Minnesota Statutes, and Laws of Minnesota to the persons or bodies listed in this subdivision. Before distributing the copies, the revisor shall ask these persons or bodies whether their work requires the full number of copies authorized by this subdivision. Unless a smaller number is needed, the revisor shall distribute:

- (a) 30 copies to the supreme court;
- (b) 30 copies to the court of appeals;
- (c) one copy to each judge of a district court;
- (d) one copy to the court administrator of each district court for use in each courtroom of the district court;
- (e) one copy to each judge, district attorney, clerk of court of the United States, and deputy clerk of each division of the United States district court in Minnesota;
- (f) 100 copies to the office of the attorney general;
- (g) ten copies each to the governor's office, the departments of agriculture, commerce, corrections, education, finance, health, transportation, labor and industry, jobs and training, natural resources, public safety, public service, human services, revenue, and the pollution control agency;
- (h) two copies each to the lieutenant governor and the state treasurer;
- (i) 20 copies each to the department of administration, state auditor, and legislative auditor;
- (j) one copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;
- (k) one copy to each member of the legislature;
- (l) 150 copies for the use of the senate and 200 copies for the use of the house of representatives;
- (m) 50 copies to the revisor of statutes from which the revisor shall send the appropriate number to the Library of Congress for copyright and depository purposes;

- (n) four copies to the secretary of the senate;
- (o) four copies to the chief clerk of the house of representatives;
- (p) 100 copies to the state law library;
- (q) 100 copies to the law school of the University of Minnesota;
- (r) five copies each to the Minnesota historical society and the secretary of state;
- (s) one copy each to the public library of the largest municipality of each county if the library is not otherwise eligible to receive a free copy under this section or section 15.18; ~~and~~
- (t) one copy to each county library maintained pursuant to chapter 134, except in counties containing cities of the first class. If a county has not established a county library pursuant to chapter 134, the copy shall be provided to any public library in the county; and
- (u) 15 copies to the court of compensation appeals.

Sec. 3. Minnesota Statutes 1988, section 5.08, subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION.] 15,000 copies of the legislative manual shall be printed and distributed as follows:

- (1) up to 25 copies shall be available to each member of the legislature on request;
- (2) 50 copies to the state historical society;
- (3) 25 copies to the state university;
- (4) 60 copies to the state library;
- (5) two copies each to the Library of Congress, the Minnesota veterans home, the state universities, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries of the state;
- (6) one copy each to other state institutions, the elective state officials, ~~the appointed heads of departments,~~ the officers and employees of the legislature, the justices of the supreme court, the judges of the court of appeals, the court of compensation appeals, and the district court, the senators and representatives in Congress from this state, and the county auditors;

(7) one copy to each public school, to be distributed through the superintendent of each school district; and

(8) the remainder may be disposed of as the secretary of state deems best.

Sec. 4. Minnesota Statutes 1989 Supplement, section 10A.01, subdivision 5, is amended to read:

Subd. 5. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, court of appeals, court of compensation appeals, or district court judgeships of the state. An individual shall be deemed to seek nomination or election if the individual has taken the action necessary under the law of the state of Minnesota to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Sec. 5. Minnesota Statutes 1989 Supplement, section 10A.01, subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) member of the legislature;
- (b) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (c) member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;
- (d) commissioner, deputy commissioner, or assistant commissioner of any state department as designated pursuant to section 15.01;
- (e) individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;
- (f) executive director of the state board of investment;
- (g) executive director of the Indian affairs intertribal board;

(h) commissioner of the iron range resources and rehabilitation board;

(i) commissioner of mediation services;

(j) deputy of any official listed in clauses (e) to (i);

(k) judge of the workers' compensation court of appeals;

(l) administrative law judge or compensation judge in the state office of administrative hearings or referee in the department of jobs and training;

~~(m)~~ (l) solicitor general or deputy, assistant or special assistant attorney general;

~~(n)~~ (m) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research;

~~(o)~~ (n) member or chief administrative officer of the metropolitan council, regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission;

~~(p)~~ (o) the commissioner of gaming and director of each division in the department of gaming and the deputy director of the division of state lottery; or

(q) (p) director of the division of gambling enforcement in the department of public safety.

Sec. 6. Minnesota Statutes 1988, section 10A.01, subdivision 19, is amended to read:

Subd. 19. [OFFICE HOLDER.] "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice, and judges of the court of appeals, court of compensation appeals, district court, county court, probate court, or county municipal court.

Sec. 7. Minnesota Statutes 1988, section 14.03, subdivision 2, is amended to read:

Subd. 2. [CONTESTED CASE PROCEDURE.] The contested case procedures of the administrative procedure act provided in sections 14.57 to 14.69 do not apply to (a) the Minnesota municipal board, (b)

the commissioner of corrections, (c) the unemployment insurance program and the social security disability determination program in the department of jobs and training, (d) the director of mediation services, (e) the workers' compensation division in the department of labor and industry, (f) ~~the workers' compensation court of appeals,~~ (g) the board of pardons, or (h) (g) the public employment relations board.

Sec. 8. Minnesota Statutes 1988, section 15A.082, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A compensation council is created each even-numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court, and judges of the court of appeals, and court of compensation appeals district court, county court, and county municipal court.

Sec. 9. Minnesota Statutes 1988, section 15A.082, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF RECOMMENDATIONS.] By April 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, and court of compensation appeals district court, county court, and county municipal court. The recommended salary for each office must be a fixed amount per year, to take effect on the first Monday in January of the next odd-numbered year, with no more than one adjustment, to take effect on January 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected by a bill enacted into law. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

Sec. 10. Minnesota Statutes 1988, section 15A.083, subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] ~~Salaries of judges of the workers' compensation court of appeals shall be 90 percent of the salary for district judges as provided in subdivision 1. Salaries of compensation judges shall be 75 percent of the salary of district court judges as provided in subdivision 1. The chief workers' compensation settlement judge at the department of labor and industry may be paid an annual salary that is up to five percent greater than the~~

salary of workers' compensation settlement judges at the department of labor and industry.

Sec. 11. Minnesota Statutes 1988, section 43A.18, subdivision 3, is amended to read:

Subd. 3. [MANAGERIAL PLAN.] The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, in the executive branch as being managerial. The list shall not include positions listed in subdivision 4. The commissioner shall annually submit the listing of positions to the chair of the legislative commission on employee relations for the commission's review and comment, and shall note on each listing the changes from the prior year.

(a) The commissioner shall periodically prepare a plan for total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this chapter. Before becoming effective those portions of the plan establishing compensation and terms and conditions of employment shall be reviewed and approved or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in subdivision 2.

(b) Incumbents of managerial positions as identified under this subdivision shall be excluded from any bargaining units under the provisions of chapter 179.

(c) The management compensation plan shall provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of the plan shall ensure that compensation within assigned salary ranges is related to level of performance. The plan shall also provide a procedure for establishment of a salary rate for a newly created position and a new appointee to an existing position and for progression through assigned salary ranges. The employee benefits established under the provisions of the managerial plan may be extended to agency heads whose salaries are established in section 15A.081, subdivision 1, and to constitutional officers, judges of the workers' compensation court of appeals, and tax court judges.

Sec. 12. Minnesota Statutes 1988, section 43A.27, subdivision 4, is amended to read:

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] A retired judge or a former legislator may elect to purchase coverage for themselves or their dependents at their own expense as provided below:



(a) A retired judge of the state supreme court, the court of appeals, court of compensation appeals, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c), provided that the retired judge exercises this option within 30 days of the effective date of retirement; or

(b) A former member of the legislature may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (a).

Sec. 13. Minnesota Statutes 1988, section 204B.06, subdivision 4, is amended to read:

Subd. 4. [PARTICULAR OFFICES.] Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) for United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) for United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) for governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) for supreme court justice, court of appeals judge, court of compensation appeals judge, or district court judge, that the candidate is learned in the law;

(e) for county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) for senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Sec. 14. Minnesota Statutes 1988, section 204B.06, subdivision 6, is amended to read:

Subd. 6. [JUDICIAL CANDIDATES; DESIGNATION OF TERM.]

An individual who files as a candidate for the office of associate justice of the supreme court, judge of the court of appeals, judge of the court of compensation appeals, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each court of appeals, court of compensation appeals, district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Sec. 15. Minnesota Statutes 1988, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, judge of the court of appeals, judge of the court of compensation appeals, judge of the district court, or judge of the county municipal court of Hennepin county, \$200;

(b) for the office of senator in congress, \$300;

(c) for office of senator or representative in the legislature, \$75;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing

deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 16. Minnesota Statutes 1988, section 204B.34, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges of the court of appeals, of the court of compensation appeals, or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 17. Minnesota Statutes 1988, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

"Chief justice (or associate justice) – supreme court (last name of incumbent) seat";

(b) In the case of the court of appeals:

"Judge – court of appeals (last name of incumbent) seat";

(c) In the case of the court of compensation appeals:

"Judge – court of compensation appeals (last name of incumbent) seat";

(d) In the case of the district court:

"Judge – (number) district court (last name of incumbent) seat";  
or

~~(d)~~ (e) In the case of the county court:

"Judge – (number) county court (last name of incumbent) seat."

Sec. 18. Minnesota Statutes 1988, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS.] All elective state and county officers, justices of the supreme court, judges of the court of appeals, court of compensation appeals, district, county and county municipal courts, state senators and state representatives, and senators and representatives in congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 19. Minnesota Statutes 1988, section 204D.08, subdivision 6, is amended to read:

Subd. 6. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be printed on canary paper. The names of candidates for nomination to the supreme court, court of appeals, court of compensation appeals, district, county and county municipal courts, and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 20. Minnesota Statutes 1988, section 209.01, subdivision 2, is amended to read:

Subd. 2. [STATEWIDE OFFICE.] For purposes of this chapter "statewide office" means the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, chief justice or associate justice of the supreme court, judge of the court of appeals, judge of the court of compensation appeals, United States senator, or presidential elector.

Sec. 21. Minnesota Statutes 1989 Supplement, section 357.08, is amended to read:

#### 357.08 [PAID BY APPELLANT IN APPEAL.]

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of \$150 to the clerk of the appellate courts. An additional filing fee of \$50 shall be required for a petition for accelerated review by the supreme court. A filing fee of

\$150 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals or court of compensation appeals. A filing fee of \$150 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of \$75 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 22. Minnesota Statutes 1988, section 480.052, is amended to read:

480.052 [ADVISORY COMMITTEE.]

Before any rules are adopted the supreme court shall appoint an advisory committee consisting of eight members of the bar of the state, one judge of the court of appeals, one judge of the court of compensation appeals, two judges of the district court, and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules as it may adopt.

Sec. 23. Minnesota Statutes 1988, section 480.054, is amended to read:

480.054 [DISTRIBUTION OF PROPOSED RULES; HEARING.]

Before any rule for the court of appeals, for the court of compensation appeals, or for the district, county, or county municipal courts is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to any suggestions they submit to the court. The court of appeals judges, court of compensation appeals judges, the district court judges association, the Minnesota county court judges association, or the municipal court judges association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting

a hearing on it. The court shall grant a hearing within six months after the filing of the petition. The court may grant a hearing upon the petition of any other person.

Sec. 24. Minnesota Statutes 1988, section 480.055, subdivision 1, is amended to read:

Subdivision 1. [OTHER COURTS.] Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of the court of appeals, pursuant to section 480A.11, the judges of the court of compensation appeals, pursuant to section 480B.05, the judges of district courts, pursuant to sections 484.33 and 484.52, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter 488A, may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 25. Minnesota Statutes 1988, section 480.19, is amended to read:

480.19 [APPLICATION TO SUPREME AND OTHER COURTS.]

Sections 480.13 to 480.20 apply to the following courts: The supreme court, the court of appeals, the court of compensation appeals, the district, county, probate, and county municipal courts.

Sec. 26. Minnesota Statutes 1988, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-

carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management

agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court ~~or~~, the court of appeals, the court of compensation appeals, or supreme court pursuant to an appeal; and

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court ~~or~~, the court of appeals, the court of compensation appeals, or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 27. Minnesota Statutes 1988, section 481.02, subdivision 6, is amended to read:

Subd. 6. [ATTORNEYS OF OTHER STATES.] Any attorney or counselor at law residing in any other state or territory in which the attorney has been admitted to practice law, who attends any term of the supreme court, court of appeals, court of compensation appeals, or district court of this state for the purpose of trying or participating in the trial or proceedings of any action or proceedings there pending, may, in the discretion of the court before which the attorney appears in the action or proceeding, be permitted to try, or participate in the trial or proceedings in, the action or proceeding, without being subject to the provisions of this section, other than those set forth in subdivision 2, providing the state in which the attorney is licensed to practice law likewise grants permission to members of the state bar of Minnesota to act as an attorney for a client in that state under the same terms.

