

## STATE OF MINNESOTA

## SEVENTY-SIXTH SESSION — 1990

## EIGHTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 2, 1990

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

Prayer was offered by Margaret Thomas, Executive Director of the Minnesota Council of Churches, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

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

A quorum was present.

Beard, McLaughlin and Steensma were excused.

The Chief Clerk proceeded to read the Journal of the preceding

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

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 1104, 1790, 2236 and 2621 have been placed in the members' files.

S. F. No. 1104 and H. F. No. 1101, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 1104 be substituted for H. F. No. 1101 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1790 and H. F. No. 1997, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Jaros moved that the rules be so far suspended that S. F. No. 1790 be substituted for H. F. No. 1997 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2195 and H. F. No. 2311, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 2195 be substituted for H. F. No. 2311 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2236 and H. F. No. 2695, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Kahn moved that the rules be so far suspended that S. F. No. 2236 be substituted for H. F. No. 2695 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2005, A bill for an act relating to lawful gambling; providing primary enforcement for criminal violations in the division of gambling enforcement; defining lawful purposes for expenditures of gambling profits; establishing licensing qualifications for organizations and manufacturers; requiring organizations to report monthly on expenditures and contributions of gambling profits; authorizing the gambling control board to require recipients of contributions of gambling profits to register with the board; authorizing summary suspension of gambling licenses for failure to file tax returns; authorizing a limited number of video pull-tab devices and establishing standards and requirements for them; regulating pull-tab dispensing machines; requiring inspection and testing of gambling equipment; requiring permits for gambling premises; requiring gambling managers to be licensed; requiring that employees of organizations conducting lawful gambling be registered with the board; expanding allowable uses for revenue from local gambling taxes and requiring board approval of these taxes; specifying authority to set salaries for state lottery employees; repealing video games of chance regulating provisions on January 1, 1992; abolishing lawful gambling on July 1, 1993; appropriating money; amending Minnesota Statutes 1988, sections 349.12, subdivision 10, and by adding subdivisions; 349.16, as amended; 349.17, as amended; 349.18, as amended; 349.19, as amended; 349.212, subdivision 5; 349.2121, subdivisions 1 and 4a; 349.2123; 349.30, subdivision 2; 349.31; 349.32; 349.34; 349.35, subdivision 1; 349.36; 349.38; 349.39; 349.50, subdivision 8; 349.55; and 609.75, subdivision 4; Minnesota Statutes 1989 Supplement, sections 299L.03, by adding a subdivision; 340A.410, subdivision 5; 349.12, subdivisions 12 and 15; 349.151, subdivision 4; 349.152, subdivision 2, and by adding subdivisions; 349.161, as amended; 349.162; 349.163, as amended; 349.164; 349.2121, subdivision 2; 349.2122; 349.213, subdivisions 1 and 2; 349A.02, subdivisions 4 and 5; 349A.15; 609.75, subdivision 3; and 609.761, subdivision 1; Minnesota Statutes Second 1989 Supplement, sections 349.12, subdivisions 11 and 19; 349.15; and 349.212, subdivisions 1 and 4; Laws 1989, First Special Session chapter 1, article 13, section 27; proposing coding for new law in Minnesota Statutes, chapters 299L and 349; repealing Minnesota Statutes 1988, sections 349.11, as amended; 349.12, as amended; 349.13; 349.14; 349.15, as amended; 349.16, as amended; 349.161, as

amended; 349.162, as amended; 349.163, as amended; 349.164, as amended; 349.17, as amended; 349.18, as amended; 349.19, as amended; 349.211; 349.212, as amended; 349.2121, as amended; 349.2122, as amended; 349.2123; 349.2124; 349.2125, as amended; 349.2127, as amended; 349.213, as amended; 349.214, subdivisions 1, 1a, 3, and 4; 349.22, as amended; and 349.23; Minnesota Statutes 1989 Supplement, sections 349.151, subdivisions 1, 2, 4, 4a, and 5; 349.152; 349.153; 349.20; and 349.21; Minnesota Statutes Second 1989 Supplement, sections 349.214, subdivision 2; 349.215; 349.2151; 349.2152; 349.216; 349.217; 349.2171; 349.218; and 349.219.

Reported the same back with the following amendments:

Page 4, line 35, after "an" insert "organization designed to assist an"

Page 5, line 3, after "an" insert "organization designed to assist an"

Page 63, delete section 57

Page 63, line 20, before "The" insert "Subject to the provisions of section 43A.18, subdivision 1,"

Page 63, delete section 59

Page 66, delete section 66

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 23, delete "set salaries" and insert "establish incentive plans"

Page 1, line 26, delete "appropriating money;"

Page 1, line 41, delete "subdivisions 4 and 5; 349A.15;" and insert "subdivision 5;"

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

The report was adopted.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 1104, 1790, 2195 and 2236 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Orenstein introduced:

H. F. No. 2821, A bill for an act relating to civil actions; adopting the discovery rule for medical malpractice statutes of limitation; amending Minnesota Statutes 1989 Supplement, section 541.07.

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

Poppenhagen, Frederick, Heap and Macklin introduced:

H. F. No. 2822, A bill for an act relating to taxation; repealing the lawful gambling combined receipts tax; providing for refunds; appropriating money; repealing Minnesota Statutes Second 1989 Supplement, section 349.212, subdivision 6.

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

**HOUSE ADVISORIES**

The following House Advisory was introduced:

Carruthers introduced:

H. A. No. 48, A proposal to study the feasibility of permitting the transfer of accumulated sick leave from metropolitan agencies to state employment.

The advisory was referred to the Committee on Governmental Operations.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to adopt the Conference Committee report on H. F. No. 796 and that the present Conference Committee has been discharged. A new Conference Committee has been appointed on the part of the Senate with the request that the House appoint a like Committee to further consider the following bill:

H. F. No. 796, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Pine and Fillmore counties.

The Senate has appointed as such committee:

Messrs. Chmielewski, Gustafson and Merriam.

H. F. No. 796 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, D., moved that the House accede to the request of the Senate, that the Speaker appoint a new Conference Committee of 3 members, and that H. F. No. 796 be returned to the new Conference Committee for further consideration. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2457, A bill for an act relating to public financing; allocating authority to issue tax exempt revenue bonds; restricting loans from proceeds of mortgage revenue bonds under certain circumstances; amending Minnesota Statutes 1988, sections 474A.02, subdivisions 6, 8, and by adding a subdivision; 474A.03; 474A.061, subdivision 3, and by adding subdivisions; 474A.091, subdivisions 1, 4, and 5; 474A.131, subdivision 2; and 474A.14; Minnesota Statutes 1989 Supplement, section 290.01, subdivision 19a; Minnesota Statutes Second 1989 Supplement, sections 474A.061, subdivisions 1 and 4; and 474A.091, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 474A; repealing Minnesota Statutes 1988, sections 474A.081, subdivisions 1, 2, and 4; and 474A.091, subdivision 4a; Minnesota Statutes Second 1989 Supplement, section 474A.061, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rest moved that the House refuse to concur in the Senate amendments to H. F. No. 2457, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2478; A bill for an act relating to the financing and operation of government in Minnesota; updating references to the Internal Revenue Code; changing the computation of aid to local units of governments; modifying the computation and administration of taxes and property tax refunds; providing tax deductions and exemptions; changing the tax rates; authorizing certain local governments to borrow money; providing a food shelf checkoff; changing definition of debt for the revenue recapture act; providing certain rights and remedies to taxpayers; modifying the requirements for the collection and expenditure of tax increments; repealing the increase in the maximum lodging tax; allowing the sale of certain tax forfeited land in Otter Tail county; allowing the cities of Bayport, Windom, and Jackson and the counties of Goodhue, Douglas, and Koochiching to levy taxes for certain purposes; requiring certain uses of tax increments by the city of Minneapolis; exempting the city of Moorhead from certain requirements; permitting the cities of Bloomington and Roseville to impose lodging taxes; changing truth-in-taxation requirements; requiring payment of the prevailing wage for financial assistance; requiring reports and studies; imposing and transferring powers and duties; changing certain effective dates; increasing certain fees; providing for payment of the greater Minnesota landfill fee; imposing a minimum fee on corporations; providing for withholding of certain refunds; requiring an appropriation by the metropolitan sports facilities commission; reducing and transferring appropriations; canceling certain debts; appropriating money; amending Minnesota Statutes 1988, sections 270.07, by adding a subdivision; 270.70, subdivisions 1, 2, 4, 8, and by adding subdivisions; 270.701, by adding a subdivision; 270.709, subdivision 1; 270A.03, subdivisions 2 and 5; 271.12; 271.19; 273.11, by adding a subdivision; 273.124, by adding a subdivision; 273.1398, by adding a subdivision; 273.42, subdivision 1; 275.065, by adding a subdivision; 276.111; 277.15; 279.03, subdivision 2, and by adding a subdivision; 279.06; 281.17; 282.01, subdivision 4; 282.014; 282.261, subdivision 2; 289A.11, as added, by adding a subdivision; 290.431; 290.50, by adding a subdivision; 290A.10; 290A.19; 296.02, subdivision 1a; 296.025, subdivision 1a; 296.06, subdivision 2; 296.12, subdivisions 1 and 2; 296.17, subdivisions 10 and 17; 297.07, subdivision 5; 297A.01, subdivision 15; 297A.25, by adding a subdivision; 298.015, subdivision 1; 298.017; 298.05; 298.24, subdivision

1; 469.059, subdivision 11; 469.129, subdivision 2; 469.171, by adding a subdivision; 469.174, subdivision 12, and by adding subdivisions; 469.175, subdivision 1a, and by adding subdivisions; 469.176, subdivisions 2 and 3; 469.177, subdivision 8; 477A.011, subdivision 17, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, by adding a subdivision; 477A.03, subdivision 1; 477A.11, subdivision 4; 477A.13; and 500.24, subdivision 4; Minnesota Statutes 1989 Supplement, sections 270.10, subdivision 1a; 270.69, subdivision 11; 273.11, subdivision 1; 273.112, subdivision 3; 273.124, subdivisions 8 and 9; 275.08, subdivision 1d; 278.05, subdivision 4; 279.01, subdivision 1; 282.01, subdivision 1; 290.01, subdivision 19; 290A.04, subdivision 5; 290A.045, subdivision 7; 375.192, subdivision 2; 383.06; 410.32; 462.396, subdivision 2; 469.175, subdivision 4; 469.176, subdivision 4c; 469.177, subdivision 9; and 469.190, subdivisions 1 and 2; Minnesota Statutes Second 1989 Supplement, sections 3.885, subdivision 8; 60A.15, subdivision 1; 103B.3369, subdivisions 5 and 7; 272.02, subdivision 4; 273.13, subdivisions 22, 23, and 25; 273.1398, subdivisions 1 and 2; 273.371, subdivision 1; 275.065, subdivisions 1 and 6; 275.07, subdivision 1; 275.50, subdivision 5; 275.51, subdivision 3f; 276.09; 276.10; 276.11, subdivision 1; 277.01, subdivision 1; 277.02; 277.05; 277.06; 290.05, subdivision 1; 290.06, subdivision 1; 290.091, subdivision 2; 290.0921, subdivisions 1, 3, and by adding a subdivision; 290A.04, subdivision 2a; 290A.045, subdivision 6; 297A.01, subdivision 3; 297A.44, subdivision 1; 469.174, subdivisions 7 and 10; 469.175, subdivisions 3 and 7; 469.176, subdivisions 1 and 4j; 469.177, subdivision 10; 469.190, subdivision 3; 477A.011, subdivisions 1a and 25; and 477A.013, subdivisions 3 and 5; Laws 1988, chapter 719, article 12, section 30, as amended; Laws 1989, chapters 326, article 3, section 49; and 353, section 13; and Laws 1989, First Special Session chapter 1, articles 3, section 32, subdivisions 1 and 2; 5, section 52; and 10, section 45; proposing coding for new law in Minnesota Statutes, chapters 134; 116J; 268; 270; 273; 290; and 469; repealing Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; 115A.928; 290.06, subdivision 1a; and 375.192, subdivision 1; Minnesota Statutes Second 1989 Supplement, 273.1398, subdivision 2b.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ogren moved that the House refuse to concur in the Senate amendments to H. F. No. 2478, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:



S. F. No. 2421, A bill for an act relating to elections; presidential primary; changing the primary date; providing procedures for conducting the primary; changing the requirements for being a candidate at the primary; allowing voters to prefer uncommitted delegates; allowing write-in votes; providing for voter receipt of ballots; eliminating the provision that the primary winner is the party's endorsed candidate; changing the apportionment of party delegates; requiring provision of certain information to interested persons; amending Minnesota Statutes 1988, sections 204B.06, by adding a subdivision; 204B.11, subdivision 2; Minnesota Statutes 1989 Supplement, sections 207A.01; 207A.02; 207A.03; 207A.04; and 207A.06, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1989 Supplement, section 207A.05:

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Luther, Cohen and Laidig.

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

Scheid 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. 2421. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2617, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for the transfer of money in the state treasury; amending Minnesota Statutes 1989 Supplement, section 297B.09, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Langseth, Berg, Purfeerst, Mehrkens and Metzen.

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

Rice moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 2617. The motion prevailed.

### SPECIAL ORDERS

H. F. No. 2646 was reported to the House.

Greenfield moved that H. F. No. 2646 be returned to its author. The motion prevailed.

H. F. No. 2419 was reported to the House.

The Speaker called Quinn to the Chair.

Kahn moved to amend H. F. No. 2419, the first engrossment, as follows:

Page 3, line 43, delete "422,000" in both places and insert "897,000"

Page 3, line 44, delete "(837,000)" in both places and insert "(987,000)"

Page 4, line 8; delete "\$ (19,581,000)" and insert "\$ (19,390,000)" and delete "\$ (21,794,000)" and insert "\$ (21,603,000)"

Page 4, delete lines 21 to 26 and insert:

"\$100,000 of the amount appropriated to the legislative commission on fiscal policy in Laws 1989, chapter 335, article 1, section 2, for the biennium is transferred to the house of representatives."

Page 7, line 13, delete "administrative law" and insert "workers' compensation"

Page 7, line 40, delete "24" and insert "26"

Page 9, line 57, delete "2" and insert "1"

Page 11, line 14, delete "(987,000)" and insert "(959,000)"

Page 11, line 20, delete everything before "to" and insert "These budget reductions are"

Page 14, line 34, after "treatment" insert "program"

Page 14, line 38, delete "in" and insert "through"

Page 15, line 30, delete "reduction in" and insert "is reduced from"

Page 15, line 31, delete "as"

Page 16, line 40, delete "authority" and insert "project"

Page 18, line 15, delete "(6,030,000)" and insert "(6,135,000)"

Page 36, after line 1, insert:

"This section does not apply to a public corporation governed by chapter 119."

Page 55, line 22, after the period insert "It may not renew a permit for burning wastes containing 50 ppm or greater PCBs if an environmental impact statement was not completed for the initial permit or an earlier renewal."

Page 116, delete lines 26 to 28

Page 117, line 14, delete "Sections" and insert "Section" and delete ", 77, and 78 are" and insert "is"

Page 169, delete section 45

Page 186, delete lines 32, 33, and 36

Page 187, line 17, after "80" insert ", 84, and 85"

ReNUMBER the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 9, line 57, delete "2" and insert "1"

The motion prevailed and the amendment was adopted.

Kelso, Kahn and Macklin moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 6, after line 6, insert:

"(d) \$67,000 is appropriated to Scott county for deposit in the county general fund for expenses incurred."

Adjust figures accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

McEachern moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 30, delete section 39

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the McEachern amendment and the roll was called. There were 46 yeas and 72 nays as follows:

Those who voted in the affirmative were:

|             |           |                |             |          |
|-------------|-----------|----------------|-------------|----------|
| Bauerly     | Kalis     | Nelson, C.     | Pelowski    | Tjornhom |
| Begich      | Kelso     | Nelson, K.     | Poppenhagen | Tompkins |
| Bertram     | Kostohryz | Neuenschwander | Price       | Uphus    |
| Dauner      | Lieder    | O'Connor       | Quinn       | Wagenius |
| Dempsey     | Limmer    | Ogren          | Rest        | Waltman  |
| Heap        | McEachern | Olsen, S.      | Rukavina    | Wenzel   |
| Jacobs      | McPherson | Olson, E.      | Runbeck     |          |
| Jaros       | Morrison  | Onnen          | Sarna       |          |
| Jennings    | Munger    | Orenstein      | Schreiber   |          |
| Johnson, R. | Murphy    | Ozment         | Sviggum     |          |

Those who voted in the negative were:

|              |             |               |            |              |
|--------------|-------------|---------------|------------|--------------|
| Abrams       | Forsythe    | Kahn          | Otis       | Solberg      |
| Anderson, G. | Frederick   | Kinkel        | Pauly      | Sparby       |
| Battaglia    | Frerichs    | Knickerbocker | Pellow     | Stanius      |
| Bennett      | Girard      | Krueger       | Peterson   | Swenson      |
| Bishop       | Greenfield  | Long          | Pugh       | Trimble      |
| Blatz        | Gruenes     | Lynch         | Redalen    | Tunheim      |
| Boo          | Gutknecht   | Macklin       | Reding     | Valento      |
| Burger       | Hartle      | Marsh         | Richter    | Weaver       |
| Carlson, D.  | Haukoos     | McDonald      | Rodosovich | Welle        |
| Carlson, L.  | Hausman     | McGuire       | Schafer    | Williams     |
| Carruthers   | Henry       | Miller        | Scheid     | Winter       |
| Clark        | Himle       | Olson, K.     | Seaberg    | Spk. Vanasek |
| Dawkins      | Hugoson     | Omann         | Segal      |              |
| Dille        | Janezich    | Osthoff       | Simoneau   |              |
| Dorn         | Johnson, V. | Ostrom        | Skoglund   |              |

The motion did not prevail and the amendment was not adopted.

Johnson, R., moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 48, after line 33, insert:

"Sec. 69. Minnesota Statutes 1989 Supplement, section 43A.24, is amended by adding a subdivision to read:

Subd. 2a. [OTHER ELIGIBLE PERSONS.] An executive branch employee is eligible for state-paid hospital, medical and dental benefits if the person: (1) is eligible for state-paid insurance under section 43A.18 or other law; (2) has at least 25 years of state service; (3) upon retirement is immediately eligible for a retirement annuity; (4) is at least 55 and not yet 65 years of age; and (5) retires after the effective date of this section and before July 1, 1990. This subdivision does not apply to an employee previously, currently, or prospectively eligible for any form of early retirement incentive under the provisions of any collective bargaining agreement or plan established under section 43A.18, except for employees covered by subdivision 2, clause (i). For purposes of this subdivision, a person retires when the person terminates active employment in state service and applies for a retirement annuity. The retired employee shall be eligible for coverages to which the person was entitled at

the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired. The retired employee is not eligible for state paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity for which the employee has applied, or the employee is eligible for employer-paid health insurance from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program."

Page 116, after line 13, insert:

"Sec. 159. [BASE REDUCTION.]

The position of any person who retires under section 69 may not be included in an agency's budget base for the biennium beginning July 1, 1991. An agency that wishes to retain the position must submit the proposal to the legislature as a change level request."

Page 117, after line 13, insert:

"Section 69 is effective the day after final enactment."

Renumber sections accordingly

Correct internal cross references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 115, line 5, after "account" insert "; the Greater Minnesota Corporation; the Iron Range resources and rehabilitation board; and the World Trade Center"

Page 143, line 36, after "account" insert "; the Greater Minnesota Corporation; the Iron Range resources and rehabilitation board; and the World Trade Center"

The motion prevailed and the amendment was adopted.

Ogren; Jacobs; Begich; Scheid; Janezich; Carruthers; Rest; Long; Milbert; Brown; Olson, E.; Vellenga; Nelson, K.; Bertram; Welle and

Kelly moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Pages 84 to 86, delete section 113-

Pages 90 to 92, delete sections 119 and 120

Page 117, line 1, delete "Minnesota Statutes Second"

Page 117, line 2, delete "1989 Supplement, section 3.885, subdivision 1a;"

Page 117, delete lines 19 and 20

Renumber sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 13, delete "290A.19;"

Page 2, line 15, delete "297.04, subdivision 4;"

Page 2, line 63, delete "subdivisions 3, 5, and 6" and insert "subdivision 3"

Page 3, line 4, delete "297C,"

A roll call was requested and properly seconded.

The question was taken on the Ogren et al amendment and the roll was called. There were 109 yeas and 9 nays as follows:

Those who voted in the affirmative were:

|              |           |             |                |             |
|--------------|-----------|-------------|----------------|-------------|
| Anderson, G. | Dempsey   | Janezich    | Macklin        | Olsen, S.   |
| Anderson, R. | Dorn      | Jefferson   | Marsh          | Olson, E.   |
| Battaglia    | Forsythe  | Johnson, A. | McDonald       | Omann       |
| Bauerly      | Frederick | Johnson, R. | McEachern      | Onnen       |
| Begich       | Frerichs  | Johnson, V. | McGuire        | Orenstein   |
| Bennett      | Girard    | Kalis       | McPherson      | Osthoff     |
| Bertram      | Gruenes   | Kelly       | Milbert        | Ostrom      |
| Blatz        | Gutknecht | Kelso       | Miller         | Otis        |
| Boo          | Hartle    | Kinkel      | Morrison       | Ozment      |
| Brown        | Hasskamp  | Kostohryz   | Munger         | Pappas      |
| Burger       | Haukoos   | Krueger     | Murphy         | Pauly       |
| Carlson, L.  | Hausman   | Lasley      | Nelson, C.     | Pellow      |
| Carruthers   | Henry     | Lieder      | Nelson, K.     | Pelowski    |
| Clark        | Himle     | Limmer      | Neuenschwander | Peterson    |
| Cooper       | Hugoson   | Long        | O'Connor       | Poppenhagen |
| Dauner       | Jacobs    | Lynch       | Ogren          | Price       |

|            |           |          |          |              |
|------------|-----------|----------|----------|--------------|
| Pugh       | Rukavina  | Seaberg  | Tompkins | Welle        |
| Quinn      | Runbeck   | Segal    | Trimble  | Wenzel       |
| Reding     | Sarna     | Stanius  | Tunheim  | Williams     |
| Rest       | Schafer   | Swiggum  | Uphus    | Winter       |
| Richter    | Scheid    | Swenson  | Valento  | Spk. Vanasek |
| Rodosovich | Schreiber | Tjornhom | Weaver   |              |

Those who voted in the negative were:

|             |         |            |          |          |
|-------------|---------|------------|----------|----------|
| Bishop      | Dawkins | Greenfield | Simoneau | Wagenius |
| Carlson, D. | Dille   | Kahn       | Skoglund |          |

The motion prevailed and the amendment was adopted.

Johnson, R.; Neuenschwander; Carlson, D.; Janezich; Rukavina; Nelson, C.; Uphus; Solberg; Sparby; Peterson; Welle; Anderson, R.; Kinkel; Boo; Olson, E., and Ogren moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 13, after line 25, insert:

“(m) The commissioner shall study and report to the legislature by January 1, 1991, a plan to establish family licenses to take small game, and family licenses to take large game. The study and report must include the cost implications to the state of establishing this type of license fee structure, and the cost savings to families.”

The motion prevailed and the amendment was adopted.

Ogren and Solberg moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 11, delete lines 40 to 42

Page 115, line 27, delete the semicolon and insert a period

Page 115, delete lines 28 to 32

Renumber the clauses in sequence

Adjust figures accordingly

Correct internal references

The motion prevailed and the amendment was adopted.



Long, Rest, Rice, Scheid and Greenfield moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 6, delete line 15

Page 6, line 16, delete "center"

The motion prevailed and the amendment was adopted.