Sec. 28. Minnesota Statutes 1988, section 490.15, subdivision 1, is amended to read:

Subdivision 1. The board on judicial standards is established and consists of one judge of the court of appeals, one judge of the court of compensation appeals, three trial court judges, two lawyers who have practiced law in the state for ten years and four citizens who are not judges, retired judges, or lawyers. The executive secretary is



appointed by the governor. Commencing July 1, 1980, the board shall appoint the executive secretary. All members shall be appointed by the governor with the advice and consent of the senate except that senate confirmation shall not be required for the judicial members. No member shall serve more than two full four-year terms or their equivalent. Membership terminates if a member ceases to hold the position that qualified the member for appointment.

Sec. 29. Minnesota Statutes 1988, section 574.18, is amended to read:

574.18 [UNDERTAKING IN LIEU OF BOND.]

In all cases of appeal from a county board to the district court upon the allowance or disallowance of claims, in all actions begun in the district, county or municipal court, in all cases of appeal or writ of error to remove a cause or proceeding to the court of appeals, the court of compensation appeals, or the supreme court, and in all cases of special or equitable proceedings in the district court, the court of appeals, the court of compensation appeals, or the supreme court, the filing or service, or both, as may be required, of an undertaking, signed by a surety or sureties, as the law may require, containing a condition substantially the same as required for bonds, with like sureties, qualifications, and justifications, and without acknowledgment or signature of the principal, shall be deemed a sufficient compliance with the law to sustain the action, appeal, or proceeding. Every undertaking shall save and secure all rights and liabilities to the same extent as a bond. The damages presumed to accrue to the party against whom the proceeding is taken shall be deemed a sufficient consideration for the undertaking, though no consideration is mentioned in it. No undertaking or bond need be given upon any appeal or other proceeding instituted in favor of the state, or any county, city, town, or school district in it, or of any executor or administrator as such.

Sec. 30. [EFFECTIVE DATE.]

Article 3 shall be effective only upon ratification of the amendment proposed in section 1 of article 2 as provided in the Minnesota Constitution. If the constitutional amendment proposed by section 1 of article 2 is adopted by the people, article 3, is effective January 1, 1991.

Delete the title and insert:

"A bill for an act relating to judicial administration; proposing an amendment to the Minnesota Constitution, articles VI and VIII, creating a court of compensation appeals; abolishing the workers' compensation court of appeals; providing for designation by the

governor of the chief judge of the workers' compensation court of appeals; regulating the administration of the workers' compensation court of appeals; appropriating money; amending Minnesota Statutes 1988, sections 3C.11, subdivision 3; 3C.12, subdivision 2; 5.08, subdivision 2; 10A.01, subdivision 19; 14.03, subdivision 2; 15A.082, subdivisions 1 and 3; 15A.083, subdivision 7; 43A.18, subdivision 3; 43A.27, subdivision 4; 175A.01, subdivision 1; 175A.02; 175A.07, subdivision 4; 176.421, subdivisions 5, 6, and by adding a subdivision; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 209.01, subdivision 2; 268.10, subdivision 8; 268.12, subdivision 13; 480.052; 480.054; 480.055, subdivision 1; 480.19; 480A.06, subdivision 3; 481.02, subdivisions 3 and 6; 490.15, subdivision 1; and 574.18; Minnesota Statutes 1989 Supplement, sections 10A.01, subdivisions 5 and 18; 357.08; proposing coding for new law as Minnesota Statutes, chapter 480B; repealing Minnesota Statutes 1988, sections 175A.01 to 175A.10; and 176.471."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2225, A bill for an act relating to courts; delaying the effective date of the law requiring counties to pay filing fees in district court actions; exempting certain public authorities from paying filing fees in district court actions in certain circumstances; amending Minnesota Statutes Second 1989 Supplement, section 357.021, subdivision 1a; Laws 1989, chapter 335, article 3, section 58, as amended.

Reported the same back with the following amendments:

Page 2, after line 6, insert:

"(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service."

Page 2, line 7, delete "(b)" and insert "(c)"

Amend the title as follows:

Page 1, line 6, after the semicolon insert "providing for the salary of the screener-collector;"

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2243, A bill for an act relating to commercial transactions; adopting an article of the uniform commercial code that governs funds transfers; amending Minnesota Statutes 1989 Supplement, section 336.1-105; proposing coding for new law in Minnesota Statutes, chapter 336.

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

The report was adopted.

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

H. F. No. 2248, A bill for an act relating to labor; regulating joint labor-management committees; regulating public employee elections; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179.84, subdivision 1; 179.85; 179A.04, subdivision 3; and 179A.12, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 179.02, is amended by adding a subdivision to read:

Subd. 5. [LABOR-MANAGEMENT COMMITTEES.] The commissioner may provide technical support and assistance to voluntary joint labor-management committees established for the purpose of

improving relationships between labor organizations and employers at area, industry, or work-site levels.

Sec. 2. Minnesota Statutes 1988, section 179.84, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] For each grant awarded the commissioner shall:

(1) require an approved work plan that establishes measurable goals and objectives for the committee within the committee's area of responsibility and that prohibits the committee from becoming involved in contract disputes, labor negotiations, or grievance procedures; and

(2) establish a technical assistance delivery area outside the geographic area or sector covered by the area labor-management committee;

(3) require the area labor-management committee to establish an approved technical assistance work plan for its external technical assistance delivery area; and

(4) annually review the operating performance of each area labor-management committee receiving state money under this program.

Sec. 3. Minnesota Statutes 1988, section 179.85, is amended to read:

#### 179.85 [FUNDING LIMITATIONS.]

A new or existing area labor-management committee may apply for a maximum grant of \$75,000 per year. A new or existing area labor-management committee may be awarded state grant money, and must provide money from other nonstate sources, in the following ratio of state and nonstate money: in the first year, 90 percent state and ten percent nonstate; in the second year, 80 percent state and 20 percent nonstate; in the third year and beyond, 50 percent state and 50 percent nonstate. In a grant to an existing or proposed area labor-management committee, ten percent of the grant is designated and may only be used for technical assistance services within an external technical assistance delivery area, both as specified by the commissioner under section 179.84.

Sec. 4. Minnesota Statutes 1988, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules regulating the forms of petitions, notices, and orders; and the conduct of hearings and elections relating to the administration of this chapter;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges; and

(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner.

Sec. 5. Minnesota Statutes 1988, section 179A.12, subdivision 7, is amended to read:

Subd. 7. [ELECTION ORDER.] The commissioner shall issue an order providing for a secret ballot election by the employees in a designated appropriate unit. The election shall be held in the premises on one or more sites where those voting are employed unless the commissioner determines that the election cannot be fairly held, in which case it shall be held at a place or shall be by a mail ballot, as determined by the commissioner. In making this determination, the commissioner shall strive for an election process which provides for maximum participation by the affected employees. The parties affected by this determination may request reconsideration by the commissioner pursuant to rules adopted by the commissioner.

Sec. 6. Minnesota Statutes 1988, section 179A.12, subdivision 11, is amended to read:

Subd. 11. [UNFAIR LABOR PRACTICES NEW ELECTIONS.] If the commissioner finds that an unfair labor practice was committed by an employer or representative candidate or an employee or group of employees, and that the unfair labor practice affected the result of an election, or that procedural or other irregularities in the conduct of the election may have substantially affected its results, the commissioner may void the election result and order a new election.

Sec. 7. Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4, is amended to read:

Subd. 4. [CONSTRUCTION OF ARBITRATION PANEL.] The parties may select persons who are members of the arbitration roster maintained by the board to act as the arbitration panel in their dispute by mutual agreement. In the event of such mutual agreement on the members of the arbitration panel, the commissioner shall advise the board in writing of such selection and the persons so selected shall serve as the arbitration panel. In the event the parties have not mutually agreed upon the panel members at the time the commissioner certifies the matter to the board, the board shall provide the parties to the interest arbitration a list of seven arbitrators. The parties shall alternately strike names from the list of arbitrators until only a single arbitrator remains, unless the parties request and mutually agree to utilize a panel of three arbitrators. If the parties are unable to agree on who shall strike the first name, the question must be decided by the flip of a coin. The arbitrator or arbitrators remaining after the striking procedure constitute the arbitration panel."

Delete the title and insert:

"A bill for an act relating to labor; regulating joint labor-management committees; regulating public employee elections; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision;

179.84, subdivision 1; 179.85; 179A.04, subdivision 3; 179A.12, subdivisions 7 and 11; Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4."

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. 2250, A bill for an act relating to local government in Ramsey county; eliminating certain performance bonds; permitting fees for inspections by the county surveyor; amending Minnesota Statutes 1988, section 383A.32, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 383A.

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

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 2253, A bill for an act relating to economic development; establishing the Minnesota natural wild rice promotion council; appropriating money; amending Minnesota Statutes 1988, section 84.091, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1988, section 84.0911, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.]

This act may be cited as the "Minnesota natural wild rice preservation act of 1990" or "Manomin act."

Sec. 2. [PURPOSE.]

This act promotes restoration of the natural wild rice industry in northern Minnesota, enabling communities to participate and benefit from the increased per capita income of the unemployed, underemployed, and seasonal worker. The resource of natural wild

rice is local, renewable, and does not require long-term subsidization. This industry by its nature is self-sustaining, enables broad citizen involvement and empowerment, and would preserve cultural and agricultural diversity and integration. It is, therefore, necessary to take steps sufficient to restore the industry of our state grain, wild rice.

Sec. 3. [116J.645] [MINNESOTA NATURAL WILD RICE PROMOTION ADVISORY COUNCIL.]

The Minnesota natural wild rice promotion advisory council is established for the promotion and marketing of hand-harvested natural lake or river wild rice. The commissioner of trade and economic development, with recommendations from the Minnesota Chippewa Tribe, shall appoint the members of the advisory council. The advisory council must include representatives of natural wild rice hand harvesters, natural wild rice processors, natural wild rice dealers, and enrolled members of the Minnesota Chippewa Tribe. At least 51 percent of the membership of the advisory council must be American Indians as defined in section 254B.01, subdivision 2. Members of the advisory council shall serve for four-year terms and section 15.059, subdivisions 2 and 4, shall apply to members of the advisory council. Members of the advisory council may receive no per diem and may not be reimbursed for expenses. The department of trade and economic development shall provide technical assistance to the advisory council relating to the marketing of natural wild rice."

Delete the title and insert:

"A bill for an act relating to economic development; establishing the Minnesota natural wild rice promotion advisory council; proposing coding for new law in Minnesota Statutes, chapter 116J."

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

The report was adopted.

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

H. F. No. 2254, A bill for an act relating to public debt; providing that certain property owners may vote on debt questions; amending Minnesota Statutes 1988, section 475.58, subdivision 1.



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

The report was adopted.

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

H. F. No. 2299, A bill for an act relating to waters; requiring the commissioner of natural resources to establish a plan for drought emergencies; creating a drought task force; amending Minnesota Statutes 1989 Supplement, section 473.156, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 105.

Reported the same back with the following amendments:

Page 1, line 12, delete "identical to that" and insert "consistent with the metropolitan water supply plans of the metropolitan council prepared under section 473.156. The plan must provide a framework for implementing drought response actions in a staged approach related to decreasing levels of flows. When issuing permits required by section 105.41, the commissioner must set conditions on water appropriation consistent with the drought response plan established by this section."

Page 1, delete lines 13 to 22

Page 2, after line 13, insert:

"Sec. 3. Minnesota Statutes 1989 Supplement, section 473.156, subdivision 2, is amended to read:

Subd. 2. [COMPLETION AND REPORT.] The short-term plan must be completed by February 1, 1990. The long-term plan must be completed by July 1, 1990 February 1, 1992, and continually updated as the need arises. The plans must be prepared in consultation with the Army Corps of Engineers, the Leech Lake Reservation business committee, the Mississippi headwaters board, department of natural resources, and the environmental quality board. Both plans must be given to the metropolitan affairs and natural resources committees of the house of representatives and senate, and be available to the public.

Sec. 4. [APPLICATION.]

Sections 2 and 3 apply to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "changing the completion date for the metropolitan council's long-term water supply plan;"

Page 1, line 6, delete "subdivision 1" and insert "subdivisions 1 and 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2305, A bill for an act relating to agriculture; providing for light butter; amending Minnesota Statutes 1988, section 32.471, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 32.

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

The report was adopted.