Reding moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Delete article 1, sections 29, 107, and 157

Page 116, delete lines 15 to 21 and re-letter subsequent paragraphs

Page 116, line 22, delete "(b)"

Page 116, line 33, delete "256.481; and 256.482, as amended;"

Renumber the sections accordingly

Correct internal cross-references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Reding amendment and the roll was called. There were 96 yeas and 19 nays as follows:

Those who voted in the affirmative were:

|              |             |            |            |          |
|--------------|-------------|------------|------------|----------|
| Abrams       | Frederick   | Kelso      | Olson, K.  | Sparby   |
| Anderson, R. | Frerichs    | Kinkel     | Omann      | Stanius  |
| Battaglia    | Girard      | Kostohryz  | Onnen      | Sviggum  |
| Bauerly      | Greenfield  | Krueger    | Orenstein  | Swenson  |
| Begich       | Gruenes     | Limmer     | Ostrom     | Tjornhom |
| Bennett      | Gutknecht   | Lynch      | Ozment     | Tompkins |
| Bertram      | Hartle      | Macklin    | Pauly      | Trimble  |
| Blatz        | Hasskamp    | Marsh      | Pellow     | Tunheim  |
| Boo          | Haukoos     | McDonald   | Pelowski   | Uphus    |
| Brown        | Hausman     | McEachern  | Pugh       | Valento  |
| Burger       | Henry       | McGuire    | Quinn      | Vellenga |
| Carlson, L.  | Himle       | McPherson  | Reding     | Wagenius |
| Carruthers   | Hugoson     | Miller     | Richter    | Weaver   |
| Cooper       | Jacobs      | Munger     | Rodosovich | Wenzel   |
| Dauner       | Janezich    | Murphy     | Rukavina   | Williams |
| Dawkins      | Jaros       | Nelson, C. | Runbeck    | Winter   |
| Dempsey      | Jefferson   | Nelson, K. | Sarna      |          |
| Dille        | Johnson, A. | O'Connor   | Schafer    |          |
| Dorn         | Johnson, V. | Ogren      | Seaberg    |          |
| Forsythe     | Kelly       | Olsen, S.  | Skoglund   |          |

Those who voted in the negative were:

|              |               |                |           |              |
|--------------|---------------|----------------|-----------|--------------|
| Anderson, G. | Kahn          | Milbert        | Otis      | Solberg      |
| Carlson, D.  | Kalis         | Neuenschwander | Peterson  | Welle        |
| Heap         | Knickerbocker | Olson, E.      | Scheid    | Spk. Vanasek |
| Jennings     | Lieder        | Osthoff        | Schreiber |              |

The motion prevailed and the amendment was adopted.

Kelly moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Pages 49 and 50, delete section 70

Renumber the sections in article 1 in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kostohryz was excused for the remainder of today's session.

Cooper and Williams moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 15, after line 6, insert:

“(g) This appropriation for fiscal year 1991 is for a grant to a city with a population under 600 that took part in the municipal litigation loan program under Laws 1988, chapter 686, article 1, section 69. Of this amount, \$113,771 is to reimburse the city for litigation costs and \$75,000 is to pay a court-ordered settlement.”

188,771

Page 17, after line 50, insert:

“(d) The pollution control agency shall forgive a loan of \$42,659.50 made to a city with a population under 600 under the municipal litigation loan program under Laws 1988, chapter 686, article 1, section 69.”

Adjust the figures accordingly

The question was taken on the Cooper and Williams amendment and the roll was called. There were 45 yeas and 71 nays as follows:

Those who voted in the affirmative were:

|              |               |                |          |          |
|--------------|---------------|----------------|----------|----------|
| Anderson, G. | Jacobs        | Miller         | Otis     | Sviggum  |
| Anderson, R. | Janezich      | Murphy         | Pelowski | Trimble  |
| Bauerly      | Kalis         | Nelson, C.     | Pugh     | Tunheim  |
| Bertram      | Kelso         | Neuenschwander | Quinn    | Uphus    |
| Brown        | Kinkel        | Ogren          | Reding   | Waltman  |
| Carlson, L.  | Knickerbocker | Olson, E.      | Rukavina | Welle    |
| Cooper       | McEachern     | Olson, K.      | Sarna    | Wenzel   |
| Dauner       | McGuire       | Onnen          | Scheid   | Williams |
| Dorn         | Milbert       | Ostrom         | Solberg  | Winter   |

Those who voted in the negative were:

|             |             |           |             |              |
|-------------|-------------|-----------|-------------|--------------|
| Abrams      | Ferichs     | Kahn      | Orenstein   | Simoneau     |
| Battaglia   | Girard      | Krueger   | Osthoff     | Skoglund     |
| Begich      | Gruenes     | Lasley    | Ozment      | Sparby       |
| Bennett     | Gutknecht   | Lieder    | Pellow      | Stanius      |
| Bishop      | Hartle      | Limmer    | Peterson    | Swenson      |
| Blatz       | Haukoos     | Lynch     | Poppenhagen | Tjornhom     |
| Boo         | Hausman     | Macklin   | Price       | Tompkins     |
| Burger      | Heap        | Marsh     | Redalen     | Valento      |
| Carlson, D. | Henry       | McDonald  | Rest        | Wagenius     |
| Carruthers  | Himle       | McPherson | Rice        | Weaver       |
| Clark       | Hugoson     | Morrison  | Richter     | Spk. Vanasek |
| Dawkins     | Jaros       | Munger    | Rodosovich  |              |
| Dempsey     | Johnson, A. | O'Connor  | Runbeck     |              |
| Forsythe    | Johnson, R. | Olsen, S. | Schafer     |              |
| Frederick   | Johnson, V. | Omann     | Seaberg     |              |

The motion did not prevail and the amendment was not adopted.

Quinn, Stanius, Kostohryz and Kelly moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 10, line 38, delete "criminal"

Page 10, line 39, delete "division" and insert "for the purpose of auditing lawful gambling"

Page 10, line 40, delete "The"

Page 10, delete lines 41 to 56

Page 81, delete section 109

Page 93, delete section 123

Renumber the sections in sequence

Correct internal references

Adjust figures accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Quinn et al amendment and the roll was called. There were 60 yeas and 61 nays as follows:

Those who voted in the affirmative were:

|              |             |                |           |              |
|--------------|-------------|----------------|-----------|--------------|
| Anderson, G. | Dauner      | Kelly          | Ogren     | Rodosovich   |
| Anderson, R. | Dempsey     | Kinkel         | Olsen, S. | Rukavina     |
| Bauerly      | Dorn        | Lasley         | Olson, E. | Sarna        |
| Begich       | Frederick   | Lieder         | Olson, K. | Seaberg      |
| Bennett      | Frerichs    | Limmer         | Omann     | Stanius      |
| Bertram      | Girard      | Marsh          | Onnen     | Svigum       |
| Blatz        | Hasskamp    | McDonald       | Otis      | Swenson      |
| Boo          | Haukoos     | McEachern      | Ozment    | Tjornhom     |
| Brown        | Jacobs      | McPherson      | Pellow    | Uphus        |
| Burger       | Janezich    | Nelson, C.     | Pelowski  | Valento      |
| Carruthers   | Jefferson   | Neuenschwander | Quinn     | Winter       |
| Cooper       | Johnson, R. | O'Connor       | Richter   | Spk. Vanasek |

Those who voted in the negative were:

|             |               |             |           |          |
|-------------|---------------|-------------|-----------|----------|
| Abrams      | Hausman       | McGuire     | Redalen   | Tompkins |
| Battaglia   | Himle         | Milbert     | Reding    | Tunheim  |
| Bishop      | Hugoson       | Miller      | Rest      | Vellenga |
| Carlson, D. | Jaros         | Morrison    | Rice      | Wagenius |
| Carlson, L. | Jennings      | Murphy      | Runbeck   | Waltman  |
| Clark       | Johnson, A.   | Nelson, K.  | Schafer   | Weaver   |
| Dawkins     | Johnson, V.   | Orenstein   | Scheid    | Welle    |
| Dille       | Kahn          | Osthoff     | Schreiber | Wenzel   |
| Forsythe    | Kalis         | Ostrom      | Segal     | Williams |
| Greenfield  | Knickerbocker | Pappas      | Simoneau  |          |
| Gruenes     | Krueger       | Peterson    | Skoglund  |          |
| Gutknecht   | Long          | Poppenhagen | Solberg   |          |
| Hartle      | Lynch         | Pugh        | Sparby    |          |

The motion did not prevail and the amendment was not adopted.

Rice, Kahn and Simoneau moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 7, line 5, after "from" insert "the department of public safety and"

Page 10, line 40, delete "The"

Page 10, delete lines 41 to 44

Page 10, line 45, delete "gambling."

The motion prevailed and the amendment was adopted.

Orenstein, Osthoff, Seaberg, Solberg and Kahn moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 5, after line 34, insert:

"(c) The state court administrator, as part of the planning for state takeover of court financing, shall report to the legislature by February 1, 1991, on the proper role and compensation of court reporters."

Page 142, line 33, after "23," delete "24, and 25" and insert "and 24"

The motion prevailed and the amendment was adopted.

Rukavina; Battaglia; Solberg; Stanius; Anderson, R.; Abrams; Janezich; Carlson, D.; Begich; Murphy; Limmer; Jaros; Kinkel and Hasskamp moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Pages 51 and 52, delete section 72

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Rukavina et al amendment and the roll was called. There were 89 yeas and 23 nays as follows:

Those who voted in the affirmative were:

|              |             |          |             |             |
|--------------|-------------|----------|-------------|-------------|
| Anderson, R. | Brown       | Dorn     | Himle       | Johnson, V. |
| Battaglia    | Burger      | Forsythe | Hugoson     | Kelso       |
| Bauerly      | Carlson, D. | Frerichs | Janezich    | Kinkel      |
| Begich       | Carlson, L. | Hartle   | Jaros       | Lasley      |
| Bennett      | Carruthers  | Hasskamp | Jefferson   | Lieder      |
| Bertram      | Cooper      | Haukoos  | Jennings    | Limmer      |
| Blatz        | Dauner      | Hausman  | Johnson, A. | Lynch       |
| Boo          | Dawkins     | Henry    | Johnson, R. | Macklin     |

|                |           |             |          |          |
|----------------|-----------|-------------|----------|----------|
| Marsh          | O'Connor  | Pelowski    | Runbeck  | Trimble  |
| McDonald       | Ogren     | Peterson    | Sarna    | Uphus    |
| McGuire        | Olson, E. | Poppenhagen | Schafer  | Valento  |
| McPherson      | Olson, K. | Pugh        | Seaberg  | Vellenga |
| Milbert        | Omann     | Reding      | Solberg  | Wagemus  |
| Miller         | Onnen     | Rest        | Stanius  | Waltman  |
| Morrison       | Orenstein | Rice        | Sviggum  | Weaver   |
| Murphy         | Ostrom    | Richter     | Swenson  | Wenzel   |
| Nelson, C.     | Pauly     | Rodosovich  | Tjornhom | Winter   |
| Neuenschwander | Pellow    | Rukavina    | Tompkins |          |

Those who voted in the negative were:

|           |         |               |          |         |
|-----------|---------|---------------|----------|---------|
| Bishop    | Gruenes | Knickerbocker | Pappas   | Sparby  |
| Clark     | Heap    | McEachern     | Scheid   | Tunheim |
| Dempsey   | Jacobs  | Munger        | Segal    | Welle   |
| Frederick | Kahn    | Nelson, K.    | Simoneau |         |
| Girard    | Kalis   | Olsen, S.     | Skoglund |         |

The motion prevailed and the amendment was adopted.

Begich, Solberg, Battaglia, Janezich and Rukavina moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 108, delete section 143

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Begich et al amendment and the roll was called. There were 46 yeas and 78 nays as follows:

Those who voted in the affirmative were:

|              |             |            |          |         |
|--------------|-------------|------------|----------|---------|
| Anderson, G. | Dorn        | McEachern  | Otis     | Sviggum |
| Anderson, R. | Gruenes     | McGuire    | Pelowski | Trimble |
| Battaglia    | Hasskamp    | Milbert    | Pugh     | Uphus   |
| Begich       | Jacobs      | Murphy     | Quinn    | Valento |
| Boo          | Janezich    | Nelson, C. | Rest     | Wenzel  |
| Brown        | Jaros       | O'Connor   | Rice     | Winter  |
| Carruthers   | Johnson, R. | Ogren      | Rukavina |         |
| Cooper       | Kelso       | Olson, E.  | Sarna    |         |
| Dauner       | Kinkel      | Olson, K.  | Seaberg  |         |
| Dempsey      | Lieder      | Orenstein  | Solberg  |         |

Those who voted in the negative were:

|             |               |            |             |              |
|-------------|---------------|------------|-------------|--------------|
| Abrams      | Greenfield    | Limmer     | Ozment      | Skoglund     |
| Bauerly     | Gutknecht     | Long       | Pappas      | Sparby       |
| Bennett     | Hartle        | Lynch      | Pauly       | Stanius      |
| Bertram     | Haukoos       | Macklin    | Pellow      | Swenson      |
| Bishop      | Hausman       | Marsh      | Peterson    | Tjornhom     |
| Blatz       | Heap          | McDonald   | Poppenhagen | Tompkins     |
| Burger      | Henry         | McPherson  | Redalen     | Tunheim      |
| Carlson, D. | Himle         | Miller     | Reding      | Vellenga     |
| Carlson, L. | Hugoson       | Morrison   | Richter     | Wagenius     |
| Clark       | Johnson, A.   | Munger     | Rodosovich  | Waltman      |
| Dawkins     | Johnson, V.   | Nelson, K. | Runbeck     | Weaver       |
| Dille       | Kahn          | Olsen, S.  | Schafer     | Welle        |
| Forsythe    | Kalis         | Omann      | Scheid      | Williams     |
| Frederick   | Knickerbocker | Onnen      | Schreiber   | Spk. Vanasek |
| Frerichs    | Krueger       | Osthoff    | Segal       |              |
| Girard      | Lasley        | Ostrom     | Simoneau    |              |

The motion did not prevail and the amendment was not adopted.

Nelson, K.; Tunheim; Hartle; Bauerly; McEachern and Schafer moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 4, delete lines 28 to 35

Adjust the totals accordingly

The motion prevailed and the amendment was adopted.

Carlson, D., moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 69, after line 29, insert:

"Sec. 97. Minnesota Statutes 1989 Supplement, section 176.135, subdivision 1, is amended to read:

Subdivision 1. [MEDICAL, PSYCHOLOGICAL, CHIROPRACTIC, PODIATRIC, SURGICAL, HOSPITAL.] (a) The employer shall furnish any medical, psychological, chiropractic, podiatric, surgical and hospital treatment, including nursing, medicines, medical, chiropractic, podiatric, and surgical supplies, crutches and apparatus, including artificial members, or, at the option of the employee, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, chiropractic medicine and medical supplies, as may reasonably be required at the time of the injury and any time thereafter to cure and relieve from the effects of the injury. This treatment shall include treatments necessary to physical rehabilitation. Exposure to rabies is an injury and an employer shall furnish preventive treatment to employees exposed to rabies. The employer shall furnish replacement or repair for artificial members, glasses, or spectacles, artificial eyes, podiatric orthotics, dental bridge work, dentures or artificial teeth, hear-

ing aids, canes, crutches, or wheel chairs damaged by reason of an injury arising out of and in the course of the employment. In case of the employer's inability or refusal seasonably to do so the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing the same, including costs of copies of any medical records or medical reports that are in existence, obtained from health care providers, and that directly relate to the items for which payment is sought under this chapter, limited to the charges allowed by subdivision 7, and attorney fees incurred by the employee. No action to recover the cost of copies may be brought until the commissioner adopts a schedule of reasonable charges under subdivision 7. Attorney's fees shall be determined on an hourly basis according to the criteria in section 176.081, subdivision 5. The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability.

(b) Both the commissioner and the compensation judges have authority to make determinations under this section in accordance with sections 176.106 and 176.305."

Page 116, after line 13, insert:

"Sec. 161. [SALE OF TAX-FORFEITED LAND; PINE COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 282.018, Pine county may sell the tax-forfeited lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general.

(c) The lands that may be conveyed are located in Pine county and are described as follows:

(1) In Windemere township, Lots 56, 57, and 58 on Sturgeon Island, Section 16, Township 45 North, Range 19 West;

(2) In the city of Willow River:

(i) Rearrangement of Auditor's Subdivision, Part of Lot 4, less the following: Commencing at the southeasterly corner of Lot 2, Block 2, Townsite of Willow River, running thence easterly on prolongation of southerly line of said Lot 2 150 feet to East bank of the creek running through said Auditor Lot 4, thence southerly along East bank of creek to South line of Section 2, Township 44 North, Range 20 West, thence westerly along said South line to point of intersection with easterly line of Willow Street in Townsite of Willow River thence northerly along East line of Willow Street 304.5 feet, more or



less, to Southwest corner of Auditor Lot 6 thence easterly 150 feet to prolongation of easterly line of said Auditor Lot 6 thence northerly 119 feet to point of beginning. Rearrangement of Auditor's Subdivision of Section 2, Township 44 North, Range 20 West; and

(ii) Part of Lot 15, viz: Beginning at the Northeast corner of Lot 4, Block 2, Townsite of Willow River, thence along North line of Lot 15, Rearrangement of Auditor's Subdivision of Section 2, Township 44 North, Range 20 West, to Creek, South along Creek approximately 75 feet, thence westerly to Southeast corner of Lot 4, Block 2, Townsite of Willow River and East 75 feet to point of beginning, Rearrangement of Auditor's Subdivision of Section 2, Township 44 North, Range 20 West.

(3) In Windemere township, Part of Government Lot 8 viz: Beginning at a point on the South line 1336.15 feet West of the Southeast corner thereof, thence to the right an angle of 77 degrees, 27 minutes, for a distance of 406.12 feet, more or less, to shore of Sand Lake, thence southwesterly on shore 620 feet, more or less, to South line of Lot 8, thence East 568.44 feet, more or less, to point of beginning, less 1.22 acres to Vogel and 0.37 acre to Lund and less 0.24 acre to Lund; all in Section 6, Township 45 North, Range 19 West.

(4) In Windemere township, Part of East 50 feet of West 100 feet of Government Lot 8 lying North of a line described as follows: Beginning at a point on West boundary line of Lot 8, which is 1742 feet North of the Southwest corner of Section 4, Township 45 North, Range 19 West, measured along West boundary line thence north-easterly forming an angle of 53 degrees 21 minutes with West boundary line 124.6 feet, more or less, to point 100 feet East of West boundary line measured at right angles thereto on East line of land.

(d) The county has determined that the county's land management interests would best be served if the lands were privately owned."

Page 117, after line 25, insert:

"Section 161 is effective the day following final enactment."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Stanisus, Frerichs and Schreiber moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 5, after line 18, insert:

“Legislative Budget Commission                      200,000”

Page 17, line 6, delete “(4,046,000)” and insert “(4,246,000)”

Page 17, line 9, delete “(1,075,000)” and insert “(1,275,000)”

Page 29, after line 19, insert:

“Sec. 36. [3.888] [LEGISLATIVE BUDGET COMMISSION.]

Subdivision 1. [MEMBERSHIP.] The legislative budget commission consists of nine members of the senate and nine members of the house. Five of the senate members shall be appointed by the senate majority leader, and four of the senate members shall be appointed by the senate minority leader. Five of the house members shall be appointed by the speaker of the house, and four of the house members shall be appointed by the house minority leader. Each senate member must also be a member of the senate finance committee, and each house member must also be a member of the house appropriations committee. Vacancies on the commission are filled in the same manner as original appointments. The commission shall elect a chair and a vice-chair from among its members. The chair alternates between a member of the senate and a member of the house in January of each odd-numbered year.

Subd. 2. [COMPENSATION.] Members of the commission are compensated as provided by Minnesota Statutes, section 3.101.

Subd. 3. [LEGISLATIVE BUDGET OFFICE.] A legislative budget office is established to study issues and provide information to the legislature related to the state budget, and to assist the commission in its duties. The legislative budget office shall be supervised by the commission.

Subd. 4. [STAFF.] (a) The commission may:

(1) employ and fix the salaries of professional, technical, clerical, and other staff of the legislative budget office;

(2) employ and discharge staff solely on the basis of their fitness to perform their duties and without regard to political affiliation;

(3) buy necessary furniture, equipment, and supplies;

(4) enter into contracts for necessary services, equipment, office, and supplies;

(5) provide its staff with computer capability necessary to carry out assigned duties. The computer should be capable of receiving data and transmitting data to computers maintained by the executive and judicial departments of state government that are used for budgetary and revenue purposes; and

(6) use other legislative staff.

(b) The commission may hire an executive director, who shall also be the director of the legislative budget office, and delegate any of its authority under paragraph (a) to that person. The executive director shall be appointed by the chair and vice-chair to a four-year term, shall serve in the unclassified service, and is subject to removal by a majority vote of the members of either the senate or the house of representatives.

(c) The legislative coordinating commission shall provide office space and administrative support to the commission and the legislative budget office.

Subd. 5. [DUTIES.] The commission shall:

(1) conduct a thorough review of the budget base each year for programs comprising at least one-fourth of total state expenditures so that in a four-year period the budget base of every state program is reviewed;

(2) report the results of its review of the budget base to the senate finance committee and the house appropriations committee by February 1 of each year. This report shall specifically identify programs that have grown faster than the rate of inflation, and include recommendations on ways to limit that growth to the rate of inflation, including program elimination, program reduction, or privatization of public programs;

(3) provide state revenue and expenditure projections;

(4) review fiscal notes; and

(5) analyze and report on the operational efficiency of state agencies, including:

(i) effectiveness of internal organizational structures and reporting relationships;

(ii) appropriateness of staff size relative to tasks performed;

(iii) productivity of the agency work force;

(iv) operating expense comparisons among state agencies; and

(v) opportunities for greater cost efficiencies, including, but not limited to, job-merging, interdepartmental cooperation, public-private partnerships, and position phase-out.

The legislative budget office shall provide the public with copies of reports and information for the legislature. Copies must be provided at the actual cost of furnishing each copy.

Subd. 6. [AGENCIES TO COOPERATE.] (a) All departments, agencies, and education institutions of the executive and judicial branches must comply with a request of the commission for information, data, estimates, and statistics on the funding, revenue, operations, and other affairs of the department, agency, or education institution. The commissioner of finance and the commissioner of revenue shall provide the commission with full and free access to information, data, estimates, and statistics in the possession of the finance and revenue departments on the state budget, revenue, expenditures, and tax expenditures.

(b) The commissioner of finance shall assist the commission in conducting its review of the budget base of state programs and shall provide the commission with materials and information regarding the budget base that the commission requests.

(c) The commissioner of finance shall provide the commission with a quarterly state budget report on January 1, April 1, July 1, and November 1 of each year. The quarterly budget report shall include state revenue and expenditure projections and shall identify any programs where expenditures exceed appropriated amounts or, in the case of open appropriations or tax expenditures, where expenditures exceed projected amounts.

Sec. 37. Minnesota Statutes 1988, section 3.98, subdivision 1, is amended to read:

Subdivision 1. The head or chief administrative officer of each department or agency of the state government shall prepare a fiscal note at the request of the chair of the standing committee to which a bill has been referred, or the chair of the house appropriations committee, or the chair of the senate committee on finance, or the chair of the legislative budget commission.

Sec. 38. Minnesota Statutes 1988, section 3.98, subdivision 3, is amended to read:

Subd. 3. A copy of the fiscal note shall be delivered to the chair of

the appropriations committee of the house of representatives, the chair of the finance committee of the senate, the chair of the standing committee to which the bill has been referred, the chair of the legislative budget commission, to the chief author of the bill and to the commissioner of finance.”