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

H. F. No. 2311, A bill for an act relating to waste; prohibiting certain types of low-level radioactive waste from being disposed of at other than licensed facilities; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 2343, A bill for an act relating to insurance; accident and health; providing for the classification and disclosure of certain comprehensive health insurance data; regulating the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1988, sections 13.71, by adding a subdivision; 62E.10, subdivision 9; and 62E.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, strike lines 19 to 31

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2353, A bill for an act relating to the environment; regulating the disposition of property acquired for response action; amending Minnesota Statutes 1988, section 115B.17, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 32, after "appropriated" insert "from the fund"

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. 2365, A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; clarifying access to data on decedents; changing classification nomenclature as it relates to medical examiner's data; establishing a statute of limitations for actions brought; amending Minnesota Statutes 1988, sections 13.10; subdivision 3; 13.83, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1989 Supplement, sections 13.83, subdivision 8; 171.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 13.641.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data. The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, separating public from not public data, and for making, certifying and, compiling and electronically transmitting the copies of the data but or the data; provided that in the case of a request for copies or for transmittal of data made by a person who is the subject of the data or by the news media, the responsible authority may not charge for separating public from not public data. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 2. Minnesota Statutes 1988, section 13.10, subdivision 3, is amended to read:

Subd. 3. [RIGHTS.] Rights conferred by this chapter on individuals who are the subjects of private or confidential data shall, in the

case of private data on decedents or confidential data on decedents, be exercised by the representative of the decedent. Nonpublic data concerning a decedent, created or collected after death, shall be accessible by the representative of the decedent. A responsible authority may give the representative of a decedent access to confidential data on the decedent if the responsible authority determines that the investigative or other reasons for treating the data as confidential are no longer relevant because the data subject has died. Nothing in this section may be construed to prevent access to appropriate data by a trustee appointed in a wrongful death action.

Sec. 3. Minnesota Statutes 1989 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
- (9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unem-

ployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons; or

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person; or

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person.

(b) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 4. Minnesota Statutes 1988, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data are public: name, address, telephone number of licensees, licensed capacity, type of children client preferred, variances granted, type of dwelling, name and relationship of other family members, previous

license history, class of license, the existence and status of complaints, the nature and content substance of complaints and the findings of the investigation after resolution when the information is not maintained in anticipation of legal action, record of informal resolutions of licensing violations, orders of hearing, findings of fact, and conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in sections 626.556, subdivision 11, or 626.557, subdivision 12.

(e) Data classified as private, confidential, ~~or~~ nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

#### Sec. 5. [13.511] [LODGING TAX DATA.]

All data, other than basic taxpayer identification data, collected from taxpayers under a lodging tax ordinance are nonpublic.

#### Sec. 6. [13.521] [TRANSPORTATION SERVICE DATA.]

All personal, medical, financial, familial, or locational information data pertaining to applicants for or users of services providing transportation for the disabled or elderly, with the exception of the name of the applicant or user of the service, are private.

## Sec. 7. [13.643] [DEPARTMENT OF AGRICULTURE DATA.]

The following data, collected by the department of agriculture in its sustainable agriculture revolving loan program, are private: applicant identifying information; nonfarm income; credit history; insurance coverage; description of the project that is the subject of the loan; balance sheet; machinery and equipment list; typical year's income and expenses; federal income tax returns; and credit information requests.

## Sec. 8. [13.644] [STATE AUDITOR'S DATA.]

The following data collected by the office of the state auditor are private: any data that could reasonably be used to determine the identity of an individual supplying data for an audit, if the data supplied by this individual was needed for an audit or was provided to initiate an audit, and the individual would not have provided the data to the state auditor without an assurance that the individual's identity would remain private.

Sec. 9. Minnesota Statutes 1988, section 13.83, subdivision 4, is amended to read:

Subd. 4. [~~CONFIDENTIAL~~ INVESTIGATIVE DATA.] Data created or collected by a county coroner or medical examiner which is part of an active investigation mandated by chapter 390, or any other general or local law relating to coroners or medical examiners is ~~confidential data on individuals pursuant to section 13.02, subdivision 3 or protected nonpublic data~~, until the completion of the coroner's or medical examiner's final summary of findings at which point the data collected in the investigation and the final summary thereof shall become private or nonpublic data ~~on individuals~~, except that nothing in this subdivision shall be construed to make ~~private or confidential~~ not public the data elements identified in subdivision 2 at any point in the investigation or thereafter.

Sec. 10. Minnesota Statutes 1988, section 13.83, subdivision 5, is amended to read:

Subd. 5. [~~PRIVATE~~ OTHER DATA.] All other medical examiner data on deceased individuals is ~~private pursuant to section 13.02, subdivision 12, are nonpublic~~ and shall not be disclosed except pursuant to the provisions of chapter 390, or any other general or local law on county coroners or medical examiners, or pursuant to a valid court order.

Sec. 11. Minnesota Statutes 1988, section 13.83, subdivision 7, is amended to read:

Subd. 7. [COURT REVIEW.] Any person may petition the district



court located in the county where medical examiner data is being maintained to authorize disclosure of private nonpublic, protected nonpublic, or confidential medical examiner data. The petitioner shall notify the medical examiner or coroner. The court may notify other interested persons and require their presence at a hearing. A hearing may be held immediately if the parties agree, and in any event shall be held as soon as practicable. After examining the data in camera, the court may order disclosure of the data if it determines that disclosure would be in the public interest.

Sec. 12. Minnesota Statutes 1989 Supplement, section 13.83, subdivision 8, is amended to read:

Subd. 8. [ACCESS TO PRIVATE NONPUBLIC DATA.] The data made private nonpublic by this section are accessible to the legal representative of the decedent's estate and to the decedent's surviving spouse, parents, children, and siblings and their legal representatives.

Sec. 13. Minnesota Statutes 1988, section 13.83, subdivision 9, is amended to read:

Subd. 9. [CHANGE IN CLASSIFICATION.] ~~Notwithstanding section 13.10,~~ Data classified as private nonpublic, protected nonpublic, or confidential by this section shall be classified as public 30 years after the date of death of the decedent.

Sec. 14. Minnesota Statutes 1989 Supplement, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application shall state the full name, date of birth, ~~social security number~~, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. Applications for a Class CC, Class B, or Class A driver's licenses also must state the applicant's social security number. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 15. Minnesota Statutes 1989 Supplement, section 270B.14, subdivision 8, is amended to read:

Subd. 8. [EXCHANGE BETWEEN DEPARTMENTS OF JOBS AND TRAINING, LABOR AND INDUSTRY, AND REVENUE.] Notwithstanding any law to the contrary, the departments of jobs and training, labor and industry, and revenue may exchange information on a reciprocal basis. Data that may be disclosed are limited to data used in determining whether a business is an employer or a contracting agent and data specified in section 268.12, subdivision 12.

Sec. 16. [REPEALER.]

Minnesota Statutes 1988, section 13.641, is repealed."

Delete the title and insert:

"A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; clarifying access to data on decedents; changing classification nomenclature as it relates to medical examiner's data; amending Minnesota Statutes 1988, sections 13.03, subdivision 3; 13.10, subdivision 3; 13.46, subdivision 4; 13.83, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1989 Supplement, sections 13.46, subdivision 2; 13.83, subdivision 8; 171.06, subdivision 3; 270B.14, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 13.641."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2380, A bill for an act relating to human services;

providing for services for persons with mental retardation in the Willmar catchment area; amending Minnesota Statutes 1989 Supplement, section 252.025, subdivision 4.

Reported the same back with the following amendments:

Page 2, line 10, delete "five privately-operated residential programs and"

Page 2, after line 34, insert:

"Sec. 2. Minnesota Statutes 1989 Supplement, section 256B.092, subdivision 7, is amended to read:

Subd. 7. [SCREENING TEAMS ESTABLISHED.] (a) Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home and community-based services of persons who are entitled to the level of care provided by an intermediate care facility for persons with mental retardation or related conditions or for whom there is a reasonable indication that they might require the level of care provided by an intermediate care facility. The screening team shall make an evaluation of need within 15 working days of the date that the assessment is completed or within 60 working days of a request for service by a person with mental retardation or related conditions, whichever is the earlier, and within five working days of an emergency admission of an individual to an intermediate care facility for persons with mental retardation or related conditions. The screening team shall consist of the case manager, the client, a parent or guardian, and a qualified mental retardation professional, as defined in the Code of Federal Regulations, title 42, section 483.430, as amended through June 3, 1988. The case manager may also act as the qualified mental retardation professional if the case manager meets the federal definition. County social service agencies may contract with a public or private agency or individual who is not a service provider for the person for the public guardianship representation required by the screening or individual service and habilitation planning process. The contract shall be limited to public guardianship representation for the screening and individual service and habilitation planning activities. The contract shall require compliance with the commissioner's instructions and may be for paid or voluntary services. For individuals determined to have overriding health care needs, a registered nurse must be designated as either the case manager or the qualified mental retardation professional. The case manager shall consult with the client's physician, other health professionals or other persons as necessary to make this evaluation. The case manager, with the concurrence of the client or the client's legal representative, may invite other persons to attend meetings of the screening team. No member of the

screening team shall have any direct or indirect service provider interest in the case.

(b) In addition to the requirements of paragraph (a), the following conditions apply to the discharge of persons with mental retardation or a related condition from a regional treatment center:

(1) For a person under public guardianship, at least two weeks prior to each screening team meeting the case manager must notify in writing parents, near relatives, and the ombudsman established under section 245.92 or a designee, and invite them to attend. The notice to parents and near relatives must include: (i) notice of the provisions of section 252A.03, subdivision 4, regarding assistance to persons interested in assuming private guardianship; (ii) notice of the rights of parents and near relatives to object to a proposed discharge by requesting a review as provided in clause (7); and (iii) information about advocacy services available to assist parents and near relatives of persons with mental retardation or related conditions. In the case of an emergency screening meeting, the notice must be provided as far in advance as practicable.

(2) Prior to the discharge, a screening must be conducted under subdivision 8 and a plan developed under subdivision 1a. For a person under public guardianship, the county shall encourage parents and near relatives to participate in the screening team meeting. The screening team shall consider the opinions of parents and near relatives in making its recommendations. The screening team shall determine that the services outlined in the plan are available in the community before recommending a discharge. The case manager shall provide a copy of the plan to the person, legal representative, parents, near relatives, the ombudsman established under section 245.92, and the protection and advocacy system established under United States Code, title 42, section 6042, at least 30 days prior to the date the proposed discharge is to occur. The information provided to parents and near relatives must include notice of the rights of parents and near relatives to object to a proposed discharge by requesting a review as provided in clause (7). If a discharge occurs, the case manager and a staff person from the regional treatment center from which the person was discharged must conduct a monitoring visit as required in Minnesota Rules, part 9525.0115, within 90 days of discharge and provide an evaluation within 15 days of the visit to the person, legal representative, parents, near relatives, ombudsman, and the protection and advocacy system established under United States Code, title 42, section 6042.

(3) In order for a discharge or transfer from a regional treatment center to be approved, the concurrence of a majority of the screening team members is required. The screening team shall determine that the services outlined in the discharge plan are available and accessible in the community before the person is discharged. The

recommendation of the screening team cannot be changed except by subsequent action of the team and is binding on the county and on the commissioner. If the commissioner or the county determines that the decision of the screening team is not in the best interests of the person, the commissioner or the county may seek judicial review of the screening team recommendation. A person or legal representative may appeal under section 256.045, subdivision 3 or 4a.

(4) For persons who have overriding health care needs or behaviors that cause injury to self or others, or cause damage to property that is an immediate threat to the physical safety of the person or others, the following additional conditions must be met:

(i) For a person with overriding health care needs, either a registered nurse or a licensed physician shall review the proposed community services to assure that the medical needs of the person have been planned for adequately. For purposes of this paragraph, "overriding health care needs" means a medical condition that requires daily clinical monitoring by a licensed registered nurse.

(ii) For a person with behaviors that cause injury to self or others, or cause damage to property that is an immediate threat to the physical safety of the person or others, a qualified mental retardation professional, as defined in paragraph (a), shall review the proposed community services to assure that the behavioral needs of the person have been planned for adequately. The qualified mental retardation professional must have at least one year of experience in the areas of assessment, planning, implementation, and monitoring of individual habilitation plans that have used behavior intervention techniques.

(5) No person with mental retardation or a related condition may be discharged from a regional treatment center before an appropriate community placement is available to receive the person.

(6) A resident of a regional treatment center may not be discharged to a community intermediate care facility with a licensed capacity of more than 15 beds. Effective July 1, 1993 1996, a resident of a regional treatment center may not be discharged to a community intermediate care facility with a licensed capacity of more than ten beds.

(7) If the person, legal representative, parent, or near relative of the person proposed to be discharged from a regional treatment center objects to the proposed discharge, the individual who objects to the discharge may request a review under section 256.045, subdivision 4a, and may request reimbursement as allowed under section 256.045. The person must not be transferred from a regional treatment center while a review or appeal is pending. Within 30 days of the request for a review, the local agency shall conduct a conciliation conference and inform the individual who requested the

review in writing of the action the local agency plans to take. The conciliation conference must be conducted in a manner consistent with section 256.045, subdivision 4a. A person, legal representative, parent, or near relative of the person proposed to be discharged who is not satisfied with the results of the conciliation conference may submit to the commissioner a written request for a hearing before a state human services referee under section 256.045, subdivision 4a. The person, legal representative, parent, or near relative of the person proposed to be discharged may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal on the commissioner and any adverse party of record within 30 days after the day the commissioner issued the order and by filing the original notice and proof of service with the court administrator of the district court. Judicial review must proceed under section 256.045, subdivisions 7 to 10. For a person under public guardianship, the ombudsman established under section 245.92 may object to a proposed discharge by requesting a review or hearing or by appealing to district court as provided in this clause. The person must not be transferred from a regional treatment center while a conciliation conference or appeal of the discharge is pending."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "changing the date for the prohibition against discharging regional treatment center residents to facilities with more than ten licensed beds;"

Page 1, line 5, delete "section" and insert "sections" and before the period insert "; 256B.092, subdivision 7"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2381, A bill for an act relating to education; changing the duration and membership of the task force on education organization; amending Laws 1988, chapter 718, article 6, section 23, subdivisions 1, 2, and 7.

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

The report was adopted.

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

H. F. No. 2383, A bill for an act relating to education; providing for the environmental education act; creating the office of environmental education; proposing coding for new law as Minnesota Statutes, chapter 126A; repealing Minnesota Statutes 1988, sections 116E.01; 116E.02; 116E.03, subdivisions 2, 3, 4, 5, 6, 7, 7a, 8, and 9; and 116E.04; Minnesota Statutes 1989 Supplement, sections 116E.03, subdivision 1; and 116E.035.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2390, A bill for an act relating to children; providing improved procedures to protect the safety and welfare of abused and neglected children; providing for more permanent placements of children in need of protection or services; improving data practices; appropriating money for early intervention and targeted family services, and for family planning grants; amending Minnesota Statutes 1988, sections 147.09; 260.011, subdivision 2; 260.155, subdivision 1; 626.556, subdivision 1, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.191, subdivision 1; 260.221, subdivision 1; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 245 and 260.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144.3871] [POSTERS ON THE DANGERS OF ALCOHOL USE.]

The commissioner of health shall encourage all establishments required to obtain on-sale or off-sale intoxicating liquor licenses under chapter 340A, to display, in a prominent location, posters informing pregnant women of the dangers of alcohol use. The commissioner shall make posters available, at no charge, to establishments with on-sale or off-sale licenses for intoxicating liquors. Posters must provide, in large print, the following message: "Warning: drinking alcoholic beverages during pregnancy can cause birth

defects and prematurity," or a similar message approved by the commissioner of health.

Sec. 2. Minnesota Statutes 1988, section 147.09, is amended to read:

147.09 [EXEMPTIONS.]

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of, or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board.

(6) A person employed in a scientific, sanitary or teaching capacity by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of



osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including licensed psychologists with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A ~~Christian Scientist or other~~ person who ~~endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer, or who practices ritual circumcision~~ pursuant to the requirements or tenets of any established religion.

(11) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.

**Sec. 3. [245.826] [USE OF AVERSIVE AND DEPRIVATION PROCEDURES IN FACILITIES SERVING EMOTIONALLY DISTURBED CHILDREN.]**

The commissioner of human services shall promulgate rules to govern the use of aversive and deprivation procedures in facilities serving emotionally disturbed children that are licensed under section 245A.09 and Minnesota Rules, parts 9545.0900 to 9545.1090. No provision of these rules may encourage or require the use of aversive and deprivation procedures. The rules must prohibit: (1) the application of certain aversive or deprivation procedures in facilities, except as authorized in the child's case plan and monitored by the county caseworker responsible for the child; (2) the use of aversive or deprivation procedures that restrict the consumers' normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing; and (3) the use of faradic shock without a court order. The rule may specify other prohibited practices and the specific conditions under which permitted practices are to be carried out. For any persons receiving faradic shock, a plan to reduce and eliminate the use of faradic shock shall be in effect upon implementation of the procedure.

**Sec. 4. Minnesota Statutes 1989 Supplement, section 245A.04, subdivision 3, is amended to read:**

**Subd. 3. [STUDY OF THE APPLICANT.]** (a) Before the commissioner issues a license, the commissioner shall conduct a study of the individuals specified in clauses (1) to (4) according to rules of the commissioner. The applicant, license holder, the bureau of criminal apprehension, and county agencies, after written notice to the

individual who is the subject of the study, shall help with the study by giving the commissioner criminal conviction data and reports about abuse or neglect of adults substantiated under section 626.557 and the maltreatment of minors substantiated under section 626.556. The individuals to be studied shall include:

- (1) the applicant;
- (2) persons over the age of 13 living in the household where the licensed program will be provided;
- (3) current employees or contractors of the applicant who will have direct contact with persons served by the program; and
- (4) volunteers who have direct contact with persons served by the program to provide program services, if the contact is not directly supervised by the individuals listed in clause (1) or (3).

The juvenile courts shall also help with the study by giving the commissioner existing juvenile court records on individuals described in clause (2) relating to delinquency proceedings held within either the five years immediately preceding the application or the five years immediately preceding the individual's 18th birthday, whichever time period is longer. The commissioner shall destroy juvenile records obtained pursuant to this subdivision when the subject of the records reaches age 23.

For purposes of this subdivision, "direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by a program. For purposes of this subdivision, "directly supervised" means an individual listed in clause (1) or (3) is within sight or hearing of a volunteer to the extent that the individual listed in clause (1) or (3) is capable at all times of intervening to protect the health and safety of the persons served by the program who have direct contact with the volunteer.

A study of an individual in clauses (1) to (4) shall be conducted on at least an annual basis. No applicant, license holder, or individual who is the subject of the study shall pay any fees required to conduct the study.

(b) The individual who is the subject of the study must provide the applicant or license holder with sufficient information to ensure an accurate study including the individual's first, middle, and last name; home address, city, county, and state of residence; zip code; sex; date of birth; and driver's license number. The applicant or license holder shall provide this information about an individual in paragraph (a), clauses (1) to (4), on forms prescribed by the commissioner. The commissioner may request additional information of the

individual, which shall be optional for the individual to provide, such as the individual's social security number or race.

(c) A study must include information from the county agency's record of substantiated abuse of adults, neglect of adults, and the maltreatment of minors, and information from the bureau of criminal apprehension.

The commissioner may also review arrest and investigative information from the bureau of criminal apprehension, a county attorney, county sheriff, county agency, local chief of police, other states, the courts, or a national criminal record repository if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual listed in paragraph (a), clauses (1) to (4).

(d) An applicant's or license holder's failure or refusal to cooperate with the commissioner is reasonable cause to deny an application or immediately suspend, suspend, or revoke a license. Failure or refusal of an individual to cooperate with the study is just cause for denying or terminating employment of the individual if the individual's failure or refusal to cooperate could cause the applicant's application to be denied or the license holder's license to be immediately suspended, suspended, or revoked.

(e) The commissioner shall not consider an application to be complete until all of the information required to be provided under this subdivision has been received.

(f) No person in paragraph (a), clause (1), (2), (3), or (4) who is disqualified as a result of this act may be retained by the agency in a position involving direct contact with persons served by the program.

(g) The commissioner shall not implement the procedures contained in this subdivision until appropriate rules have been adopted, except for the applicants and license holders for child foster care, adult foster care, and family day care homes.

(h) Termination of persons in paragraph (a), clause (1), (2), (3), or (4) made in good faith reliance on a notice of disqualification provided by the commissioner shall not subject the applicant or license holder to civil liability.

(i) The commissioner may establish records to fulfill the requirements of this section. The information contained in the records is only available to the commissioner for the purpose authorized in this section.

Sec. 5. Minnesota Statutes 1988, section 260.011, subdivision 2, is amended to read:

Subd. 2. (a) The paramount consideration in all proceedings concerning a child alleged or found to be in need of protection or services is the best interest of the child. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will best serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; to provide judicial procedures which protect the welfare of the child; to preserve and strengthen the child's family ties whenever possible and in the child's best interests, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal; and, when removal from the child's own family is necessary and in the child's best interests, to secure for the child custody, care and discipline as nearly as possible equivalent to that which should have been given by the parents.

(b) The purpose of the laws relating to termination of parental rights is to ensure that:

(1) reasonable efforts have been made by the social service agency to reunite the child with the child's parents in a placement that is safe and permanent; and

(2) if placement with the parents is not reasonably foreseeable, to secure for the child a safe and permanent placement, preferably with adoptive parents.

The paramount consideration in all proceedings for the termination of parental rights is the best interests of the child. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

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

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

Sec. 6. Minnesota Statutes 1989 Supplement, section 260.015, subdivision 2a, is amended to read:

Subd. 2a. [CHILD IN NEED OF PROTECTION OR SERVICES.] "Child in need of protection or services" means a child who is in need of protection or services because the child:

- (1) is abandoned or without parent, guardian, or custodian;
- (2)(i) has been a victim of physical or sexual abuse, or (ii) resides with or has resided with a victim of domestic child abuse as defined in subdivision 24, (iii) resides with or would reside with a perpetrator of domestic child abuse, or (iv) is a victim of emotional maltreatment as defined in subdivision 5a;
- (3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;
- (4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;
- (5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:
  - (i) the infant is chronically and irreversibly comatose;
  - (ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or
  - (iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;
- (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others;

(10) has committed a delinquent act before becoming ten years old;

(11) is a runaway; or

(12) is an habitual truant; or

(13) is one whose custodial parent's parental rights to another child have been involuntarily terminated.

Sec. 7. Minnesota Statutes 1988, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Except for proceedings involving a child alleged to be in need of protection or services, hearings may be continued or adjourned from time to time and, in the interim. In proceedings involving a child alleged to be in need of protection or services, hearings may only be continued or adjourned if the court makes specific findings that the continuance or adjournment is in the best interests of the child. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court; except that, the court shall open the hearings to the public in delinquency proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense. In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be

entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 8. Minnesota Statutes 1989 Supplement, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, and except for legal records arising from proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, and 611A.06. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 9. Minnesota Statutes 1989 Supplement, section 260.171, subdivision 4, is amended to read:

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

(a) of the reasons why the child has been taken into custody and

why the child is being placed in a juvenile secure detention facility or a shelter care facility; and

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

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

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

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

(f) that the child may not be detained for acts defined in section 260.015, subdivision 5, at an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours if the adult jail or municipal lockup is in a standard metropolitan statistical area, unless a petition has been filed and the court orders the child's continued detention under section 260.172; and

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

(h) of the date, time, and place of the detention hearing, if this information is available to the person who has taken the child into custody; and

(i) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel



will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a child in need of protection or services, neglected and in foster care, or termination of parental rights matter.

After August 1, 1991, the child's parent, guardian, or custodian shall also be informed under clause (f) that the child may not be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours if the adult jail or municipal lockup is in a standard metropolitan statistical area, unless a motion to refer the child for adult prosecution has been made within that time period.

Sec. 10. Minnesota Statutes 1989 Supplement, section 260.191, subdivision 1, is amended to read:

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

(1) place the child under the protective supervision of the county welfare board or child placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;

(2) transfer legal custody to one of the following:

(i) a child placing agency; or

(ii) the county welfare board.

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3 under section 11;

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court

may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license be canceled, the court may recommend to the commissioner of public safety that the child's license be canceled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of

cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize; or

(8) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

Sec. 11. [260.1911] [TRANSFER OF LEGAL CUSTODY.]

Subdivision 1. [GENERAL.] The court may transfer legal custody under section 260.191, subdivision 1, paragraph (a), to:

(1) a child placing agency;

(2) the county welfare board; or

(3) a suitable and fit parent who does not have legal custody of the child.

In placing a child whose custody has been transferred under clause (1) or (2), the agency or board shall follow the order of preference stated in section 260.181, subdivision 3.

Subd. 2. [TRANSFER TO PARENT.] (a) An order transferring legal custody to a parent under this section must be made under the standards and findings required under section 518.17, subdivision 1. The court shall determine visitation rights and child support under sections 518.175 and 518.57.

(b) If legal custody is transferred to a parent under this subdivision, a certified copy of the order must be filed with the family court of the judicial district where the juvenile court order is entered. Issuance of an order under this subdivision divests the juvenile court of further jurisdiction over the matter. Sections 518.175, 518.18, and 518.64 apply to the review and modification of orders under this subdivision.

(c) A custody order under this subdivision is the same as an order under section 518.17, and all civil or criminal rights, duties, or penalties that apply to orders under section 518.17 apply to orders under this subdivision.

Sec. 12. [260.1912] [DISPOSITION; PERMANENT CUSTODY OR FOSTER CARE.]

Subdivision 1. [WHEN PERMISSIBLE.] When a child has been in placement under a court order for more than one year and at least nine months have elapsed since a case plan was ordered under section 260.191, subdivision 1e, a party may move the court for an order under subdivision 2. The motion must give specific notice of

the relief requested and the basis for the relief under this subdivision. The court shall hold an evidentiary hearing unless it is waived by the parties. The court may issue an order under subdivision 2 only if the court finds that all the following factors have been established by clear and convincing evidence:

(1) reasonable efforts, or in the case of an Indian child, active efforts have been made by the social service agency under section 260.012, and those efforts have not corrected the conditions necessitating the continued placement of the child;

(2) if reasonable efforts continue, conditions necessitating the continued placement of the child will not be corrected within the reasonably foreseeable future;

(3) there has been compliance with section 260.181, subdivision 3; and

(4) the relief sought is in the best interests of the child.

In order to find that the relief sought is in the best interests of the child, the court must determine that the requested relief better serves the child's interests than an order for termination of parental rights and that the child's needs for permanency will be served by the order.