Page 41, after line 17, insert:

“Sec. 62. Minnesota Statutes 1988, section 16A.11, is amended by adding a subdivision to read:

Subd. 3a. [BUDGET BASE REVIEW.] Each year the commissioner shall prepare detailed information on the budget base of state programs designated for review by the legislative budget commission. At the direction of the commission, the detailed information shall include:

- (1) a precise and complete description of the program;
- (2) the need the program is intended to address;
- (3) the recommended goals and measurable objectives of the program to meet those needs;
- (4) program outcomes and measures which identify:
  - (i) results in meeting stated needs, goals, and objectives;
  - (ii) administrative efficiency, which, when appropriate, shall include number of program staff and clients served, timeliness in processing clients, and rates and administrative cost as a percent of total program expenditures;
  - (iii) unanticipated program outcomes;
  - (iv) detailed program expenditures compared with program appropriations;
  - (v) historical cost trends and projected program growth, including reasons for fiscal and program growth, for all levels of government involved in the program;
  - (vi) if rules or guidelines or instructions have been promulgated for a program, a review of their efficacy in helping to meet program goals and objectives and in administering the program in a cost-effective way; and
  - (vii) quality control monitoring and sanctions including a review of the level of training, experience, skill, and standards of staff;

(5) recommended changes in the program that would lead to its policy objectives being achieved more efficiently or effectively, or at lower cost;

(6) identification of programs where expenditure growth exceeds the rate of inflation, and consideration of alternatives to limit that growth to the rate of inflation, including program elimination, program reduction, and privatization of public programs; and

(7) additional information requested by the commission."

Page 42, after line 35, insert:

"Sec. 67. Minnesota Statutes 1988, section 16A.15, subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] (a) If the commissioner determines that probable receipts for the general fund will be less than anticipated, and that the amount available for the remainder of the biennium will be less than needed, and that the conditions specified in subdivision 6a for reducing the amount in the budget reserve account established in subdivision 6a are met, the commissioner shall, with the approval of the governor, and after consulting the legislative advisory commission, reduce the amount in the budget and cash flow reserve account established in subdivision 6 as needed to balance expenditures with revenue by the amount permitted in subdivision 6a to increase revenue available to meet expenditures.

(b) ~~An additional~~ Any remaining deficit that exists after determining the amount, if any, that can be drawn from the budget reserve account under the provisions of subdivision 6a shall, with the approval of the governor, and after consulting the legislative advisory commission, be made up by reducing unexpended allotments of any prior appropriation or transfer. Notwithstanding any other law to the contrary, the commissioner is empowered to defer or suspend prior statutorily created obligations which would prevent effecting such reductions.

(c) If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.

(d) In reducing allotments, the commissioner may consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.

(e) In like manner, the commissioner shall reduce allotments to an agency by the amount of any saving that can be made over previous spending plans through a reduction in prices or other cause.

Sec. 68. Minnesota Statutes Second 1989 Supplement, section 16A.15, subdivision 6, is amended to read:

Subd. 6. [BUDGET AND CASH FLOW RESERVE ACCOUNT.] A budget and cash flow reserve account is created in the general fund in the state treasury. The commissioner of finance shall, as authorized from time to time by law, restrict part or all of the budgetary balance in the general fund for use as the budget and cash flow reserve account. The commissioner of finance shall transfer to the budget and cash flow reserve account such amounts as are available to bring the total amount, including any existing balance in the account on June 30, 1989, to \$550,000,000 \$200,000,000. The amounts restricted shall remain in the account until drawn down under the provisions of this subdivision ~~1~~ or increased under section 16A.1541.

The amount in the cash flow reserve account must be used only to meet temporary cash flow needs in the general fund. The amount in the cash flow reserve account must not be used to supplement general fund revenues when the amount available for the rest of the biennium is less than needed.

Sec. 69. Minnesota Statutes 1988, section 16A.15, is amended by adding a subdivision to read:

Subd. 6a. [BUDGET RESERVE ACCOUNT.] The legislature finds that a budget reserve is necessary to protect the state budget and the recipients of state-funded services from severe fluctuations in revenue available due to fluctuations in the economy and the difficulty of accurately estimating revenues in advance of their receipt. The legislature further finds that a budget reserve equal to five percent of the state's annual general fund expenditures and transfers is a suitable amount. A budget reserve account is created in the general fund in the state treasury. The commissioner of finance shall, as authorized from time to time by law, restrict part of the budgetary balance in the general fund for use as the budget reserve account. The commissioner of finance shall transfer to the budget reserve account such amounts as are available to bring the total amount to \$350,000,000. This amount shall exclude the amount of the cash flow reserve account created under subdivision 6. Beginning July 1, 1991, interest and investment earnings attributable to the amount in the budget reserve account shall accrue to that account. The amounts restricted as the budget reserve account shall remain in the account until drawn down under the provisions of this subdivision and subdivision 1.

The amount in the budget reserve account shall be reduced and

used to balance expenditures with revenue only to meet shortfalls due to revenue collections that are less than was projected. The budget reserve account shall not be used to balance expenditures with revenue to the extent that the shortfall was caused by expenditures that exceed estimates.

If a revenue collection shortfall occurs during a biennium that is less than \$150,000,000, no amount shall be drawn from the budget reserve account. If a revenue collection shortfall occurs that is more than \$150,000,000, an amount shall be drawn from the budget reserve account equal to (1) one-half of the amount by which the revenue collection shortfall exceeds \$150,000,000, but is less than \$450,000,000, plus (2) the amount by which the revenue collection shortfall exceeds \$450,000,000.

Sec. 70. Minnesota Statutes Second 1989 Supplement, section 16A.1541, is amended to read:

16A.1541 [ADDITIONAL REVENUES; PRIORITY.]

If on the basis of a forecast of general fund revenues and expenditures the commissioner of finance determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of finance must allocate money to the budget and cash flow reserve account until the total amount in the account equals five percent of total general fund appropriations for the current biennium fiscal year as established by the most recent legislative session legislature. Beginning in November 1990 1991, forecast unrestricted budgetary general fund balances are first appropriated to reduce the property tax levy recognition percent under section 121.904, subdivision 4a, to 27 percent before money is allocated to the budget and cash flow reserve account under the preceding sentence.

The amounts necessary to meet the requirements of this section are appropriated from the general fund."

Renumber remaining sections

Amend the title

A roll call was requested and properly seconded.

The question was taken on the Stanius et al amendment and the roll was called. There were 55 yeas and 71 nays as follows:



Those who voted in the affirmative were:

|              |           |               |             |           |
|--------------|-----------|---------------|-------------|-----------|
| Abrams       | Frederick | Johnson, V.   | Omann       | Schreiber |
| Anderson, G. | Frerichs  | Knickerbocker | Onnen       | Seaberg   |
| Anderson, R. | Girard    | Limmer        | Otis        | Stanius   |
| Bennett      | Gruenes   | Lynch         | Ozment      | Sviggum   |
| Bishop       | Gutknecht | Macklin       | Pauly       | Swenson   |
| Blatz        | Haukoos   | Marsh         | Pellow      | Tjornhom  |
| Boo          | Heap      | McDonald      | Poppenhagen | Tompkins  |
| Burger       | Henry     | McPherson     | Redalen     | Uphus     |
| Dempsey      | Himle     | Miller        | Richter     | Valento   |
| Dille        | Hugoson   | Morrison      | Runbeck     | Waltman   |
| Forsythe     | Jennings  | Olsen, S.     | Schafer     | Weaver    |

Those who voted in the negative were:

|             |             |                |            |              |
|-------------|-------------|----------------|------------|--------------|
| Battaglia   | Hausman     | McEachern      | Pappas     | Solberg      |
| Bauerly     | Jacobs      | McGuire        | Pelowski   | Sparby       |
| Begich      | Janezich    | Milbert        | Peterson   | Trimble      |
| Bertram     | Jefferson   | Munger         | Price      | Tunheim      |
| Brown       | Johnson, A. | Murphy         | Pugh       | Vellenga     |
| Carlson, L. | Johnson, R. | Nelson, C.     | Quinn      | Wagenius     |
| Carruthers  | Kahn        | Nelson, K.     | Reding     | Welle        |
| Clark       | Kalis       | Neuenschwander | Rest       | Wenzel       |
| Cooper      | Kelly       | O'Connor       | Rice       | Williams     |
| Dauner      | Kelso       | Ogren          | Rodosovich | Winter       |
| Dawkins     | Kinkel      | Olson, E.      | Sarna      | Spk. Vanasek |
| Dorn        | Krueger     | Olson, K.      | Scheid     |              |
| Greenfield  | Lasley      | Orenstein      | Segal      |              |
| Hartle      | Lieder      | Osthoff        | Simoneau   |              |
| Hasskamp    | Long        | Ostrom         | Skoglund   |              |

The motion did not prevail and the amendment was not adopted.

Schreiber moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 9, line 17, after "committees" insert "a revenue forecast and"

The motion prevailed and the amendment was adopted.

Knickerbocker moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 21, after line 33, insert:

"Sec. 32. Minnesota Statutes 1988, section 2.021, is amended to read:

2.021 [NUMBER OF MEMBERS.]

For each legislature, until a new apportionment shall have been made, the senate is composed of 67 49 members and the house of representatives is composed of 134 98 members.

Sec. 33. Minnesota Statutes 1988, section 2.031, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE DISTRICTS.] The representatives in the senate and house of representatives are apportioned throughout the state in 67 a number of senate districts and 134 house districts equal to the number of members set in section 2.021. Each senate district is entitled to elect one senator and each house district is entitled to elect one representative."

Page 117, after line 11, insert:

"Sections 32 and 33 are effective for the first legislative elections following the apportionment of legislative districts based on the 1990 federal census."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Knickerbocker amendment and the roll was called. There were 57 yeas and 67 nays as follows:

Those who voted in the affirmative were:

|              |               |           |             |          |
|--------------|---------------|-----------|-------------|----------|
| Anderson, G. | Gruenes       | Lynch     | Onnen       | Seaberg  |
| Bennett      | Gutknecht     | Macklin   | Ozment      | Stanius  |
| Bishop       | Haukoos       | Marsh     | Pauly       | Sviggum  |
| Blatz        | Heap          | McDonald  | Pellow      | Swenson  |
| Boo          | Henry         | McEachern | Poppenhagen | Tjornhom |
| Burger       | Himle         | McGuire   | Price       | Uphus    |
| Carlson, D.  | Hugoson       | McPherson | Quinn       | Valento  |
| Dempsey      | Jacobs        | Miller    | Rest        | Waltman  |
| Forsythe     | Jaros         | Morrison  | Runbeck     | Weaver   |
| Frederick    | Jennings      | O'Connor  | Sarna       |          |
| Frerichs     | Knickerbocker | Olsen, S. | Schafer     |          |
| Girard       | Limmer        | Omann     | Schreiber   |          |

Those who voted in the negative were:

|              |             |                |            |              |
|--------------|-------------|----------------|------------|--------------|
| Abrams       | Dorn        | Lasley         | Ostrom     | Solberg      |
| Anderson, R. | Greenfield  | Lieder         | Otis       | Sparby       |
| Battaglia    | Hasskamp    | Long           | Pelowski   | Tompkins     |
| Bauerly      | Hausman     | Milbert        | Peterson   | Trimble      |
| Begich       | Janezich    | Munger         | Pugh       | Tunheim      |
| Bertram      | Jefferson   | Murphy         | Reding     | Wagenius     |
| Brown        | Johnson, A. | Nelson, C.     | Rice       | Welle        |
| Carlson, L.  | Johnson, R. | Nelson, K.     | Richter    | Wenzel       |
| Carruthers   | Johnson, V. | Neuenschwander | Rodosovich | Williams     |
| Clark        | Kahn        | Ogren          | Rukavina   | Winter       |
| Cooper       | Kalis       | Olson, E.      | Scheid     | Spk. Vanasek |
| Dauner       | Kelso       | Olson, K.      | Segal      |              |
| Dawkins      | Kinkel      | Orenstein      | Simoneau   |              |
| Dille        | Krueger     | Osthoff        | Skoglund   |              |

The motion did not prevail and the amendment was not adopted.

Carlson, D.; Battaglia and Solberg moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 51, after line 31, insert:

“Sec. 72. [88.81] [FOREST MANAGEMENT PRACTICES IN LITIGATION.]

(a) The commissioner may not implement new or revised forest management practices as part of agreements relating to litigation unless:

(1) the forest management practices have been adopted by rule; and

(2) the commissioner has reported the forest management practices to the chairs of the environment and natural resources committees of the legislature at the next regular session of the legislature.

(b) The commissioner shall not take into consideration a proposed agreement or settlement in the rulemaking process.”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bennett was excused for the remainder of today's session.

Macklin moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 35, line 26, after “to” insert “the minority leaders of the house and senate and”

Page 35, line 30, after “party” insert “and the factual basis supporting the appropriateness of the settlement” and delete everything after the period and insert “The report must be made”

A roll call was requested and properly seconded.

The question was taken on the Macklin amendment and the roll was called. There were 55 yeas and 70 nays as follows:

Those who voted in the affirmative were:

|              |           |               |             |           |
|--------------|-----------|---------------|-------------|-----------|
| Abrams       | Frederick | Johnson, V.   | Olsen, S.   | Schreiber |
| Anderson, R. | Frerichs  | Knickerbocker | Omann       | Seaberg   |
| Bishop       | Girard    | Limmer        | Onnen       | Stanius   |
| Blatz        | Gruenes   | Lynch         | Ozment      | Svigum    |
| Boo          | Gutknecht | Macklin       | Pauly       | Swenson   |
| Burger       | Hartle    | Marsh         | Pellow      | Tjornhom  |
| Carlson, D.  | Haukoos   | McDonald      | Poppenhagen | Tompkins  |
| Dempsey      | Heap      | McGuire       | Redalen     | Uphus     |
| Dille        | Henry     | McPherson     | Richter     | Valento   |
| Dorn         | Himle     | Miller        | Runbeck     | Waltman   |
| Forsythe     | Hugoson   | Morrison      | Schafer     | Weaver    |

Those who voted in the negative were:

|             |             |                |            |              |
|-------------|-------------|----------------|------------|--------------|
| Battaglia   | Janezich    | Long           | Ostrom     | Segal        |
| Begich      | Jaros       | McEachern      | Pappas     | Simoneau     |
| Bertram     | Jefferson   | Milbert        | Pelowski   | Skoglund     |
| Carlson, L. | Jennings    | Munger         | Peterson   | Solberg      |
| Carruthers  | Johnson, A. | Murphy         | Price      | Sparby       |
| Clark       | Johnson, R. | Nelson, C.     | Pugh       | Trimble      |
| Cooper      | Kahn        | Nelson, K.     | Quinn      | Tunheim      |
| Dauner      | Kalis       | Neuenschwander | Reding     | Vellenga     |
| Dawkins     | Kelly       | O'Connor       | Rest       | Wagenius     |
| Greenfield  | Kelso       | Ogren          | Rice       | Welle        |
| Hasskamp    | Kinkel      | Olson, E.      | Rodosovich | Wenzel       |
| Hausman     | Krueger     | Olson, K.      | Rukavina   | Williams     |
| Jacobs      | Lasley      | Orenstein      | Sarna      | Winter       |
|             | Lieder      | Osthoff        | Scheid     | Spk. Vanasek |

The motion did not prevail and the amendment was not adopted.

Himle was excused for the remainder of today's session.

Long and Ogren moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 38, delete lines 7 to 21 and insert:

"(1) the appropriate distribution of service delivery and revenue raising responsibilities between state and local government;

(2) the extent to which programs required by state law influence the cost of local government operations; and

(3) the degree to which the state should subsidize local government operations and provide property tax relief."

Page 38, line 23, delete "20" and insert "16"

Page 38, delete lines 25 to 36

Page 39, delete lines 1 to 7 and insert:

“(1) six persons appointed by the governor, one of whom shall be designated by the governor to serve as chair;

(2) five persons appointed by the senate in a manner provided by the senate committee on rules and administration, appointees may include members of the senate; and

(3) five persons appointed by the house in a manner as provided by the house rules committee, appointees may include members of the house.

Subd. 3. [OUTSIDE RESOURCES.] The commission is encouraged to appoint advisory committees consisting of other interested legislators and representatives of local governments, employee organizations, legislative and executive staff, and other groups and institutions interested in intergovernmental finance. The commission may seek funding and other resources from legislative committees, state agencies, higher education institutions, and private sources.”

Page 39, line 8, delete “3” and insert “4”

Page 39, line 13, delete “4” and insert “5”

Page 39, delete lines 31 to 36

Page 40, delete lines 1 to 10 and insert:

“Subd. 6. [RECOMMENDATIONS.] The commission shall make recommendations for improvements in the system of intergovernmental finance consistent with the general purposes listed in section 56, subdivision 1.

Subd. 7. [REPORTS.] The commission shall report regularly to the governor and the legislative commission on planning and fiscal policy. The legislative commission on planning and fiscal policy shall monitor the work of the commission and may recommend amendments to the commission’s work plan. A final report shall be submitted to the legislature by September 1, 1991.”

A roll call was requested and properly seconded.

Long moved to amend the Long and Ogren amendment to H. F. No. 2419, the first engrossment, as amended, as follows:

Page 1, delete lines 16 to 18, the new clause (2) that reads "(2) five persons appointed by the senate in a manner provided by the senate committee on rules and administration; appointees may include members of the senate; and" and insert:

"(2) five persons appointed by the senate in a manner provided by the senate committee on rules and administration; and"

Page 1, delete lines 19 to 21, the new clause (3) that reads "(3) five persons appointed by the house in a manner as provided by the house rules committee, appointees may include members of the house." and insert:

"(3) five persons appointed by the speaker of the house."

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

Bishop requested a division of the Long and Ogren amendment, as amended.

The first portion of the Long and Ogren amendment, as amended, to H. F. No. 2419, the first engrossment, as amended, reads as follows:

Page 38, delete lines 7 to 21 and insert:

"(1) the appropriate distribution of service delivery and revenue raising responsibilities between state and local government;

(2) the extent to which programs required by state law influence the cost of local government operations; and

(3) the degree to which the state should subsidize local government operations and provide property tax relief."

A roll call was requested and properly seconded.

The question was taken on the first portion of the Long and Ogren amendment, as amended, and the roll was called. There were 106 yeas and 16 nays as follows:

Those who voted in the affirmative were:

|              |             |         |            |          |
|--------------|-------------|---------|------------|----------|
| Anderson, G. | Blatz       | Cooper  | Forsythe   | Hartle   |
| Anderson, R. | Burger      | Dauner  | Frederick  | Hasskamp |
| Bauerly      | Carlson, L. | Dawkins | Frerichs   | Haukoos  |
| Begich       | Carruthers  | Dille   | Greenfield | Hausman  |
| Bertram      | Clark       | Dorn    | Gruenes    | Heap     |

|               |                |             |            |              |
|---------------|----------------|-------------|------------|--------------|
| Henry         | Lynch          | Olsen, S.   | Redalen    | Tjornhom     |
| Jacobs        | Macklin        | Olson, E.   | Reding     | Tompkins     |
| Janezich      | Marsh          | Olson, K.   | Rest       | Trimble      |
| Jefferson     | McDonald       | Onnen       | Rice       | Uphus        |
| Jennings      | McEachern      | Orenstein   | Richter    | Valento      |
| Johnson, A.   | McGuire        | Ostrom      | Rodosovich | Vellenga     |
| Johnson, R.   | McPherson      | Otis        | Rukavina   | Wagenius     |
| Johnson, V.   | Milbert        | Ozment      | Rumbeck    | Waitman      |
| Kalis         | Miller         | Pappas      | Sarna      | Welle        |
| Kelly         | Morrison       | Pauly       | Schafer    | Wenzel       |
| Kelso         | Munger         | Pellow      | Seaberg    | Williams     |
| Kinkel        | Murphy         | Pelowski    | Simoneau   | Winter       |
| Knickerbocker | Nelson, C.     | Peterson    | Skoglund   | Spk. Vanasek |
| Krueger       | Nelson, K.     | Poppenhagen | Solberg    |              |
| Lasley        | Neuenschwander | Price       | Sparby     |              |
| Lieder        | O'Connor       | Pugh        | Stanius    |              |
| Long          | Ogren          | Quinn       | Sviggum    |              |

Those who voted in the negative were:

|         |           |        |           |
|---------|-----------|--------|-----------|
| Abrams  | Girard    | Kahn   | Schreiber |
| Bishop  | Gutknecht | Limmer | Segal     |
| Boo     | Hugoson   | Omann  | Swenson   |
| Dempsey | Jaras     | Scheid | Tunheim   |

The motion prevailed and the first portion of the Long and Ogren amendment, as amended, was adopted.

The second portion of the Long and Ogren amendment, as amended, to H. F. No. 2419, the first engrossment, as amended, reads as follows:

Page 38, line 23, delete "20" and insert "16"

Page 38, delete lines 25 to 36

Page 39, delete lines 1 to 7 and insert:

"(1) six persons appointed by the governor, one of whom shall be designated by the governor to serve as chair;

(2) five persons appointed by the senate in a manner provided by the senate committee on rules and administration; and

(3) five persons appointed by the speaker of the house.

Subd. 3. [OUTSIDE RESOURCES.] The commission is encouraged to appoint advisory committees consisting of other interested legislators and representatives of local governments, employee organizations, legislative and executive staff, and other groups and institutions interested in intergovernmental finance. The commission may seek funding and other resources from legislative committees, state agencies, higher education institutions, and private sources."

Page 39, line 8, delete "3" and insert "4"

Page 39, line 13, delete "4" and insert "5"

Page 39, delete lines 31 to 36

Page 40, delete lines 1 to 10 and insert:

"Subd. 6. [RECOMMENDATIONS.] The commission shall make recommendations for improvements in the system of intergovernmental finance consistent with the general purposes listed in section 56, subdivision 1.

Subd. 7. [REPORTS.] The commission shall report regularly to the governor and the legislative commission on planning and fiscal policy. The legislative commission on planning and fiscal policy shall monitor the work of the commission and may recommend amendments to the commission's work plan. A final report shall be submitted to the legislature by September 1, 1991."

A roll call was requested and properly seconded.

The question was taken on the second portion of the Long and Ogren amendment, as amended, and the roll was called. There were 55 yeas and 71 nays as follows:

Those who voted in the affirmative were:

|             |             |            |           |              |
|-------------|-------------|------------|-----------|--------------|
| Bauerly     | Hasskamp    | Lieder     | Olson, E. | Rodosovich   |
| Begich      | Hausman     | Long       | Olson, K. | Sarna        |
| Bertram     | Jacobs      | McEachern  | Orenstein | Segal        |
| Brown       | Jaros       | McGuire    | Ostrom    | Solberg      |
| Carlson, L. | Jefferson   | Milbert    | Pappas    | Trimble      |
| Carruthers  | Johnson, A. | Munger     | Pelowski  | Tunheim      |
| Clark       | Johnson, R. | Murphy     | Peterson  | Vellenga     |
| Cooper      | Kalis       | Nelson, C. | Price     | Welle        |
| Dawkins     | Kelly       | Nelson, K. | Pugh      | Wenzel       |
| Dorn        | Krueger     | O'Connor   | Quinn     | Winter       |
| Greenfield  | Lasley      | Ogren      | Rest      | Spk. Vanasek |

Those who voted in the negative were:

|              |           |               |                |             |
|--------------|-----------|---------------|----------------|-------------|
| Abrams       | Dille     | Hugoson       | Marsh          | Ozment      |
| Anderson, G. | Forsythe  | Janezich      | McDonald       | Pauly       |
| Anderson, R. | Frederick | Jennings      | McPherson      | Pellow      |
| Battaglia    | Frerichs  | Johnson, V.   | Miller         | Poppenhagen |
| Bishop       | Girard    | Kahn          | Morrison       | Redalen     |
| Blatz        | Gruenes   | Kelso         | Neuenschwander | Reding      |
| Boo          | Gutknecht | Kinkel        | Olsen, S.      | Rice        |
| Burger       | Hartle    | Knickerbocker | Omann          | Richter     |
| Carlson, D.  | Haukoos   | Limmer        | Onnen          | Runbeck     |
| Dauner       | Heap      | Lynch         | Osthoff        | Schafer     |
| Dempsey      | Henry     | Macklin       | Otis           | Scheid      |



Schreiber  
Seaberg  
Simoneau  
Skoglund

Sparby  
Stanius  
Sviggum  
Swenson

Tjornhom  
Tompkins  
Uphus  
Valento

Wagenius  
Waltman  
Weaver  
Williams

The motion did not prevail and the second portion of the Long and Ogren amendment, as amended, was not adopted.

Johnson, V.; Redalen and Carlson, D., moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 52, after line 19, insert:

“Sec. 74. Minnesota Statutes 1988, section 97C.001, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION.] The commissioner may designate all or part of a lake or stream as experimental waters, except for the streams located in Beaver Creek Valley State Park and Forestville State Park. The designated experimental waters may not exceed 100 lakes and 25 streams at one time. Only lakes and streams that have a public access may be designated. The commissioner shall establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated.”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Jacobs was excused for the remainder of today's session.

Valento moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 7, line 2, after the period insert:

“Notwithstanding any law to the contrary, the attorney general may not use this appropriation to override the actions of any county attorney's office in its drug enforcement activities.”

Page 10, delete lines 37 to 63 and insert:

“Charitable gaming educators and two support staff are added to the depart-

ment of revenue in a separate information unit. These staff persons must be knowledgeable in laws, rules, and procedures relating to charitable gaming and must be available solely to respond to inquiries from the public."

Adjust internal appropriations totals as required by this amendment

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Valento amendment and the roll was called. There were 49 yeas and 75 nays as follows:

Those who voted in the affirmative were:

|              |             |                |             |          |
|--------------|-------------|----------------|-------------|----------|
| Anderson, R. | Gruenes     | McDonald       | Pellow      | Sviggum  |
| Bertram      | Hartle      | McPherson      | Poppenhagen | Swenson  |
| Boo          | Haukoos     | Milbert        | Quinn       | Tjornhom |
| Burger       | Heap        | Miller         | Redalen     | Tompkins |
| Dempsey      | Henry       | Neuenschwander | Richter     | Uphus    |
| Dille        | Hugoson     | Olsen, S.      | Runbeck     | Valento  |
| Forsythe     | Johnson, V. | Omann          | Schafer     | Waltman  |
| Frederick    | Limmer      | Onnen          | Schreiber   | Weaver   |
| Frerichs     | Lynch       | Ozment         | Seaberg     | Wenzel   |
| Girard       | Macklin     | Pauly          | Stanius     |          |

Those who voted in the negative were:

|              |             |               |            |              |
|--------------|-------------|---------------|------------|--------------|
| Abrams       | Dorn        | Knickerbocker | Olson, K.  | Sarna        |
| Anderson, G. | Greenfield  | Krueger       | Orenstein  | Scheid       |
| Battaglia    | Gutknecht   | Lasley        | Osthoff    | Segal        |
| Bauerly      | Hasskamp    | Lieder        | Ostrom     | Simoneau     |
| Begich       | Hausman     | Long          | Otis       | Skoglund     |
| Bishop       | Janezich    | Marsh         | Pappas     | Solberg      |
| Blatz        | Jaros       | McEachern     | Pelowski   | Sparby       |
| Brown        | Jefferson   | McGuire       | Peterson   | Trimble      |
| Carlson, D.  | Jennings    | Munger        | Price      | Tunheim      |
| Carlson, L.  | Johnson, A. | Murphy        | Pugh       | Vellenga     |
| Carruthers   | Johnson, R. | Nelson, C.    | Reding     | Wagenius     |
| Clark        | Kahn        | Nelson, K.    | Rest       | Welle        |
| Cooper       | Kalis       | O'Connor      | Rice       | Williams     |
| Dauner       | Kelso       | Ogren         | Rodosovich | Winter       |
| Dawkins      | Kinkel      | Olson, E.     | Rukavina   | Spk. Vanasek |

The motion did not prevail and the amendment was not adopted.

Burger was excused for the remainder of today's session.

Lasley and Quinn moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 36, delete section 49

The motion prevailed and the amendment was adopted.

Sviggum moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 21, after line 33, insert:

“Sec. 32. [SALARY FREEZE.]

Notwithstanding any law to the contrary, the salary for a constitutional officer or a legislator in effect on June 30, 1990, shall remain in effect until January 1, 1993, without increase.”

Reorder the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 51 yeas and 68 nays as follows:

Those who voted in the affirmative were:

|           |             |           |             |          |
|-----------|-------------|-----------|-------------|----------|
| Blatz     | Gutknecht   | McDonald  | Pelowski    | Swenson  |
| Boo       | Hartle      | McGuire   | Poppenhagen | Tjornhom |
| Dauner    | Hasskamp    | McPherson | Pugh        | Tompkins |
| Dempsey   | Haukoos     | Miller    | Redalen     | Uphus    |
| Dille     | Heap        | Olsen, S. | Richter     | Valento  |
| Dorn      | Henry       | Omann     | Runbeck     | Waltman  |
| Forsythe  | Hugoson     | Onnen     | Schafer     | Weaver   |
| Frederick | Johnson, V. | Ostrom    | Schreiber   |          |
| Frerichs  | Limmer      | Ozment    | Seaberg     |          |
| Girard    | Lynch       | Pauly     | Stanius     |          |
| Gruenes   | Marsh       | Pellow    | Sviggum     |          |

Those who voted in the negative were:

|              |             |            |             |               |
|--------------|-------------|------------|-------------|---------------|
| Abrams       | Bertram     | Clark      | Jefferson   | Kelly         |
| Anderson, G. | Bishop      | Cooper     | Jennings    | Kelso         |
| Anderson, R. | Brown       | Dawkins    | Johnson, A. | Kinkel        |
| Battaglia    | Carlson, D. | Greenfield | Johnson, R. | Knickerbocker |
| Bauerly      | Carlson, L. | Hausman    | Kahn        | Krueger       |
| Begich       | Carruthers  | Janezich   | Kalis       | Lasley        |

|            |                |            |          |              |
|------------|----------------|------------|----------|--------------|
| Lieder     | Neuenschwander | Pappas     | Sarna    | Wagenius     |
| Long       | O'Connor       | Peterson   | Segal    | Welle        |
| McEachern  | Ogren          | Price      | Simoneau | Wenzel       |
| Morrison   | Olson, E.      | Quinn      | Skoglund | Williams     |
| Munger     | Olson, K.      | Reding     | Solberg  | Winter       |
| Murphy     | Orenstein      | Rice       | Sparby   | Spk. Vanasek |
| Nelson, C. | Osthoff        | Rodosovich | Tunheim  |              |
| Nelson, K. | Otis           | Rukavina   | Vellenga |              |

The motion did not prevail and the amendment was not adopted.

Kelly, Clark, Pappas, Vellenga, Dawkins, Reding, Jaros, Munger, Wagenius, Ogren, Jefferson, Sarna, Otis and Hausman moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 8, after line 48, insert:

“(i) General reduction (250,000)”

Page 9, after line 20, insert:

“(e) General reduction (450,000)”

Page 9, after line 44, insert:

“(f) Career (50,000)”  
development grants reduction

Page 9, line 46, delete “(1,550,000)” and insert “(1,800,000)”

Page 18, delete lines 46 to 50

Adjust figures accordingly

The motion did not prevail and the amendment was not adopted.

Kalis moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 69, delete section 96

ReNUMBER the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Valento moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 12, after line 44, insert:

“(h) \$126,000 is appropriated from the general fund to the nongame fund to replace an appropriation authorized in Laws 1989, chapter 335, article 1, section 21, subdivision 11, to the committee for an international wolf center.”

Reletter the paragraphs in order

Page 17, line 9, delete “(\$1,075,000)” and insert “(\$1,201,000)”

Adjust figures accordingly

A roll call was requested and properly seconded.

The question was taken on the Valento amendment and the roll was called. There were 47 yeas and 75 nays as follows:

Those who voted in the affirmative were:

|              |             |                |             |          |
|--------------|-------------|----------------|-------------|----------|
| Anderson, R. | Gutknecht   | Macklin        | Pellow      | Swenson  |
| Blatz        | Hartle      | Marsh          | Poppenhagen | Tjornhom |
| Carruthers   | Haukoos     | McDonald       | Redalen     | Tompkins |
| Dempsey      | Heap        | McPherson      | Richter     | Uphus    |
| Dille        | Henry       | Miller         | Runbeck     | Valento  |
| Forsythe     | Hugoson     | Morrison       | Schafer     | Waltman  |
| Frederick    | Johnson, R. | Neuenschwander | Schreiber   | Weaver   |
| Frerichs     | Johnson, V. | Omann          | Seaberg     |          |
| Girard       | Limmer      | Onnen          | Stanius     |          |
| Gruenes      | Lynch       | Ozment         | Sviggum     |          |

Those who voted in the negative were:

|              |             |            |            |              |
|--------------|-------------|------------|------------|--------------|
| Abrams       | Greenfield  | Lieder     | Osthoff    | Scheid       |
| Anderson, G. | Hasskamp    | Long       | Ostrom     | Segal        |
| Battaglia    | Hausman     | McEachern  | Otis       | Simoneau     |
| Eauerly      | Janezich    | McGuire    | Pappas     | Skoglund     |
| Begich       | Jaros       | Milbert    | Pelowski   | Solberg      |
| Bertram      | Jefferson   | Munger     | Peterson   | Sparby       |
| Bishop       | Jennings    | Murphy     | Price      | Trimble      |
| Brown        | Johnson, A. | Nelson, C. | Pugh       | Tunheim      |
| Carlson, D.  | Kahn        | Nelson, K. | Quinn      | Vellenga     |
| Carlson, L.  | Kalis       | O'Connor   | Reding     | Wagenius     |
| Clark        | Kelly       | Ogren      | Rest       | Welle        |
| Cooper       | Kelso       | Olsen, S.  | Rice       | Wenzel       |
| Dauner       | Kinkel      | Olson, E.  | Rodosovich | Williams     |
| Dawkins      | Krueger     | Olson, K.  | Rukavina   | Winter       |
| Dorn         | Lasley      | Orenstein  | Sarna      | Spk. Vanasek |

The motion did not prevail and the amendment was not adopted.

Kalis moved to amend H. F. No. 2419, the first engrossment, as amended, as follows:

Page 16, after line 41, insert:

“(7) \$130,000 is for the commissioner of agriculture as supplemental funding to provide state aid to county and district agricultural societies under Minnesota Statutes, section 38.02, during the fiscal year ending June 30, 1991.”

Adjust figures accordingly

The question was taken on the Kalis amendment and the roll was called. There were 107 yeas and 14 nays as follows:

Those who voted in the affirmative were:

|              |             |                |             |          |
|--------------|-------------|----------------|-------------|----------|
| Anderson, R. | Hartle      | Marsh          | Otis        | Solberg  |
| Battaglia    | Haukoos     | McDonald       | Ozment      | Sparby   |
| Bauerly      | Hausman     | McEachern      | Pappas      | Stanius  |
| Begich       | Heap        | McGuire        | Pellow      | Sviggum  |
| Bertram      | Henry       | McPherson      | Pelowski    | Swenson  |
| Bishop       | Hugoson     | Milbert        | Peterson    | Tjornhom |
| Blatz        | Janezich    | Miller         | Poppenhagen | Tompkins |
| Boo          | Jaros       | Morrison       | Price       | Trimble  |
| Brown        | Jennings    | Munger         | Pugh        | Tunheim  |
| Carlson, D.  | Johnson, A. | Murphy         | Quinn       | Uphus    |
| Cooper       | Johnson, R. | Nelson, C.     | Redalen     | Valento  |
| Dauner       | Johnson, V. | Nelson, K.     | Reding      | Vellenga |
| Dawkins      | Kalis       | Neuenschwander | Rice        | Wagenius |
| Dempsey      | Kelly       | O'Connor       | Richter     | Waltman  |
| Dille        | Kelso       | Ogren          | Rodosovich  | Weaver   |
| Dorn         | Kinkel      | Olsen, S.      | Rukavina    | Welle    |
| Forsythe     | Krueger     | Olson, E.      | Runbeck     | Wenzel   |
| Frederick    | Lasley      | Olson, K.      | Sarna       | Williams |
| Frerichs     | Lieder      | Omann          | Schafer     | Winter   |
| Girard       | Limmer      | Onnen          | Seaberg     |          |
| Gruenes      | Lynch       | Orenstein      | Segal       |          |
| Gutknecht    | Macklin     | Ostrom         | Skoglund    |          |

Those who voted in the negative were:

|             |            |               |         |              |
|-------------|------------|---------------|---------|--------------|
| Abrams      | Clark      | Kahn          | Osthoff | Simoneau     |
| Carlson, L. | Greenfield | Knickerbocker | Rest    | Spk. Vanasek |
| Carruthers  | Jefferson  | Long          | Scheid  |              |

The motion prevailed and the amendment was adopted.

H. F. No. 2419, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state govern-

ment; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; defining and amending terms; providing for settlement of claims; imposing certain duties, responsibilities, authority, and limitations on agencies and political subdivisions; consolidating certain funds and accounts and making conforming changes; changing the organization, operation, financing, and management of certain courts and related offices; amending Minnesota Statutes 1988, sections 2.722, subdivision 1; 3C.035, subdivision 3; 3C.11, subdivision 2; 5.13; 11A.07, subdivision 5; 14.07, subdivisions 1 and 2; 14.08; 14.26; 14.53; 15.054; 15.06, subdivision 1; 15.51; 15.52, subdivisions 2 and 3; 15.53, subdivision 1; 15.56, subdivision 5; 15.59; 16A.10, by adding a subdivision; 16A.127, subdivisions 3 and 8; 16B.24, subdivision 5, and by adding subdivisions; 16B.28, subdivision 2; 16B.48, subdivisions 4 and 5; 16B.51, subdivision 2; 16B.53, subdivision 3; 16B.85, subdivisions 2, 3, and 5; 17.102, subdivision 4; 40A.08; 40A.151; 40A.152, subdivision 3; 40A.16; 41A.04, subdivision 1; 41A.05, subdivision 2; 41A.051; 41A.066, subdivision 1; 62D.122; 62J.02, subdivisions 2 and 3; 84.027, by adding a subdivision; 84.154, subdivision 5; 84.943; 84A.53; 84A.54; 89.37, subdivision 4; 89.58; 97A.065, subdivision 2; 97C.001, subdivision 1; 105.485, subdivision 3; 110B.04, subdivision 7; 110B.08, subdivision 5; 115.103, subdivision 1; 115A.072, subdivision 1; 115A.15, subdivision 6; 116.36, subdivision 1; 116.65, subdivision 3; 116C.03, subdivisions 4 and 5; 116C.712, subdivisions 3 and 5; 116D.04, subdivisions 5a and 10; 116D.045, subdivision 3; 116J.971, by adding a subdivision; 116J.980; 116L.03, by adding a subdivision; 116P.11; 126.115, subdivision 3; 144.226, subdivision 3; 144.70, subdivision 2; 144.8093, subdivisions 2, 3, and 4; 144A.071, subdivision 5; 144A.31, subdivision 1; 144A.33, subdivision 4; 145A.02, subdivision 16; 145A.09, subdivision 6; 157.045; 169.126, subdivision 4b; 171.06, subdivision 2a; 176B.02; 176B.04; 181.953; 183.545, subdivision 9; 184.33, subdivision 1, and by adding a subdivision; 184.35; 190.08, by adding a subdivision; 192.85; 196.054, subdivision 2; 197.23, subdivision 2; 201.023; 204B.14, subdivision 5; 214.141; 240A.02, subdivisions 1 and 3; 240A.03, subdivision 13, and by adding a subdivision; 243.48, subdivision 1; 268.026, subdivision 2; 268.361, subdivision 3; 268.677, subdivision 2; 268.681, subdivision 3; 270.68, subdivision 1; 272.38, subdivision 1; 282.014; 296.06, subdivision 2; 296.12, subdivisions 1 and 2; 296.17, subdivisions 10 and 17; 297.03, subdivision 5a; 299D.03, subdivision 5; 326.37; 326.47, subdivision 3; 326.52; 326.75, subdivision 4; 349.22, subdivision 2; 349.36; 349.52, subdivision 3; 352.92, subdivision 2; 352B.02, subdivision 1c; 353D.01, subdivision 2; 354.42, subdivision 5; 363.073, by adding a subdivision; 368.01, subdivision 1a; 402.045; 462.384, subdivision 7; 477A.014, subdivision 4; 480A.01, subdivision 3; 481.14; 484.54, subdivision 1; 484.545, subdivision 1; 484.68, subdivision 2, and by adding a subdivision; 484.70, subdivision 1; 485.03; 486.01; 487.32, subdivisions 2 and 3; 487.33, by adding a subdivision; 611.20; 611.215, subdivision 1; 611.26, subdivision 3; 611.27; 611.271; 629.292, subdivision 1; Minnesota Statutes 1989 Supplement, sections 3.30, subdivisions 1 and 2; 5.18; 15A.081, subdivision 1; 16A.11, subdivision 3; 16A.133, subdivision 1;

16B.24, subdivision 6; 16B.28, subdivision 3; 16B.465, subdivision 1; 16B.48, subdivision 2; 17.49, subdivision 1; 18.0225; 41A.05, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2, and by adding a subdivision; 84A.51, subdivision 2; 85.205; 89.035; 89.036; 97A.475, subdivision 2; 103H.101, subdivision 4; 103H.175; 105.41, subdivision 5a; 115A.54, subdivision 2a; 115A.923, subdivision 2; 116.85; 116C.03, subdivision 2; 116J.01, subdivision 3; 116J.58, subdivision 1; 116J.617, subdivision 5; 116J.955, subdivision 1; 116J.9673, subdivision 4; 116J.971, subdivisions 6, 7, and 8; 116L.03, subdivision 2; 129B.13, subdivisions 2, 3, 8, 9, 10, 12, 14, 15, and 16; 144.861; 145.926, subdivisions 1, 4, 5, 7, and 8; 169.686, subdivision 3; 176.135, subdivision 1; 183.357, subdivision 4; 190.25, subdivision 3; 216D.08, subdivision 3; 245.4873, subdivision 2; 245.697, subdivision 2a; 246.18, subdivision 3a; 256H.25, subdivision 1; 270.06; 270.064; 299A.30, subdivision 2; 299A.31, subdivision 1; 299A.40, subdivision 4; 299F.641, subdivision 8; 299J.12, subdivision 1; 336.9-413; 352.04, subdivisions 2 and 3; 357.021, subdivision 2; 357.022; 357.08; 363.073, subdivision 1; 466A.05, subdivision 1; 469.203, subdivisions 4 and 5; 469.204, subdivision 2; 469.205, by adding a subdivision; 469.207; 473.156, subdivision 1; 480.242; 484.68, subdivision 5; 485.018, subdivision 5; 486.05, subdivisions 1 and 1a; 486.06; 487.31, subdivision 1; 504.34, subdivisions 5 and 6; 611.215, by adding a subdivision; and 611.26, subdivision 2; Minnesota Statutes Second 1989 Supplement, sections 3.885, subdivisions 3, 5, and 6; 275.14; 275.51, subdivision 6; 297A.44, subdivision 1; 357.021, subdivision 1a; 373.40, subdivision 1; 477A.011, subdivisions 3 and 3a; 477A.012, subdivision 4; Laws 1987, chapter 404, section 192, subdivision 2; Laws 1988, chapters 648, section 3; and 686, article 1, section 52; Laws 1989, chapter 335, article 1, sections 4, 36, and 42, subdivision 2; article 3, sections 38; and 58, as amended; and article 4, section 107; Laws 1989, First Special Session chapter 1, article 24, section 2; proposing coding for new law in Minnesota Statutes, chapters 4, 6, 15, 16A, 16B, 43A, 88, 116, 116J, 240A, 268, 462A, and 484; proposing coding for new law as Minnesota Statutes, chapter 484A; repealing Minnesota Statutes 1988, sections 3C.056; 14.32, subdivision 2; 40A.02, subdivision 2; 84A.51, subdivision 1; 85.30; 116E.01; 116E.02; 116E.04; 116J.971, subdivisions 1, 2, 4, 5, and 10; 116K.01 to 116K.03; 116K.04, as amended; 116K.05 to 116K.13; 116N.01; 116N.02, as amended; 116N.03 to 116N.07; 116N.08, as amended; 184.34; 268.681, subdivision 4; 299J.18; 326.82; 480.252; 480.254; 484.55; 485.018, subdivision 2a; 486.07; 487.10, subdivisions 2 and 4; and 487.13; Minnesota Statutes 1989 Supplement, sections 3C.035, subdivision 2; 8.15; 97B.301, subdivision 5; 116E.03; 116E.035; 116J.970; 116J.971, subdivisions 3 and 9; 116K.14; 116O.03, subdivision 2a; 357.021, subdivision 2a; 469.203, subdivision 5; 480.241; 480.242, subdivision 4, as amended; 480.256; and 484.545, subdivisions 2 and 3; Laws 1988, chapter 686, article 1, section 3, paragraph (c); Laws 1989, chapter 303, section 10; Minnesota Rules, part 4410.3800, subparts 1 and 3.



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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 56 nays as follows:

Those who voted in the affirmative were:

|              |             |                |            |              |
|--------------|-------------|----------------|------------|--------------|
| Abrams       | Greenfield  | Long           | Ostrom     | Simoneau     |
| Anderson, G. | Hasskamp    | McEachern      | Otis       | Skoglund     |
| Anderson, R. | Janezich    | McGuire        | Pelowski   | Solberg      |
| Battaglia    | Jennings    | Milbert        | Peterson   | Sparby       |
| Bauerly      | Johnson, A. | Munger         | Pugh       | Sviggum      |
| Begich       | Johnson, R. | Murphy         | Redalen    | Tunheim      |
| Bertram      | Johnson, V. | Nelson, C.     | Reding     | Waltman      |
| Bishop       | Kahn        | Nelson, K.     | Rest       | Welle        |
| Brown        | Kalis       | Neuenschwander | Rice       | Wenzel       |
| Carlson, D.  | Kelso       | O'Connor       | Rodosovich | Williams     |
| Carlson, L.  | Kinkel      | Ogren          | Rukavina   | Winter       |
| Cooper       | Krueger     | Olson, E.      | Sarna      | Spk. Vanasek |
| Dauner       | Lasley      | Olson, K.      | Scheid     |              |
| Dorn         | Lieder      | Osthoff        | Segal      |              |

Those who voted in the negative were:

|            |               |           |             |          |
|------------|---------------|-----------|-------------|----------|
| Blatz      | Gutknecht     | Macklin   | Pauly       | Tjornhom |
| Boo        | Hartle        | Marsh     | Pellow      | Tompkins |
| Carruthers | Haukoos       | McDonald  | Poppenhagen | Trimble  |
| Clark      | Hausman       | McPherson | Price       | Uphus    |
| Dawkins    | Heap          | Miller    | Quinn       | Valento  |
| Dempsey    | Henry         | Morrison  | Richter     | Vellenga |
| Dille      | Hugoson       | Olsen, S. | Runbeck     | Wagenius |
| Forsythe   | Jefferson     | Omann     | Schafer     | Weaver   |
| Frederick  | Kelly         | Onnen     | Schreiber   |          |
| Frerichs   | Knickerbocker | Orenstein | Seaberg     |          |
| Girard     | Limmer        | Ozment    | Stanisus    |          |
| Gruenes    | Lynch         | Pappas    | Swenson     |          |

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2478:

Ogren, Long, Rest, Pauly and Olson, E.