Subd. 2. [PERMANENT CUSTODY OR FOSTER CARE.] (a) After a hearing and findings under subdivision 1, in addition to the dispositions available under section 260.191, the court may enter a dispositional order under paragraph (b) or (c).

(b) The court may grant legal custody of the child to a reputable individual of good moral character. The order must be made under the standards and findings required under section 257.025. The court shall determine visitation rights and child support under sections 518.175 and 518.57. Legal custody under this paragraph means the right to determine the child's upbringing, including education, health care, and religious training. A legal custodian under this paragraph is not a foster parent, and the child is not in foster care under section 260.015, subdivision 7.

(c) The court may order that the child remain in permanent foster care until the child is no longer a minor. The court may only issue this order if the child has been in continuous placement with the same foster parent for at least one year and the court finds that the foster parent intends to continue foster parenting the child until the child is no longer a minor. The name of the foster parent must appear in the court order. If the court enters an order under this paragraph, the court shall enter findings consistent with the federal Child Welfare Act of 1980, Public Law Number 96-272.

(d) An order under this subdivision must comply with section 260.181, subdivision 3.

(e) Jurisdiction to review an order under this subdivision remains in juvenile court. Notwithstanding section 260.191, subdivision 2, further hearings are not required and the order remains in effect until the child is no longer a minor unless it is modified under section 13.

(f) After entry of an order under this subdivision, further reasonable efforts under section 260.012 are not required.

**Sec. 13. [260.1913] [MODIFICATION OF ORDER FOR PERMANENT CUSTODY OR FOSTER CARE.]**

An order issued under section 12 may be modified only under the following circumstances:

- (1) modification is agreed to by all parties in writing;
- (2) there is a willful and persistent denial of or interference with court-ordered parental visitation;
- (3) there is reason to believe that the child's present environment may endanger the child's physical or emotional health; or
- (4) a substantial change in circumstances has occurred based on facts that have arisen since the prior order or based on facts that were not known to the court at the time it issued the prior order.

The court may modify an order under section 12 only if it finds that modification is in the best interests of the child and after an appropriate motion and notice to all parties. The court shall hold an evidentiary hearing unless it is waived by the parties.

**Sec. 14. Minnesota Statutes 1989 Supplement, section 260.221, subdivision 1, is amended to read:**

**Subdivision 1. [VOLUNTARY AND INVOLUNTARY.]** The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

- (a) With the written consent of a parent who for good cause desires to terminate parental rights; or**
- (b) If it finds that one or more of the following conditions exist:**
  - (1) That the parent has abandoned the child. Abandonment is presumed when:**

(i) the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 11; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that the child has been adjudicated in need of protection or services and that the parent's parental rights to one or more other children have been involuntarily terminated in the past; or

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home

under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home; or

It is also presumed that reasonable efforts have failed under this clause upon a showing that the parent has been required by a case plan to participate in a chemical dependency treatment program; the parent has either failed to successfully complete the program two or more times or has refused to participate in the treatment program; and the parent continues to abuse chemicals; or

(6) That the parent has been convicted of causing the death of another of the parent's children; or

(7) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

~~(7)~~ (8) That the child is neglected and in foster care.

Sec. 15. Minnesota Statutes 1989 Supplement, section 364.09, is amended to read:

#### 364.09 [EXCEPTIONS.]

(a) This chapter shall not apply to the practice of law enforcement, to fire protection agencies, to eligibility for a private detective or protective agent license, to eligibility for a family day care license, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements, or to eligibility for juvenile corrections employment where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district.

(c) Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 16. Minnesota Statutes 1989 Supplement, section 609.223, is amended to read:

609.223 [ASSAULT IN THE THIRD DEGREE.]

Subdivision 1. [SUBSTANTIAL BODILY HARM.] Whoever assaults another and inflicts substantial bodily harm 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. [PAST PATTERN OF CHILD ABUSE.] Whoever assaults a minor 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, if the perpetrator has engaged in a past pattern of child abuse against the minor. As used in this subdivision, "child abuse" has the meaning given it in section 609.185, clause (5).

Sec. 17. Minnesota Statutes 1988, section 609.2231, is amended by adding a subdivision to read:

Subd. 5. [CHILD PROTECTION WORKERS.] Whoever assaults a child protection worker, as defined in section 626.559, subdivision 1, while the worker is engaged in the performance of a duty imposed by law, policy, or rule, and inflicts demonstrable bodily harm, is guilty of a gross misdemeanor.

Sec. 18. Minnesota Statutes 1989 Supplement, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that 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. If the punishment results in great bodily harm, that person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.



Sec. 19. Minnesota Statutes 1988, section 626.556, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse. In furtherance of this public policy, it is the intent of the legislature under this section to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused or neglected children.

In addition, it is the policy of this state to require the reporting of neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

Sec. 20. Minnesota Statutes 1989 Supplement, section 626.556, subdivision 2, is amended to read:

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

(a) "Sexual abuse" means threatened injury or the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a

child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, or medical care, a duty to provide that care. "Neglect" includes prenatal exposure to a controlled substance, as defined in section 262.5561, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 2a, clause (5).

(d) "Physical abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

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

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245A.02.

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

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

(k) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or

substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(1) "Threatened injury" means a statement, overt act, condition or status which represents a substantial risk of physical or sexual abuse or mental injury.

Sec. 21. Minnesota Statutes 1988, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department, or the county sheriff if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school, or agency.

(b) Any person may voluntarily report to the local welfare agency, police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person mandated to report shall, upon request to the local welfare agency, receive a summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

(e) For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours.

Sec. 22. Minnesota Statutes 1989 Supplement, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. [DETERMINATIONS.] Upon the conclusion of every assessment or investigation it conducts, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

(a) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions committed by a person responsible for the child's care:

(1) an assault, as defined in section 609.02, subdivision 10, or any physical contact not exempted by section 609.379, where the assault or physical contact is either severe or recurring and causes either injury or significant risk of injury to the child physical abuse as defined in subdivision 2, paragraph (d);

(2) neglect as defined in subdivision 2, paragraph (c); ~~or~~

(3) sexual abuse as defined in subdivision 2, paragraph (a); or

(4) mental injury as defined in section 20.

(b) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are

not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(c) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in imminent and serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

Sec. 23. Minnesota Statutes 1988, section 626.556, is amended by adding a subdivision to read:

Subd. 10g. [INTERSTATE DATA EXCHANGE.] All reports and records created, collected, or maintained under this section by a local social service agency or law enforcement agency may be disclosed to a local social service or other child welfare agency of another state when the agency certifies that:

(1) the reports and records are necessary in order to conduct an investigation of actions that would qualify as sexual abuse, physical abuse, or neglect under this section; and

(2) the reports and records will be used only for purposes of a child protection assessment or investigation and will not be further disclosed to any other person or agency.

The local social service agency or law enforcement agency in this state shall keep a record of all records or reports disclosed pursuant to this subdivision and of any agency to which the records or reports are disclosed. If in any case records or reports are disclosed before a determination is made under subdivision 10e, or a disposition of any criminal proceedings is reached, the local social service agency or law enforcement agency in this state shall forward the determination or disposition to any agency which has received any report or record under this subdivision.

Sec. 24. Minnesota Statutes 1989 Supplement, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] Except as provided in subdivisions 10b, 10d, 10g, and 11b, all records concerning individuals maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Reports maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made

available to the investigating, petitioning, or prosecuting authority. Section 13.82, subdivisions 5, 5a, and 5b, apply to law enforcement data other than the reports. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim of abuse or neglect. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure.

Sec. 25. Minnesota Statutes 1989 Supplement, section 626.558, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF THE TEAM.] A county ~~may~~ shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service agencies, and parent groups.

Sec. 26. Minnesota Statutes 1988, section 626.559, subdivision 2, is amended to read:

Subd. 2. [JOINT TRAINING.] The commissioners of human services and public safety shall cooperate in the development of a joint program for training child abuse services professionals in the appropriate techniques for child abuse assessment and investigation. The program shall include but need not be limited to the following areas:

- (1) the public policy goals of the state as set forth in section

260.011 and the role of the assessment or investigation in meeting these goals;

(2) the special duties of child protection workers and law enforcement officers under section 626.556;

(3) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services and strengthening family ties;

(4) the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;

(5) the dynamics of child abuse and neglect within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation, including training in recognizing cases in which one of the parents is a victim of domestic abuse and in need of special legal or medical services;

(6) the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;

(7) the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;

(8) the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse and domestic abuse, and to preserve the family unit, and training in the preparation of case plans to coordinate services for the alleged child abuse victim with services for any parents who are victims of domestic abuse; and

(9) the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts.

#### Sec. 27. [ATTORNEY GENERAL DATA PRACTICES STUDY.]

The attorney general shall study and make recommendations regarding government data practices that affect the child protection system. The attorney general shall consult with a multidisciplinary task force of individuals involved in the child protection system, including child protection agencies, law enforcement, prosecution and defense attorneys, the department of administration data protection division, and members of the public. The attorney general shall:

(1) prepare a plain-language interpretation of existing data practices laws that affect the child protection system;

(2) identify ambiguities and inconsistencies in the laws and compare the classification and treatment of data in law enforcement and child protection agencies;

(3) prepare standard forms for giving information to individuals under Minnesota Statutes, section 13.04, subdivision 2, and for reports under Minnesota Statutes, section 626.556;

(4) determine the need for giving mandated reporters, law enforcement, and child protection workers who must diagnose and investigate child abuse increased access to medical records and information on prior abuse; and

(5) consider the desirability of defining false or unfounded reports under Minnesota Statutes, section 626.556.

The attorney general shall report and make recommendations to the legislature by December 15, 1991.

**Sec. 28. [PILOT PROJECT FOR SERVICES TO PREVENT CHILD ABUSE.]**

The commissioner of human services is authorized to fund a pilot project designed to measure the effectiveness of early intervention and targeted family services in preventing child abuse. The pilot project must be designed to offer a full range of innovative in-home and family treatment services to selected families, determined by the county agency to be at risk for child abuse. The county shall monitor and evaluate the program outcomes for the families participating in the program and shall report those outcomes to the commissioner. The commissioner shall report to the legislature before January 15, 1992, on the design and effectiveness of the project program and shall include recommendations for legislation as appropriate.

**Sec. 29. [CHILD ABUSE; PLAN FOR STATEWIDE COMPUTER DATA SYSTEM.]**

The commissioner of public safety, in consultation with the department of human services, shall determine the feasibility and costs of establishing a statewide computerized data system containing the following information on determinations made under Minnesota Statutes, section 626.556, and on the criminal and juvenile court matters specified in clauses (1) to (6):

(1) identifying information on any individual that a local social service agency has determined under Minnesota Statutes, section 626.556, subdivision 10e, to have been responsible for the maltreatment of a child or to have necessitated the provision of child protective services for a child, and the name and birth date of any



child found to have been maltreated or to be in need of child protective services as a result of the individual's actions;

(2) identifying information on individuals arrested for, charged with, or convicted of malicious punishment of a child or neglect of a child;

(3) pretrial release conditions applicable to individuals charged with an offense listed in clause (2);

(4) probation and supervised release conditions applicable to individuals convicted of an offense listed in clause (2);

(5) identifying information on individuals whose parental rights to a child have been involuntarily terminated under Minnesota Statutes, section 260.221; and

(6) identifying information on individuals who have a child who was found to be in need of protective services as defined in Minnesota Statutes, section 260.015, subdivision 2a.

The commissioner shall also determine the feasibility and costs of requiring all local social service agencies, law enforcement agencies, prosecutors, courts, and court services personnel to report relevant information to the statewide data system; of making the information available to these agencies on request; and of providing a process by which the accuracy of the data may be reviewed at the request of the subject of the data.

The commissioner shall report the results of the study and provide an implementation plan to the chairs of the judiciary committees in the house of representatives and the senate on or before February 1, 1991.

### Sec. 30. [SUPREME COURT REVIEW OF CERTAIN JUVENILE COURT ISSUES.]

The supreme court is requested to study and review the following two issues:

(1) whether the use of Minnesota Statutes, section 542.16 and Rule 63.03 of the rules of civil procedure to remove judges in juvenile court cases involving allegations of child abuse or neglect is frequent and appropriate;

(2) whether there is adequate special training for judges who hear juvenile court cases involving allegations of child abuse or neglect.

The supreme court is requested to report to the judiciary committees

of the senate and the house of representatives with any findings or recommendations for change resulting from these reviews.

Sec. 31. [APPROPRIATIONS.]

(a) \$ . . . . . is appropriated from the general fund to the commissioner of human services to be available for the fiscal year ending June 30, 1991, for purposes of section 28.

(b) Additional funds, in the amount of \$ . . . . ., are appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, to be used for family planning grants under Minnesota Statutes, section 145.925. The supplemental funds authorized by this paragraph shall be targeted to provide support services to persons who are at risk for unplanned pregnancies and who, because of dependency on alcohol or other drugs, are seen to be at risk of creating abusive family settings.