Long moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

#### GENERAL ORDERS

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

There being no objection, the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 1843, A bill for an act relating to crime; changing the scope of certain controlled substance offenses; allowing prosecution in any county of controlled substance offenses involving sales of amounts aggregated over a 90-day period; providing that cocaine base is weighed as a mixture for purposes of first, second, and third degree controlled substance crimes; prohibiting the importing of controlled substances into the state; requiring the reporting of transactions involving substances that are precursors to controlled substances; defining controlled substances for purposes of reporting prenatal exposure to controlled substances; clarifying these reporting provisions; providing for maternal and child health services in chemical abuse situations; clarifying habitual DWI offender sanctions; requiring adoption of day-fine systems by each judicial district; creating intensive community supervision programs for certain prison inmates and offenders; creating pilot programs to require drug and alcohol testing as a condition of probation; creating pilot programs to provide chemical dependency treatment services in juvenile and adult jails and correctional facilities; creating pilot programs to require chemical dependency assessments for drug offenders; requiring a chemical use assessment to be conducted when a child is found delinquent of a drug offense; requiring chemical dependency treatment for certain offenders; providing an affirmative defense for certain liquor offenses; authorizing the court to order intermediate sanctions as a condition of probation; defining intermediate sanctions; appropriating money; amending Minnesota Statutes 1988, sections 90.301, subdivision 6; 145.88; 169.121, subdivisions 3a and 5; 169.124, subdivisions 1 and 2; 169.126, subdivisions 1, 4b, and 6; 244.05, by adding a subdivision; 254B.03, subdivision 1; 256.98, subdivision 1; 256B.35, subdivision 5; 260.151, subdivision 1; 268.18, subdivision 3; 340A.503, subdivisions 1 and 3; 473.608, subdivision 17; 609.10; 609.135, subdivisions 1, 6, and by adding a subdivision; 609.14; and 631.40; Minnesota Statutes 1989 Supplement, sections 145.882, subdivision 7; 152.021; 152.022; 152.023, subdivisions 1 and 2; 152.025, subdivision 2; 152.028, subdivision 2, and by adding a subdivision; 169.121, subdivision 3b; 169.126, subdivision 4; 260.193, subdivision 8; 340A.503, subdivision 2; 626.556, subdivision 2; 626.5561, subdivisions 1, 3, 4, and by adding a subdivision; and 626.5562, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapters 152; 244; and 299A; repealing Minnesota Statutes 1988, sections 169.124, subdivision 3; 169.126, subdivisions 2

and 3; Minnesota Statutes 1989 Supplement, 169.126, subdivision 4a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## “ARTICLE 1

### CONTROLLED SUBSTANCE PROVISIONS

Section 1. Minnesota Statutes 1989 Supplement, section 152.021, is amended to read:

#### 152.021 [CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures ~~containing ten grams or more of a total weight of ten grams or more containing cocaine base;~~

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ~~100~~ 50 kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures ~~containing 25 grams or more of a total weight of 25 grams or more containing cocaine base;~~

(2) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 100 kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than four years nor more than 40 years or to payment of a fine of not more than \$1,000,000, or both.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

Sec. 2. Minnesota Statutes 1989 Supplement, section 152.022, is amended to read:

152.022 [CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures ~~containing three grams or more of a total weight or three grams or more containing~~ cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 25

kilograms or more containing marijuana or Tetrahydrocannabinols;  
or

(5) the person unlawfully sells any amount of a schedule I or II narcotic drug; and:

(i) ~~the person unlawfully sells the substance to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or~~

(ii) ~~the sale occurred in a school zone or a park zone.~~

(6) the person unlawfully sells any amount of a scheduled I or II narcotic drug in a school zone or a park zone.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures ~~containing six grams or more of a total weight of six grams or more containing cocaine base;~~

(2) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than three years nor more than 40 years or to payment of a fine of not more than \$500,000, or both.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

Sec. 3. Minnesota Statutes 1989 Supplement, section 152.023, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully sells one or more mixtures containing a narcotic drug;

(2) the person unlawfully sells one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;

(3) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule I, II, or III, except a schedule I or II narcotic drug, marijuana or Tetrahydrocannabinols, to a person under the age of 18; or

(4) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in schedule I, II, or III, except a schedule I or II narcotic drug, marijuana or Tetrahydrocannabinols; or

(5) the person unlawfully sells one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

Sec. 4. Minnesota Statutes 1989 Supplement, section 152.023, subdivision 2, is amended to read:

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully possesses one or more mixtures containing three grams or more of a total weight of three grams or more containing cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures containing a narcotic drug with the intent to sell it;

(4) the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units; or

(5) the person unlawfully possesses any amount of a schedule I or II narcotic drug in a school zone or a park zone; or

(6) the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols.

Sec. 5. Minnesota Statutes 1989 Supplement, section 152.025, subdivision 2, is amended to read:

Subd. 2. [POSSESSION AND OTHER CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person unlawfully possesses one or more mixtures containing marijuana or Tetrahydrocannabinols with the intent to sell it, except a small amount of marijuana for no remuneration; or

(3) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

Sec. 6. [152.0261] [IMPORTING CONTROLLED SUBSTANCES ACROSS STATE BORDERS.]

Subdivision 1. [FELONY.] A person who crosses a state or international border into Minnesota while in possession of an amount of a controlled substance that constitutes a first degree controlled substance crime under section 152.021, subdivision 2, is guilty of importing controlled substances and may be sentenced as provided in subdivision 3.

Subd. 2. [JURISDICTION.] A violation of subdivision 1 may be charged, indicted, and tried in any county, but not more than one county, into or through which the actor has brought the controlled substance.

Subd. 3. [PENALTY.] A person convicted of violating this section is guilty of a felony and may be sentenced to imprisonment for not more than 35 years or to payment of a fine of not more than \$1,250,000, or both.

Sec. 7. Minnesota Statutes 1989 Supplement, section 152.028, subdivision 2, is amended to read:

Subd. 2. [PASSENGER AUTOMOBILES.] The presence of a controlled substance in a passenger automobile permits the factfinder to infer knowing possession of the controlled substance by the driver or person in control of the automobile when the controlled substance was in the automobile. This inference may only be made if the defendant is charged with violating section 152.021, 152.022, or 152.023, or section 6. The inference does not apply:

(1) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of the operator's trade;

(2) to any person in the automobile if one of them legally possesses a controlled substance; or

(3) when the controlled substance is concealed on the person of one of the occupants.

Sec. 8. Minnesota Statutes 1989 Supplement, section 152.028, is amended by adding a subdivision to read:

Subd. 3. [AIRLINE PASSENGER BAGGAGE.] The presence of a controlled substance in baggage received at an airport in Minnesota permits the factfinder to infer knowing possession of the controlled substance by the airline passenger to whom the baggage was checked.

Sec. 9. [152.0971] [TERMS.]

Subdivision 1. [TERMS.] For purposes of sections 9 to 13, the following terms have the meanings given.

Subd. 2. [FURNISH.] "Furnish" means to sell, transfer, deliver, send, or supply a precursor substance by any other means.

Subd. 3. [SUPPLIER.] A "supplier" is a manufacturer, wholesaler, retailer, or any other person who furnishes a precursor substance to another person in this state.

Sec. 10. [152.0972] [PRECURSORS OF CONTROLLED SUBSTANCES.]

Subdivision 1. [PRECURSOR SUBSTANCES.] The following precursors of controlled substances are "precursor substances":

(1) phenyl-2-propanone;

(2) methylamine;

(3) ethylamine;



- (4) d-lysergic acid;
- (5) ergotamine tartrate;
- (6) diethyl malonate;
- (7) malonic acid;
- (8) ethyl malonate;
- (9) barbituric acid;
- (10) piperidine;
- (11) n-acetylanthranilic acid;
- (12) pyrrolidine;
- (13) phenylacetic acid;
- (14) anthranilic acid;
- (15) morpholine;
- (16) ephedrine;
- (17) pseudoephedrine;
- (18) norpseudoephedrine;
- (19) phenylpropanolamine;
- (20) propionic anhydride;
- (21) isosafrole;
- (22) safrole;
- (23) piperonal;
- (24) thionylchloride;
- (25) benzyl cyanide;
- (26) ergonovine maleate;
- (27) n-methylephedrine;

(28) n-ethylpseudoephedrine;

(29) n-methypseudoephedrine;

(30) n-ethylpseudoephedrine;

(31) chloroephedrine;

(32) chloropseudophedrine; and

(33) any substance added to this list by rule adopted by the state board of pharmacy.

Subd. 2. [ADOPTION OF RULES.] The state board of pharmacy may adopt rules under chapter 14 that add a substance to this section if the substance is a precursor to a controlled substance or delete a substance from this section. A rule adding or deleting a substance is effective only until December 31 of the year following the calendar year during which the rule was adopted.

Sec. 11. [152.0973] [REPORT OF TRANSACTION.]

Subdivision 1. [PREDELIVERY NOTICE.] A supplier who furnishes a precursor substance to a person in this state shall, not less than 21 days before delivery of the substance, submit a report of the transaction, which includes the identification information specified in subdivision 3, to the bureau of criminal apprehension.

Subd. 2. [REGULAR REPORTS.] The bureau may authorize the submission of the reports on a monthly basis with respect to repeated, regular transactions between the supplier and the purchaser involving the same substance if the superintendent of the bureau of criminal apprehension determines that:

(1) a pattern of regular supply of the precursor substance exists between the supplier and the purchaser of the substance; or

(2) the purchaser has established a record of utilization of the precursor substance for lawful purposes.

Subd. 3. [PROPER IDENTIFICATION.] A report submitted by a supplier under this section must include:

(1) a copy of a driver's license or state identification card that contains a photograph of the purchaser, and includes the residential or mailing address of the purchaser, other than a post office box number;

(2) the motor vehicle license number of any motor vehicle owned or operated by the purchaser;

(3) a letter of authorization from the business for which the precursor substance is being furnished, including the business license number and address of the business, a full description of how the precursor substance is to be used, and the signature of the purchaser;

(4) the signature of the supplier as a witness to the signature and identification of the purchaser;

(5) the type and quantity of the precursor substance; and

(6) the method of delivery used.

Subd. 4. [RETENTION OF RECORDS.] A supplier shall retain a copy of the report filed under this section for five years.

Sec. 12. [152.0974] [EXCEPTIONS.]

Sections 9 to 13 do not apply to:

(1) a pharmacist or other authorized person who sells or furnishes a precursor substance on the prescription of a physician, dentist, podiatrist, or veterinarian;

(2) a physician, dentist, podiatrist, or veterinarian who administers or furnishes a precursor substance to patients;

(3) a manufacturer or wholesaler licensed by the state board of pharmacy who sells, transfers, or otherwise furnishes a precursor substance to a licensed pharmacy, physician, dentist, podiatrist, or veterinarian; or

(4) a sale, transfer, furnishing, or receipt of any drug that contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine and is lawfully sold, transferred, or furnished over the counter without a prescription under the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 301, et seq., or regulations adopted under that act.

Sec. 13. [152.0975] [PENALTY.]

Subdivision 1. [MISDEMEANOR.] A person who does not submit a report as required by section 11 is guilty of a misdemeanor.

Subd. 2. [GROSS MISDEMEANOR.] (a) A person who knowingly submits a report with false or fictitious information is guilty of a gross misdemeanor.

(b) A person who is convicted of violating subdivision 1 and has previously been convicted of a violation of subdivision 1 is guilty of

a gross misdemeanor. The subsequent conviction must be for an offense that occurred after the earlier conviction.

Sec. 14. [299A.331] [DARE ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] The advisory council on drug abuse resistance education consists of:

- (1) the attorney general who shall serve as chair;
- (2) the commissioner of public safety;
- (3) the commissioner of education;
- (4) three representatives of law enforcement appointed by the commissioner of public safety;
- (5) three representatives of teachers appointed by the commissioner of education;
- (6) a representative of the DARE officers association; and
- (7) seven citizens appointed by the attorney general.

Subd. 2. [DUTIES.] The council shall:

- (1) advise the bureau of criminal apprehension in establishing a drug abuse resistance education training program for peace officers;
- (2) promote the drug abuse resistance education program throughout the state;
- (3) monitor the drug abuse resistance education officer training program in conjunction with the bureau of criminal apprehension;
- (4) provide coordination and assistance to local communities who wish to implement drug abuse resistance education programs in their local school systems;
- (5) encourage parental and community involvement in drug abuse resistance education programs;
- (6) develop a private/public partnership to provide for continuation and funding for the drug abuse resistance education program; and
- (7) receive funds from public and private sources for use in the drug abuse resistance education program.

Sec. 15. Minnesota Statutes 1989 Supplement, section 299A.34, subdivision 1, is amended to read:

Subdivision 1. [GRANT PROGRAMS.] (a) The commissioner shall develop grant programs to:

(1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs; and

(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs.

(b) The commissioner shall by rule prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Sec. 16. Minnesota Statutes 1989 Supplement, section 299A.35, subdivision 2, is amended to read:

Subd. 2. [GRANT PROCEDURE.] A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

(1) a description of each program for which funding is sought;

(2) the amount of funding to be provided to the program;

(3) the geographical area to be served by the program; and

(4) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; and any provision of chapter 152 that is punishable by a maximum term of imprisonment greater than ten years.

The commissioner shall give priority to funding programs in the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), and that demonstrate substantial involvement by members of the community served by the program. The maximum amount that may be awarded to an applicant is ~~\$25,000~~ \$50,000.

Sec. 17. Minnesota Statutes 1988, section 609.135, is amended by adding a subdivision to read:

Subd. 8. [CONTROLLED SUBSTANCE CONVICTIONS.] (a) A court may order periodic drug testing as a condition of probation if:

(1) the court convicts a person for a felony violation of chapter 152, or the court convicts a person for a felony violation of chapter 609 and the court finds that the convicted person has a history of chemical dependency; and

(2) the court stays the imposition or execution of the sentence.

(b) The periodic drug testing must determine whether the offender has used a controlled substance or alcohol. The testing must be done at the direction of the probation officer assigned to the case, and must be unannounced.

(c) The probation officer shall report to the court if an offender refuses the test or if an offender's test detects the presence of a controlled substance or alcohol. On receiving notice of refusal or failure, the court may revoke the stay under section 609.14, subdivision 2.

Sec. 18. Minnesota Statutes 1989 Supplement, section 609.5315, subdivision 5, is amended to read:

Subd. 5. [DISTRIBUTION OF MONEY.] ~~Seventy percent of~~ The money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the money or proceeds must be forwarded to the appropriate agency for deposit to the general fund, and as a supplement to the agency's operating fund or similar fund for use in law enforcement;

(2) 20 percent of the money or proceeds must be forwarded to the county attorney or other prosecuting agency that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and

(3) the remaining ten percent of the money or proceeds must be forwarded within 60 days after resolution of the forfeiture to the state treasury and credited to the general fund. Any local police relief association organized under chapter 423, which received or was entitled to receive the proceeds of any sale made under this section before the effective date of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds of these sales.

Sec. 19. Minnesota Statutes 1988, section 631.40, is amended to read:

**631.40 [JUDGMENT ON CONVICTION; JUDGMENT ROLL DEFINED NOTICE TO LICENSING BOARDS.]**

Subdivision 1. [JUDGMENT ROLL.] When judgment upon a conviction is rendered, the court administrator shall enter the judgment upon the minutes, stating briefly the offense for which the conviction was had. The court administrator shall then immediately attach together and file the papers specified in clauses (1) to (5). The judgment roll consists of the papers specified in clauses (1) to (5):

(1) a copy of the minutes of challenge made by the defendant to the panel of the grand jury, or to an individual grand juror, and the proceedings and decisions on the challenges;

(2) the indictment or complaint and a copy of the minutes of the plea or motion to dismiss or to grant appropriate relief;

(3) a copy of the minutes of a challenge made to the panel of the trial jury or to an individual juror, and the proceedings and decision on the challenge;

(4) a copy of the minutes of the trial; and

(5) a copy of the minutes of the judgment.

Subd. 2. [CONTROLLED SUBSTANCE CONVICTIONS.] When a court convicts a person of a felony under chapter 152, the court shall order that the presentence investigation include information about any business or professional licenses held by the offender. If the offender holds a business or professional license, the court administrator shall send a certified copy of the conviction to the appropriate licensing board.

**Sec. 20. [CHEMICAL DEPENDENCY TREATMENT IN LOCAL PROGRAMS; PILOT PROGRAMS.]**

The commissioner of corrections shall develop pilot programs to provide chemical dependency treatment through services in local correctional and treatment programs. The pilot programs shall:

(1) increase the availability of chemical dependency treatment services for adult and juvenile offenders;

(2) provide for professional evaluation of the need for treatment and aftercare of individual offenders;

(3) coordinate with local chemical dependency resources; and

(4) facilitate the provision of aftercare services for chemically dependent persons after their release.

Sec. 21. [DAY-FINES.]

Subdivision 1. [MODEL SYSTEM.] By June 1, 1991, the sentencing guidelines commission shall develop a model day-fine system. Each judicial district must adopt either the model system or its own day-fine system by January 1, 1992.

Subd. 2. [COMPONENTS.] A day-fine system adopted under this section must provide for a two-step sentencing procedure for those receiving a fine as part of a probationary felony sentence. In the first step, the court determines how many punishment points a person will receive, taking into account the severity of the offense and the criminal history of the offender. The second step is to multiply the punishment points by a factor that accounts for the offender's financial circumstances. The goal of the system is to provide a fine that is proportional to the seriousness of the offense and largely equal in impact among offenders with different financial circumstances. The system may provide for community service in lieu of fines for offenders whose means are so limited that the payment of a fine would be unlikely.

Sec. 22. [INCARCERATION OF DRUG DEALERS.]

The legislature finds that persons convicted of a felony offense for selling controlled substances should be incarcerated in a jail or correctional facility. The legislature strongly advises that courts make full use of the sentences provided under state law and the sentencing guidelines for persons convicted of selling controlled substances.

Sec. 23. [SUPREME COURT STUDIES.]

Subdivision 1. [JOINDER STUDY.] The supreme court shall study the feasibility of amending rule 17.03 of the Minnesota Rules of Criminal Procedure to facilitate the joint trial of certain defendants being prosecuted for possession of a controlled substance where separate trials do not serve the interests of justice. The court shall consider whether the amendment of rule 17.03 would have an unfair impact on particular economic classes or ethnic groups or otherwise create unfair categories of defendants.

Subd. 2. [CASH BAIL STUDY.] The supreme court shall study the feasibility of amending the Minnesota Rules of Criminal Procedure to provide a hearing when a defendant pays a large bail amount in cash to allow the court to determine whether the funds are the proceeds of the unlawful sale of controlled substances.



Sec. 24. [PROBATIONARY DRUG TESTING; PILOT PROGRAMS.]

The commissioner of corrections shall develop pilot programs to evaluate the value of mandating testing for drugs and alcohol as a condition of probation. One pilot program must be in a metropolitan area jurisdiction and one must be in a nonmetropolitan area jurisdiction. The programs must require courts to order testing for drugs and alcohol as a condition of probation for offenders described in section 17. The programs shall comply with the criteria outlined in section 17, paragraphs (b) and (c).

Sec. 25. [CHEMICAL DEPENDENCY ASSESSMENTS; PILOT PROGRAMS.]

The commissioner of corrections shall create pilot programs in two or more jurisdictions to conduct chemical dependency assessments of all persons convicted of and juveniles adjudicated for felony violations of Minnesota Statutes, chapter 152, and persons convicted of and juveniles adjudicated for selected Minnesota Statutes, chapter 609, felonies. The assessment shall evaluate the offender's need for chemical dependency treatment services and recommend a program to meet the offender's needs. The assessor qualifications and assessment and placement criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under Minnesota Statutes, chapter 254B, are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655, and parts 9530.7000 to 9530.7030.

Sec. 26. [EFFECTIVE DATE.]

Sections 1 to 8, 13, and 19 are effective August 1, 1990, and apply to crimes committed on or after that date.

## ARTICLE 2

### INTENSIVE COMMUNITY SUPERVISION

Section 1. Minnesota Statutes 1988, section 244.05, is amended by adding a subdivision to read:

Subd. 6. [INTENSIVE COMMUNITY SUPERVISION.] The commissioner may order that an inmate be placed on intensive community supervision, as described in sections 4 and 5, for all or part of the inmate's supervised release term. If the inmate violates the conditions of the intensive community supervision, the commissioner shall impose sanctions as provided in subdivision 3 and section 4.

## Sec. 2. [244.12] [INTENSIVE COMMUNITY SUPERVISION.]

Subdivision 1. [GENERALLY.] The commissioner may order that an offender who meets the eligibility requirements of subdivision 2 be placed on intensive community supervision, as described in sections 4 and 5, for all or part of the offender's prison sentence or supervised release term.

Subd. 2. [ELIGIBILITY.] The commissioner must limit the intensive community supervision program to the following persons:

(1) inmates who are serving a supervised release term;

(2) offenders who are committed to the commissioner's custody following revocation of a stayed sentence;

(3) offenders who are committed to the commissioner's custody for a prison sentence of 27 months or less, who did not receive a dispositional departure under the sentence guidelines, and who have already served a period of incarceration as a result of the offense for which they are committed;

(4) offenders who were not committed to the commissioner's custody under a statutory mandatory minimum sentence; and

(5) offenders who were not committed to the commissioner's custody following a conviction for murder, manslaughter, or criminal vehicular operation resulting in death.

## Sec. 3. [244.13] [INTENSIVE COMMUNITY SUPERVISION; ESTABLISHMENT OF PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of corrections shall establish programs for those designated by the commissioner to serve all or part of a prison sentence or a supervised release term on intensive community supervision. The commissioner shall locate the programs so that at least one-half of the money appropriated for the programs in each year is used for programs in community corrections act counties.

Subd. 2. [TRAINING.] The commissioner shall develop specialized training programs for probation officers assigned to the intensive community supervision program. The probation officer caseload shall not exceed the ratio of 30 offenders to two probation officers.

Subd. 3. [EVALUATION.] The commissioner shall develop a system for gathering and analyzing information concerning the value and effectiveness of the intensive community supervision programs and shall compile a report to the chairs of the senate and

house judiciary committees by January 1 of each odd-numbered year.

Sec. 4. [244.14] [INTENSIVE COMMUNITY SUPERVISION; BASIC ELEMENTS.]

Subdivision 1. [REQUIREMENTS.] This section governs the intensive community supervision programs established under section 3. The commissioner shall operate the programs in conformance with this section. The commissioner shall administer the programs to further the following goals:

- (1) to punish the offender;
- (2) to protect the safety of the public;
- (3) to facilitate employment of the offender during the intensive community supervision and afterward; and
- (4) to require the payment of restitution ordered by the court to compensate the victims of the offender's crime.

Subd. 2. [GOOD TIME NOT AVAILABLE.] An offender serving a prison sentence on intensive community supervision does not earn good time, notwithstanding section 244.04.

Subd. 3. [SANCTIONS.] The commissioner shall impose severe and meaningful sanctions for violating the conditions of an intensive community supervision program. The commissioner shall provide for revocation of intensive community supervision of an offender who:

- (1) fails to follow the rules of the program;
- (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's original term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Original term of imprisonment" means a time period equal to two-thirds of the prison sentence originally executed by the sentencing court.

Subd. 4. [ALL PHASES.] Throughout all phases of an intensive community supervision program, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, or premises by a probation officer. If the offender received a restitution order as part of the sentence, the offender shall make weekly payments as scheduled by the probation officer, until the full amount is paid.

**Sec. 5. [244.15] [INTENSIVE COMMUNITY SUPERVISION; PHASES I TO IV.]**

Subdivision 1. [DURATION.] Phase I of an intensive community supervision program is six months, or one-half the presumptive imprisonment sentence under the sentencing guidelines, whichever is less. Phase II lasts for at least four months. Phase III lasts for at least two months. Phase IV continues indefinitely.

Subd. 2. [RANDOM DRUG TESTING.] (a) During phase I, the offender will be subjected to weekly urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced.

(b) During phase II, the tests will be done twice monthly.

(c) During phases III and IV, the tests will be done at random at the frequency determined by the probation officer.

Subd. 3. [HOUSE ARREST.] (a) During phase I, the offender will be under house arrest in a residence approved by the offender's probation officer and may not move to another residence without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned probation officer.

(b) During phase II, modified house arrest is imposed.

(c) During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

Subd. 4. [FACE-TO-FACE CONTACTS.] (a) During phase I, the assigned probation officer shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

Subd. 5. [WORK REQUIRED.] During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the commissioner.

Subd. 6. [ELECTRONIC SURVEILLANCE.] During any phase, the offender may be placed on electronic surveillance if the probation officer so directs.

Subd. 7. [OTHER REQUIREMENTS.] The commissioner may include any other conditions in the various phases of the intensive community supervision program that the commissioner finds necessary and appropriate.

### ARTICLE 3

#### MATERNAL AND CHILD HEALTH PROVISIONS

Section 1. Minnesota Statutes 1988, section 145.88, is amended to read:

##### 145.88 [PURPOSE.]

The legislature finds that it is in the public interest to assure:

(a) Statewide planning and coordination of maternal and child health services through the acquisition and analysis of population-based health data, provision of technical support and training, and coordination of the various public and private maternal and child health efforts; and

(b) Support for targeted maternal and child health services in communities with significant populations of high risk, low income families through a grants process.

Federal money received by the Minnesota department of health, pursuant to United States Code, title 42, sections 701 to 709, shall be expended to:

(1) assure access to quality maternal and child health services for mothers and children, especially those of low income and with limited availability to health services and those children at risk of physical, neurological, emotional, and developmental problems arising from chemical abuse by a mother during pregnancy;

(2) reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children;

(3) reduce the need for inpatient and long-term care services and to otherwise promote the health of mothers and children, especially by providing preventive and primary care services for low income mothers and children and prenatal, delivery and postpartum care for low income mothers;

(4) provide rehabilitative services for blind and disabled children under age 16 receiving benefits under Title XVI of the Social Security Act; and

(5) provide and locate medical, surgical, corrective and other service for children who are crippled or who are suffering from conditions that lead to crippling.

Sec. 2. Minnesota Statutes 1989 Supplement, section 145.882, subdivision 7, is amended to read:

Subd. 7. [USE OF BLOCK GRANT MONEY.] (a) Maternal and child health block grant money allocated to a community health board or community health services area under this section must be used for qualified programs for high risk and low income individuals. Block grant money must be used for programs that:

(1) specifically address the highest risk populations, particularly low income and minority groups with a high rate of infant mortality and children with low birth weight, by providing services, including pre-pregnancy family planning services, calculated to produce measurable decreases in infant mortality rates, instances of children with low birth weight, and medical complications associated with pregnancy and childbirth, including infant mortality, low birth rates, and medical complications arising from chemical abuse by a mother during pregnancy;

(2) specifically target pregnant women whose age, medical condition, or maternal history, or chemical abuse substantially increases the likelihood of complications associated with pregnancy and childbirth or the birth of a child with an illness, disability, or special medical needs;

(3) specifically address the health needs of young children who have or are likely to have a chronic disease or disability or special medical needs, including physical, neurological, emotional, and developmental problems that arise from chemical abuse by a mother during pregnancy;

(4) provide family planning and preventive medical care for specifically identified target populations, such as minority and low income teenagers, in a manner calculated to decrease the occurrence of inappropriate pregnancy and minimize the risk of complications associated with pregnancy and childbirth; or

(5) specifically address the frequency and severity of childhood injuries in high risk target populations by providing services calculated to produce measurable decreases in mortality and morbidity. However, money may be used for this purpose only if the community health board's application includes program components for the purposes in clauses (1) to (4) in the proposed geographic service area and the total expenditure for injury-related programs under this clause does not exceed ten percent of the total allocation under subdivision 3.

(b) Maternal and child health block grant money may be used for purposes other than the purposes listed in this subdivision only under the following conditions:

(1) the community health board or community health services area can demonstrate that existing programs fully address the needs of the highest risk target populations described in this subdivision; or

(2) the money is used to continue projects that received funding before creation of the maternal and child health block grant in 1981.

(c) Projects that received funding before creation of the maternal and child health block grant in 1981, must be allocated at least the amount of maternal and child health special project grant funds received in 1989, unless (1) the local board of health provides equivalent alternative funding for the project from another source; or (2) the local board of health demonstrates that the need for the specific services provided by the project has significantly decreased as a result of changes in the demographic characteristics of the population, or other factors that have a major impact on the demand for services. If the amount of federal funding to the state for the maternal and child health block grant is decreased, these projects must receive a proportional decrease as required in subdivision 1. Increases in allocation amounts to local boards of health under subdivision 4 may be used to increase funding levels for these projects.

Sec. 3. 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 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 ~~626.5561~~ 253B.02, subdivision 2, 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 injury inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical 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.

Sec. 4. Minnesota Statutes 1989 Supplement, section 626.5561, subdivision 1, is amended to read:

Subdivision 1. [REPORTS REQUIRED.] A person mandated to report under section 626.556, subdivision 3, shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy. Any person may make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. Any report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter.

Sec. 5. Minnesota Statutes 1989 Supplement, section 626.5561, subdivision 3, is amended to read:

Subd. 3. [RELATED PROVISIONS.] Reports under this section are governed by section 626.556, subdivisions 4, 4a, 5, 6, 7, 8, and 11.

Sec. 6. Minnesota Statutes 1989 Supplement, section 626.5561, subdivision 4, is amended to read:

Subd. 4. [CONTROLLED SUBSTANCES.] For purposes of this section and section 626.5562, "controlled substance" means a controlled substance classified in schedule I, II, or III under chapter 152 listed in section 253B.02, subdivision 2.

Sec. 7. Minnesota Statutes 1989 Supplement, section 626.5561, is amended by adding a subdivision to read:

Subd. 5. [IMMUNITY.] (a) A person making a voluntary or mandated report under subdivision 1 or assisting in an assessment under subdivision 2 is immune from any civil or criminal liability

that otherwise might result from the person's actions, if the person is acting in good faith.

(b) This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

Sec. 8. Minnesota Statutes 1989 Supplement, section 626.5562, subdivision 1, is amended to read:

Subdivision 1. [TEST; REPORT.] A physician shall administer a toxicology test to a pregnant woman under the physician's care or to a woman under the physician's care within eight hours after delivery to determine whether there is evidence that she has ingested a controlled substance, if the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose. If the test results are positive, the physician shall report the results under section 626.5561. A negative test result does not eliminate the obligation to report under section 626.5561, if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose.

Sec. 9. Minnesota Statutes 1989 Supplement, section 626.5562, subdivision 2, is amended to read:

Subd. 2. [NEWBORNS.] A physician shall administer to each newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance, if the physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose prior to the birth during the pregnancy. If the test results are positive, the physician shall report the results as neglect under section 626.556. A negative test result does not eliminate the obligation to report under section 626.556 if other medical evidence of prenatal exposure to a controlled substance is present.

Sec. 10. Minnesota Statutes 1989 Supplement, section 626.5562, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] Any physician or other medical personnel administering a toxicology test to determine the presence of a controlled substance in a pregnant woman, in a woman within eight hours after delivery, or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test, if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice.

## ARTICLE 4

## ALCOHOL-RELATED PROVISIONS

Section 1: Minnesota Statutes 1988, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of violating this section or an ordinance in conformity with it (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced:

(1) to a minimum of 30 days imprisonment; or

(2) to a minimum of ten days imprisonment and to eight hours of community work service for each day less than 30 days but more than ten days that the person is ordered to serve in jail.

A judge may not sentence the person to home detention in lieu of the minimum ten-day jail term. Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision.

(c) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.

(d) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record.

Sec. 2. Minnesota Statutes 1989 Supplement, section 169.121, subdivision 3b, is amended to read:

Subd. 3b. [HABITUAL OFFENDERS; CHEMICAL USE TREATMENT.] If a person has been convicted under subdivision 1, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of violating subdivision 1, section 169.129, or an ordinance in conformity with either of them (1) once within five years of the first conviction or (2) two or more times within ten years after the first conviction, the court must order the person to submit to the level of care recommended in the alcohol and chemical use assessment required under section 169.126.

If a person is convicted under section 169.121, subdivision 1a, the court shall order the person to submit to the level of care recommended in the alcohol and chemical use assessment required under section 169.126.

Sec. 3. Minnesota Statutes 1988, section 169.121, subdivision 5, is amended to read:

Subd. 5. Except as otherwise provided in subdivision 3b, when a court sentences a person convicted of violating this section, section 169.129, or an ordinance in conformity with either of them, the court may stay imposition or execution of any sentence authorized by subdivision 3 or 4, except the revocation of the driver's license, on the condition that the convicted person submit to the level of care recommended in the alcohol and chemical use assessment report required under section 169.126. If the court does not order a level of care in accordance with the assessment report recommendation as a condition of a stay of imposition or execution, it shall state on the record its reasons for not following the assessment report recommendation. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

Sec. 4. Minnesota Statutes 1988, section 169.124, subdivision 1, is amended to read:

Subdivision 1. [COUNTY BOARD.] The county board of every county shall establish an alcohol safety program designed to provide an alcohol problem screening and chemical use assessment of persons convicted of an offense enumerated in section 169.126, subdivision 1.

Sec. 5. Minnesota Statutes 1988, section 169.124, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT REIMBURSEMENT RULES.] ~~The alcohol problem assessment shall be conducted under the direction of the court and by such persons or agencies as the court deems qualified to provide the alcohol problem assessment and assessment~~

report as described in section 169.126. The alcohol problem assessment may be conducted by court services probation officers having the required knowledge and skills in the assessment of alcohol problems, by alcoholism counselors, by persons conducting court sponsored driver improvement clinics if in the judgment of the court such persons have the required knowledge and skills in the assessment of alcohol problems, by appropriate staff members of public or private alcohol treatment programs and agencies or mental health clinics, by court approved volunteer workers such as members of alcoholics anonymous, or by such other qualified persons as the court may direct. The commissioner of public safety shall provide the courts with information and assistance in establishing alcohol problem assessment programs suited to the needs of the area served by each court. The commissioner shall consult with the alcohol and other drug abuse section in the department of human services and with local community mental health boards in providing such information and assistance to the courts. The commissioner of public safety shall promulgate rules and standards under chapter 14, consistent with this subdivision, for reimbursement under the provisions of subdivision 3.

Sec. 6. Minnesota Statutes 1988, section 169.126, subdivision 1, is amended to read:

Subdivision 1. [SCREENING ASSESSMENT REQUIREMENT.] An alcohol problem screening and chemical use assessment shall be conducted and a screening an assessment report submitted to the court by the county agency administering the alcohol safety program when:

(a) The defendant is convicted of an offense described in section 169.121 or 169.129; or

(b) The defendant is arrested for committing an offense described in section 169.121 or 169.129 but is convicted of another offense arising out of the circumstances surrounding the arrest.

Sec. 7. Minnesota Statutes 1989 Supplement, section 169.126, subdivision 4, is amended to read:

Subd. 4. [ALCOHOL AND CHEMICAL USE ASSESSMENT.] (a) Except as otherwise provided in paragraph (d), when an alcohol problem screening shows that the defendant has an identifiable chemical use problem, The court shall require the defendant to undergo a comprehensive alcohol and chemical use assessment conducted by an assessor qualified designated by the court to the commissioner of public safety as meeting the training and qualification requirements under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. Notwithstanding section 13.82, the assessor shall have access to any police reports, laboratory test results, and other law enforcement data

relating to the current offense or previous offenses that are necessary to complete the evaluation. An assessor providing a an alcohol and chemical use assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If an independent assessor is not available, the court may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An appointment for the defendant to undergo the alcohol and chemical use assessment shall be made by the court, a court services probation officer, or the court administrator as soon as possible but in no case more than one week after the defendant's court appearance. The comprehensive alcohol and chemical use assessment must be completed no later than three weeks after the defendant's court appearance. If the assessment is not performed within this time limit, the county where the defendant is to be sentenced shall perform the assessment. The county of financial responsibility shall be determined under chapter 256G.

Subd. 4a. [REPORT.] (a) The assessment report shall contain an evaluation of the convicted defendant concerning the defendant's prior traffic record, characteristics and history of alcohol and chemical use problems, and amenability to rehabilitation through the alcohol safety program. The report shall be classified as private data on individuals as defined in section 13.02, subdivision 12.

(b) The alcohol and chemical use assessment report must (1) include a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3, (2) contain recommendations for other appropriate remedial action or care, that may consist of educational programs, one-on-one counseling, a program or type of treatment that addresses mental health concerns, or a combination of them, or (3) the report must specifically explain why no level of care or action was recommended.

(c) The state shall reimburse the county for the entire cost of each alcohol and chemical use assessment and report at a rate established by the department of human services public safety up to a maximum of \$100 \$ . . . in each case. The county may not be reimbursed for the cost of any alcohol and chemical use assessment or report not completed within the time limit provided in this subdivision 4. Reimbursement to the county must be made from the general fund.

(d) If the preliminary alcohol problem screening is conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3, consists of a comprehensive chemical use assessment of the defendant, and complies with the chemical use assessment report requirements of paragraph (b), it is a chemical use assessment for the purposes of

this section and the court may not require the defendant to undergo a second chemical use assessment under paragraph (a). The state shall reimburse counties for the cost of alcohol problem screenings that qualify as chemical use assessments under this paragraph in the manner provided in paragraph (c) in lieu of the reimbursement provisions of section 169.124, subdivision 3.

Sec. 8. Minnesota Statutes 1988, section 169.126, subdivision 4b, is amended to read:

Subd. 4b. [EVALUATION.] The commissioner of public safety shall, with the assistance of the department of human services and the state planning agency, monitor and evaluate the implementation and effects of the alcohol safety programs required in sections 169.124 to 169.126 and shall submit a written report to the legislature by January 1, 1989, containing the commissioner's findings and recommendations.

Sec. 9. Minnesota Statutes 1988, section 169.126, subdivision 6, is amended to read:

Subd. 6. [APPLICABILITY.] This section shall not apply to persons who are not residents of the state of Minnesota at the time of the offense and at the time of the alcohol problem screening and chemical use assessment.

Sec. 10. Minnesota Statutes 1988, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

The court shall have a chemical use assessment conducted when a child is: (1) found to be delinquent for violating a provision of chapter 152; or (2) alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order. The assessor's qualifications and the assessment criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under chapter 254B are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655, and parts 9530.7000 to 9530.7030. The commissioner of public safety shall reimburse the court for the cost of the chemical use assessment, up to a maximum of \$100.

With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts.

Sec. 11. Minnesota Statutes 1989 Supplement, section 260.193, subdivision 8, is amended to read:

Subd. 8. If the juvenile court finds that the child is a juvenile major highway or water traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and the parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or boat as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the department of public safety suspension of the child's driver's license as provided in section 171.16;

(e) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of public safety or to the licensing authority of another state the cancellation of the child's license until the child reaches the age of 18 years, and the commissioner of public safety is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety, or to the licensing authority of another state, that the child's license be returned, and the commissioner of public safety is authorized to return the license;

(f) Place the child under the supervision of a probation officer in



the child's own home under conditions prescribed by the court including reasonable rules relating to operation and use of motor vehicles or boats directed to the correction of the child's driving habits;

(g) Require the child to pay a fine of up to \$700. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(h) If the court finds that the child committed an offense described in section 169.121, the court shall order that an alcohol ~~problem screening and chemical use assessment~~ be conducted and a ~~screening report submitted to the court in the manner prescribed in section 169.126. Except as otherwise provided in section 169.126, subdivision 4, paragraph (d),~~ If the alcohol ~~problem screening assessment~~ shows that the child has an identifiable chemical use ~~problem~~; the court shall require the child to undergo a comprehensive chemical use assessment in accordance with section 169.126, subdivision 4. If the chemical use assessment ~~recommends~~ meets the level of care criteria for placement according to section 254A.03, subdivision 3, the report must recommend a level of care for the child. The court may require that level of care in its disposition order. In addition, the court may require any child ordered to undergo a an alcohol and chemical use assessment to pay a chemical dependency assessment charge of \$75. The court shall forward the assessment charge to the commissioner of finance to be credited to the general fund. The state shall reimburse counties for the total cost of the alcohol and chemical use assessment in the manner provided in section 169.126, subdivision 4 4a.

Sec. 12. Minnesota Statutes 1988, section 340A.503, subdivision 1, is amended to read:

Subdivision 1. [CONSUMPTION.] It is unlawful for any:

(1) retail intoxicating liquor or nonintoxicating liquor licensee or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to consume alcoholic beverages on the licensed premises; or

(2) person under the age of 21 years to consume any alcoholic beverages unless in the household of the person's parent or guardian and with the consent of the parent or guardian. If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this clause that the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian.

Sec. 13. Minnesota Statutes 1989 Supplement, section 340A.503, subdivision 2, is amended to read:

Subd. 2. [PURCHASING.] It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, except that a parent or guardian of a person under the age of 21 years may give or furnish alcoholic beverages to that person solely for consumption in the household of the parent or guardian;

(2) under the age of 21 years to purchase or attempt to purchase any alcoholic beverage; or

(3) to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of clause (1) that the defendant is the parent or guardian of the person under 21 years of age and that the defendant gave or furnished the alcoholic beverage to that person solely for consumption in the defendant's household.

Sec. 14. Minnesota Statutes 1988, section 340A.503, subdivision 3, is amended to read:

Subd. 3. [POSSESSION.] It is unlawful for a person under the age of 21 years to possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the parent or guardian is prima facie evidence creates a rebuttable presumption of intent to consume it at a place other than the household of the parent or guardian. This presumption may be rebutted by a preponderance of the evidence.

Sec. 15. [CHEMICAL DEPENDENCY TREATMENT FOR CERTAIN OFFENDERS; STEARNS COUNTY PILOT PROGRAM.] (a) Notwithstanding any law or rule to the contrary, when a defendant is convicted of a felony in Stearns county, the court may order the treatment of the defendant for chemical dependency if the presentence investigation performed under section 609.115, subdivision 1, indicates that alcohol or controlled substance abuse was a contributing factor to the commission of the crime, and if a local agency, as defined in section 254B.01, subdivision 5, determines that the defendant is in need of the treatment. If the defendant is convicted of violating section 609.21 or is convicted of a felony-level violation of section 169.09, the presentence investigation report must contain a chemical use assessment conducted by a qualified assessor and a determination by the local agency as to whether treatment is needed. If the local agency does not find that the defendant is in

need of treatment, the court may still order chemical dependency treatment of the defendant if an assessor designated by the court and qualified under rules adopted by the commissioner under section 254B.03, subdivision 3, or credentialed by the Institute for Chemical Dependency Professionals determines that the defendant is chemically dependent or chemically abusive. In any case, the local agency shall determine the appropriate level of care and authorize payment under chapter 254B.

(b) In those cases where the local agency has not found the defendant to be in need of treatment, but where the court-designated assessor has found the defendant to be chemically dependent or abusive, the court-designated assessor must provide written findings to the local agency and to the commissioner of human services before the local agency authorizes any payment for treatment under chapter 254B.

Funds appropriated to pay for treatment services for persons placed through the provisions of this section shall be placed in a dedicated account to be used only for this purpose. No other state funds shall be used to pay for the treatment of these persons.

This pilot program expires on June 30, 1991.

Sec. 16. [REPEALER.]

Minnesota Statutes 1988, sections 169.124, subdivision 3; and 169.126, subdivisions 2 and 3; and Minnesota Statutes 1989 Supplement, section 169.126, subdivision 4a, are repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 12 to 14 are effective August 1, 1990, and apply to offenses committed on or after that date.

## ARTICLE 5

### MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1988, section 90.301, subdivision 6, is amended to read:

Subd. 6. [TICKET FOR THEFT VIOLATIONS.] The commissioner may design and issue a ticket in the form, and having the effect, of a summons and complaint, for use in cases of theft of state timber or other state property, where the value of the property is within the limits established by section 609.52, subdivision 3, clause ~~(7)~~ (5). The ticket shall provide for the name and address of the person charged with the violation, the offense charged, the time and

place the person is to appear before a court, and any other necessary information.

Sec. 2. Minnesota Statutes 1988, section 256.98, subdivision 1, is amended to read:

Subdivision 1. [WRONGFULLY OBTAINING ASSISTANCE.] A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which the person is not entitled or assistance greater than that to which the person is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections 256.12, 256.72 to 256.871, and chapter 256B, or all of these sections is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (2), ~~(3)~~, ~~(6)~~, and ~~(7)~~ (3)(a) and (c), (4), and (5).

Sec. 3. Minnesota Statutes 1988, section 256B.35, subdivision 5, is amended to read:

Subd. 5. The nursing home may transfer the personal allowance to someone other than the recipient only when the recipient or the recipient's guardian or conservator designates that person in writing to receive or expend funds on behalf of the recipient and that person certifies in writing that the allowance is spent for the well-being of the recipient. Persons, other than the recipient, in possession of the personal allowance, may use the allowance only for the well-being of the recipient. Any person, other than the recipient, who, with intent to defraud, uses the personal needs allowance for purposes other than the well-being of the recipient shall be guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (2), ~~(3)~~, and ~~(7)~~ (3)(a) and (c), and (5). To prosecute under this subdivision, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal action. A nursing home that transfers personal needs allowance funds to a person other than the recipient in good faith and in compliance with this section shall not be held liable under this subdivision.

Sec. 4. Minnesota Statutes 1988, section 268.18, subdivision 3, is amended to read:

Subd. 3. [FALSE REPRESENTATIONS; CONCEALMENT OF FACTS; PENALTY.] (a) Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, benefits to which the person is not entitled or benefits greater than that to

which the person is entitled under this chapter, or under the employment security law of any state or of the federal government or of a foreign government, either personally or for any other person, shall be guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (2), ~~(3)~~, (6), ~~and (7)~~ (3)(a) and (c), (4), and (5). The amount of the benefits incorrectly paid shall be the difference between the amount of benefits actually received and the amount which the person would have been entitled under state and federal law had the department been informed of all material facts.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining a subject employer or to avoid or reduce any contribution or other payment required from an employing unit under this chapter or under the employment security law of any state or of the federal government, or who willfully fails or refuses to make any such contributions or other payment at the time required shall be guilty of a gross misdemeanor unless the benefit underpayment, contribution, or other payment involved exceeds \$250, in which event the person is guilty of a felony.

(c) Any person who willfully fails to produce or permit the inspection or copying of books, papers, records, or memoranda as required or when requested under section 268.12, subdivision 8, or to furnish any required reports other than contribution reports shall be guilty of a gross misdemeanor.

Sec. 5. Minnesota Statutes 1989 Supplement, section 299C.155, subdivision 2, is amended to read:

Subd. 2. [UNIFORM EVIDENCE COLLECTION.] The bureau shall develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct, including procedures and protocols for the collection and preservation of human biological specimens for DNA analysis. Law enforcement agencies and medical personnel who conduct evidentiary exams shall use the uniform procedures and protocols in their investigation of criminal sexual conduct offenses. The uniform procedures and protocols developed under this subdivision are not subject to the rulemaking provisions of chapter 14.

Sec. 6. Minnesota Statutes 1989 Supplement, section 299C.155, subdivision 3, is amended to read:

Subd. 3. [DNA ANALYSIS AND DATA BANK.] The bureau shall adopt uniform procedures and protocols to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from

DNA analysis. The uniform procedures and protocols developed under this subdivision are not subject to the rulemaking provisions of chapter 14.

Sec. 7. Minnesota Statutes 1988, section 473.608, subdivision 17, is amended to read:

Subd. 17. [ORDINANCES.] (1) It may adopt and enforce rules, regulations, and ordinances it deems necessary for the purposes of sections 473.601 to 473.679, including those relating to the internal operation of the corporation and to the management and operation of airports owned or operated by it, subject to sections 473.601 to 473.679. Any person violating any rule, regulation or ordinance is guilty of a misdemeanor.

(2) The prosecution may be before a county or municipal court having jurisdiction over the place where the violation occurs. Every sheriff, constable, police officers, and other peace officer shall arrest offenders. The fines collected shall be paid into the treasury of the corporation. The portion of the fines necessary to cover all costs and disbursements incurred in processing and prosecuting the violations in the court shall be transferred to the court administrator. The corporation shall reimburse the prosecuting authority for the costs of prosecuting violations of the corporation's rules, regulations and ordinances, and violations of state law occurring on property owned by the corporation. All persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of the rules, regulations, and ordinances without pleading or proof.

(3) A public hearing need not be held on rules, regulations and ordinances relating to the internal operation of the commission or to the management or operation of airports owned or operated by it unless the rule, regulation or ordinance affects substantial rights.

(4) When necessary, the corporation may adopt and enforce without a public hearing all other rules, regulations or ordinances, but it shall hold a public hearing within 30 days after their adoption. Prior to the hearing, the corporation shall give at least 15 days notice by publication in appropriate legal newspapers of general circulation in the metropolitan area and mail a copy of them to all interested parties who have registered their names with the corporation for that purpose. If the rules, regulations, or ordinances are not deemed immediately necessary, the corporation shall hold a public hearing on them after giving the required notice. The rules, regulations, or ordinances shall not be adopted and enforced until after the hearing.

(5) Notice of the adoption of rules, regulations and ordinances shall, as soon as possible after adoption, be published in appropriate legal newspapers of general circulation in the metropolitan area.

Proof of publication and a copy of the rule, regulation, or ordinance shall be filed with the secretary of state. They shall then be in full force and effect.

(6) Any person substantially interested or affected in rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for reconsideration, amendment, modification, or waiver of it. The petition shall set forth a clear statement of the facts and grounds upon which it is based. The corporation shall grant the petitioner a public hearing within 30 days after the filing of the petition.

Sec. 8. Minnesota Statutes 1988, section 609.135, subdivision 1, is amended to read:

Subdivision 1. [TERMS AND CONDITIONS.] Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and (a) may order ~~noninstitutional~~ intermediate sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including ~~noninstitutional~~ intermediate sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. No ~~noninstitutional~~ intermediate sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them. For purposes of this subdivision, subdivision 6, and section 609.14, the term "~~noninstitutional~~ intermediate sanctions" includes but is not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, restitution, fines, day-fines, community work service, and work in lieu of or to work off fines.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121.

Sec. 9. Minnesota Statutes 1988, section 609.135, subdivision 6, is amended to read:

Subd. 6. [PREFERENCE FOR NONINSTITUTIONAL INTERMEDIATE SANCTIONS.] A court staying imposition or execution of a sentence that does not include a term of incarceration as a condition of the stay shall order ~~noninstitutional~~ other intermediate sanctions where practicable.

Sec. 10. Minnesota Statutes 1988, section 609.14, is amended to read:

609.14 [REVOCATION OF STAY.]

Subdivision 1. [GROUNDS.] When it appears that the defendant has violated any of the conditions of probation or ~~noninstitutional intermediate sanction~~, or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence, the court may without notice revoke the stay thereof and probation and direct that the defendant be taken into immediate custody.

Subd. 2. The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of the stay of imposition or execution of sentence. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which the defendant is entitled to be heard and to be represented by counsel.

Subd. 3. [SENTENCE.] If any of such grounds are found to exist the court may:

(1) If imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation or order ~~noninstitutional intermediate sanctions~~ pursuant to section 609.135, or impose sentence and order execution thereof; or

(2) If sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation or order ~~noninstitutional intermediate sanctions~~ in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed.

Subd. 4. If none of such grounds are found to exist, the defendant shall be restored to liberty under the previous order of the court.

Sec. 11. Minnesota Statutes 1988, section 631.48, is amended to read:

631.48 [PENALTY MAY INCLUDE COSTS OF PROSECUTION.]

In a criminal action, upon conviction of the defendant, the court may order as part of the sentence that defendant shall pay the whole or any part of the disbursements of the prosecution, including disbursements made to extradite a defendant. The court may order this payment in addition to any other penalty authorized by law which it may impose. The payment of the disbursements of prosecution may be enforced in the same manner as the sentence, or by execution against property. When collected, the disbursements must



be paid into the treasury of the county of conviction, but this payment may not interfere with the payment of officers', witnesses', or jurors' fees.

## ARTICLE 6 APPROPRIATIONS

### Section 1. [APPROPRIATIONS.]

(a) \$650,000 is appropriated from the general fund to the commissioner of corrections as a match to federal funds to create programs to provide intensive community supervision.

(b) \$34,000 is appropriated from the general fund to the commissioner of public safety as a match to federal funds for the drug abuse resistance education training center.

(c) \$225,000 is appropriated from the general fund to the commissioner of public safety as a match to federal funds to expand the community-based crime and drug prevention programs through the office of drug policy.

(d) \$500,000 is appropriated to the commissioner of corrections as a match to federal funds for the expansion of sentencing to service and work release correctional programs and/or the development of intermediate sentencing alternatives.

(e) \$400,000 is appropriated to the commissioner of corrections as a match to federal funds to develop pilot programs to provide chemical dependency treatment for adults and juveniles through services in local correctional and treatment programs.

(f) \$400,000 is appropriated to the commissioner of corrections for the expansion of chemical dependency treatment programs in state adult and juvenile correctional institutions.

(g) \$18,750 is appropriated to the commissioner of corrections as a match to federal funds for the development of pilot drug testing programs to be used as a condition of probation for defendants with drug related histories.

(h) \$31,250 is appropriated to the commissioner of corrections as a match to federal funds for the development of pilot programs in local jurisdictions for the purpose of conducting chemical dependency assessments for drug offenders and selected other felony offenders.

(i) \$200,000 is appropriated to the commissioner of corrections for

the expansion of programs for victims of domestic assault and abuse due to drugs and alcohol.

(j) \$40,000 is appropriated to the bureau of criminal apprehension for implementation of article 1, sections 9 to 13.

(k) \$225,000 in state funds is appropriated to the commissioner of public safety for contracting with providers for expanded drug prevention support services for high-risk target groups and communities.

(l) \$20,000 is appropriated from the general fund to the dedicated account created in article 4, section 15 to be used to pay for treatment services for persons placed under the provisions of article 4, section 15."

Delete the title and insert:

"A bill for an act relating to crime; changing the scope of certain controlled substance offenses; allowing prosecution in any county of controlled substance offenses involving sales of amounts aggregated over a 90-day period; providing that cocaine base is weighed as a mixture for purposes of first, second, and third degree controlled substance crimes; prohibiting the importing of controlled substances into the state; requiring the reporting of transactions involving substances that are precursors to controlled substances; providing for the distribution of forfeiture proceeds; defining controlled substances for purposes of reporting prenatal exposure to controlled substances; clarifying these reporting provisions; providing for maternal and child health services in chemical abuse situations; clarifying habitual DWI offender sanctions; requiring adoption of day-fine systems by each judicial district; creating intensive community supervision programs for certain prison inmates and offenders; creating pilot programs to require drug and alcohol testing as a condition of probation; creating pilot programs to provide chemical dependency treatment services in juvenile and adult jails and correctional facilities; creating pilot programs to require chemical dependency assessments for drug offenders; requiring a chemical use assessment to be conducted when a child is found delinquent of a drug offense; requiring chemical dependency treatment for certain offenders; providing an affirmative defense for certain liquor offenses; authorizing the court to order intermediate sanctions as a condition of probation; defining intermediate sanctions; appropriating money; amending Minnesota Statutes 1988, sections 90.301, subdivision 6; 145.88; 169.121, subdivisions 3a and 5; 169.124, subdivisions 1 and 2; 169.126, subdivisions 1, 4b, and 6; 244.05, by adding a subdivision; 256.98, subdivision 1; 256B.35, subdivision 5; 260.151, subdivision 1; 268.18, subdivision 3; 340A.503, subdivisions 1 and 3; 473.608, subdivision 17; 609.135, subdivisions 1, 6, and by adding a subdivision; 609.14; and 631.40; 631.48; Minnesota

Statutes 1989 Supplement, sections 145.882, subdivision 7; 152.021; 152.022; 152.023, subdivisions 1 and 2; 152.025, subdivision 2; 152.028, subdivision 2, and by adding a subdivision; 169.121, subdivision 3b; 169.126, subdivision 4; 260.193, subdivision 8; 299A.34, subdivision 1; 299A.35, subdivision 2; 299C.155, subdivisions 2 and 3; 340A.503, subdivision 2; 609.5315, subdivision 5; 626.556, subdivision 2; 626.5561, subdivisions 1, 3, 4, and by adding a subdivision; and 626.5562, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapters 152; 244; and 299A; repealing Minnesota Statutes 1988, sections 169.124, subdivision 3; 169.126, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, 169.126, subdivision 4a.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations 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 following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [126A.01] [FINDINGS.]

(a) The legislature finds that it is in the state's interest to provide all public school pupils in kindergarten through grade 12 with environmental education and all citizens with environmental education opportunities.

(b) The legislature further finds that the purpose of environmental education is to develop citizens who possess the awareness, knowledge, skills, attitudes, motivation, and commitment to work individually and collectively to establish and sustain a healthy environment.

Sec. 2. [126A.02] [ENVIRONMENTAL EDUCATION GOALS.]

The environmental education program described in this chapter has these goals for the pupils and other citizens of Minnesota:

(1) to understand ecological systems;

(2) to understand the cause and effect relationship between human attitudes and behavior and the environment;

(3) to be able to analyze, develop, and use problem-solving skills to understand the decision-making process of individuals, institutions, and nations regarding environmental issues;

(4) to be able to evaluate alternative responses to environmental issues before deciding on alternative courses of action;

(5) to provide experiences to assist citizens to increase their sensitivity and stewardship for the environment; and

(6) to provide the information citizens need to make informed decisions about actions to take on environmental issues.

Sec. 3. [126A.03] [ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROGRAM; CHARACTERISTICS; IMPLEMENTATION; IN-SERVICE.]

(a) The department of education shall assist in establishing environmental education programs in all public elementary and secondary schools.

(b) The environmental education program must be interdisciplinary, integrated into the curriculum, and outcome based.

(c) The program must be implemented through the department of education's learner outcome, assessment and feedback, and instructional processes.

(d) The department of education shall assist school districts, education districts, and other education organizations to develop environmental education policies that maximize the environmental education in-service teacher training in educational cooperative service unit regional offices.

Sec. 4. [126A.04] [INTEGRATED CURRICULUM DEVELOPMENT MODELS.]

The department of education shall develop curriculum integration models for a learner outcome-based environmental education program. The models must include:

(1) the specific environmental education and curriculum integration goals to be attained;

(2) the various options to achieve the goals;

(3) a hierarchy of learner outcomes composed of state learner goals; integrated learner outcomes; program learner outcomes; and course, unit, and lesson learner outcomes;

(4) mechanisms to communicate the models;

(5) an objective process to evaluate the progress to establish and implement a model integrated environmental education curriculum;

(6) alternatives to evaluate pupils' environmental education progress at the classroom level; and

(7) methods to assess pupils' environmental learning.

Sec. 5. [126A.05] [IN-SERVICE TEACHER TRAINING.]

The department of education is responsible for in-service teacher training in environmental education.

Sec. 6. [126A.06] [REPORTING.]

(a) Beginning January 15, 1992, the department of education shall submit a biennial report on its environmental education program to the legislature and the governor.

(b) The report must:

(1) describe the progress of environmental education learner outcome development and implementation in the public elementary and secondary schools;

(2) describe in-service involvement and assistance at the state and local level;

(3) evaluate the efforts of the research and development sites to implement integrated environmental learner outcome based education; and

(4) contain an implementation plan to assist school districts in the establishment of an environmental education program in all public elementary and secondary schools.

Sec. 7. [RESEARCH AND DEVELOPMENT SITES.]

(a) Sites selected under Laws 1989, chapter 329, article 7, section 21, or other school district sites may be used to demonstrate how environmental education outcomes can be integrated into a comprehensive education curriculum.

(b) The department of education shall assist the research and development sites to plan and implement integrated environmental education programs.

Sec. 8. [ADDITIONAL FUNDING.]

To the extent that existing funding is inadequate to meet the responsibilities of this act, the commissioner of education may request additional funding as a change level in the next biennial budget.

Sec. 9. [SUCCESSOR IN AUTHORITY.]

The department of administration takes the place of the environmental education board with respect to contracts made by the board's chief administrative officer and that officer's authority to apply for, receive, and disburse private grants and federal funds. After June 30, 1991, any such contracts must be transferred to other agencies or must not be renewed.

Sec. 10. [REPEALER.]

Minnesota Statutes 1988, sections 116E.01; 116E.02; 116E.03, subdivisions 2, 3, 4, 5, 6, 7, 7a, 8, and 9; and 116E.04; and Minnesota Statutes 1989 Supplement, sections 116E.03, subdivision 1; and 116E.035, are repealed.

Sec. 11. [EFFECTIVE DATE.]

This act is effective July 1, 1990."

Delete the title and insert:

"A bill for an act relating to education; providing for the environmental education act; 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."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations 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; 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.

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 and the public 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 RESTRICTIVE TECHNIQUES AND PROCEDURES IN FACILITIES SERVING EMOTIONALLY DISTURBED CHILDREN.]

The commissioner of human services shall amend the rules governing facilities serving emotionally disturbed children that are licensed under section 245A.09 and Minnesota Rules, parts 9545.0900 to 9545.1090 or 9545.1400 to 9545.1500 to adapt, in a manner applicable to the population served by those facilities, the restrictions on the use of aversive and deprivation procedures mandated in Minnesota Rules, parts 9525.2700 to 9525.2810.

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), and on individuals over the age of 13 who are members of the household in which the licensed program will be operated but who are currently living outside the household in an out-of-home placement, 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 259.40, subdivision 1, is amended to read:

Subdivision 1. [SUBSIDY PAYMENTS.] The commissioner of human services may make subsidy payments as necessary after the subsidized adoption agreement is approved to an adoptive parent or parents who adopt a child who meets the eligibility requirements under title IV-E of the Social Security Act, United States Code, title 42, section 670, or who otherwise meets the requirements in subdivision 4, is a Minnesota resident and is under guardianship of the commissioner or of a licensed child placing agency after the final decree of adoption is issued. The subsidy payments and any subsequent modifications to the subsidy payments shall be based on the needs of the adopted person that the commissioner has determined cannot be met using other resources including programs available to the adopted person and the adoptive parent or parents.

Sec. 6. Minnesota Statutes 1988, section 259.40, subdivision 4, is amended to read:

Subd. 4. [ELIGIBILITY CONDITIONS.] The placing agency shall determine the child's eligibility for adoption assistance under title IV-E of the Social Security Act. If the child does not qualify, the placing agency shall certify a child as eligible for a state-funded subsidy only if the following criteria are met:

(a) A placement agency has made reasonable efforts to place the child for adoption without subsidy, but has been unsuccessful; or

(b) The child's licensed foster parents desire to adopt the child and it is determined by the placing agency that:

(1) The adoption is in the best interest of the child; and,

(2) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without subsidy; and

(c) The child has been a ward of the commissioner, or licensed child placing agency.

Sec. 7. 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. 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. and the Minnesota Indian family preservation act under sections 257.35 to 257.3579.

(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. and the Minnesota Indian family preservation act under sections 257.35 to 257.3579.

(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. 8. 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 within the past ten years.

Sec. 9. 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 and petitions for the termination of parental rights, 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 and petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless 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. 10. 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. 11. 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. 12. 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 within the past ten years; 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: (1) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis; (2) the parent has been required by a case plan to participate in a chemical dependency treatment program; (3) the parent has either failed to successfully complete the program two or more times or has refused to participate in a culturally and linguistically appropriate treatment program; and (4) 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. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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 the subjection of a child 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. Sexual abuse includes threatened sexual abuse.

(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 custo-

dian 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 626.5561, 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.

(l) "Threatened injury" means a statement, overt act, condition or status that represents a substantial risk of physical or sexual abuse or mental injury.

Sec. 19. 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. 20. Minnesota Statutes 1988, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] (a) The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:

(1) any person making a voluntary or mandated report under subdivision 3 or assisting in an assessment under this section;

(2) any social worker or supervisor employed by a local welfare agency complying with subdivision 10d; and

(3) any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency or local law enforcement agency and assists in an investigation or assessment pursuant to subdivision 10.

(b) A person who is a supervisor or social worker employed by a local welfare agency complying with subdivisions 10 and 11 or any related rule or provision of law is immune from any civil or criminal



liability that might otherwise result from the person's actions, if the person is acting in good faith and exercising due care.

(c) This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

(d) If a person who makes a voluntary or mandatory report under subdivision 3 and who acts in good faith prevails in a civil action from which the person has been granted immunity under this subdivision, the person may recover attorney fees and costs.

Sec. 21. 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 18.

(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. 22. 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. 23. 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. 24. 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. 25. 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. 26. [ATTORNEY GENERAL DATA PRACTICES STUDY.]

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. 27. [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. 28. [EFFECTIVE DATE.]

Sections 14 to 16 are effective August 1, 1990, and apply to crimes committed on or after that date. Section 20 is effective August 1, 1989, for actions pending or commenced 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; 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; amending Minnesota Statutes 1988, sections 147.09; 259.40, subdivisions 1 and 4; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, 4, 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; 260.221, 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; and 245."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2616, A bill for an act relating to workers' compensation; providing for loggers; requiring the commissioner of labor and industry to study issues concerning loggers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 176.

Reported the same back with the following amendments:

Page 3, line 3, delete "25" and insert "30"

Page 4, delete section 2.

Page 5, line 25, delete "5" and insert "4"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 1821, A bill for an act relating to nursing; allowing nurse practitioners to prescribe and administer drugs and therapeutic devices; authorizing the board of nursing to adopt rules; establishing an interim filing requirement; amending Minnesota Statutes 1989 Supplement, section 148.171; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1989 Supplement, section 148.171, is amended to read:

148.171 [DEFINITIONS.]

Sections 148.171 to 148.285 shall be referred to as the Minnesota nurse practice act.

As used in sections 148.171 to 148.285:

(1) “Board” means the Minnesota board of nursing.

(2) “Registered Nurse,” abbreviated R.N., means an individual licensed by the board to practice professional nursing.

(3) The practice of professional nursing means the performance for compensation or personal profit of the professional interpersonal service of: (a) providing a nursing assessment of the actual or potential health needs of individuals, families, or communities; (b) providing nursing care supportive to or restorative of life by functions such as skilled ministrations of nursing care, supervising and teaching nursing personnel, health teaching and counseling, case finding, and referral to other health resources; and (c) evaluating these actions.

The practice of professional nursing includes both independent nursing functions and delegated medical functions which may be performed in collaboration with other health team members, or may be delegated by the professional nurse to other nursing personnel. Independent nursing function may also be performed autonomously. The practice of professional nursing requires that level of special education, knowledge, and skill ordinarily expected of an individual who has completed an approved professional nursing education program as described in section 148.211, subdivision 1. A registered nurse who has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse-midwives and who is certified through the national professional nursing organization for nurse-midwives may prescribe and administer drugs and therapeutic devices within practice as a nurse-midwife.

(4) “Licensed practical nurse,” abbreviated L.P.N., means an individual licensed by the board to practice practical nursing.

(5) The practice of practical nursing means the performance for compensation or personal profit of any of those services in observing and caring for the ill, injured, or infirm, in applying counsel and procedure to safeguard life and health, in administering medication and treatment prescribed by a licensed health professional, which are commonly performed by licensed practical nurses and which require specialized knowledge and skill such as are taught or

acquired in an approved school of practical nursing, but which do not require the specialized education, knowledge, and skill of a registered nurse.

(6) "Nurse" means registered nurse and licensed practical nurse unless the context clearly refers to only one category.

(7) "Nursing assistant" means an individual providing nursing or nursing-related services that do not require the specialized knowledge and skill of a nurse, at the direction of a nurse, but does not include a licensed health professional or an individual who volunteers to provide such services without monetary compensation.

(8) "Public health nurse" means a registered nurse who meets the voluntary registration requirements established by the board by rule.

Sec. 2. [148.235] [PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.]

Subdivision 1. [NURSE-MIDWIVES.] A registered nurse who has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse-midwives and who is certified through the national professional nursing organization for nurse-midwives may prescribe and administer drugs and therapeutic devices within practice as a nurse-midwife.

Subd. 2. [NURSE PRACTITIONERS.] (a) [PRESCRIBING AUTHORITY.] A registered nurse who (1) has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse practitioners, (2) is certified through a national professional nursing organization which certifies nurse practitioners and is included in the list of professional nursing organizations adopted by the board under section 62A.15, subdivision 3a, and (3) has a written agreement with a physician based on standards established by the Minnesota nurses association and the Minnesota medical association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a nurse practitioner.

(b) [RULES.] By July 1, 1991, the board shall promulgate rules to provide for the following:

(1) a system of identifying nurse practitioners eligible to prescribe drugs and therapeutic devices;

(2) a method of determining which general categories of prescrip-



tion drugs and therapeutic devices have been delegated to each nurse practitioner;

(3) a system of transmitting to pharmacists information concerning nurse practitioners eligible to prescribe drugs and therapeutic devices and the types of drugs and therapeutic devices they have been delegated the authority to prescribe; and

(4) a fee to the nurse practitioner who seeks prescribing authority in an amount sufficient to cover the board's ongoing costs relating to monitoring and regulating the prescribing authority of nurse practitioners.

(c) [TASK FORCE.] For purposes of adopting rules under this paragraph, the board shall establish and appoint an advisory task force composed of the following nine members:

(1) five nurse practitioners;

(2) two pharmacists; and

(3) two physicians.

Members must be appointed from lists of qualified persons nominated by the appropriate professional associations. The task force shall recommend rules to the board on each of the subjects listed above. No rule relating to the prescribing of drugs and therapeutic devices by nurse practitioners may be proposed by the board unless it was first submitted to the task force for review and comment.

### Sec. 3. [INTERIM FILING REQUIREMENT.]

A nurse practitioner may not prescribe or administer drugs or therapeutic devices after August 1, 1990, unless the nurse practitioner satisfies the requirements in section 2, subdivision 2, paragraph (a), and has filed with the board of nursing the nurse practitioner's name, home and business address, home and business telephone number, and other information requested by the board. These filings must be made available to the board of pharmacy for distribution to pharmacies.

### Sec. 4. [APPROPRIATION.]

\$23,000 is appropriated from the state special revenue fund to the board of nursing for the fiscal year ending June 30, 1991, to administer sections 1 to 3."

Delete the title and insert:

“A bill for an act relating to nursing; allowing nurse practitioners to prescribe and administer drugs and therapeutic devices; authorizing the board of nursing to adopt rules; establishing an interim filing requirement; appropriating money; amending Minnesota Statutes 1989 Supplement, section 148.171; proposing coding for new law in Minnesota Statutes, chapter 148.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 2054, A bill for an act relating to courts; staggering the elections of chief judges and assistant chief judges; providing for the adoption of rules by the supreme court governing jury administration; imposing penalties; amending Minnesota Statutes 1988, sections 484.69, subdivision 1, and by adding a subdivision; 593.19; 593.21; 593.31; 593.37, subdivision 2a; 593.40, subdivisions 4, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 593; repealing Minnesota Statutes 1988, sections 484.69, subdivision 2; 593.01; 593.08; 593.131; 593.135; 593.16; 593.33; 593.34; 593.35; 593.36; 593.37, subdivisions 1, 2, and 3; 593.38; 593.39; 593.40, subdivisions 1, 2, and 3; 593.41; 593.42, subdivisions 1, 2, 3, and 5; 593.43; 593.44; 593.45; 593.46; 593.47; and 593.49.

Reported the same back with the following amendments:

Page 2, line 19, after the period insert “Any provision of a reorganization plan filed pursuant to section 487.191 which allows any judges to decline assignment to particular cases because of their subject matter is void and of no effect.”

Page 4, after line 30, insert:

“Sec. 11, Minnesota Statutes 1988, section 626.86, is amended to read:

**626.86 [PEACE OFFICERS TRAINING.]**

Money appropriated for peace officers training shall be expended as follows:

(a) ~~Ten~~ **Thirty** percent shall be provided for reimbursement to board approved skills courses ~~in proportion to the number of~~

students successfully completing the board's skills licensing examination.

(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.

Sec. 12. Minnesota Statutes 1989 Supplement, section 626.861, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICERS TRAINING ACCOUNT.] Receipts from penalty assessments must be credited to the general fund. The peace officers standards and training board may allocate from funds appropriated as follows:

(a) Up to ~~ten~~ 30 percent may be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

(b) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Sec. 13. [PROFESSIONAL PEACE OFFICER EDUCATION; STUDY REQUIRED.]

The peace officer standards and training board shall study and report on the training and educational requirements, including the need to require a baccalaureate degree, prerequisite to licensure as a peace officer. In conducting this study, the board shall, at a minimum, consult with peace officers, police chiefs, sheriffs, elected officials from municipalities and counties, representatives of the minority communities, each public post-secondary education system, and the higher education coordinating board. A report based on this study shall be submitted to the legislature on or before February 1, 1991.

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1843, 2383, 2390 and 2616 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1821 and 2054 were read for the second time.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2480, A bill for an act relating to taxation; making technical corrections and administrative changes to property, sales and use, motor vehicle excise, income, franchise, insurance, petroleum products, pull-tab and tipboard taxes, firefighter state aids, and property tax refunds; making technical corrections and administrative changes to certain aids to local government; including lottery prizes as refunds in the revenue recapture act; providing for posting of certain tax delinquencies; requiring a social security number on certain probate applications; imposing a tax on untaxed pull-tabs and tipboards; recodifying license inquiry provisions; providing for payment and settlement of state elections campaign funds to political party state committees; transferring certain powers and duties; recodifying and providing for tax administrative, enforcement, and collection procedures; imposing penalties; amending Minnesota Statutes 1988, sections 60A.198, by adding a subdivision; 69.771, subdivision 3; 69.772, subdivision 2a; 69.774, subdivision 1; 116K.04, subdivision 4; 270.65; 270.67, subdivisions 1 and 2; 270.68, subdivisions 1 and 3; 270.69, subdivisions 2, 3, 7, 8, and by adding a subdivision; 270.70, subdivision 1; 270A.03, subdivision 7; 274.01, subdivision 1; 275.54; 287.21, subdivision 2; 290.05, subdivision 4;

290.17, subdivision 5; 290.39, subdivision 5; 290.49, subdivision 3; 290.92, subdivisions 6a, 12, 23, and 24; 290.93, subdivision 1; 290A.03, subdivision 3; 290A.04, subdivision 1; 290A.07, subdivision 3; 290A.19; 296.06, subdivision 2; 296.18, subdivisions 2 and 3; 296.25; 297A.01, subdivision 8; 297A.03, subdivision 2; 297A.041; 297A.14, subdivision 1; 297A.18; 297A.211, subdivision 3; 297A.25, subdivision 31; 297A.255, by adding a subdivision; 297B.035, subdivision 1; 299F21, subdivision 1; 349.212, by adding a subdivision; 477A.011, by adding a subdivision; 524.3-1001; 524.3-301; Minnesota Statutes 1989 Supplement, sections 38.18; 50.14, subdivision 4; 69.021, subdivision 6; 110.70; 118.12; 163.04, subdivision 3; 163.06, subdivision 6; 165.10, subdivision 1; 168.013, subdivision 5; 168A.10, subdivision 1; 270.06; 270.73, subdivision 1; 270B.07, by adding a subdivision; 272.16; 273.01; 273.11, subdivision 1; 290.39, subdivision 4; 290.92, subdivision 4c; 290.9201, subdivisions 7 and 8; 290.9705, subdivision 4; 297A.17; 365.025, subdivision 4; 368.01, subdivision 23; 368.44; 368.47; 370.01; 383.06; 385.31; 386.34; 412.081, subdivision 1; 412.221, subdivision 2; 430.102, subdivision 2; 465.04; 469.177, subdivision 1a; 471.24; 471.73; 475.58, subdivision 2; 475.73, subdivision 1; 477A.011, subdivision 15; 505.173, subdivision 1; Minnesota Statutes Second 1989 Supplement, sections 10A.31, subdivision 5; 60A.15, subdivision 1; 273.13, subdivision 25; 273.1391, subdivision 2; 273.1398, subdivision 1, 2, 5a, and 6; 274.14; 274.175; 275.07, subdivision 3; 275.50, subdivision 5; 275.51, subdivisions 3f, 3h, and 6; 287.29, subdivision 1; 290.17, subdivision 2; 290A.04, subdivisions 2h and 2i; 290A.07, subdivision 2a; 349.212, subdivision 4; 373.40, subdivision 1; 473F.08, subdivision 8a; 477A.012, subdivision 3; 477A.013, subdivision 3; Laws 1989, chapter 28, section 24; and Laws 1989, First Special Session chapter 1, articles 3, section 35; and 9, section 86; proposing coding for new law in Minnesota Statutes, chapters 270 and 289A; repealing Minnesota Statutes 1988, sections 270.08; 270.10, subdivision 4; 270.651; 272.70; 290.05, subdivision 5; 290.067, subdivision 5; 290.23, subdivision 15; 290.281, subdivision 5; 290.29; 290.37, as amended; 290.39, as amended; 290.391; 290.40; 290.41; 290.42; 290.43; 290.44; 290.45; 290.46; 290.47; 290.49; 290.50, as amended; 290.52; 290.521; 290.522; 290.523, as amended; 290.53, subdivisions 1, 1a, 2, 2a, 3, 3a, 4, 5, 7, 8, 9, 10, and 11; 290.54; 290.56; 290.57; 290.58; 290.59; 290.611, subdivision 5; 290.612; 290.65; 290.92, subdivisions 6, 7, 8, 11, 13, 14, 15, and 18; 290.9201, subdivisions 4, 5, 9, and 10; 290.923, subdivision 7; 290.93; 290.931; 290.932; 290.933; 290.934, as amended; 290.935; 290.936; 290.9705, subdivision 2; 290.974; 290A.06; 290A.11, subdivisions 1, 2, 3, and 4; 290A.111; 290A.112, as amended; 290A.12; 291.09; 291.11; 291.131; 291.14; 291.15, subdivisions 1 and 3; 291.215, subdivisions 2 and 3; 291.31, subdivisions 1 and 2; 291.32; 296.027; 296.16, subdivision 3; 296.17, subdivision 13; 296.18, subdivisions 3a and 7; 296.24; 297A.08; 297A.121; 297A.15, subdivision 3; 297A.26, subdivisions 1 and 4; 297A.27; 297A.275; 297A.29; 297A.30; 297A.31; 297A.32; 297A.33, subdivisions 1, 3, 4, and 5; 297A.34; 297A.35; 297A.37; 297A.39, subdivisions 1, 2, 2a, 3, 4, 5, 7, and 8; 297A.40; 297A.41, 297A.42; 297A.431; 297A.44, subdivision 2; Minnesota Statutes

1989 Supplement, sections 290A.11, subdivision 1a; and 297A.20; Minnesota Statutes Second 1989 Supplement, sections 270.77 and 290.38; Minnesota Rules, parts 8052.0100; 8052.0200; and 8130.7800.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ogren moved that the House refuse to concur in the Senate amendments to H. F. No. 2480, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2200, A bill for an act relating to education; starting, developing, adding to, clarifying, and financing elementary and secondary and related education programs and services, including those relating to general education, transportation, special programs, drug prevention and other community programs, facilities, programs of cooperation, other aids and levies, rural health care, and the department of education; providing for technical rate changes; authorizing bonds and tax levies; appropriating money; amending Minnesota Statutes 1988, sections 120.062, subdivision 9, and by adding a subdivision; 121.148; 121.15, subdivisions 1 and 7; 121.88, subdivision 6; 121.882, subdivision 9, and by adding a subdivision; 121.908, subdivision 3; 121.917, subdivision 4; 122.91, by adding a subdivision; 122.93, by adding a subdivision; 122.94, subdivision 5; 123.33, subdivision 1; 123.35, by adding subdivisions; 123.3514, subdivisions 6 and 6b; 123.36, subdivision 10; 123.37, subdivision 1; 123.38, subdivisions 1 and 2b; 123.39, subdivision 6; 123.58, subdivisions 2 and 6; 123.9361; 123.947; 124.14, subdivision 7; 124.195, subdivision 10, and by adding subdivisions; 124.26, by adding a subdivision; 124.2711, subdivision 2; 124.494, by adding a subdivision; 124A.02, subdivision 1; 124A.036, subdivision 5, and by adding a subdivision; 125.12, by adding a subdivision; 125.17, by adding a subdivision; 125.185, by adding a subdivision; 125.231, subdivision 6; 125.60, subdivision 2; 126.12, subdivision 2; 126.666, subdivisions 2 and 4; 126.70, subdivision 2a; 129B.53, subdivision 3; 141.25, subdivisions 7 and 9; 181A.04, by adding a subdivision; 181A.12, subdivision 1; 275.125, subdivision 4; and 471.59, subdivision 2; Minnesota Statutes 1989 Supplement, sections 121.111, subdivisions 1 and 2; 121.15, subdivision 2; 121.612, subdivisions 3 and 5; 121.88, subdivision 9; 121.882, subdivision 2; 122.243, subdivision 2; 122.91, subdivisions 1 and 5; 122.92, subdivision 1; 122.94, subdivision 6; 122.945, subdivision 2; 123.58, subdivision 9; 124.10, subdivision 2; 124.155, subdivision 2; 124.19, subdivision 7; 124.225, subdivisions 1, 3a, and 8k; 124.26, subdivisions 7 and 8; 124.2711, subdivisions 1 and 3; 124.2713; 124.2715; 124.2721;

124.2725, subdivision 8, and by adding a subdivision; 124.38, subdivision 7; 124.573, subdivision 2d; 124.83, subdivision 6; 124.90, subdivision 2; 124A.22, subdivision 2a; 126.22, subdivisions 2 and 3; 128B.03, subdivision 4; 129.128; 141.35; 275.125, subdivisions 5c, 5e, 6h, 6i, 8b, 9a, 9b, 9c, 11d, and 18; Minnesota Statutes Second 1989 Supplement, sections 124.2442, subdivision 1; 124.83, subdivisions 1 and 4; 124A.26, subdivision 1; Laws 1959, chapter 462, section 3, subdivision 10, as renumbered, as amended; Laws 1984, chapter 463, article 6, section 15, subdivision 2; Laws 1988, chapter 718, article 6, section 23; and Laws 1989, chapter 329, article 5, section 21, subdivision 4; article 11, sections 15, subdivisions 2 and 12; 16, subdivision 2; article 12, sections 9, subdivision 2; and 11; proposing coding for new law in Minnesota Statutes, chapters 121; 122; 124; 125; 126; 129B; and 237; proposing coding for new law as Minnesota Statutes, chapter 124B; repealing Minnesota Statutes 1988, sections 121.15, subdivision 4; 124.43, subdivisions 2, 3, 4, 5, and 6; Minnesota Statutes 1989 Supplement, section 124.43, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson, K., moved that the House refuse to concur in the Senate amendments to H. F. No. 2200, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2299, A bill for an act relating to agriculture; establishing the Minnesota natural wild rice promotion advisory council; proposing coding for new law in Minnesota Statutes, chapter 30.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Dicklich, Decker and Dahl.

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

Clark 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. 2299. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2621, A bill for an act relating to the organization and operation of state government; appropriating money for human services and health and other purposes with certain conditions; amending Minnesota Statutes 1988, sections 13.46, subdivision 5; 144A.073, by adding a subdivision; 245A.07, subdivision 3; 245A.08, subdivision 3; 245A.16, subdivision 4; 254B.04, subdivision 1; 254B.08; 256.736, subdivision 3a; 256.936, by adding a subdivision; 256B.04, subdivisions 15 and 16; 256B.055, subdivisions 3, 5, 6, and 12; 256B.056, subdivisions 2 and 7, and by adding a subdivision; 256B.0625, subdivisions 4, 5, 9, and by adding subdivisions; 256B.091, subdivisions 4 and 6; 256B.092, subdivisions 1a and 1b, and by adding subdivisions; 256B.15; 256B.19, by adding a subdivision; 256B.431, subdivision 3e, and by adding subdivisions; 256B.48, subdivision 2, and by adding a subdivision; 256B.49, by adding a subdivision; 256B.50, subdivisions 1 and 1b; 256B.501, subdivision 3e, and by adding a subdivision; 256B.69, subdivision 3; 256D.03, subdivision 7; 256E.06, subdivisions 2 and 7; 256H.01, by adding subdivisions; 518.171, subdivisions 1, 3, 4, and 7; 518.54, by adding subdivisions; 518.551, subdivisions 1 and 5; 518.611, subdivisions 1, 2, 8, and 8a, and by adding a subdivision; 518C.02, by adding subdivisions; 518C.03; 518C.05; 518C.09; 518C.12; and 518C.27, subdivision 1; Minnesota Statutes 1988, section 252.27, as amended by Laws 1989, chapter 282, article 2, section 92; Minnesota Statutes 1989 Supplement, sections 144.50, subdivision 6; 245.470, subdivision 1; 245.488, subdivision 1; 245A.02, subdivision 6a; 245A.03, subdivision 2; 245A.04, subdivisions 3, 3a, and 3b; 245A.12; 245A.13; 245A.16, subdivision 1; 252.46, subdivisions 1, 2, 3, 4, and 12; 254B.03, subdivision 4; 256.736, subdivision 16; 256.74, subdivision 1; 256.936, subdivision 1; 256.969, subdivisions 2c and 6a; 256.9695, subdivisions 1 and 3; 256B.055, subdivision 7; 256B.056, subdivisions 3 and 4; 256B.057, subdivisions 1 and 2, and by adding subdivisions; 256B.0575; 256B.059, subdivisions 4 and 5; 256B.0595, subdivisions 1, 2, and 4; 256B.0625, subdivision 13; 256B.091, subdivision 8; 256B.14; 256B.431, subdivision 2b; 256B.495, subdivision 1; 256B.69, subdivision 16; 256D.03, subdivisions 3, 4, and 6; 256D.425, subdivision 3; 256H.03, subdivisions 2, 2a, and 2b; 256H.05, subdivisions 1b, 1c, 2, and 5; 256H.08; 256H.15, subdivisions 1 and 2; 256L.05, subdivisions 1 and 7; 257.57, subdivision 1; 518.551, subdivision 10; 518.611, subdivision 4; and 518.613, subdivision 2; Laws 1988, chapter 689, article 2, section 256; Laws 1989, chapter 282, article 3, section 98, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapters 60A; 144; 245A; 252; 254A; 256; and 256B; repealing Minnesota



Statutes 1988, sections 256.736, subdivision 8; 256B.0625, subdivision 2; 256B.431, subdivisions 3, 3b, 3c, and 3d; and 256B.50, subdivision 2; Minnesota Statutes 1989 Supplement, sections 256.736, subdivision 15; 256B.055, subdivision 8; and 256B.431, subdivisions 3a and 3f.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Mr. Samuelson; Meses. Berglin and Piper; Messrs. Knutson and Solon.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVER, Secretary of the Senate

Greenfield moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 2621. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2478, A bill for an act relating to the financing and operation of government in Minnesota; updating references to the Internal Revenue Code; changing the computation of aid to local units of governments; modifying the computation and administration of taxes and property tax refunds; providing tax deductions and exemptions; changing the tax rates; authorizing certain local governments to borrow money; providing a food shelf checkoff; changing definition of debt for the revenue recapture act; providing certain rights and remedies to taxpayers; modifying the requirements for the collection and expenditure of tax increments; repealing the increase in the maximum lodging tax; allowing the sale of certain tax forfeited land in Otter Tail county; allowing the cities of Bayport, Windom, and Jackson and the counties of Goodhue, Douglas, and Koochiching to levy taxes for certain purposes; requiring certain uses of tax increments by the city of Minneapolis; exempting the city of Moorhead from certain requirements; permitting the cities of Bloomington and Roseville to impose lodging taxes; changing truth-in-taxation requirements; requiring payment of the prevailing wage for financial assistance; requiring reports and studies; imposing and transferring powers and duties; changing certain effective dates; increasing certain fees; providing for payment of the greater Minnesota landfill fee; imposing a minimum fee on corporations; pro-

viding for withholding of certain refunds; requiring an appropriation by the metropolitan sports facilities commission; reducing and transferring appropriations; canceling certain debts; appropriating money; amending Minnesota Statutes 1988, sections 270.07, by adding a subdivision; 270.70, subdivisions 1, 2, 4, 8, and by adding subdivisions; 270.701, by adding a subdivision; 270.709, subdivision 1; 270A.03, subdivisions 2 and 5; 271.12; 271.19; 273.11, by adding a subdivision; 273.124, by adding a subdivision; 273.1398, by adding a subdivision; 273.42, subdivision 1; 275.065, by adding a subdivision; 276.111; 277.15; 279.03, subdivision 2, and by adding a subdivision; 279.06; 281.17; 282.01, subdivision 4; 282.014; 282.261, subdivision 2; 289A.11, as added, by adding a subdivision; 290.431; 290.50, by adding a subdivision; 290A.10; 290A.19; 296.02, subdivision 1a; 296.025, subdivision 1a; 296.06, subdivision 2; 296.12, subdivisions 1 and 2; 296.17, subdivisions 10 and 17; 297.07, subdivision 5; 297A.01, subdivision 15; 297A.25, by adding a subdivision; 298.015, subdivision 1; 298.017; 298.05; 298.24, subdivision 1; 469.059, subdivision 11; 469.129, subdivision 2; 469.171, by adding a subdivision; 469.174, subdivision 12, and by adding subdivisions; 469.175, subdivision 1a, and by adding subdivisions; 469.176, subdivisions 2 and 3; 469.177, subdivision 8; 477A.011, subdivision 17, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, by adding a subdivision; 477A.03, subdivision 1; 477A.11, subdivision 4; 477A.13; and 500.24, subdivision 4; Minnesota Statutes 1989 Supplement, sections 270.10, subdivision 1a; 270.69, subdivision 11; 273.11, subdivision 1; 273.112, subdivision 3; 273.124, subdivisions 8 and 9; 275.08, subdivision 1d; 278.05, subdivision 4; 279.01, subdivision 1; 282.01, subdivision 1; 290.01, subdivision 19; 290A.04, subdivision 5; 290A.045, subdivision 7; 375.192, subdivision 2; 383.06; 410.32; 462.396, subdivision 2; 469.175, subdivision 4; 469.176, subdivision 4; 469.177, subdivision 9; and 469.190, subdivisions 1 and 2; Minnesota Statutes Second 1989 Supplement, sections 3.885, subdivision 8; 60A.15, subdivision 1; 103B.3369, subdivisions 5 and 7; 272.02, subdivision 4; 273.13, subdivisions 22, 23, and 25; 273.1398, subdivisions 1 and 2; 273.371, subdivision 1; 275.065, subdivisions 1 and 6; 275.07, subdivision 1; 275.50, subdivision 5; 275.51, subdivision 3f; 276.09; 276.10; 276.11, subdivision 1; 277.01, subdivision 1; 277.02; 277.05; 277.06; 290.05, subdivision 1; 290.06, subdivision 1; 290.091, subdivision 2; 290.0921, subdivisions 1, 3, and by adding a subdivision; 290A.04, subdivision 2a; 290A.045, subdivision 6; 297A.01, subdivision 3; 297A.44, subdivision 1; 469.174, subdivisions 7 and 10; 469.175, subdivisions 3 and 7; 469.176, subdivisions 1 and 4j; 469.177, subdivision 10; 469.190, subdivision 3; 477A.011, subdivisions 1a and 25; and 477A.013, subdivisions 3 and 5; Laws 1988, chapter 719, article 12, section 30, as amended; Laws 1989, chapters 326, article 3, section 49; and 353, section 13; and Laws 1989, First Special Session chapter 1, articles 3, section 32, subdivisions 1 and 2; 5, section 52; and 10, section 45; proposing coding for new law in Minnesota Statutes, chapters 134; 116J; 268; 270; 273; 290; and 469; repealing Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924;

115A.925; 115A.927; 115A.928; 290.06, subdivision 1a; and 375.192, subdivision 1; Minnesota Statutes Second 1989 Supplement, 273.1398, subdivision 2b.

The Senate has appointed as such committee:

Messrs. Johnson, D. J.; Novak; Pogemiller; Stumpf and Belanger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

### MOTIONS AND RESOLUTIONS

Solberg moved that the names of Osthoff, Battaglia and Carlson, D., be added as authors on H. F. No. 2419. The motion prevailed.

Winter moved that H. F. No. 1245 be returned to its author. The motion prevailed.

Neuenschwander moved that H. F. No. 1266 be returned to its author. The motion prevailed.

Jaros moved that H. F. No. 1878 be returned to its author. The motion prevailed.

O'Connor moved that H. F. No. 2543 be returned to its author. The motion prevailed.

Johnson, R., moved that H. F. No. 2545 be returned to its author. The motion prevailed.

Milbert moved that H. F. No. 2613 be returned to its author. The motion prevailed.

### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 796:

Carlson, D.; Ogren and Rukavina.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1730:

O'Connor, Scheid and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2294:

Hausman, Bishop and Wagenius.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2457:

Rest, Ogren and Long.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2474:

Skoglund, Burger and Williams.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2480:

McLaughlin, Ogren, Carruthers, Rest and Pauly.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2299:

Clark, Trimble and Uphus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2617:

Rice, Sarna, Lieder, Kalis and Seaberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2621:

Greenfield, Rodosovich, Murphy, Segal and Gruenes.

Redalen moved that the following statement be printed in the permanent Journal of the House:

"It was my intention to vote in the negative on Friday, March 30, 1990, when the vote was taken on final passage of S. F. No. 2621. In error I pressed the yea button rather than the nay button." The motion prevailed.

Frederick moved that the following statement be printed in the permanent Journal of the House:

"It was my intention to vote in the negative on Friday, March 30, 1990, when the vote was taken on final passage of S. F. No. 2621. In error I pressed the yea button rather than the nay button." The motion prevailed.

Janezich moved that the following statement be printed in the permanent Journal of the House:

"Had I been present when the final vote was taken on S. F. No. 2621 on Friday, March 30, 1990, I would have voted yea." The motion prevailed.

#### ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 3, 1990. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, April 3, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