Sec. 32. [EFFECTIVE DATE.]

Sections 16 to 18 are effective August 1, 1990, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to children; providing improved procedures to protect the safety and welfare of abused and neglected children; providing for more permanent placements of children in need of protection or services; improving data practices; requiring the commissioner of health to encourage display of posters informing pregnant women of the dangers of alcohol use; excluding persons with a history of child abuse or criminal sexual behavior from certain protections for criminal offenders; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalties for malicious child punishment resulting in great bodily harm and assaulting a child protection worker; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; appropriating money for early intervention and targeted family services, and for family planning grants; amending Minnesota Statutes 1988, sections 147.09; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.191, subdivision 1; 260.221, subdivision 1; 364.09; 609.223; 609.377; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; 245; and 260."

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

The report was adopted.

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

H. F. No. 2398, A bill for an act relating to occupational safety and health; requiring employers to prepare and implement a written program that describes how they will reduce the extent and severity of work-related injuries and illnesses; amending Minnesota Statutes 1988, section 182.653, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, after "employer" insert "covered by this section"

Page 1, line 22, delete "it" and insert "the plan" and after "all" insert "affected"

Page 2, delete lines 4 to 8 and insert:

"Sec. 2. Minnesota Statutes 1988, section 182.653, is amended by adding a subdivision to read:

Subd. 8a. [STANDARD INDUSTRIAL CLASSIFICATION LIST.] The commissioner shall adopt, in accordance with section 182.655, a rule specifying a list of standard industrial classifications of employers who must comply with subdivision 8. The commissioner shall demonstrate the need to include each industrial classification on the basis of the safety record or workers' compensation record of that industry segment. The list shall be updated every two years."

Amend the title as follows:

Page 1, line 7, delete "a subdivision" and insert "subdivisions"

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2401, A bill for an act relating to traffic regulations; establishing penalties for driving past railroad crossing warning devices; providing for instruction in railroad crossing safety at driver improvement clinics; establishing standards and procedures for closing a railroad crossing; stipulating the adequacy of crossing devices; imposing penalties; amending Minnesota Statutes 1988, sections 169.26; and 169.973, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 219; repealing Minnesota Statutes 1988, sections 219.27 and 219.28; and Minnesota Statutes 1989 Supplement, section 219.072.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 169.26, is amended to read:

169.26 [SPECIAL STOPS AT RAILROADS.]

Subdivision 1. [REQUIREMENTS.] (a) When any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, under any of the circumstances stated in this section, the driver of such vehicle shall stop the vehicle not less than ten feet from the nearest railroad track of such railroad and shall not proceed until safe to do so. These requirements apply when:

(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train;

(2) a crossing gate is lowered warning of the immediate approach or passage of a railroad train; or

(3) an approaching railroad train is plainly visible and is in hazardous proximity.

(b) The driver of a vehicle shall stop and remain standing and not traverse such a the grade crossing when the crossing gate is lowered or when a human flagger gives or continues to give a signal of signals the approach or passage of a train. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed.

Subd. 2. [PENALTIES.] (a) A person who violates this section is guilty of a misdemeanor.

(b) A person who violates this section and section 169.121 simultaneously is guilty of a gross misdemeanor.

Sec. 2. Minnesota Statutes 1988, section 169.973, subdivision 1, is amended to read:

Subdivision 1. The commissioner of public safety shall supervise the administration and conduct of driver improvement clinics. The commissioner of public safety shall promulgate rules setting forth standards for the curriculum and mode of instruction of driver improvement clinics and such other matters as the commissioner of public safety considers necessary for the proper administration of such clinics. In the preparation of such standards the commissioner of public safety shall consult with the commissioner of education and state associations of judges. A driver improvement clinic established under Laws 1965, chapter 711 shall conform to the standards promulgated by the commissioner of public safety. The course of study at a driver improvement clinic may not exceed a cumulative total of nine hours with no single class session lasting more than three hours. The course of study at a driver improvement clinic shall include instruction in railroad crossing safety.

Sec. 3. [219.073] [COMMISSIONER'S RULES ON GRADE CROSSINGS.]

In accordance with chapter 14, the commissioner of transportation shall adopt rules by December 1, 1991, that contain standards governing the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings. In adopting standards, the commissioner shall consider that the number of grade crossings in Minnesota should be reduced and that public safety will be enhanced by reducing the number of grade crossings.

Sec. 4. [219.074] [GRADE CROSSING CHANGES.]

Subdivision 1. [AGREEMENTS; HEARING.] Public officials having the necessary authority and a railway company operating the railroad may agree to the vacation, relocation, consolidation, or separation of grades at grade crossings. If agreement cannot be reached concerning the location, manner of construction, or a reasonable division of expense, either party may file a petition with the board, setting forth the facts and submitting the matter to it for determination. The board shall then conduct a hearing under chapter 14 and shall apply the rules developed under section 3 in coming to a determination. The commissioner may also bring matters concerning vacation, relocation, consolidation, or separation of grades at public grade crossings to the board for determination.

Subd. 2. [CROSSING-CLOSING PROGRAM.] On or before July 1, 1992, and on or before July 1 of each of the next four years, and as

necessary afterward, the commissioner shall propose to the board a list of grade crossings proposed to be closed. The list must be developed by applying the standards set forth in the rules adopted under section 3. Grade crossings that are part of an abandonment, closing, or removal under section 219.741, may not be included in the list. The board shall notify the public officials having the necessary authority and the railway companies operating the railroads of the proposed closings. Either affected party may request a hearing. If requested, the board shall hold a contested case hearing applying in its determination the rules developed under section 3. If a request for a hearing on a particular crossing is not received within 30 days of the publication in the State Register, the board shall order the crossing closed.

Sec. 5. [REPEALER.]

Minnesota Statutes 1988, sections 219.27 and 219.28, are repealed.

Sec. 6. [EFFECTIVE DATES.]

Sections 1 to 3 are effective the day following final enactment. Sections 4 and 5 are effective December 1, 1991."

Delete the title and insert:

"A bill for an act relating to traffic regulations; establishing penalties for driving past railroad crossing warning devices and flaggers; providing for instruction in railroad crossing safety at driver improvement clinics; establishing standards and procedures for closing a railroad crossing; imposing penalties; amending Minnesota Statutes 1988, sections 169.26; and 169.973, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 219; repealing Minnesota Statutes 1988, sections 219.27 and 219.28."

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

The report was adopted.

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

H. F. No. 2444, A bill for an act relating to waste; placing waste stream diversion requirements on counties who apply for solid waste resource recovery permits; requiring a study of the environmental effects of existing resource recovery facilities; placing a moratorium on new permits until completion of the study; appropriating money;

amending Minnesota Statutes 1989 Supplement, section 116.07, subdivision 4j.

Reported the same back with the following amendments:

Page 2, line 8, delete everything after "for" and insert "a facility that incinerates mixed municipal solid waste or that processes or burns refuse-derived fuel"

Page 2, line 9, delete everything before "unless"

Page 2, line 12, before "county's" insert "residential portion of the"

Page 2, line 18, delete everything after "for" and insert "a facility that incinerates mixed municipal solid waste or that processes or burns refuse-derived fuel"

Page 2, line 19, delete everything before "unless"

Page 2, line 28, delete everything after "permitted" and insert "mixed municipal solid waste incineration and refuse-derived fuel"

Page 2, line 31, delete "solid waste resource recovery"

Page 2, line 33, delete "solid waste" and insert "the"

Page 2, line 34, delete "resource recovery"

Page 3, line 3, delete "resource recovery"

Page 3, line 13, delete "resource recovery" and after "facility" insert "that incinerates mixed municipal solid waste or that processes or burns refuse-derived fuel"

Page 3, after line 18 insert:

"This act does not apply to a solid waste processing facility that was under contract for design and construction with a county before January 1, 1990."

Amend the title as follows:

Page 1, line 3, delete everything after "counties" and insert "applying for new permits for facilities that incinerate mixed municipal solid wastes or that process or burn refuse-derived fuel"

Page 1, line 4, delete everything before the semicolon

Page 1, line 5, delete "resource recovery"

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. 2481, A bill for an act relating to crimes; making preparation of a written presentence investigation report discretionary with the court when a defendant is convicted of a felony for which the court must impose an executed sentence under the sentencing guidelines; amending Minnesota Statutes 1989 Supplement, section 609.115, subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 14 to 17, delete the new language and insert: "or a felony for which the sentencing guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence and no motion for a sentencing departure has been made by counsel,"

Page 1, lines 24 to 27, delete the new language

Page 2, line 1, delete the new language and insert "When the defendant has been convicted of a felony for which the sentencing guidelines do not presume that the defendant will be committed to the commissioner of corrections, or for which the sentencing guidelines presume commitment to the commissioner but counsel has moved for a sentencing departure, or"

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

The report was adopted.

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

H. F. No. 2487, A bill for an act relating to vocational rehabilitation; providing for supported employment programs; amending Minnesota Statutes 1988, section 129A.01, subdivisions 11, 12, and by adding a subdivision.



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. 2495, A bill for an act relating to farm safety; providing for a pilot project of comprehensive farm safety audits; extending the availability of a previous appropriation; appropriating money; amending Laws 1989, chapter 350, article 17, section 1, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [FARM SAFETY AUDIT PILOT PROJECT.]

Subdivision 1. [LEGISLATIVE FINDING.] The legislature finds that farming continues to be one of the most dangerous occupations. All members of farm families experience risks and disabling accidents at a rate far higher than the general population of the state. The legislature finds that a pilot project of comprehensive farm safety audits, performed in cooperation with selected farm mutual insurance companies, is needed to evaluate the effectiveness of farm safety audits in improving farm safety. The legislature further finds that spending public money to enable a farm safety audit pilot project is a valid public purpose.

Subd. 2. [LEAD RESPONSIBILITY.] The Minnesota extension service shall coordinate and carry out a farm safety audit pilot project.

Subd. 3. [REPORT.] On or before January 1, 1993, the Minnesota extension service shall submit a report to the agriculture committees of the senate and house of representatives on findings of the farm safety audit pilot project.

Sec. 2. [APPROPRIATION.]

(a) \$20,260 is appropriated from the general fund to the Minnesota extension service to develop and administer the farm safety audit pilot project in section 1. This appropriation remains available until June 30, 1993.

(b) \$18,400 is appropriated from the general fund to the commissioner of agriculture to make cost-share payments to selected farm

mutual insurance companies that participate in the farm safety audit pilot project in section 1. This appropriation remains available until June 30, 1993.

(c) Any unencumbered balance in the appropriation to the commissioner of agriculture in Laws 1989, chapter 350, article 20, section 29, is available to the commissioner for expenses directly related to the farm safety audit pilot project in section 1. This appropriation remains available until June 30, 1991."

Amend the title as follows:

Page 1, line 5, delete everything after "money"

Page 1, line 6, delete everything before the period

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2508, A bill for an act relating to education; placing certain positions in special school district No. 1, Minneapolis, in the unclassified service; naming the appointing authority for the positions.

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

The report was adopted.

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

H. F. No. 2632, A bill for an act relating to human services; clarifying requirements for employment and training programs for recipients of AFDC; allowing county agencies to implement grant diversion programs; clarifying eligibility and payment requirements for general assistance and work readiness; clarifying requirements for child care programs; establishing criteria to certify employment and training service provider; requiring a two-year plan from the local service unit; amending Minnesota Statutes 1988, sections 256.73, subdivision 2; 256.736, subdivisions 1a, 2a, and 3a; 256.7365, subdivision 2; 256D.02, subdivisions 5, 8, and 12;

256D.052, subdivision 5; 256D.06, subdivision 2; 256H.10, subdivisions 1 and 4; 256H.16; 256H.17; 268.673, subdivisions 3 and 5; 268.6751, subdivision 1; 268.676, subdivision 2; 268.677, subdivisions 2 and 3; 268.678; 268.681, subdivisions 1, 2, and 3; 268.86, subdivision 8; 268.871, subdivisions 1, 2, and by adding a subdivision; 268.90, subdivisions 1, 3, and 4; Minnesota Statutes 1989 Supplement, sections 256.73, subdivision 3a; 256.736, subdivisions 3, 3b, 4, 10, 10a, 11, 14, 16, and 18; 256.737, subdivisions 1 and 2; 256D.01, subdivision 1a; 256D.051, subdivisions 1a, 1b, 2, 3, and 8; 256H.01, subdivisions 7, 8, and 12; 256H.03, subdivisions 2, 2a, and 2b; 256H.05, subdivisions 1b, 1c, 2, and 5; 256H.08; 256H.09, subdivision 1; 256H.10, subdivision 3; 256H.11, subdivision 1; 256H.15, subdivisions 1 and 2; 256H.21, subdivision 9; 256H.22, subdivisions 2, 3, and 10; 268.0111, subdivision 4; 268.86, subdivision 2; 268.88; 268.881; Minnesota Statutes Second 1989 Supplement, section 256D.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1988, sections 256.736, subdivisions 1b, 8, and 17; 256.7365, subdivision 8; 256D.06, subdivision 1c; 256H.01, subdivision 14; 256H.05, subdivisions 1, 1a, and 3a; 268.672, subdivision 12; 268.86, subdivision 9; and 268.872, subdivision 3.

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

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

S. F. No. 1696, A bill for an act relating to human services; including the commissioners of commerce and health in designing the demonstration project for uninsured low-income persons; clarifying eligibility and enrollee participation requirements for the demonstration project; amending Minnesota Statutes 1988, section 256B.73.

Reported the same back with the following amendments:

Page 3, line 3, after the third comma insert "chiropractic care,"

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

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 367, 1816, 1897, 1927, 1948, 1984, 1991, 2011, 2038, 2042, 2045, 2058, 2078, 2081, 2084, 2086, 2087, 2103, 2132, 2149, 2184, 2187, 2188, 2248, 2250, 2299, 2305, 2311, 2343, 2353, 2365, 2380, 2381, 2398, 2481, 2487 and 2508 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Simoneau; Anderson, G.; Carlson, L.; Kahn and Anderson, R., introduced:

H. F. No. 2651, A bill for an act relating to bonds; authorizing the commissioner of finance to make certain covenants to the purchasers of certain bonds or certificates of indebtedness; requiring identification of certain accounts; providing for the reduction and cancellation of certain bond sale authorizations; appropriating money; amending Minnesota Statutes 1988, sections 16A.641, subdivision 6; and 16A.672, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 16A.631; and 16A.641, subdivision 7; repealing Minnesota Statutes 1988, section 16A.651.

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

Wenzel, Steensma, Winter, McDonald and Bertram introduced:

H. F. No. 2652, A resolution memorializing the President and the Congress of the United States to design the 1990 federal farm bill so that it protects the family farm system.

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

Bertram introduced:

H. F. No. 2653, A bill for an act relating to peace officers; providing death benefits to dependents of peace officers killed in the line of duty; expanding the application of activities considered to be in the line of duty; amending Minnesota Statutes 1988, section 176B.04.

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

Simoneau and Johnson, A., introduced:

H. F. No. 2654, A bill for an act relating to animals; providing for a 24-hour animal cruelty hotline; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Winter and Wenzel introduced:

H. F. No. 2655, A bill for an act relating to economic development; authorizing the establishment of rural development zones; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Rukavina, Redalen and Neuenschwander introduced:

H. F. No. 2656, A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land in Koochiching and Lincoln counties; authorizing the private sale of certain state lands in Scott, Hubbard, and Fillmore counties; appropriating proceeds of the Scott county conveyance; authorizing the sale of certain surplus land in Lake county; authorizing the sale of certain trust fund land in St. Louis county; authorizing the sale of surplus land in Grant county for recreational purposes.

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

Rukavina introduced:

H. F. No. 2657, A bill for an act relating to Indian affairs; adding the chair of the advisory council on urban Indians to the Indian affairs council as a voting member; amending Minnesota Statutes 1988, section 3.922, subdivision 1.

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

Bertram, Redalen, Hugoson and Kalis introduced:

H. F. No. 2658, A bill for an act relating to agriculture; providing for deficiency judgments relating to foreclosure and sale of mortgages on property used in agricultural production; requiring fair market value to be determined by the court; extending period for execution on judgment; amending Minnesota Statutes 1988, section 582.30, subdivisions 3, 4, 5, 6, and 7.

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

Sparby; Olson, E.; McEachern and Nelson, K., introduced:

H. F. No. 2659, A bill for an act relating to education; appropriating money for telecommunications grants to certain school districts.

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

Ozment introduced:

H. F. No. 2660, A bill for an act relating to game and fish; authorizing licensing of family shooting preserves; appropriating license fees; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Carlson, D., introduced:

H. F. No. 2661, A bill for an act relating to government operations; amending provisions to adopt emergency game and fish rules; providing alternative methods of publishing game and fish rules; deleting obsolete references to publication under the game and fish laws; authorizing the commissioner to protect wild animals by emergency rule; authorizing the commissioner to set seasons and limits for migratory birds and waterfowl; authorizing the commissioner to allow or prohibit hunting and fishing on certain state lands; amending Minnesota Statutes 1988, sections 14.29, subdivision 3, and by adding a subdivision; 14.38, subdivision 6; 84.944, subdivision 1; 84A.02; 86A.06; 97A.045, subdivision 2; 97A.051, subdivisions 1 and 2; 97A.081; 97A.141, by adding a subdivision; 97B.731, subdivision 1; 97C.805, subdivision 1; and 361.25; Minnesota Statutes 1989 Supplement, sections 3.846, subdivisions 1 and 4; 14.02, subdivision 4; and 97A.051, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 97A and 97B.

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

Wenzel introduced:

H. F. No. 2662, A bill for an act relating to controlled substances; increasing sanctions for persons convicted of controlled substance offenses; providing for revocation of driver's licenses and termination of post-secondary education financial aid upon conviction for a controlled substance offense; providing mandatory minimum prison sentences for felony controlled substance offenders; providing for life imprisonment without parole for persons convicted of certain drug-related murders; providing for mandatory random drug testing of controlled substance offenders as a condition of probation or supervised release; amending Minnesota Statutes 1989 Supplement, sections 152.021, subdivision 3; 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025, subdivision 3; 260.185, subdivision 1; and 609.184, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 136A; 152; and 171.

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

Pauly and Miller introduced:

H. F. No. 2663, A bill for an act relating to state government; providing for an official state book; proposing coding for new law in Minnesota Statutes, chapter 1.

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

Carruthers introduced:

H. F. No. 2664, A bill for an act relating to public administration; providing for capital expenses for the Minnesota Daily Center; authorizing sale of state bonds; appropriating money.

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

Carruthers, Blatz and Janezich introduced:

H. F. No. 2665, A bill for an act relating to juveniles; providing for a statewide data base containing information on juvenile delinquents; clarifying the eligibility of certain juveniles to possess pistols; amending Minnesota Statutes 1988, sections 260.161, sub-

division 1; and 624.713; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Scheid, Vanasek and Long introduced:

H. F. No. 2666, A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; making various changes in laws applicable to school district elections; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; providing an income tax credit for contributions to state and federal candidates and political parties; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; providing a schedule for distribution of political campaign checkoff money to political parties; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7 and 10b; 10A.04, subdivisions 2, 4, and 4a; 10A.20, subdivision 3; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by adding a subdivision; 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.09, subdivision 1; 204B.14, subdivision 5; 204B.17; 204B.44; 204C.22, subdivisions 9, 10, 15, and by adding a subdivision; 204D.04, subdivision 2; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 205A.09, subdivision 2; 205A.11; 209.02, subdivision 1; 209.03; 209.09, subdivision 1; 211A.01, subdivision 6; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; and Minnesota Statutes 1989 Supplement, sections 205A.10, subdivisions 2 and 3; and 209.021, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A and 204D; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; 10A.32, subdivisions 1, 2, 3, and 4; and 211B.11, subdivision 2; and Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.

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



Winter, Otis and Krueger introduced:

H. F. No. 2667, A bill for an act relating to economic development; the creation of a joint subcommittee of the legislature to examine economic development activities in the state.

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

Nelson, K., introduced:

H. F. No. 2668, A bill for an act relating to education; implementing recommendations of the task force on education; offering incentives to school districts to participate in the statewide plan for outcome-based learning programs; requiring school boards to set school calendars; proposing coding for new law in Minnesota Statutes, chapters 121 and 126; repealing Minnesota Statutes 1988, sections 126.12; and 126.13.

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

Dorn introduced:

H. F. No. 2669, A bill for an act relating to the city of Mankato; permitting the adoption of certain ordinances and regulations.

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

Dorn introduced:

H. F. No. 2670, A bill for an act relating to the city of Mankato; enlarging the city's authority to control the towing of vehicles.

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

McEachern introduced:

H. F. No. 2671, A bill for an act relating to the town of Otsego in Wright county; permitting the conversion of the town to a statutory city.

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

Simoneau introduced:

H. F. No. 2672, A bill for an act relating to retirement; regulating economic interest statements of pension fiduciaries; amending Minnesota Statutes 1989 Supplement, section 356A.06, subdivision 4.

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

Price and Steensma introduced:

H. F. No. 2673, A bill for an act relating to agriculture; establishing a food advisory committee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 28A.

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

Bauerly introduced:

H. F. No. 2674, A bill for an act relating to employment; requiring overtime payment for certain work; amending Minnesota Statutes 1988, section 177.25, subdivision 1.

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

Simoneau introduced:

H. F. No. 2675, A bill for an act relating to natural resources; regulating the growing, harvesting, processing, and sale of certain wild rice; providing for a wild rice marketing program; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 30; repealing Minnesota Statutes 1989 Supplement, section 30.49.

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

Kalis introduced:

H. F. No. 2676, A bill for an act relating to Faribault county; authorizing the county local redevelopment agency board to have nine members.

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

Milbert and Pugh introduced:

H. F. No. 2677, A bill for an act relating to education; modifying the eligibility for exceptional need revenue; amending Minnesota Statutes 1988, section 124.217, subdivision 1.

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

Pugh introduced:

H. F. No. 2678, A bill for an act relating to corporations; clarifying and modifying provisions relating to the organization and operation of nonprofit corporations; amending Minnesota Statutes 1989 Supplement, sections 317A.011, subdivision 15; 317A.021, subdivision 4; 317A.111, subdivision 3; 317A.115, subdivision 2; 317A.133, subdivisions 1, 2, 3, and 4; 317A.181, subdivision 2; 317A.201; 317A.205; 317A.207, subdivision 1; 317A.213; 317A.225; 317A.237; 317A.251, subdivision 3; 317A.301; 317A.311; 317A.321; 317A.341, subdivision 2; 317A.401, subdivision 4; 317A.403; 317A.431; 317A.435, subdivision 2; 317A.443, subdivision 1; 317A.453, subdivision 3; 317A.455, subdivision 3; 317A.615, subdivision 1; 317A.711, subdivision 2; 317A.735, subdivisions 1 and 2; 317A.811, subdivisions 1, 4, and 6; 317A.821, subdivision 2; 317A.823, subdivisions 2 and 3; and 354A.021, subdivision 2.

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

McEachern; Johnson, A.; Milbert and Tunheim introduced:

H. F. No. 2679, A bill for an act relating to motor vehicles; providing for a surcharge on automobile rental; proposing coding for new law in Minnesota Statutes, chapter 297A.

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

Begich, Rukavina, Battaglia, Solberg and Janezich introduced:

H. F. No. 2680, A bill for an act relating to independent school district No. 316, Coleraine; independent school district No. 381, Lake Superior; independent school district No. 695, Chisholm; independent school district No. 696, Ely; independent school district No. 697, Eveleth; independent school district No. 699, Gilbert; independent school district No. 707, Nett Lake; and independent school district No. 710, St. Louis county; authorizing issuance of bonds.

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

Begich introduced:

H. F. No. 2681, A bill for an act relating to workers' compensation; establishing a method of premium calculation for workers' compensation insurance; amending Minnesota Statutes 1988, section 79.52, by adding a subdivision.

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

Bertram introduced:

H. F. No. 2682, A bill for an act relating to telephone services; decreasing maximum fee that may be charged to a customer access line for minimum 911 emergency telephone service; amending Minnesota Statutes 1989 Supplement, section 403.11, subdivision 1.

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

Bertram and Omann introduced:

H. F. No. 2683, A bill for an act relating to the city of Upsala; permitting the establishment of a boundary commission.

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

Wenzel introduced:

H. F. No. 2684, A bill for an act relating to game and fish; lowering certain hunting and fishing license fees for young resident licensees; amending Minnesota Statutes 1989 Supplement, section 97A.475, subdivisions 2 and 6.

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

Pelowski, Kahn, McGuire, Hasskamp and Weaver introduced:

H. F. No. 2685, A bill for an act relating to education; clarifying legislative intent concerning corporal punishment; amending Minnesota Statutes 1989 Supplement, section 127.45.

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

Pugh introduced:

H. F. No. 2686, A bill for an act relating to crimes; clarifying liability for the payment of service charges on dishonored checks; permitting law enforcement agencies to charge a fee when their services are used to collect a dishonored check; making the penalties for the dishonored check crime consistent with current theft penalties; amending Minnesota Statutes 1988, sections 332.50, subdivision 2; and 609.535, subdivision 2; repealing Minnesota Statutes 1988, section 609.535, subdivision 2a.

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

Simoneau and Greenfield introduced:

H. F. No. 2687, A bill for an act relating to energy; appropriating oil overcharge money to the commissioner of jobs and training for energy conservation projects; amending Laws 1989, chapter 338, section 11, subdivision 3.

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

Greenfield introduced:

H. F. No. 2688, A bill for an act relating to human services; repealing laws establishing a rental system for reimbursing nursing home property costs; establishing interim property rates; requiring the commissioner to recommend a new reimbursement system for nursing home property costs; amending Minnesota Statutes 1988, section 256B.431, by adding a subdivision; repealing Minnesota Statutes 1988, sections 256B.43, subdivisions 3, 3b, 3c, and 3d; and 256B.50, subdivision 2; Minnesota Statutes 1989 Supplement, section 256B.431, subdivisions 3a, 3f, and 3g.

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

Greenfield, Clark, Murphy, Rodosovich and Anderson, R., introduced:

H. F. No. 2689, A bill for an act relating to health; allowing a waiver of restrictions that may be placed upon controlling persons of

a nursing home; amending Minnesota Statutes 1988, section 144A.04, subdivision 4.

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

Greenfield, Clark, Rodosovich, Vellenga and Anderson, R., introduced:

H. F. No. 2690, A bill for an act relating to health; requiring the state planning agency to develop a state long-term care plan; requiring a report.

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

Poppenhagen introduced:

H. F. No. 2691, A bill for an act relating to education; allowing the Pine Point School to qualify for federal impact aid; amending Minnesota Statutes 1989 Supplement, sections 128B.01, subdivision 1; and 128B.03, subdivisions 3, 4, 6, and 8; repealing Minnesota Statutes 1989 Supplement, sections 128B.02, subdivision 4; and 128B.05, subdivision 3.

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

McPherson and Pauly introduced:

H. F. No. 2692, A bill for an act relating to environment; adding two public members to the petroleum tank release compensation board; amending Minnesota Statutes 1988, section 115C.07, subdivision 1.

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

Bishop, Sviggum, Solberg, Krueger and Kahn introduced:

H. F. No. 2693, A bill for an act relating to judicial administration; proposing an amendment to the Minnesota Constitution, articles VI and VIII, creating a court of compensation appeals; abolishing the workers' compensation court of appeals; providing for designation by the governor of the chief judge of the workers' compensation court of appeals; regulating the administration of the workers' compensation court of appeals; appropriating money; amending Minnesota Stat-

utes 1988, sections 3C.11, subdivision 3; 3C.12, subdivision 2; 5.08, subdivision 2; 10A.01, subdivision 19; 14.03, subdivision 2; 15A.082, subdivisions 1 and 3; 15A.083, subdivision 7; 43A.18, subdivision 3; 43A.27, subdivision 4; 175A.01, subdivision 1; 175A.02; 175A.07, subdivision 4; 176.421, subdivisions 5, 6, and by adding a subdivision; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3, 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 209.01, subdivision 2; 268.10, subdivision 8; 268.12, subdivision 13; 480.052; 480.054; 480.055, subdivision 1; 480.19; 480A.06, subdivision 3; 481.02, subdivisions 3 and 6; 490.15, subdivision 1; and 574.18; Minnesota Statutes 1989 Supplement, sections 10A.01, subdivisions 5 and 18; 357.08; proposing coding for new law as Minnesota Statutes, chapter 480B; repealing Minnesota Statutes 1988, sections 175A.01 to 175A.10; and 176.471.

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

Gruenes introduced:

H. F. No. 2694, A bill for an act relating to taxation; providing a sales tax exemption for sales of certain tree removal services; 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.

Kahn introduced:

H. F. No. 2695, A bill for an act relating to the environment; changing the requirements for management plans; directing the commissioner of health to refund fees; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 8, and by adding a subdivision; 116.77; and 116.79, subdivisions 1 and 3.

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

Weaver and Runbeck introduced:

H. F. No. 2696, A bill for an act relating to human services; prohibiting restrictions on a license to provide day care; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

Pauly introduced:

H. F. No. 2697, A bill for an act relating to waste; requiring background investigation of persons engaged in the solid or hazardous waste business; providing penalties; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 115D.

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

Stanisus, Cooper, Ozment, Williams and Dorn introduced:

H. F. No. 2698, A bill for an act relating to health; requiring health clubs to have staff trained in cardiopulmonary resuscitation; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Uphus introduced:

H. F. No. 2699, A bill for an act relating to natural resources; prohibiting certain activities in regard to decoys set out by licensed peace officers; amending Minnesota Statutes 1988, section 97B.055, subdivision 1; and 97B.081, subdivision 2.

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

Uphus introduced:

H. F. No. 2700, A bill for an act relating to agriculture; providing federal crop insurance reimbursement to farmers eligible for drought relief in 1989; appropriating money.

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

Uphus introduced:

H. F. No. 2701, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

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



Johnson, R.; Reding; Knickerbocker; Sarna and O'Connor introduced:

H. F. No. 2702, A bill for an act relating to retirement; providing for an increase in the maximum amount of pension payable to certain police officers; amending Minnesota Statutes 1988, section 423.809, subdivision 1.

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

Rukavina introduced:

H. F. No. 2703, A bill for an act relating to education; allowing a school district in the northeast educational cooperative service unit to levy for its share of the deficit.

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

Scheid introduced:

H. F. No. 2704, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1988, section 82.20, subdivision 4.

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

Olson, K.; Tunheim; Pelowski; Lieder and Williams introduced:

H. F. No. 2705, A bill for an act relating to human services; increasing payment rates for medical providers; providing a wage increase for staff of nursing homes, intermediate care facilities, developmental achievement centers, and waived service providers.

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

Blatz introduced:

H. F. No. 2706, A bill for an act relating to crimes; requiring cemetery owners to report unlawful removal of bodies to law enforcement authorities and next of kin of the deceased person; prescribing penalties; amending Minnesota Statutes 1988, section 609.502.

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

Sparby, Tunheim and Simoneau introduced:

H. F. No. 2707, A bill for an act relating to workers' compensation; regulating notice of insurance coverage and cancellation; amending Minnesota Statutes 1988, section 176.185, subdivision 1.

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

Rukavina and Begich introduced:

H. F. No. 2708, A bill for an act relating to state government; regulating job titles and classes in the classified civil service; amending Minnesota Statutes 1988, section 43A.07, subdivision 2.

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

Trimble introduced:

H. F. No. 2709, A bill for an act relating to natural resources; authorizing the enforcement of certain natural resource laws by conservation officers; amending Minnesota Statutes 1988, section 97A.205.

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

Pappas introduced:

H. F. No. 2710, A bill for an act relating to human services; establishing an independent agency to improve and develop human resources through improving education; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 245.

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

Nelson, K.; Scheid; Johnson, A.; Milbert and Ozment introduced:

H. F. No. 2711, A bill for an act relating to education; establishing a special class of local telephone service provided to schools; propos-

ing monthly rates; providing a levy; amending Minnesota Statutes 1988, sections 237.06; and 275.125, by adding a subdivision.

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

Henry, Schafer, Girard, Hugoson and Swenson introduced:

H. F. No. 2712, A bill for an act relating to education; increasing parental involvement; expanding eligibility for early childhood family education programs; encouraging the use of elementary school counselors; creating a new state aid; increasing the formula allowance; creating a parental involvement day; requiring a day off from work; requiring the board of teaching to adopt rules; creating tax credits; appropriating money; amending Minnesota Statutes 1988, sections 124.2711, subdivision 2; 124A.29, subdivision 1; 181.940, subdivision 3, and by adding subdivisions; and 290.06, by adding subdivisions; Minnesota Statutes 1989 Supplement, sections 121.882, subdivision 2; 124.2711, subdivision 1; and 124A.22, subdivision 2; Laws 1989, chapter 329, article 1, section 17, subdivision 2, as amended; and article 4, section 19, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 123; 124A; and 181.

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

Abrams introduced:

H. F. No. 2713, A bill for an act relating to game and fish; authorizing licensing of family shooting preserves; appropriating license fees; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Abrams introduced:

H. F. No. 2714, A bill for an act relating to human services; establishing certain standards for licensed day care programs; amending Minnesota Statutes 1988, section 245A.14, by adding a subdivision.

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

Abrams introduced:

H. F. No. 2715, A bill for an act relating to real estate; giving effect to antenuptial agreements with respect to real estate; amending Minnesota Statutes 1988, section 507.02.

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

Rukavina, Begich, Battaglia, Janezich and Solberg introduced:

H. F. No. 2716, A bill for an act relating to the state mineral; adopting iron ore as the state mineral; proposing coding for new law in Minnesota Statutes, chapter 1.

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

Carlson, D., introduced:

H. F. No. 2717, A bill for an act relating to retirement; excluding employees of the North Pine Area Hospital District from membership in the public employees retirement association for a limited time.

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

Otis, Kalis and Lasley introduced:

H. F. No. 2718, A bill for an act relating to traffic regulations; allowing immediate towing of vehicles unlawfully parked in taxicab zones; amending Minnesota Statutes 1989 Supplement, section 169.041, subdivision 4.

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

Wenzel, McDonald, Bertram, Omann and Winter introduced:

H. F. No. 2719, A bill for an act relating to agriculture; providing emergency drought relief for farmers and small businesses; establishing a program of low-interest loans; providing water supplies in emergencies; providing emergency hay and hayfield reseeding; appropriating money.

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

Sparby, Solberg and Battaglia introduced:

H. F. No. 2720; A bill for an act relating to economic development; establishing a board of invention; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Blatz introduced:

H. A. No. 37, A proposal to study the possibility of a state-sponsored group health insurance plan.

The advisory was referred to the Committee on Health and Human Services.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 60, A bill for an act relating to water; recodifying, clarifying, and relocating provisions relating to water law; amending Minnesota Statutes 1988, sections 9.071; 16B.62, subdivision 1; 18.191; 18B.07, subdivision 6; 40A.13, subdivision 1; 41B.039, subdivision 3; 84.083, by adding subdivisions; 84.91, subdivision 4; 84.911, subdivisions 5 and 6; 84.95, subdivision 2; 85.33, subdivision 3; 86A.05, subdivision 10; 88.43, subdivision 2; 93.335, subdivision 1; 94.343, subdivision 4; 97A.015, subdivision 41; 97A.071, subdivision 4; 97A.101, subdivision 2; 115.097, subdivision 2; 144.95, subdivision 4; 156A.10, subdivision 2; 161.28, subdivision 1; 163.17; 272.02, subdivisions 1 and 6; 273.19, subdivision 5; 295.44, subdivision 1; 357.021, subdivision 2; 375.471; 383A.602, subdivision 5; 383A.604, subdivision 1; 394.25, subdivision 2; 459.20; 462.357, subdivision 1; 465.20; 469.141, subdivision 4; 469.174, subdivision

19; 471.345, subdivision 3; 471.591, subdivision 1; 471.98, subdivision 2; 473.191, subdivision 2; 609.68; and 645.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 83A; 97C; 156A; and 383B; proposing coding for new law as Minnesota Statutes, chapters 86B; 103A; 103B; 103C; 103D; 103E; 103F; and 103G; repealing Minnesota Statutes 1988, sections 40.01 to 40.45; 84.031; 84.032; and 84.158; 104.01 to 104.50; 105.37 to 105.81; 106A.005 to 106A.811; 110.13 to 110.72; 110B.01 to 110B.35; 112.34 to 112.89; 114.12 and 114.13; 114B.01 to 114B.07; 116C.41; 361.01 to 361.29; 378.01 to 378.57; 465.18; and 473.875 to 473.883.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. DeCramer, Merriam and Frederickson, D. R.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dille moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 60. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 443, 1852 and 1730.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 443, A bill for an act relating to health; establishing standards for the use of nitrous oxide in the practice of podiatric medicine; amending Minnesota Statutes 1988, section 153.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 153.

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

S. F. No. 1852, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law as Minnesota Statutes, chapter 480B.

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

S. F. No. 1730, A bill for an act relating to financial institutions; permitting interstate banking with an additional reciprocating state; amending Minnesota Statutes 1988, section 48.92, subdivision 7.

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

### CONSENT CALENDAR

H. F. No. 1555, A bill for an act relating to fees; providing for fees charged by county recorder; amending Minnesota Statutes 1988, section 357.18, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1989, A bill for an act relating to motor vehicles; allowing tax-exempt license plates for vehicles used for driver education programs at nonpublic high schools; amending Minnesota Statutes 1989 Supplement, section 168.012, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2018, A bill for an act relating to newspapers; changing filing requirements for qualification as a legal newspaper; amending Minnesota Statutes 1988, section 331A.02, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:



Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

## CALENDAR

Long moved that the bills on the Calendar for today be continued. The motion prevailed.

## GENERAL ORDERS

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

## MOTIONS AND RESOLUTIONS

Kelly moved that H. F. No. 2504 be recalled from the Committee on Judiciary and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Olsen, S., moved that H. F. No. 2254 be recalled from the Committee on Taxes and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

A roll call was requested and properly seconded.

Beginch moved that H. F. No. 2254 be returned to its author. The motion prevailed.

There being no objection, the order of business reverted to Introduction and First Reading of House Bills.

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

The following House File was introduced:

Sarna introduced:

H. F. No. 2721, A bill for an act relating to retirement; Minneapolis police and firefighters; health and medical benefits; continuance of surviving spouse benefits; amending Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended; and section 6, subdivision 1, as amended; and Laws 1965, chapter 519, section 1, as amended.

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

### **ADJOURNMENT**

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 12, 1990. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 12, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives