

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1990

NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 19, 1990

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

Prayer was offered by Father Richard Pates, Vicar for Seminaries, Archdiocese of St. Paul and Minneapolis, St. Paul, Minnesota.

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
Beard	Hasskamp	Long	Otis	Skoglund
Begich	Haukoos	Lynch	Ozment	Solberg
Bennett	Hausman	Macklin	Pappas	Sparby
Bertram	Heap	Marsh	Pauly	Stanius
Bishop	Henry	McDonald	Pellow	Steensma
Blatz	Himle	McEachern	Pelowski	Sviggum
Boo	Hugoson	McGuire	Peterson	Swenson
Brown	Jacobs	McLaughlin	Poppenhagen	Tjornhom
Burger	Janezich	McPherson	Price	Tompkins
Carlson, D.	Jaros	Milbert	Pugh	Trimble
Carlson, L.	Jefferson	Morrison	Quinn	Tunheim
Carruthers	Jennings	Munger	Redalen	Uphus
Clark	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, R.	Nelson, C.	Rest	Vellenga
Dauner	Johnson, V.	Nelson, K.	Rice	Wagenius
Dawkins	Kahn	Neuenschwander	Richter	Waltman
Dille	Kalis	O'Connor	Rodosovich	Weaver
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.

Dempsey and Welle were excused.

Miller was excused until 2:45 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Bertram moved that further reading of the Journals be

dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1891 and S. F. Nos. 1750, 2246, 1860, 2030 and 1944 have been placed in the members' files.

S. F. No. 1860 and H. F. No. 1884, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pappas moved that the rules be so far suspended that S. F. No. 1860 be substituted for H. F. No. 1884 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1944 and H. F. No. 1916, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Scheid moved that the rules be so far suspended that S. F. No. 1944 be substituted for H. F. No. 1916 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2246 and H. F. No. 2323, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 2246 be substituted for H. F. No. 2323 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2030 and H. F. No. 1898, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lasley moved that the rules be so far suspended that S. F. No. 2030 be substituted for H. F. No. 1898 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1750 and H. F. No. 1815, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sparby moved that the rules be so far suspended that S. F. No. 1750 be substituted for H. F. No. 1815 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155.

April 16, 1990

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

Dear Sir:

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

H. F. No. 1981, relating to motor vehicles; providing for temporary permit while awaiting delivery of special vehicle license plates; requiring registered owner of motor vehicle to list address or mailing address of primary residence on application for registration; clarifying when inspection fee must be paid to receive certificate of inspection for salvage vehicle; clarifying disclosure requirements for motor vehicle pollution control system; providing for special U.S. Open license plates.

H. F. No. 2500, relating to insurance; modifying the effective date of the statutory notice requirement for cancellation or nonrenewal of individual life policies.

H. F. No. 2135, relating to Anoka county; authorizing the sale or exchange of certain land.

H. F. No. 2056, relating to public safety; making it a crime for a driver to flee a peace officer from another state into Minnesota; authorizing a peace officer of another state to enter Minnesota in fresh pursuit for traffic and misdemeanor offenses; authorizing the admissibility of relevant evidence obtained in another state into evidence at Minnesota civil and criminal trials; granting peace officers of other states the authority to transport persons in legal custody under certain circumstances.

Sincerely,

RUDY PERPICH
Governor

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

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1990</i>	<i>Date Filed</i> <i>1990</i>
1726		432	16:11-April 16	April 17
1980		433	16:12-April 16	April 17
2172		434	16:14-April 16	April 17
2136		435	16:15-April 16	April 17
2134		439	16:10-April 16	April 17
2433		440	16:16-April 16	April 17
1897		441	16:25-April 16	April 17
1752		442	16:28-April 16	April 17
1879		443	16:29-April 16	April 17

1794	444	16:30-April 16	April 17	
2127	445	16:31-April 16	April 17	
	1981	446	16:33-April 16	April 17
	2500	447	16:17-April 16	April 17
	2135	448	16:34-April 16	April 17
	2056	449	16:35-April 16	April 17
1087	451	16:37-April 16	April 17	
2489	452	16:42-April 16	April 17	
1920	453	16:45-April 16	April 17	
1696	454	16:18-April 16	April 17	
2061	455	16:19-April 16	April 17	
2068	456	16:20-April 16	April 17	
1995	457	16:21-April 16	April 17	
2431	458	16:22-April 16	April 17	
1365	459	16:24-April 16	April 17	

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 1860, 1944, 2246, 2030 and 1750 were read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sparby moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1750 be given its third reading and be placed upon its final passage. The motion prevailed.

Sparby moved that the Rules of the House be so far suspended that S. F. No. 1750 be given its third reading and be placed upon its final passage. The motion prevailed.

Sparby moved to amend S. F. No. 1750, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1986, chapter 398, article 1, section 18, as amended by Laws 1987, chapter 292, section 37, and Laws 1989, chapter 350, article 16, section 8, is amended to read:

Sec. 18. [REPEALER.]

Sections 1 to 17 and Minnesota Statutes, section 336.9-501,

subsections (6) and (7), and sections 583.284, 583.285, and 583.305, are repealed on July 1, 1990 1992.

Sec. 2. [APPROPRIATION.]

\$100,000 is appropriated from the general fund to the Minnesota extension service for fiscal year 1991 for operation of the farmer-lender mediation program.

Delete the title and insert:

“A bill for an act relating to agriculture; extending the farmer-lender mediation act; appropriating money; amending Laws 1986, chapter 398, article 1, section 18, as amended.”

The motion prevailed and the amendment was adopted.

S. F. No. 1750, A bill for an act relating to agriculture; making legislative findings; extending the farmer-lender mediation act; appropriating money; amending Minnesota Statutes 1988, section 583.21; Laws 1986, chapter 398, article 1, section 18, as amended.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Sviggum
Swenson
Tjornhom
Tompkins

Trimble
Tunheim
Uphus
Valento

Vellenga
Wagenius
Waltman
Weaver

Wenzel
Williams
Winter
Spk. Vanasek

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

The Speaker called Rodosovich to the Chair.

HOUSE ADVISORIES

The following House Advisory was introduced:

McGuire introduced:

H. A. No. 59, A proposal for a study regarding phosphorus and toxic substances discharge into the Metropolitan disposal system.

The advisory was referred to the Committee on Environment and Natural Resources.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2057, A bill for an act relating to the city of Detroit Lakes; authorizing the establishment of a detached banking facility under certain conditions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 257, A bill for an act relating to state government; regulating markings on state vehicles; eliminating the requirement that certain reports of occupational licensing boards be summarized; eliminating certain prohibitions against state purchase of insurance; regulating state sale of goods and services; regulating certain small business assistance programs; clarifying responsibility for the operation and maintenance of certain buildings; regulating government record keeping; prescribing compensation for certain board members; amending Minnesota Statutes 1988, sections 15.0575,

subdivision 3; 15.16; 15.17, subdivision 1; 15.39, subdivision 1; 15A.081, subdivisions 1 and 7; 16A.85, subdivision 2; 16B.06, subdivision 4; 16B.19, subdivision 6; 16B.20, subdivision 2; 16B.22, subdivision 1; 16B.24, subdivisions 1, 5, and 6; 16B.405, subdivision 1; 16B.48; 16B.54, subdivision 2; 138.17, subdivision 1; 214.07, subdivision 2; 214.09, subdivision 3; 473.141, subdivision 3; and 600.135, subdivision 1; repealing Minnesota Statutes 1988, section 15.38.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2294, A bill for an act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; providing for living will designation on driver's licenses; allowing commissioner to suspend a driver's license for failure to report certain medical conditions; amending Minnesota Statutes 1988, sections 171.07, subdivisions 1a and 6, and by adding a subdivision; and 171.071; Minnesota Statutes 1989 Supplement, sections 171.06, subdivision 3; 171.07, subdivisions 1 and 3; and 171.18.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

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. 1854, A bill for an act relating to real estate; validating certain cancellation of contracts; validating certain conveyances by religious corporations; allowing county boards to set certain fees charged by the examiner of titles; providing for the effect of dissolution on joint tenancy; permitting the filing of summaries of dissolution judgments in real estate filings; clarifying provisions on certain liens by reordering clauses; amending Minnesota Statutes 1988, sections 287.01, by adding a subdivision; 500.19, subdivision 5; and 514.12, subdivision 3; Minnesota Statutes Second 1989 Supplement, section 508A.82; proposing coding for new law in Minnesota Statutes, chapters 315, 518, and 559; repealing Minnesota Statutes 1988, section 580.031.

The Senate has appointed as such committee:

Messrs. Peterson, R. W.; Luther and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

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. 1855, A bill for an act relating to family law; modifying dissolution statistical report requirements; regulating child custody and visitation in dissolution and other proceedings; modifying standards for joint legal custody; providing for the award of temporary attorney fees; providing standards for visitation and custody rights when a parent has been convicted of certain crimes; providing funding for legal representation in family law matters; amending Minnesota Statutes 1988, sections 144.224; 257.025; 257.541, subdivision 2; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1 and 7; 518.14; 518.156; 518.167, subdivision 2; 518.175, by adding a subdivision; 518.551, subdivision 5; and 518.619; Minnesota Statutes 1989 Supplement, sections 518.17, subdivision 2; 518.175, subdivisions 1 and 5; and 518.64, subdivision 2; proposing coding for new law in chapter 518.

The Senate has appointed as such committee:

Mr. Spear, Ms. Berglin, Mr. Brandl, Ms. Reichgott and Mr. Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2126, A bill for an act relating to health; providing regulations for bulk pesticide storage; amending provisions relating to pesticide registration fees and application fees; requiring permits for sources of irrigation water; requiring a permit for construction of a fertilizer distribution facility; requiring a responsible party to immediately take reasonable action necessary to abate an agricultural chemical incident; requiring certain administrative hearings on contested orders within 14 days; crediting certain agricultural penalties to the pesticide or fertilizer regulatory accounts; amending provisions relating to the registration surcharge and the agricultural chemical response and reimbursement fee; appropriating money from the general fund to be reimbursed with response and reimbursement fees; amending provisions relating to response and reimbursement eligibility; providing commissioner of agriculture authority under chapter 115B for agricultural chemical incidents; clarifying requirements for water well construction and ownership; clarifying provisions for at-grade monitoring wells; establishing reduced isolation distances for facilities with safeguards; clarifying conditions to issue a limited well contractor's license; amending effective dates; amending appropriations; amending Minnesota Statutes 1988, sections 18B.14, subdivision 2; 18B.27, subdivision 3; 18B.28, subdivision 4; 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding a subdivision; 115B.02, subdivisions 3, 4, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 18B.26, subdivision 3; 18C.205, subdivision 2; 18C.305, subdivision 1; 18D.103, subdivision 1; 18D.321, subdivision 2; 18E.03, subdivisions 3, 4, 5, and by adding a subdivision; 18E.04, subdivision 1; 103B.3369, subdivision 5; 103I.005, subdivisions 2, 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5, and by adding a subdivision; 103I.205, subdivisions 1, 2, 4, 5, 6, and 8; 103I.208, subdivision 2; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.525, subdivisions 1, 5, and 6; 103I.531, subdivision 4; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; 105.41, subdivisions 1c and 5a; 115B.20, subdivision 1; 116C.69, subdivision 3; Laws 1989, chapters 326, article 3, section 49; article 6, section 33, subdivision 2; article 8, section 10; and 335, article 1, section 23, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 18D and 103I; repealing Minnesota Statutes 1988, section

115B.17, subdivision 8; Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533.

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

Messrs. Morse, Davis, DeCramer, Beckman and Bernhagen.

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

Price 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. 2126. 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. 1827, A bill for an act relating to civil actions; providing for immunity from liability for unpaid members of county agricultural society boards; addressing reduction of damages in an action under no-fault automobile insurance; preserving common law tort law claims against adults who knowingly provide alcoholic beverages to minors; increasing the amount of claims that may be settled without court approval under the municipal compromise of claims statute; changing the standard for awarding punitive damages; addressing when a principal may be held liable for punitive damages for an act of the principal's agent; requiring a separate trial to address punitive damages; requiring the court to review a punitive damages award; making the contributory negligence rule apply to damages resulting from economic loss; redefining fault; abolishing the doctrine of last clear chance; providing immunity from liability for volunteer ski patrollers; allowing recovery of attorney fees by good faith reporters under the child abuse reporting act; repealing the limit on intangible loss damages and the requirement that a jury specify amounts for past, future, and intangible loss damages; amending Minnesota Statutes 1988, sections 38.013; 65B.51, subdivision 1; 340A.801, by adding a subdivision; 466.08; 541.051, subdivision 1; 548.36, subdivision 3; 549.20, subdivisions 1, 2, and by adding subdivisions; 604.01, subdivisions 1, 1a, and 3; 604.05, subdivision 2; 626.556, subdivision 4; repealing Minnesota Statutes 1988, sections 549.23 and 549.24.

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

Ms. Reichgott, Messrs. 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

Orenstein 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. 1827. 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. 1081, A bill for an act relating to courts; providing for a study by the supreme court of racial bias in the judicial system; appropriating money.

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

Messrs. Spear, Merriam 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

Dawkins 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. 1081. 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. 1847, A bill for an act relating to human rights; amending the definition of age; clarifying medical information

obtainable from prospective employees; clarifying protection for pregnant employees; prohibiting threats against home owners and renters; prohibiting discriminatory business practices; clarifying the meaning of business necessity and continuing violations; renumbering definitions; amending Minnesota Statutes 1988, sections 363.01, subdivision 28; 363.03, subdivisions 2, 8a, and by adding subdivisions; 363.06, subdivision 1, and by adding a subdivision; 363.071, by adding subdivisions; 363.116; Minnesota Statutes 1989 Supplement, sections 363.02, subdivision 1; and 363.03, subdivision 1.

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

Ms. Reichgott, Messrs. 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

Orenstein 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. 1847. 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. 2158, A bill for an act relating to utilities; regulating flexible gas utility rates; repealing sunset provisions relating to flexible gas utility rates; appropriating money; amending Minnesota Statutes 1988, section 216B.163; and Laws 1987, chapter 371, section 4.

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

Messrs. Dicklich, Waldorf and Johnson, D. E.

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

Jacobs 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. 2158. 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. 1896, A bill for an act relating to health; providing exemptions from the infectious waste control act; requiring hospitals to accept certain infectious waste; modifying standards for ambulance drivers; requiring adoption of rules setting new standards for recertification of and upgrading to emergency care course certificates; increasing reimbursement for volunteers; authorizing an emergency medical services advisory committee; regulating the provision of special transportation services; requiring studies; encouraging rural medical school applicants; requiring a study of medical assistance reimbursement for physicians; creating a rural hospital planning and transition grant program; creating a rural hospital subsidy fund; allowing counties authority to exceed levy limits; appropriating money; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 9; 116.78, by adding subdivisions; 144.804, subdivisions 1 and 7; 144.809; 144.8091; Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; and 174.

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

Messrs. Vickerman, Samuelson, DeCramer, Piepho and Langseth.

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

Cooper 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. 1896. 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. 1777, A bill for an act relating to Ramsey county; setting the terms of charter commission members; amending Minnesota Statutes 1988, section 383A.553, subdivision 1.

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

Messrs. Cohen, Waldorf and Knaak.

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

Kostohryz 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. 1777. 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. 394, A bill for an act relating to education; requiring a report on preparation of post-secondary education administrators and faculty.

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

Messrs. Dicklich, Ramstad 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

Jaros 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. 394. 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. 1946, A bill for an act relating to agriculture; providing for deficiency judgments relating to foreclosure and sale of mortgages on property used in agricultural production; requiring fair market value to be determined by the court; extending period for execution on judgment; amending Minnesota Statutes 1988, sections 500.24, subdivision 4; 582.30, subdivisions 3, 4, 5, and 6.

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

Messrs. Berg, Anderson and Brandl.

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

Bertram 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. 1946. 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. 2527, A bill for an act relating to agriculture; establishing an agricultural liming material law; allowing agreements between the commissioner of agriculture and certain persons required to file reports under the corporate farming law; appropriating money; prescribing penalties; amending Minnesota Statutes 1988, section 500.24, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 18F.

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

Messrs. Davis, Bernhagen and Bertram.

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

Jennings 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. 2527. The motion prevailed.

Morrison, Osthoff and Scheid were excused while in conference.

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. 2012, A bill for an act relating to agriculture; providing for uniformity of certain food rules with federal law; amending Minnesota Statutes 1989 Supplement, section 31.101, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Price moved that the House concur in the Senate amendments to H. F. No. 2012 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2012, A bill for an act relating to agriculture; adopting federal fishery product regulations as state rules for state inspections; providing sanctions for refusal to allow certain dairy inspections; providing laboratory procedures by rule for certain milk and cream testing; defining sheep milk; prescribing pasteurization and certain labeling for sheep milk; prescribing bacteria counts for certain dairy products; creating a farm safety advisory task force and a food safety advisory committee; amending Minnesota Statutes 1988, sections 32.21, subdivision 3; 32.391; 32.393; 32.394, subdivisions 1, 2, 4, and by adding a subdivision; 32.415; Minnesota Statutes 1989 Supplement, sections 31.101, by adding a subdivision; and 32.103; proposing coding for new law in Minnesota Statutes, chapter 28A.

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

The question was taken on the repassage of the bill and the roll was called. There were 113 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Himle	Kostohryz	Schreiber
Gruenes	Knickerbocker	Pauly	Uphus

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 488.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 488

A bill for an act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision;

471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.995; 471.996; 471.9975; and 471.9981, subdivisions 2 to 5.

April 11, 1990

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 488, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 488 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 471.991, subdivision 5, is amended to read:

Subd. 5. [EQUITABLE COMPENSATION RELATIONSHIP.] "Equitable compensation relationship" means that a primary consideration in negotiating, establishing, recommending, and approving total the compensation for female-dominated classes is not consistently below the compensation for male-dominated classes of comparable work value in relationship to other employee positions, as determined under section 471.994, within the political subdivision.

Sec. 2. Minnesota Statutes 1988, section 471.992, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Subject to sections 179A.01 to 179A.25 and sections 177.41 to 177.44 but notwithstanding any other law to the contrary, every political subdivision of this state shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees in order to eliminate sex-based wage disparities in public employment in this state. A primary consideration in negotiating, establishing, recommending, and approving compensation is comparable work value in relationship to other employee positions within the political subdivision. This law may not be construed to limit the ability of the parties to collectively bargain in good faith.

Sec. 3. Minnesota Statutes 1988, section 471.992, subdivision 2, is amended to read:

Subd. 2. [ARBITRATION.] In all interest arbitration involving a class other than a balanced class held pursuant to under sections 179A.01 to 179A.25, the arbitrator shall consider the equitable compensation relationship standards established in this section, and the standards established under section 471.993, together with other standards appropriate to interest arbitration. The arbitrator shall consider both the results of a job evaluation study and any employee objections to the study. In interest arbitration for a balanced class, the arbitrator may consider the standards established under this section and the results of, and any employee objections to, a job evaluation study, but shall also consider similar or like classifications in other political subdivisions.

Sec. 4. Minnesota Statutes 1988, section 471.992, is amended by adding a subdivision to read:

Subd. 4. [COLLECTIVE BARGAINING.] In collective bargaining for a balanced class, the parties may consider the equitable compensation relationship standards established by this section and the results of a job evaluation study, but shall also consider similar or like classifications in other political subdivisions.

Sec. 5. Minnesota Statutes 1988, section 471.994, is amended to read:

471.994 [JOB EVALUATION SYSTEM.]

Every political subdivision shall use a job evaluation system in order to determine the comparable work value of the work performed by each class of its employees. The system must be maintained and updated to account for new employee classes and any changes in factors affecting the comparable work value of existing classes. A political subdivision that substantially modifies its job evaluation system or adopts a new system shall notify the commissioner. The political subdivision may use the system of some other public employer in the state. Each political subdivision shall meet and confer with the exclusive representatives of their employees on the development or selection of a job evaluation system.

Sec. 6. Minnesota Statutes 1988, section 471.998, is amended by adding a subdivision to read:

Subd. 3. [PUBLIC DATA.] The report required by subdivision 1 is public data governed by chapter 13.

Sec. 7. Minnesota Statutes 1988, section 471.9981, is amended by adding a subdivision to read:

Subd. 5a. [IMPLEMENTATION REPORT.] By January 31, 1992, each political subdivision shall submit to the commissioner an

implementation report that includes the following information as of December 31, 1991:

- (1) a list of all job classes in the political subdivision;
- (2) the number of employees in each class;
- (3) the number of female employees in each class;
- (4) an identification of each class as male-dominated, female-dominated, or balanced as defined in section 471.991;
- (5) the comparable work value of each class as determined by the job evaluation used by the subdivision in accordance with section 471.994;
- (6) the minimum and maximum salary for each class, if salary ranges have been established, and the amount of time in employment required to qualify for the maximum;
- (7) any additional cash compensation, such as bonuses or lump-sum payments, paid to the members of a class; and
- (8) any other information requested by the commissioner.

If a subdivision fails to submit a report, the commissioner shall find the subdivision not in compliance with subdivision 6 and shall impose the penalty prescribed by that subdivision.

Sec. 8. Minnesota Statutes 1988, section 471.9981, is amended by adding a subdivision to read:

Subd. 5b. [PUBLIC DATA.] The implementation report required by subdivision 5a is public data governed by chapter 13.

Sec. 9. Minnesota Statutes 1988, section 471.9981, subdivision 6, is amended to read:

Subd. 6. [PENALTY FOR FAILURE TO IMPLEMENT PLAN.] If (a) The commissioner of employee relations finds, after notice and consultation with a shall review the implementation report submitted by a governmental subdivision, that it has failed to implement its plan for implementing to determine whether the subdivision has established equitable compensation relationships as required by section 471.992, subdivision 1, by December 31, 1991, or the later date approved by the commissioner. The commissioner shall notify a subdivision found to have achieved compliance with section 471.992, subdivision 1.

(b) If the commissioner finds that the subdivision is not in compliance based on the information contained in the implementation report required by section 7, the commissioner shall notify the subdivision of the basis for the finding. The notice must include a detailed description of the basis for the finding, specific recommended actions to achieve compliance, and an estimated cost of compliance. If the subdivision disagrees with the finding, it shall notify the commissioner, who shall provide a specified time period in which to submit additional evidence in support of its claim that it is in compliance. The commissioner shall consider at least the following additional information in reconsidering whether the subdivision is in compliance:

(1) recruitment difficulties;

(2) retention difficulties;

(3) recent arbitration awards that are inconsistent with equitable compensation relationships; and

(4) information that can demonstrate a good-faith effort to achieve compliance and continued progress toward compliance, including any constraints the subdivision faces.

The subdivision shall also present a plan for achieving compliance and a date for additional review by the commissioner.

(c) If the subdivision does not make the changes to achieve compliance within a reasonable time set by the commissioner, the commissioner shall notify the subdivision and the commissioner of revenue that the subdivision is subject to a five percent reduction in the aid that would otherwise be payable to that governmental subdivision under section 124A.23, 273.1398, or sections 477A.011 to 477A.014, or to a fine of \$100 a day, whichever is greatest. The commissioner of revenue shall enforce the penalty beginning in calendar year 1992 shall be reduced by five percent; provided that the reduction in aid shall apply to or in the first calendar year beginning after the date for implementation of the plan of a governmental subdivision for which the commissioner of employee relations has approved an implementation date later than December 31, 1991. However, the commissioner of revenue may not enforce a penalty until after the end of the first regular legislative session after a report listing the subdivision as not in compliance has been submitted to the legislature under section 471.999. The penalty remains in effect until the subdivision achieves compliance. The commissioner of employee relations may waive suspend the penalty upon making a finding that the failure to implement was attributable to circumstances beyond the control of the governmental subdivision or to severe hardship, or that noncompliance results from factors unrelated to the sex of the members dominating the

affected classes and that the subdivision is taking substantial steps to achieve compliance to the extent possible.

Sec. 10. Minnesota Statutes 1988, section 471.9981, is amended by adding a subdivision to read:

Subd. 7. [APPEAL.] A governmental subdivision may appeal the imposition of a penalty under subdivision 6 by filing a notice of appeal with the commissioner of employee relations within 30 days of the commissioner's notification to the subdivision of the penalty. An appeal must be heard as a contested case under sections 14.57 to 14.62. No penalty may be imposed while an appeal is pending.

Sec. 11. Minnesota Statutes 1988, section 471.999, is amended to read:

471.999 [REPORT TO LEGISLATURE.]

The commissioner of employee relations shall report to the legislature by January 1, 1986 on the information gathered from political subdivisions of each year on the status of compliance with section 471.992, subdivision 1, by governmental subdivisions.

The report must include a list of the political subdivisions in compliance with section 471.992, subdivision 1, and the estimated cost of compliance. The report must also include a list of political subdivisions found by the commissioner to be not in compliance, the basis for that finding, recommended changes to achieve compliance, estimated cost of compliance, and recommended penalties, if any. The commissioner's report shall must include a list of political subdivisions which that did not comply with the reporting requirements of this section. The commissioner may request, and a subdivision shall provide, any additional information needed for the preparation of a report under this subdivision.

Sec. 12. Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7, is amended to read:

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The court administrator of district court, if dissatisfied with the action of the county board in setting the amount of the court administrator's salary or the amount of the budget for the office of court administrator of district court, may appeal to the district court on the grounds that the determination of the county board in setting such the salary or budget was arbitrary, capricious, oppressive, or without sufficiently taking into account the extent of the responsibilities and duties of said the court administrator's office, and the court administrator's experience, qualifications, and performance. The appeal shall must be taken within 15 days after the date of the resolution setting such the salary or budget by serving a notice of appeal on the

county auditor and filing ~~same~~ a copy with the court administrator of the district court. The court, either in term or vacation and upon ten days' notice to the chair of the board, shall hear ~~such~~ the appeal. On the hearing of the appeal, the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on ~~such~~ those writings. If the court shall ~~find~~ finds that the board acted in an arbitrary, capricious, oppressive, or unreasonable manner, or without sufficiently taking into account the responsibilities and duties of the office of the court administrator, and the court administrator's experience, qualifications, and performance, it shall make ~~such~~ an order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. It is prima facie evidence that the board did not act in an arbitrary, capricious, oppressive, or unreasonable manner or without taking into account the responsibilities and duties of the office of the court administrator, and the court administrator's experience, qualifications, and performance, if the board's action was in accordance with a job evaluation system under section 471.994. After determination of the appeal the county board shall proceed in conformity ~~therewith~~ with the court's order. This subdivision is not in effect from July 1, 1989, to July 1, 1991, with respect to the amount of the budget of the office of court administrator of district court.

Sec. 13. [REPEALER.]

Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.996; and 471.9981, subdivisions 2, 3, 4, and 5, are repealed."

Delete the title and insert:

"A bill for an act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision; 471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.996; and 471.9981, subdivisions 2 to 5."

We request adoption of this report and repassage of the bill.

Senate Conferees: LINDA BERGLIN, MICHAEL O. FREEMAN AND JOHN J. MARTY.

House Conferees: WAYNE SIMONEAU, MARY JO MCGUIRE AND CONNIE MORRISON.

Simoneau moved that the report of the Conference Committee on S. F. No. 488 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 488, A bill for an act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision; 471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.995; 471.996; 471.9975; and 471.9981, subdivisions 2 to 5.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1743.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1743

A bill for an act relating to telephone service; regulating the installation of extended area service in exchanges; requiring the expansion of the metropolitan extended area telephone service, under some circumstances; proposing coding for new law in Minnesota Statutes, chapter 237.

April 11, 1990

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1743, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1743 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [237.161] [EXTENDED AREA SERVICE.]

Subdivision 1. [CRITERIA.] (a) The commission shall grant a petition for installation of extended area service only when each of the following criteria has been met:

(1) the petitioning exchange is contiguous to an exchange or local calling area to which extended area service is requested in the petition;

(2) polling by the commission shows that a majority of the customers responding to a poll in the petitioning exchange favor its installation, unless all parties and the commission agree that no polling is necessary; and

(3) at least 50 percent of the customers in the petitioning exchange make one or more calls per month to the exchange or local calling area to which extended area service is requested, as determined by a traffic study.

The rate to the polled exchange must be available to its customers before the commission determines what proportion of them favor the installation of extended area service.

(b) For the purpose of clause (3), the commission shall include as a customer an FX telephone service subscriber in the petitioning exchange whose FX service is provided through the exchange or an exchange within the local calling area to which extended area service is sought. For the purposes of this subdivision, "FX" means tariffed telephone toll service provided by placing a telephone line from another telephone exchange area in the telephone customer's exchange area.

(c) When the local calling area to which extended service is sought is the metropolitan local calling area in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and the petitioning exchange meets the criteria in paragraph (a), the telephone company serving the petitioning exchange shall make local measured service or another lower cost alternative to basic flat-rate service available to customers in the petitioning exchange.

Subd. 2. [BASIS OF RATES; COSTS.] For a proposal to install extended area service, proposed rates must be based on specific additional cost incurred, operating expenses, actual cost for new facilities constructed specifically to provide for extended area service, net book value of existing facilities transferred from another service to extended area service, a return on the capital investment associated with installing and providing the extended area service, and appropriate contributions to common overheads.

Subd. 3. [RATES.] (a) When the local calling area to which extended service is sought is the metropolitan local calling area in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, 75 percent of the costs of providing extended area service, as identified in subdivision 2, must be apportioned to the petitioning exchange and the remaining 25 percent apportioned to the exchange or exchanges to which extended area service is requested. When the proposed extended service area is not the metropolitan local calling area, the commission shall determine the apportionment of costs, provided that between 50 and 75 percent of the costs must be allocated to the petitioning exchange. The costs must be apportioned

among the customers in an exchange so that the relationship between the rates for classes of basic local service remains the same. Rates within the existing metropolitan local calling area may not be raised as a result of the addition of a local exchange under this subdivision until the rates in the added exchange are at least equal to the highest rates in an adjacent exchange within the metropolitan local calling area, provided that the rates in the added exchange may not exceed the amount necessary to recover 100 percent of the costs and ensure that the rates are income neutral for the telephone company serving the added exchange.

(b) The commission shall establish rates that are income neutral for each affected telephone company at the time at which the commission determines the extended area service rates. The commission shall consider the interests of all parties when determining a fair and equitable extended area service rate for a local telephone exchange that is newly included in the extended area service.

(c) A telephone company that provides local telephone service in an exchange that is included in an extended service area shall include the extended area service rate in the basic rate for the purpose of billing customers so that only one line item charge appears on customers' bills for both rates.

Subd. 4. [LATA BOUNDARIES.] When the commission has determined that a petition for inclusion of a local exchange in an extended service area should be granted under this section, but the inclusion of that local exchange would place a telephone company in violation of the federal prohibition on providing telephone service across a local access and transport area (LATA) line, as defined in section 237.57, subdivision 5, the commission shall order the affected telephone company to seek a waiver of the prohibition on the provision of service across the LATA line to the extent necessary to include the exchange in the extended service area.

Subd. 5. [INTERSTATE EXTENDED AREA SERVICE.] No state boundary may be crossed to establish extended area service under this section, but an exchange may be added to an interstate extended service area in existence on the effective date of this section.

Sec. 2. [METROPOLITAN EXTENDED AREA TELEPHONE SERVICE.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "metropolitan" or "metropolitan area" means all of the area within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 2. [REQUIRED EXPANSION OF METROPOLITAN EXTENDED AREA SERVICE.] Notwithstanding section 1, by July 1,

1991, the public utilities commission shall expand the metropolitan extended area service local calling area to include each local service telephone exchange served by a central office or wire center located within the metropolitan area if a majority of the consumers in the exchange that respond to polling by the commission favor including that exchange in the metropolitan local calling area as determined under subdivisions 3 and 4.

Subd. 3. [COMMISSION DUTIES; PROJECT.] The commission, in cooperation with each affected telephone company, shall determine the rates that would be charged to the customers in each metropolitan exchange that is not currently included in the metropolitan local calling area if that exchange were to be included. The commission shall then conduct a poll of the customers in each exchange. The ballot or questionnaire sent to each customer must clearly identify the rate that would be charged to customers in that exchange if the exchange becomes part of the metropolitan extended service area and must be returnable to the commission, at no cost to the customers, within 60 days of the date the ballot or questionnaire was mailed. If a majority of the customers in an exchange who respond to the commission's poll indicate that they favor inclusion, the commission shall include that exchange in the metropolitan local calling area.

Subd. 4. [COSTS; RATES.] The commission shall determine the costs and rates for each exchange subject to subdivision 3 in accordance with section 1, subdivisions 2 and 3, and commission rules.

Subd. 5. [FUTURE EXPANSION.] Customers in metropolitan exchanges that are not included in the metropolitan local calling area under subdivision 3 and customers in nonmetropolitan exchanges that want to be included in the metropolitan local calling area may petition the commission for inclusion under section 1 and commission rules, provided that no state boundary may be crossed in expanding the metropolitan local calling area.

Subd. 6. [DUTIES; TELEPHONE COMPANIES.] Each telephone company that is potentially affected by the activities of the commission in implementing subdivision 3 shall cooperate with the commission in determining costs and rates and any other activity or determination necessary to implement that subdivision.

Sec. 3. [REPEALER.]

Section 1 is repealed effective June 1, 1994.

Sec. 4. [EFFECTIVE DATE; APPLICATION.]

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

Section 1 applies to all petitions pending before the public utilities commission on that date and to bills sent to customers in exchanges that become part of an extended service area after that date. Section 2 applies to local exchanges whose central offices or wire centers are located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The public utilities commission shall suspend further action on any pending extended area service petition from an exchange governed by section 2 until the public utilities commission has implemented that section."

We request adoption of this report and repassage of the bill.

Senate Conferees: ROBERT J. SCHMITZ, GENE WALDORF AND RONALD R. DICKLICH.

House Conferees: JOEL JACOBS, HAROLD LASLEY AND ROBERT VAN-ASEK.

Jacobs moved that the report of the Conference Committee on S. F. No. 1743 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1743, A bill for an act relating to telephone service; regulating the installation of extended area service in exchanges; requiring the expansion of the metropolitan extended area telephone service, under some circumstances; proposing coding for new law in Minnesota Statutes, chapter 237.

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

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dauner	Janezich	Macklin	Olson, K.
Battaglia	Dawkins	Jaros	Marsh	Omann
Bauerly	Dille	Jefferson	McDonald	Onnen
Beard	Dorn	Jennings	McEachern	Orenstein
Begich	Frederick	Johnson, A.	McGuire	Ostrom
Bennett	Frerichs	Johnson, R.	McLaughlin	Otis
Bertram	Girard	Johnson, V.	McPherson	Ozment
Bishop	Greenfield	Kahn	Milbert	Pappas
Blatz	Gruenes	Kelly	Munger	Pauly
Boo	Gutknecht	Kelso	Murphy	Pellow
Brown	Hartle	Kinkel	Nelson, C.	Pelowski
Burger	Hasskamp	Krueger	Nelson, K.	Peterson
Carlson, D.	Haukoos	Lasley	Neuenschwander	Poppenhagen
Carlson, L.	Hausman	Lieder	O'Connor	Price
Carruthers	Henry	Limmer	Ogren	Pugh
Clark	Hugoson	Long	Olsen, S.	Quinn
Cooper	Jacobs	Lynch	Olsen, E.	Redalen

Reding	Sarna	Solberg	Tunheim	Wenzel
Rest	Schafer	Sparby	Uphus	Williams
Rice	Schreiber	Steensma	Valento	Winter
Richter	Seaberg	Sviggum	Vellenga	Spk. Vanasek
Rodosovich	Segal	Swenson	Wagenius	
Rukavina	Simoneau	Tompkins	Waltman	
Runbeck	Skoglund	Trimble	Weaver	

Those who voted in the negative were:

Abrams	Heap	Kostohryz	Tjornhom
Forsythe	Knickerbocker	Stanius	

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2130.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2130

A bill for an act relating to insurance; regulating the practices and record keeping of, and disclosures by, public adjusters; amending Minnesota Statutes 1988, section 72B.135, by adding subdivisions.

April 11, 1990

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2130, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2130 be further amended as follows:

Page 1, line 17, delete "solicit a" and insert "initiate contact with a prospective"

Page 2, line 2, after the first "a" insert "willful or knowing"

Page 2, line 4, after "make" insert "willful or knowing"

Page 2, line 25, delete everything after the first "adjuster" and insert ". The public adjuster shall disclose in writing to the client the fee charged by the public adjuster."

We request adoption of this report and repassage of the bill.

Senate Conferees: RICHARD J. COHEN AND MEL FREDERICK.

House Conferees: WES SKOGLUND, JERRY KNICKERBOCKER AND TED WINTER.

Skoglund moved that the report of the Conference Committee on S. F. No. 2130 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2130, A bill for an act relating to insurance; regulating the practices and record keeping of, and disclosures by, public adjusters; amending Minnesota Statutes 1988, section 72B.135, by adding subdivisions.

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

The question was taken on the repassage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Jacobs	Long	Omann
Anderson, G.	Dawkins	Janezich	Lynch	Onnen
Battaglia	Dille	Jaros	Macklin	Orenstein
Bauerly	Forsythe	Jefferson	Marsh	Ostrom
Beard	Frederick	Jennings	McDonald	Otis
Begich	Frerichs	Johnson, A.	McGuire	Ozment
Bennett	Girard	Johnson, V.	McLaughlin	Pauly
Bertram	Greenfield	Kahn	McPherson	Pellow
Bishop	Gruenes	Kalis	Milbert	Pelowski
Blatz	Gutknecht	Kelly	Munger	Peterson
Boo	Hartle	Kelso	Murphy	Poppenhagen
Brown	Hasskamp	Kinkel	Nelson, C.	Price
Burger	Haukoos	Knickerbocker	Nelson, K.	Pugh
Carlson, D.	Hausman	Kostohryz	Neuenschwander	Quinn
Carlson, L.	Heap	Krueger	Ogren	Redalen
Carruthers	Henry	Lasley	Olson, S.	Reding
Clark	Himle	Lieder	Olson, E.	Rest
Cooper	Hugoson	Limmer	Olson, K.	Rice

Richter
Rodosovich
Rukavina
Runbeck
Schafer
Schreiber

Seaberg
Segal
Simoneau
Skoglund
Solberg
Sparby

Stanius
Steensma
Sviggum
Swenson
Tjornhom
Tompkins

Trimble
Tunheim
Uphus
Valento
Vellenga
Wagenius

Waltman
Weaver
Wenzel
Williams
Winter
Spk. Vanasek

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2299.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON 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.

April 5, 1990

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2299, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2299 be further amended as follows:

Page 1, line 10, delete "30.495" and insert "116J.645"

Page 1, line 15, delete "agriculture" and insert "trade and economic development"

Page 2, line 1, delete "commissioner of agriculture" and insert "department of trade and economic development"

Page 2, line 3, after the period insert "The advisory council functions shall include but not be limited to addressing the issues of trademarking, labeling, packaging, consumer awareness, and marketing techniques necessary to the successful promotion of the exclusive and original nature of the home-grown Minnesota product."

The advisory council shall advise the department of trade and economic development annually of its activities and progress in this regard."

Amend the title as follows:

Page 1, line 2, delete "agriculture" and insert "trade and economic development"

Page 1, line 5, delete "30" and insert "116J"

We request adoption of this report and repassage of the bill.

Senate Conferees: RONALD R. DICKLICH, BOB DECKER AND GREGORY L. DAHL.

House Conferees: KAREN CLARK, STEVE TRIMBLE AND SYLVESTER UPHUS.

Clark moved that the report of the Conference Committee on S. F. No. 2299 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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

Those who voted in the affirmative were:

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

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

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2230

A bill for an act relating to public purchasing; establishing programs for purchasing from certain small targeted group businesses and businesses located in economically disadvantaged areas; requiring prompt payment to subcontractors; providing penalties; amending Minnesota Statutes 1988, sections 16B.07, by adding a subdivision; 16B.20, subdivisions 1 and 3; 161.321, subdivisions 1, 4, 5, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 16B.19; 16B.20, subdivision 2; 16B.21; 16B.22; 16B.226; 116J.68; 136.27; 136.72; 137.31, subdivision 6; 161.321, subdivisions 2, 3, and 6; 161.3211; 241.27, subdivision 2; 471.345, subdivision 8; and 473.142; Laws 1989, chapter 352, section 25; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; and 137; repealing Minnesota Statutes 1989 Supplement, sections 16B.189; 137.31, subdivision 3a; and 645.445, subdivision 5.

April 12, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jérôme M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 2230, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: RICHARD H. JEFFERSON, TED WINTER AND SIDNEY PAULY.

Senate Conferees: BETTY A. ADKINS, JOHN J. MARTY AND CAL LARSON.

Jefferson moved that the report of the Conference Committee on H. F. No. 2230 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2230, A bill for an act relating to public purchasing; establishing programs for purchasing from certain small targeted group businesses and businesses located in economically disadvantaged areas; requiring prompt payment to subcontractors; providing penalties; amending Minnesota Statutes 1988, sections 16B.07, by adding a subdivision; 16B.20, subdivisions 1 and 3; 161.321, subdivisions 1, 4, 5, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 16B.19; 16B.20, subdivision 2; 16B.21; 16B.22; 16B.226; 116J.68; 136.27; 136.72; 137.31, subdivision 6; 161.321, subdivisions 2, 3, and 6; 161.3211; 241.27, subdivision 2; 471.345, subdivision 8; and 473.142; Laws 1989, chapter 352, section 25; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; and 137; repealing Minnesota Statutes 1989 Supplement, sections 16B.189; 137.31, subdivision 3a; and 645.445, subdivision 5.

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

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

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2343

A bill for an act relating to insurance; accident and health; providing for the classification and disclosure of certain comprehensive health insurance data; regulating the Minnesota comprehensive health insurance plan; requiring insurers to provide written materials on the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1988, sections 13.71, by adding a subdivision; 62E.10, subdivision 9; 62E.14, by adding subdivisions; and 62E.15, subdivision 4.

April 12, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 2343, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2343 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 13.71, is amended by adding a subdivision to read:

Subd. 6. [COMPREHENSIVE HEALTH INSURANCE DATA.] The following data on eligible persons and enrollees of the state comprehensive health insurance plan are classified as private: all data collected or maintained by the Minnesota comprehensive health association, the writing carrier, and the department of commerce.

The Minnesota comprehensive health association is considered a state agency for purposes of chapter 13.

The Minnesota comprehensive health association may disclose data on eligible persons and enrollees of the state comprehensive health insurance plan to conduct actuarial and research studies, notwithstanding the classification of this data, if:

- (1) the board authorizes the disclosure;
- (2) no individual may be identified in the actuarial or research report;
- (3) materials allowing an individual to be identified are returned or destroyed as soon as they are no longer needed; and
- (4) the actuarial or research organization agrees not to disclose the information unless the disclosure would be permitted under this chapter if made by the association.

Sec. 2. Minnesota Statutes 1988, section 62E.10, subdivision 9, is amended to read:

Subd. 9. [EXPERIMENTAL DELIVERY METHOD.] The association may petition the commissioner of commerce for a waiver to allow the experimental use of alternative means of health care delivery. The commissioner may approve the use of the alternative means the commissioner considers appropriate. The commissioner may waive any of the requirements of this chapter and chapters 60A, 62A, and 62D in granting the waiver. The commissioner may also grant to the association any additional powers as are necessary to facilitate the specific waiver, including the power to implement a provider payment schedule.

This subdivision is effective until August 1, 1990 1991.

The commissioner of commerce in consultation with the governor's commission on health plan regulatory reform shall study and report to the legislature by January 15, 1989, on the current means utilized to finance the annual operating deficits incurred under the association. In conducting the study, the commissioner shall analyze any negative financial impacts which the current deficits are having on the contributing members of the association and recommend alternative sources of funding or other approaches which could be utilized to finance the operating deficit. The study shall also address the current association funding inequities between employers which self insure for employee health benefit coverage and those employers which have health coverage subject to state regulation.

Sec. 3. Minnesota Statutes 1988, section 62E.14, is amended by adding a subdivision to read:

Subd. 4a. [WAIVER OF PREEXISTING CONDITIONS FOR MINNESOTA RESIDENTS.] A person may enroll in the comprehensive health plan with a waiver of the preexisting condition limitation described in subdivision 3, provided that the following requirements are met:

(1) the person is a Minnesota resident eligible to enroll in the comprehensive health plan;

(2) the person:

(a) would be eligible for continuation under federal or state law if continuation coverage were available or were required to be available;

(b) would be eligible for continuation under clause (a) except that the person was exercising continuation rights and the continuation period required under federal or state law has expired; or

(c) is eligible for continuation of health coverage under federal or state law;

(3) continuation coverage is not available; and

(4) the person applies for coverage within 90 days of termination of prior coverage from a policy or plan.

Coverage in the comprehensive health plan is effective on the date of termination of prior coverage. The availability of conversion rights does not affect a person's rights under this subdivision.

Sec. 4. Minnesota Statutes 1988, section 62E.14, is amended by adding a subdivision to read:

Subd. 4b. [WAIVER OF PREEXISTING CONDITIONS FOR PERSONS COVERED BY RETIREE PLANS.] A person who was covered by a retiree health care plan may enroll in the comprehensive health plan with a waiver of the preexisting condition limitation described in subdivision 3, provided that the following requirements are met:

(1) the person is a Minnesota resident eligible to enroll in the comprehensive health plan;

(2) the person was covered by a retiree health care plan from an employer and the coverage is no longer available to the person; and

(3) the person applies for coverage within 90 days of termination of prior coverage.

Coverage in the comprehensive health plan is effective on the date of termination of prior coverage. The availability of conversion rights does not affect a person's rights under this section.

Sec. 5. [WAIVER OF PREEXISTING CONDITION.]

A person may enroll in the comprehensive health plan with a waiver of the preexisting condition limitation described in Minnesota Statutes, section 62E.14, subdivision 3, provided that the person meets the following requirements:

(1) group coverage was provided through a rehabilitation facility defined in Minnesota Statutes, section 129A.01, subdivision 6, and coverage was terminated;

(2) all other eligibility requirements for enrollment in the comprehensive health plan are met; and

(3) coverage is applied for within 90 days of termination of previous coverage.

Sec. 6. Minnesota Statutes 1988, section 62E.15, subdivision 4, is amended to read:

Subd. 4. Every insurer which rejects or applies underwriting restrictions to an applicant for accident and health insurance shall: (1) provide the applicant with a written notice of rejection or the underwriting restrictions applied to the applicant in a manner consistent with the requirements in section 72A.499; (2) notify the applicant of the existence of the state plan, the requirements for being accepted in it, and the procedure for applying to it; and (3) provide the applicant with written materials explaining the state plan in greater detail. This written material shall be provided by the association to every insurer at no charge.

Sec. 7. [62E.19] [PAYMENTS FOR PREEXISTING CONDITIONS.]

Subdivision 1. [EMPLOYER LIABILITY.] An employer is liable to the association for the costs of any preexisting conditions of the employer's former employees or their dependents during the first six months of coverage under the state comprehensive health insurance plan under the following conditions:

(1) the employer has terminated or laid off employees and is required to meet the notice requirements under section 268.976, subdivision 3;

(2) the employer has failed to provide, arrange for, or make available continuation health insurance coverage required to be provided under federal or state law to employees or their dependents; and

(3) the employer's former employees or their dependents enroll in the state comprehensive health insurance plan with a waiver of the preexisting condition limitation under section 62E.14, subdivision 4a or 5; or

(4) the employer has terminated or allowed the employer's plan of health insurance coverage to lapse within 90 days prior to the date of termination or layoff of an employee; and

(5) the employer's former employees or their dependents enroll in the state comprehensive health insurance plan with a waiver of the preexisting condition limitation under section 62E.14, subdivision 4a or 5.

The employer shall pay a special assessment to the association for the costs of the preexisting conditions. The special assessment may be assessed before the association makes the annual determination of each contributing member's liability as required under this chapter. The association may enforce the obligation to pay the special assessment by action, as a claim in an insolvency proceeding, or by any other method not prohibited by law.

If the association makes the special assessment permitted by this subdivision, the association may also make any assessment of contributing members otherwise permitted by law, without regard to the special assessment permitted by this subdivision. Contributing members must pay the assessment, subject to refund or adjustment, in the event of receipt by the association of any portion of the special assessment.

Subd. 2. [EXEMPTION.] Subdivision 1 does not apply to a termination of or failure to implement an employee health benefit

plan which results from or occurs during a strike or lockout, nor does it apply to employee health benefit plans separately provided by an employee organization or bargaining agent, regardless of any financial contribution to the plan by the employer.

Sec. 8. [EFFECTIVE DATE.]

Sections 3, 4, and 7 are effective retroactively to March 1, 1990. Sections 1, 2, and 5 are effective the day following final enactment. The 90-day requirement in sections 3 and 4 does not apply to terminations of coverage occurring after March 1, if application to or enrollment in the comprehensive health plan occurs within 90 days after final enactment.

Delete the title and insert:

“A bill for an act relating to insurance; accident and health; providing for the classification and disclosure of certain comprehensive health insurance data; regulating the Minnesota comprehensive health insurance plan; requiring insurers to provide written materials on the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1988, sections 13.71, by adding a subdivision; 62E.10, subdivision 9; 62E.14, by adding subdivisions; and 62E.15, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62E.”

We request adoption of this report and repassage of the bill.

House Conferees: WESLEY J. SKOGLUND, BOB HAUKOOS AND TED WINTER

Senate Conferees: JOHN E. BRANDL, SAM G. SOLON AND MEL FREDERICK.

Skoglund moved that the report of the Conference Committee on H. F. No. 2343 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2343, A bill for an act relating to insurance; accident and health; providing for the classification and disclosure of certain comprehensive health insurance data; regulating the Minnesota comprehensive health insurance plan; requiring insurers to provide written materials on the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1988, sections 13.71, by adding a subdivision; 62E.10, subdivision 9; 62E.14, by adding subdivisions; and 62E.15, subdivision 4.

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

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

Those who voted in the affirmative were:

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

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Long, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately preceding Special Orders pending for today, Thursday, April 19, 1990:

S. F. Nos. 1674 and 1894; H. F. Nos. 2652 and 2495; and S. F. No. 1758.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Long, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately following Special Orders pending for today, Thursday, April 19, 1990:

S. F. Nos. 1001, 2490, 2396, 1790, 2229, 2195, 1866, 2302, 443, 2346, 1937, 2375, 1822, 1925, 1973 and 2064; H. F. Nos. 2035 and 2379; and S. F. Nos. 1400, 2216, 576, 2147, 1813, 1966 and 2445.

SPECIAL ORDERS

S. F. No. 1674 was reported to the House.

Nelson, C., moved to amend S. F. No. 1674, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [3.7372] [HONEYBEE OWNERS; COMPENSATION FOR DAMAGE CAUSED BY GRASSHOPPER CONTROL MEASURES.]

Subdivision 1. [AUTHORIZATION.] The commissioner of agriculture shall compensate an owner of honeybee colonies damaged or destroyed by grasshopper control measures in a designated grasshopper control zone.

Subd. 2. [CLAIM FORM.] The owner of damaged or destroyed honeybee colonies shall prepare a claim on forms provided by the commissioner of agriculture and available from county agricultural inspectors, local weed inspectors, or the office of the county extension agent.

Subd. 3. [COMPENSATION.] The owner of damaged or destroyed honeybee colonies is entitled to fair market value for reduced honey production caused by chemical control measures applied in a grasshopper control zone designated by the commissioner under section 18.0223. For each colony destroyed or rendered economically non-productive by the chemical control measures, the owner is also entitled to the reasonable cost of replacing the colony. The commissioner of agriculture shall determine the fair market value of reduced honey production and reasonable colony replacement costs upon recommendation of the county agricultural inspector or other qualified agent.

Subd. 4. [INSURANCE DEDUCTION.] Payments authorized under this section must be reduced by amounts received by an owner of honeybee colonies as proceeds from an insurance policy covering loss of colonies or reduced honey production or from any other source for the same purposes including, but not limited to, a federal program.

Subd. 5. [DENIAL OF CLAIM; APPEAL.] If the commissioner of agriculture denies compensation claimed by an owner of damaged or

destroyed honeybee colonies under this section, the commissioner shall issue a written decision based upon the available evidence including a statement of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision must be mailed to the owner of the honeybee colonies.

Sec. 2. Minnesota Statutes 1989 Supplement, section 18.0225, is amended to read:

18.0225 [GRASSHOPPER CONTROL PROGRAM.]

(a) The commissioner of agriculture shall develop and implement a grasshopper control program to prevent crop damage in the grasshopper control zone. Within grasshopper control zones the commissioner, landowners, and local weed inspectors have the same authorities and duties under chapter 18 for grasshoppers as if grasshoppers are noxious weeds under chapter 18, except that the commissioner and the commissioner's agents do not have authority to require grasshopper control measures on land under the jurisdiction of the commissioner of natural resources under section 84.033 or land owned by a nonprofit scientific or educational organization and maintained in a natural state. After consultation and cooperation with the state extension service entomologist, the commissioner must develop the program to economically and efficiently control grasshoppers and to minimize adverse environmental impact, including the selection of pesticides and prescription of application rates.

(b) Notwithstanding the provisions of paragraph (a) and chapter 18, the board of a town designated by the commissioner as a grasshopper control zone may appoint a grasshopper control advisory committee of up to three members who are residents of the township before issuing orders for grasshopper control measures. The advisory committee must include at least one owner of land enrolled in the conservation reserve program if any land is enrolled and one dairy farmer if dairying occurs in the township. The town board must seek the advice of the advisory committee before the issuance of each order for grasshopper control.

(c) The grasshopper control program must utilize proven methods of grasshopper control and the commissioner may make grants for experimental methods of control in selected areas.

(d) The commissioner, upon written request from any person or organization, may exempt from grasshopper control measures a parcel of land that the commissioner, in consultation with the commissioner of natural resources, determines to be of particular scientific or natural significance or is particularly sensitive to the use of insecticides or other control methods being used. The request for exemption must include at least the following:

(1) the name and address of the person or organization making the request;

(2) the acreage and legal description of the parcel; and

(3) a statement of the specific reasons why an exemption is reasonable.

(e) A decision of the commissioner under paragraph (d) must be in writing and delivered to the person or organization making the request and the clerk of the town in which the property is located. The commissioner, counties, towns, and their agents are not liable for damages from exemptions granted under paragraphs (d) and (e).

(f) Before any grasshopper control measures, including but not limited to spraying or the deposit of pelletized controls, are applied on or to public waters, waterways, streams, or lakes, the commissioner shall seek the review and approval of the commissioner of natural resources.

Sec. 3. [18.0228] [CONTROL PROVISIONS.]

Subdivision 1. [PESTICIDE SELECTION.] (a) The commissioner, in consultation with the extension service entomologist, shall prepare a list of registered pesticides for use in the grasshopper control program. The commissioner must recommend pesticides and application methods that will minimize the adverse impact on foraging bees. The pesticides must economically and efficiently control grasshoppers and minimize adverse environmental impacts. Grasshopper control may only be conducted under this chapter with pesticides according to their label requirements.

(b) The commissioner shall determine grasshopper densities and densities causing economic or potential economic damage by May 1, 1990, notwithstanding chapter 14, except that section 14.38, subdivisions 7 and 8, must be complied with.

Subd. 2. [INDIVIDUAL NOTICES.] (a) The individual notices required under this chapter for the grasshopper control program must be in the form provided in this subdivision.

(b) The individual notice must be in the form prescribed by the commissioner and state at least the following:

(1) the legal description of the property covered by the notice to control;

(2) the date the notice is issued;

(3) the name and work telephone number of the inspector issuing the notice;

(4) the grasshopper counts found on the property;

(5) the date the property will be controlled by the county or municipality if the owner or occupant does not comply with the notice, which must be at least three days after the date the notice was served;

(6) that the costs of the control will be a lien and applied against the property's tax roll; and

(7) that the owner or occupant may contact the inspector about the notice before the time that the county or the municipality will control grasshoppers, which must be at least three days after the date the notice was served.

(c) The commissioner, a county agricultural inspector, or a local weed inspector issuing a notice under this subdivision must provide the same number of days for compliance under paragraph (b), clause (5), for property controlled by a private land owner or occupant as for property controlled by a unit of state or local government.

Subd. 3. [EFFECTS ON FORAGING BEES.] (a) Minnesota extension service shall hold meetings in grasshopper control zone areas explaining grasshopper control methods and procedures to minimize adverse effects on foraging bees.

(b) Not later than May 1 of each year, an owner of honeybee colonies must notify the commissioner as to the number and location of the colonies. Notification under this section must be accomplished by identifying on a map provided by the commissioner the location of colonies. The notice must include the name, address, and telephone number of the owner. If an owner of honeybee colonies relocates the colonies the owner must report the relocation orally, by phone, or in writing to the extension agent within ten days after the relocation.

(c) The extension agent in each county where one or more townships are designated grasshopper control zones must prepare maps of the location of all known honeybee colonies, including identification of the name, address, and telephone number of the owner. The maps must be updated at least weekly if owners of honeybee colonies give notice of relocations. The extension agent must make copies of the map available to pesticide applicators and to the town clerk of each township in the county.

(d) A pesticide applicator must not apply grasshopper control pesticides on blooming crops including alfalfa, clover, or sunflowers

except during the first three hours after sunrise or during the last hour before sunset within two miles of honeybee colonies.

(e) A farmer who applies pesticides or contracts to have pesticides applied must notify beekeepers within two miles of the application site within not more than seven days nor less than 24 hours prior to the application.

Subd. 4. [APPEAL OF CONTROL COSTS; PETITION.] (a) If a land owner objects to paying for grasshopper control measures ordered under section 18.0225, the land owner shall petition for judicial review. The petition must be filed within 30 days after the conclusion of grasshopper control measures on the petitioner's property. The petition shall be filed with the court administrator in the county in which the real property is located together with proof of service of a copy of the petition on the commissioner and the county auditor. The petition must be accompanied by the standard filing fee for civil actions. No responsive pleadings shall be required of the commissioner or the county, and no court fees shall be charged for the appearance of the commissioner or the county in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner of agriculture and the respective county as respondents. The petition must include the petitioner's name, the legal description of the real estate involved, a copy of the notice to control grasshoppers, and the date or dates on which appealed control measures were undertaken.

(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the impositions of a lien for the cost of grasshopper control measures.

Subd. 5. [HEARING.] (a) A hearing under subdivisions 4 to 6 must be held at the earliest practicable date, and in no event later than 90 days following the filing of the petition of objection. The hearing must be before a district judge in the county in which the real estate is located, and must be conducted in accordance with the normal rules of civil procedure. The commissioner must be represented by the attorney general. The county in which the petition is filed must be represented by the county attorney.

(b) The scope of the hearing must be limited to:

(1) procedures used in the selection of the real property upon which grasshopper control measures were undertaken and the reasonableness and arbitrariness of that selection;

(2) the reasonableness of the time period allowed for the land owner to undertake the grasshopper control measures before the

county agricultural inspector or the local weed inspector ordered a third party to undertake the control measures;

(3) the reasonableness of the costs for control measures undertaken; and

(4) any other factors relating to the reasonable necessity for imposing the grasshopper control measures.

(c) The court shall either order that a lien representing part or all of the costs for grasshopper control measures be imposed against the real property or that the land owner be relieved of responsibility for payment of grasshopper control measures undertaken.

Subd. 6. [APPEAL.] Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

Sec. 4. [18.0229] [LIABILITY.]

Counties and townships and their agents are not liable for damages from the grasshopper control program for actions conducted in accordance with sections 18.0223 to 18.0228.

Sec. 5. [18.205] [PUBLIC UTILITY EASEMENTS.]

For property that is subject to a public utility easement, the person controlling the surface of the land other than the holder of the public utility easement is the person responsible for control of noxious weeds and plant pests under this chapter.

Sec. 6. [REPEALER.]

Minnesota Statutes 1989 Supplement, section 18.0226, is repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 2 to 4 and 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; providing grasshopper control; making certain payments to beekeepers; amending Minnesota Statutes 1989 Supplement, section 18.0225; proposing coding for new law in Minnesota Statutes, chapters 3 and 18; repealing Minnesota Statutes 1989 Supplement, section 18.0226."

The motion prevailed and the amendment was adopted.

Nelson, C., moved to amend S. F. No. 1674, as amended, as follows:

Page 5, line 34, after "after" insert "local"

Page 5, line 35, delete "last hour" and insert "two hours" and after "before" insert "local"

Page 6, line 1, after "pesticides" insert "to blooming crops for grasshopper control"

Page 6, line 2, after "applied" insert "to blooming crops for grasshopper control"

The motion prevailed and the amendment was adopted.

Weaver moved to amend S. F. No. 1674, as amended, as follows:

Page 7, after line 20, insert:

"Subd. 7. [RESEARCH; REPORTING REQUIREMENTS.] (a) The commissioner, in consultation with the commissioner of natural resources and the University of Minnesota extension service, must conduct ongoing research and evaluation of nonpesticide alternatives for grasshopper control.

(b) In any year when grasshopper control zones are designated, the commissioner shall report to the chairs of the house and senate agriculture and environment committees the number of acres treated for grasshopper control and the pesticides used, the results of research and application of nonpesticide grasshopper control, the number of acres exempted from grasshopper control, and any evidence of negative environmental impacts of the grasshopper control program."

The motion prevailed and the amendment was adopted.

Wenzel, Sparby, Dille, Steensma, Omann, Waltman, Winter, Fre-
richs, Hugoson, Dauner, Redalen and Cooper moved to amend S. F.
No. 1674, as amended, as follows:

Page 7, after line 29, insert:

"Sec. 6. [VOCATIONAL PROGRAMS.]

The state board of vocational technical education may use funds available from any state or nonstate source for:

(1) instructional staff for farm and small business management, beginning farmer programs, and enterprise classes specific to community needs;

(2) support staff for instructional staff; and

(3) tuition assistance.”

Renumber the remaining sections

Correct the internal cross-references

Amend the title as follows:

Page 8, line 3, after the second semicolon insert “authorizing use of certain funds by the state board of vocational technical education for certain purposes;”

The motion prevailed and the amendment was adopted.

S. F. No. 1674, A bill for an act relating to agriculture; providing grasshopper control; authorizing the commissioner to exempt certain lands from grasshopper control; exempting certain persons from losses relating to grasshopper control; clarifying when public utilities are subject to grasshopper control; providing for notices for control and approval of grasshopper control costs; authorizing levies; appropriating money; amending Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1989 Supplement, section 18.0226.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

- | | | | | |
|--------------|-------------|-----------|------------|-----------|
| Abrams | Bertram | Clark | Frerichs | Hausman |
| Anderson, G. | Blatz | Cooper | Girard | Heap |
| Anderson, R. | Boo | Dauner | Greenfield | Henry |
| Battaglia | Brown | Dawkins | Gruenes | Hugoson |
| Bauerly | Burger | Dille | Gufknecht | Jacobs |
| Beard | Carlson, D. | Dorn | Hartle | Janezich |
| Begich | Carlson, L. | Forsythe | Hasskamp | Jaros |
| Bennett | Carruthers | Frederick | Haukoos | Jefferson |

Jennings	Marsh	Omamm	Rest	Swenson
Johnson, A.	McDonald	Onnen	Rice	Tjornhom
Johnson, R.	McEachern	Orenstein	Richter	Tompkins
Johnson, V.	McGuire	Ostrom	Rodosovich	Trimble
Kahn	McLaughlin	Otis	Rukavina	Tunheim
Kalis	McPherson	Ozment	Runbeck	Uphus
Kelly	Milbert	Pappas	Sarna	Valento
Kelso	Munger	Pauly	Schafer	Vellenga
Kinkel	Murphy	Pellow	Schreiber	Waltman
Knickerbocker	Nelson, C.	Pelowski	Seaberg	Weaver
Kostohryz	Nelson, K.	Peterson	Segal	Wenzel
Krueger	Neuenschwander	Poppenhagen	Simoneau	Williams
Lasley	O'Connor	Price	Solberg	Winter
Lieder	Ogren	Pugh	Sparby	Spk. Vanasek
Limmer	Olsen, S.	Quinn	Stanisus	
Long	Olson, E.	Redalen	Steensma	
Lynch	Olson, K.	Reding	Sviggum	

Those who voted in the negative were:

Skoglund Wagenius

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

Anderson, R., was excused while in conference.

S. F. No. 1894 was reported to the House.

Price moved to amend S. F. No. 1894, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 110B.28, is amended to read:

110B.28 [COMMISSION OVERSIGHT; REPORT REQUIRED.]

The board shall, on or before January 15 of each year, submit to the legislative commission on Minnesota resources and the legislative water commission a written report on the board's functions and the implementation of the comprehensive local water management act and sections 473.875 to 473.883 since the previous report under this section was submitted. The report to the ~~commission~~ commissions must include the board's recommendations for changes to the comprehensive local water management act and sections 473.875 to 473.883 and any recommendations for funding. The board shall also report to the ~~commission~~ commissions at other times requested by the ~~commission~~ commissions. The ~~commission~~ commissions may make recommendations to the legislature concerning the funding, implementation, and amendment of the act and sections 473.875 to 473.883.

Sec. 2. Minnesota Statutes 1988, section 110B.30, is amended to read:

110B.30 [APPLICATION.]

Sections 110B.01 to 110B.28 do not apply in areas subject to the requirements of sections 473.875 to 473.883 under section 473.878, subdivision 1, and in areas covered by an agreement entered into by December 31, 1985, under section 473.878, subdivision 1a, except as otherwise provided in sections 110B.04, subdivision 4, clause (4); and 110B.08, subdivisions 1, clauses (3) and (4) and 2, clause (b).

Sec. 3. Minnesota Statutes 1988, section 112.42, subdivision 3, is amended to read:

Subd. 3. [TERMS; SUCCESSOR APPOINTMENTS; VACANCIES.] (a) At least 30 days before the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall meet and appoint successors to the first managers. If the nominating petition for the district originated from a majority of the cities in the district, or if the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district. If the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district. The list must contain at least three nominees for each position to be filled. Managers for a district wholly within the metropolitan area must be appointed to fairly represent by residence the various hydrologic areas within the district.

(b) The list of nominees must be submitted to the affected county board at least 60 days before the expiration of the term of office. If the list is not submitted within 60 days prior to the expiration of the term of office, the county commissioners shall select the managers from eligible individuals within the district. The county commissioners shall meet and appoint the successors at least 30 days before any manager's term expires. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board.

(c) Ten years after the order of establishment, the board may redistribute the managers among the counties if redistribution is in accordance with the purposes of this chapter. The board may take this action upon petition of the county board of commissioners of any county affected by the district and after public hearing on the petition. A petition for the redistribution of managers must not be filed with the board more than once in ten years.

(d) If the number of manager positions in the board's findings and

order establishing the district is three, the terms of office of the first county-appointed managers shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the number of managers is five, one manager's term shall be one year, two managers' terms shall be two years, and two managers' terms shall be three years. If the board of managers consists of more than five members, the managers shall be appointed so that as nearly as possible one-third serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years. If the district affects more than one county, the board shall direct the distribution of the one-, two-, and three-year terms among the affected counties. Thereafter, the term of office for each manager must be three years, and until a successor is appointed and qualified. If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area. Any vacancy in an office of a manager must be filled by the appointing county board of commissioners.

(e) A record of all appointments made under this subdivision must be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the board. A person appointed as a manager must be a voting resident of the district and must not be a public officer of the county, state, or federal government, except that a soil and water conservation supervisor may be a manager.

Sec. 4. [112.4305] [TECHNICAL ADVISORY COMMITTEES.]

For a district wholly within the metropolitan area, the board of managers is encouraged to establish a technical advisory committee consisting of representatives of affected statutory and home rule charter cities, counties, and soil and water conservation districts.

Sec. 5. [473.157] [WATER RESOURCES PLAN.]

To help achieve federal and state water quality standards, provide effective water pollution control, and help reduce unnecessary investments in advanced wastewater treatment, the council shall adopt a water resources plan that includes management objectives and target pollution loads for watersheds in the metropolitan area. The council shall recommend to the board of water and soil resources performance standards for watershed plans in the metropolitan area, including standards relating to the timing of plan revisions and proper water quality management.

Sec. 6. Minnesota Statutes 1988, section 473.875, is amended to read:

473.875 [METROPOLITAN WATER MANAGEMENT PROGRAMS; PURPOSES.]

The purpose purposes of the water management programs required by sections 473.875 to 473.883 is are to: protect, preserve and use natural surface and ground water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff, (b) protect and improve surface and ground water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of surface and ground water.

(1) protect, preserve, and use natural surface and groundwater storage and retention systems;

(2) minimize public capital expenditures needed to correct flooding and water quality problems;

(3) identify and plan for means to effectively protect and improve surface and groundwater quality;

(4) establish more uniform local policies and official controls for surface and groundwater management;

(5) prevent erosion of soil into surface water systems;

(6) promote groundwater recharge;

(7) protect and enhance fish and wildlife habitat and water recreational facilities; and

(8) secure the other benefits associated with the proper management of surface and groundwater.

Sec. 7. Minnesota Statutes 1988, section 473.876, is amended by adding a subdivision to read:

Subd. 6a. [SUBWATERSHED UNIT.] "Subwatershed unit" means a hydrologic area less than the entire area under the jurisdiction of a watershed management organization.

Sec. 8. Minnesota Statutes 1988, section 473.877, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] (a) Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water in a watershed delineated pursuant to

subdivision 2, as required by sections 473.875 to 473.883, may provide, in addition to other provisions authorized by section 471.59, for a joint board having:

(a) (1) the authority to prepare, adopt, and implement a plan for the watershed meeting the requirements of section 473.878;

(b) (2) the authority to review and approve local water management plans as provided in section 473.879;

(c) (3) the authority of a watershed district under chapter 112 to regulate the use and development of land in the watershed when one or more of the following conditions exists: (1) (i) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 473.879 or has not adopted the implementation program described in the plan; (2) (ii) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (3) and (iii) the local government unit has authorized the organization to require permits for the use and development of land;

(d) (4) the authority of a watershed district under section 112.65 to accept the transfer of drainage systems in the watershed, to repair, improve, and maintain the transferred drainage systems, and to construct all new drainage systems and improvements of existing drainage systems in the watershed, provided that: (i) projects may be carried out under the powers granted in chapter 106A, 112, or 473 and sections 106A.005 to 106A.811 and that; and (ii) proceedings of the board with respect to the systems must be in conformance with the watershed plan adopted under section 473.878; and

(e) (5) other powers necessary to exercise the authority under clauses (a) (1) to (c) (3), including the power to enter into contracts for the performance of functions with governmental units or persons.

(b) The board of water and soil resources shall adopt rules prescribing minimum requirements for the content of watershed management organization joint powers agreements.

(c) Decisions by a joint powers board may not require more than a majority vote, except a decision on a capital improvement project, which may require no more than a two-thirds vote.

Sec. 9. [473.8775] [WATERSHED MANAGEMENT ORGANIZATIONS.]

Subdivision 1. [APPOINTMENT OF MEMBERS.] Watershed management organizations shall notify the board of water and soil resources of member appointments and vacancies in member positions within 30 days. Appointing authorities shall fill vacant positions by 90 days after the vacancy occurs.

Subd. 2. [NOTICE OF BOARD VACANCIES.] Appointing authorities for watershed management organization board members shall publish a notice of vacancies resulting from expiration of members' terms and other reasons. The notices must be published at least once in a newspaper of general circulation in the watershed management organization area. The notices must state that persons interested in being appointed to serve on the watershed management organization board may submit their names to the appointing authority for consideration. Published notice of the vacancy must be given at least 15 days before an appointment or reappointment is made.

Subd. 3. [REMOVAL.] The board of water and soil resources shall adopt rules prescribing standards and procedures for removing members of watershed management organization boards for just cause.

Subd. 4. [NEWSLETTER.] A watershed management organization shall publish and distribute at least one newsletter or other appropriate written communication each year to residents. The newsletter or other communication must explain the organization's water management programs and list the officers and telephone numbers.

Subd. 5. [REQUESTS FOR PROPOSALS FOR SERVICES.] A watershed management organization shall at least every two years solicit interest proposals for legal, professional, or technical consultant services before retaining the services of an attorney or consultant or extending an annual services agreement.

Subd. 6. [FORMATION OF ASSOCIATION.] The board of water and soil resources shall facilitate the formation of an association of watershed management organizations and inform the association, if formed, of similar national associations with which it may become affiliated.

Subd. 7. [DRAINAGE SYSTEMS.] Watershed management organizations may accept transfer of drainage systems under sections 473.875 to 473.883.

Sec. 10. Minnesota Statutes 1988, section 473.878, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) A watershed management plan is required for watersheds comprising all minor watershed

units wholly or partly within the metropolitan area. For the purposes of this section a minor watershed unit shall be considered within the metropolitan area if units having more than 90 percent of its area is within the metropolitan area, the watershed management plan shall be prepared, adopted, and implemented in accordance with the requirements of sections 473.875 to 473.883.

(b) Minor watershed units having 90 percent or less of their area within the metropolitan area shall prepare a plan or have the county prepare a watershed management plan for their area in accordance with the requirements of sections 473.875 to 473.883 or chapter 110B, as determined by the board of water and soil resources.

Sec. 11. Minnesota Statutes 1988, section 473.878, subdivision 1a, is amended to read:

Subd. 1a. [OPTIONAL PARTICIPATION IN METROPOLITAN WATER MANAGEMENT ORGANIZATION.] Local government units, ~~within or~~ outside of the metropolitan area, having territory that is not subject to the requirements of this section but that is within a watershed part of which is subject to the requirements of this section, may enter into an agreement under section 473.877. A local government unit that enters into an agreement under this subdivision has the duties imposed and the authority granted in sections 473.875 to 473.883.

Sec. 12. Minnesota Statutes 1988, section 473.878, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBLE UNITS.] (a) Where a watershed management organization exists, the plan for the watershed shall be prepared and adopted by the organization.

(b) If a watershed management organization is not established by July 1, 1985, for any minor watershed unit located wholly outside of Hennepin and Ramsey counties, is terminated, or the board of water and soil resources determines a plan is not being implemented in accordance with its rules, the county or counties containing the watershed unit shall prepare, adopt, and implement the watershed plan and for this purpose the county or counties have the planning, review, permitting, and financing authority of a watershed management organization specified in sections 473.877 to 473.883. If a watershed management organization is not established by July 1, 1985, for any minor watershed unit within the metropolitan area and wholly or partly within Hennepin or Ramsey counties, the county or counties containing the watershed unit shall petition for the establishment of a watershed district under chapter 112, provided, however, that a district established pursuant to such a petition shall not cross a primary river nor a river forming the boundary between a metropolitan county and a county outside the

metropolitan area, shall have boundaries which are based upon negotiations among all local government units which may have territory within the district and adjacent watersheds and shall not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river. A watershed management organization may request a county to prepare all or part of a plan. A county may delegate the preparation of all or part of a plan to the county soil and water conservation district. Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.

(c) If the board of water and soil resources determines that a county is not implementing the plan, has not delegated implementation of the plan, and has not petitioned for the creation of a watershed district:

(1) state agencies may withhold from local government units state funding for water programs for projects within the watershed;

(2) state agencies may withhold from local government units delegation of state water resource regulatory authority within the watershed; and

(3) state agencies may suspend issuance of water-related permits within the watershed.

The provisions of this paragraph apply until the board of water and soil resources determines that a plan is being implemented in accordance with its rules.

(d) Appeals from the board of water and soil resources determination are made in the same manner as appeals under section 110B.25, subdivision 5.

Sec. 13. Minnesota Statutes 1988, section 473.878, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS.] (a) The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five.

(b) The plan must be updated before the expiration of the period covered by the plan. The plan must be reviewed for consistency with an adopted county ground water plan, and revised as necessary, whenever the watershed plan undergoes substantial revision or updating. In counties that adopt or amend ground water plans within five years following August 1, 1987, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than six years following August 1,

1987. In counties that adopt or amend ground water plans after five years following August 1, 1987, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than one year following the adoption or amendment of the ground water plan. Upon the request of a watershed management organization, the county shall provide a written statement that:

(1) identifies any substantial inconsistencies between the watershed plan and the ground water plan and any substantial adverse effects of the watershed plan on the ground water plan; and

(2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.

(c) The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.

(d) The plan shall be prepared and submitted for review under subdivision 5 not later than December 31, 1986.

(e) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 473.875 to 473.883. Existing or amended plans of a watershed management organization which meet the requirements of sections 473.875 to 473.883 may be submitted for review under subdivision 5.

(f) Watershed management organizations shall coordinate their planning activities with contiguous watershed management organizations and counties conducting water planning and implementation under chapter 110B.

Sec. 14. Minnesota Statutes 1988, section 473.878, subdivision 4, is amended to read:

Subd. 4. [CONTENTS.] (a) The plan shall:

~~(a)~~ (1) describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

~~(b)~~ (2) present information on the hydrologic system and its

components, including any drainage systems previously constructed under sections 106A.005 to 106A.811, and existing and potential problems related thereto;

(e) (3) state objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) (4) set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) (5) describe the effect of the plan on existing drainage systems;

(f) (6) describe conflicts between the watershed plan and existing plans of local government units;

(g) (7) set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and

(h) (8) set out a procedure for amending the plan.

(b) The board shall adopt rules to establish standards and requirements for amendments to watershed plans. The rules must include:

(1) performance standards for the watershed plans, which may distinguish between plans for urban areas and rural areas;

(2) minimum requirements for the content of watershed plans and plan amendments, including public participation process requirements for amendment and implementation of watershed plans;

(3) standards for the content of capital improvement programs to implement watershed plans, including a requirement that capital improvement programs identify structural and nonstructural alternatives that would lessen capital expenditures; and

(4) how watershed plans are to specify the nature of the official controls required to be adopted by the local units of government, including uniform erosion control, stormwater retention, and wetland protection ordinances in the metropolitan area.

Sec. 15. Minnesota Statutes 1988, section 473.878, subdivision 6, is amended to read:

Subd. 6. [REVIEW BY METROPOLITAN COUNCIL.] After completion of the review under subdivision 5, the plan and all comments

received shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans. The council shall advise the board of water and soil resources on whether the plan conforms with the management objectives and target pollution loads stated in the council's water resources plan and shall recommend changes in the plan that would satisfy the council's plan. The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.

Sec. 16. Minnesota Statutes 1988, section 473.878, subdivision 8, is amended to read:

Subd. 8. [ADOPTION; IMPLEMENTATION.] (a) The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the board of water and soil resources. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 112 requiring the managers to wait upon petitions for projects, to submit projects for review by the board of water and soil resources, and to limit the cost and purposes of projects.

(b) The board of water and soil resources shall adopt rules establishing standards and criteria for making determinations of whether watershed management organizations and counties are implementing watershed plans as required under subdivision 1.

Sec. 17. Minnesota Statutes 1988, section 473.878, is amended by adding a subdivision to read:

Subd. 10. [PLAN REVIEW.] The board of water and soil resources shall review each watershed management organization plan at least once every five years and recommend appropriate changes.

Sec. 18. Minnesota Statutes 1988, section 473.878, is amended by adding a subdivision to read:

Subd. 11. [APPEALS OF PLAN FAILURES.] Persons aggrieved by an alleged failure to comply with the provisions of an approved plan may request review by the board of water and soil resources. The board shall establish a procedure for resolving disputes and making a determination on whether the plan is being implemented.

Sec. 19. Minnesota Statutes 1988, section 473.878, is amended by adding a subdivision to read:

Subd. 12. [ANNUAL REPORT.] The board of water and soil resources shall adopt rules establishing:

(1) requirements for annual watershed management organization financial reports to the board, including a report on administrative, project, and other expenditures;

(2) standards for annual financial audits by certified public accountants, procedures for the board to follow before ordering state financial and performance audits as determined by the board, and procedures for charging the costs of financial and performance audits to the watershed management organization; and

(3) requirements for the content of annual activity reports to the board, which must include the number and type of permits issued, complaints received, plan and ordinance violations, projects constructed, new officers installed, variances granted, status of local unit adoption and enforcement of model ordinance requirements, and financial conditions of the watershed management organization.

Sec. 20. [473.880] [RULE REVIEW.]

The board of water and soil resources shall review the rules relating to sections 473.875 to 473.883 at least once every five years and adopt necessary amendments.

Sec. 21. Minnesota Statutes 1988, section 473.879, subdivision 2, is amended to read:

Subd. 2. [STANDARDS; CONTENTS.] (a) Each local plan, in the degree of detail required in the watershed plan, shall:

(a) (1) describe existing and proposed physical environment and land use;

(b) (2) define drainage areas and the volumes, rates, and paths of stormwater runoff;

(c) (3) identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan;

(d) (4) define water quality and water quality protection methods adequate to performance standards established in the watershed plan;

(e) (5) identify regulated areas; and

(f) (6) set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.

(b) The board of water and soil resources shall adopt rules establishing minimum local plan standards and a model environmental management ordinance for use by local government units in implementing local water plans. The standards apply to plan amendments made to conform to changes in the watershed plans that are adopted under the board rules required by section 14.

Sec. 22. Minnesota Statutes 1988, section 473.881, is amended to read:

473.881 [EXEMPTION FROM LEVY LIMIT.]

Any levy to pay the increased costs to a local government unit or watershed management organization of implementing sections 473.878 and 473.879 or to pay costs of improvements and maintenance of improvements identified in an approved and adopted plan shall be in addition to any other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275, except levies pursuant to section 473.883, subdivision 7, for taxes payable in 1985 and thereafter. Notwithstanding any provision to the contrary in chapter 112, a watershed district may levy a tax sufficient to pay the increased costs to the district of implementing sections 473.878 and 473.879. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this section. Watershed management organizations and local government units may accumulate the proceeds of levies as an alternative to issuing bonds to finance improvements.

Sec. 23. Minnesota Statutes 1988, section 473.882, subdivision 1, is amended to read:

Subdivision 1. [WATERSHED MANAGEMENT TAX DISTRICT.]

(a) Any local government unit planning for water management under sections 473.878 and 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 473.878 and 473.879.

(b) Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 473.878 and which has a local water management plan adopted in accordance with section 473.879 may establish a watershed management tax district in the territory within the watershed

or a minor watershed subwatershed unit in the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities.

(c) A county or counties required by section 473.878, subdivision 2, to prepare, adopt, and implement a watershed plan shall apportion the costs of planning, capital improvements, and maintenance proportionate to benefits. The county may apportion the costs among the minor watershed subwatershed units in the watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.

Sec. 24. Minnesota Statutes 1988, section 473.883, subdivision 3, is amended to read:

Subd. 3. [APPORTIONMENT OF COSTS.] If the territory of the watershed management organization extends into more than one county, the cost of the improvement shall be certified to the respective county boards in the proportions prescribed in the capital improvement program of the organization. The certification of the watershed management organization may apportion the cost among some or all of the minor watershed subwatershed units in the watershed and for this purpose may require the establishment of more than one tax district in the watershed.

Sec. 25. Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6, is amended to read:

Subd. 6. [TAX.] For the payment of principal and interest on the bonds issued under subdivision 5 and the payment required under subdivision 4, the county shall irrevocably pledge and appropriate the proceeds of a tax levied on all taxable property located within the territory of the watershed management organization or minor watershed subwatershed unit for which the bonds are issued. Each year until the reserve for payment of the bonds is sufficient to retire the bonds, the county shall levy on all taxable property in the territory of the organization or unit, without respect to any statutory or other limitation on taxes, an amount of taxes sufficient to pay principal and interest on the bonds and to restore any deficiencies in reserves required to be maintained for payment of the bonds. The tax levied on rural towns other than urban towns may not exceed 0.02418 percent of taxable market value, unless approved by resolution of the town electors. If at any time the amounts available from the levy on property in the territory of the organization are insufficient to pay principal and interest on the bonds when due, the county shall make payment from any available funds in the county treasury. The amount of any taxes which are required to be levied outside of the territory of the watershed management organization

or unit or taken from the general funds of the county to pay principal or interest on the bonds shall be reimbursed to the county from taxes levied within the territory of the watershed management organization or unit.

Sec. 26. Minnesota Statutes 1988, section 473.883, subdivision 7, is amended to read:

Subd. 7. [MAINTENANCE LEVY.] For the purpose of creating a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by the county pursuant to subdivision 4, the board of managers of a watershed district, with the approval of the county, may impose an ad valorem levy on all property located within the territory of the watershed district or ~~minor watershed subwatershed~~ unit. The levy shall be certified, levied, collected, and distributed as provided in section 112.611, and shall be in addition to any other money levied and distributed to the district thereunder. The proceeds of the levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

Sec. 27. [DRAINAGE SYSTEM REPORT.]

Drainage authorities in the metropolitan area shall inventory and evaluate public ditches under their jurisdiction, prepare a report describing the general condition of the public ditch following the criteria under Minnesota Statutes, section 106A.015, and submit the report to the board of water and soil resources by July 1, 1992. The board shall provide guidance and technical assistance to the drainage authorities in meeting this requirement.

Sec. 28. [COOPERATION IN PLANNING.]

The council shall establish an advisory water quality management task force to assist the council in the plans and recommendations required by section 6. The council and the board shall coordinate agency activities and technical assistance to watershed management organizations and local governments to achieve the maximum benefit from staff resources.

Sec. 29. [APPLICATION.]

Sections 6 to 28 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 30. [APPROPRIATION.]

\$57,000 is appropriated to the board of water and soil resources for the purpose of carrying out this act.

The appropriation shall be taken from the amount appropriated in fiscal year 1991 for local water resources protection grants under Laws 1989, chapter 326, article 10, section 1, subdivision 4, clause (b).

Sec. 31. [EFFECTIVE DATE.]

Section 9, subdivisions 2 and 4, and section 19, are effective July 1, 1992."

Delete the title and insert:

"A bill for an act relating to environment and natural resources; amending provisions relating to water management organizations; providing legislative commission oversight of the metropolitan water management act; providing for appointment of metropolitan watershed district managers from residents within the district; authorizing management and financing of drainage systems under certain laws; clarifying water management purposes; authorizing counties to remove watershed district managers for just cause; authorizing a technical advisory committee; requiring watershed management organizations to prepare newsletters, annual reports, and audits; providing for preparation of watershed plans and implementation of plans; providing penalties for not implementing plans; authorizing and directing the board of water and soil resources to adopt rules; providing for appeal of plan failures; providing for requests for proposals for certain services; authorizing accumulation of levy proceeds; appropriating money; requiring a draining system report; amending Minnesota Statutes 1988, sections 110B.28; 110B.30; 112.42, subdivision 3; 473.875; 473.876, by adding a subdivision; 473.877, subdivision 1; 473.878, subdivisions 1, 1a, 2, 3, 4, 6, 8, and by adding subdivisions; 473.879, subdivision 2; 473.881; 473.882, subdivision 1; and 473.883, subdivisions 3 and 7; Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 112 and 473."

The motion prevailed and the amendment was adopted.

Price moved to amend S. F. No. 1894, as amended, as follows:

Page 15, line 35, before "EXEMPTION" insert "NO"

Page 16, line 5, strike everything after "law"

Page 16, strike line 6

Page 16, line 7, strike everything up to the period

Page 16, line 16, after the period insert "The amount authorized under this section and levied by a governmental subdivision is not exempt from Minnesota Statutes, sections 275.50 to 275.56."

Page 19, line 16, after the period insert "Section 22 is effective for taxes levied in 1989, payable in 1990 and subsequent years."

The motion prevailed and the amendment was adopted.

S. F. No. 1894, A bill for an act relating to environment and natural resources; amending provisions relating to water management organizations; providing legislative commission oversight of the metropolitan water management act; authorizing management and financing of drainage systems under certain laws; clarifying water management purposes; authorizing counties to remove watershed district managers for just cause; authorizing a technical advisory committee; requiring watershed management organizations to prepare newsletters, annual reports, and audits; providing for preparation of watershed plans and implementation of plans; providing penalties for not implementing plans; authorizing and directing the board of water and soil resources to adopt rules; providing for appeal of plan failures; providing for requests for proposals for certain services; authorizing accumulation of levy proceeds; requiring a draining system report; appropriating money; amending Minnesota Statutes 1988, sections 110B.28; 110B.30; 112.42, by adding a subdivision; 473.875; 473.876, by adding a subdivision; 473.877, subdivision 1; 473.878, subdivisions 1, 1a, 2, 3, 4, 8, and by adding subdivisions; 473.879, subdivision 2; 473.881; 473.882, subdivision 1; and 473.883, subdivisions 3 and 7; Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 112 and 473.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

H. F. No. 2652, A resolution memorializing the President and the Congress of the United States to design the 1990 federal farm bill so that it protects the family farm system.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2495 was reported to the House.

Dille moved to amend H. F. No. 2495, the second engrossment, as follows:

Page 2, line 3, delete "(a)"

Page 2, delete lines 8 to 13

Page 2, line 2, delete "; UNENCUMBERED BALANCE"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2495, A bill for an act relating to farm safety; providing for a pilot project of comprehensive farm safety audits; appropriating money.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Speaker pro tempore Rodosovich called Quinn to the Chair.

S. F. No. 1758 was reported to the House.

Brown moved to amend S. F. No. 1758, as follows:

Page 1, line 13, delete "the human and"

Page 1, line 16, delete "three years" and insert "one year"

Page 1, line 17, delete "to" and insert "and"

Page 1, line 21, delete "three" and insert "one"

Page 1, line 22, delete "years" and insert "year"

Page 4, line 8, delete "three" and insert "one"

Page 4, line 9, delete "years" and insert "year"

Page 5, line 1, delete "three years" and insert "one year"

Page 11, line 3, after "that" insert "(a) the states of Minnesota and Wisconsin, or (b)" and delete "20" and insert "40"

Page 11, line 5, after "1988" insert ", including Minnesota,"

Page 11, line 9, delete everything after the comma

Page 11, delete lines 10 to 12

Page 11, line 13, delete "provisions that restrict" and insert "restrictions on the"

Page 11, line 14, after "somatotropin," insert "remain in effect only so long as restrictions are effective in the state of Wisconsin or in states having 40 percent or more of milk production, including Minnesota. On the date that restrictions on the general use of biosynthetic bovine somatotropin are no longer in effect in the state of Wisconsin and in states having 40 percent or more of milk production, including Minnesota,"

The motion prevailed and the amendment was adopted.

Dille and Brown moved to amend S. F. No. 1758, as amended, as follows:

Page 11, line 5, delete "1988" and insert "the most recent available calendar year"

The motion prevailed and the amendment was adopted.

Dille moved to amend S. F. No. 1758, as amended, as follows:

Page 4, line 36, delete the new language

Page 5, lines 1 and 2, delete the new language

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

Stanius, Sviggum and Kahn moved to amend S. F. No. 1758, as amended, as follows:

Page 1, line 16, delete "for three years" and insert "until federal food and drug administration approval"

Page 1, line 17, delete everything before the period

Page 1, line 21, delete "three" and insert "federal food and drug administration approval"

Page 1, line 22, delete everything before "or"

Page 4, line 8, delete "three" and insert "federal food and drug administration approval"

Page 4, line 9, delete everything before the comma

Page 5, line 1, delete "three years after the effective date of" and insert "federal food and drug administration approval"

Page 5, line 2, delete "section 2 of this act"

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 63 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abrams	Burger	Frederick	Hartle	Hugoson
Bennett	Carlson, D.	Frerichs	Haukoos	Jennings
Bishop	Dille	Girard	Heap	Johnson, V.
Blatz	Dorn	Gruenes	Henry	Kahn
Boo	Forsythe	Gutknecht	Himle	Kelso

Knickerbocker	Miller	Ostrom	Runbeck	Swenson
Limmer	Morrison	Ozment	Schafer	Tjornhom
Lynch	Neuenschwander	Pauly	Schreiber	Uphus
Macklin	Olsen, S.	Pellow	Seaberg	Valento
Marsh	Olson, E.	Poppenhagen	Segal	Waltman
McDonald	Olson, K.	Redalen	Simoneau	Weaver
McGuire	Omann	Reding	Stanius	
McPherson	Onnen	Richter	Sviggum	

Those who voted in the negative were:

Anderson, G.	Dawkins	Kostohryz	Orenstein	Solberg
Anderson, R.	Greenfield	Krueger	Otis	Sparby
Battaglia	Hasskamp	Lasley	Pappas	Steensma
Bauerly	Hausman	Lieder	Pelowski	Tompkins
Beard	Jacobs	Long	Peterson	Trimble
Begich	Janezich	McLaughlin	Price	Tunheim
Bertram	Jaros	Milbert	Pugh	Vellenga
Brown	Jefferson	Munger	Quinn	Wagenius
Carlson, L.	Johnson, A.	Murphy	Rest	Wenzel
Carruthers	Johnson, R.	Nelson, C.	Rice	Winter
Clark	Kalis	Nelson, K.	Rodosovich	Spk. Vanasek
Cooper	Kelly	O'Connor	Rukavina	
Dauner	Kinkel	Ogren	Skoglund	

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

Kahn, Clark, Weaver and Stanius moved to amend S. F. No. 1758, as amended, as follows:

Page 1, line 12, delete "has" and insert "and biosynthetic hormones used to stimulate more rapid weight gain in beef cattle have"

Page 1, line 15, after "to" insert "and biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

Page 1, line 21, after "(BST)" insert "and biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

Page 4, line 11, after "(BST)" insert "or biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

Page 4, line 12, after "(BST)" insert "and biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

Page 5, line 1, after "(BST)" insert "or biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

Page 11, line 1, after "(BST)" insert "or biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

Page 11, line 4 after "production" insert "or 20 percent of the production of finished beef cattle"

Page 11, line 6, before the period insert "or the use of biosynthetic hormones used to stimulate more rapid weight gain in beef cattle"

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called. There were 41 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Limmer	Pellow	Swenson
Bennett	Gutknecht	Lynch	Poppenhagen	Tjornhom
Bishop	Heap	Macklin	Redalen	Valento
Blatz	Henry	Marsh	Rukavina	Wagenius
Boo	Himle	McGuire	Runbeck	Weaver
Carlson, D.	Hugoson	Miller	Schreiber	
Dille	Kahn	Morrison	Segal	
Forsythe	Knickerbocker	Olsen, S.	Simoneau	
Frederick	Kostohryz	Pauly	Stanius	

Those who voted in the negative were:

Anderson, G.	Greenfield	Kinkel	Orenstein	Schafer
Anderson, R.	Gruenes	Krueger	Ostrom	Seaberg
Battaglia	Hartle	Lasley	Otis	Skoglund
Bauerly	Hasskamp	Lieder	Ozment	Solberg
Beard	Haukoos	Long	Pappas	Sparby
Begich	Hausman	McDonald	Pelowski	Steensma
Bertram	Jacobs	McEachern	Peterson	Sviggum
Brown	Janezich	Milbert	Price	Tompkins
Burger	Jaros	Murphy	Pugh	Trimble
Carlson, L.	Jefferson	Nelson, C.	Quinn	Tunheim
Carruthers	Johnson, A.	O'Connor	Reding	Uphus
Clark	Johnson, R.	Ogren	Rest	Waltman
Cooper	Johnson, V.	Olson, E.	Rice	Wenzel
Dauner	Kalis	Olson, K.	Richter	Williams
Dorn	Kelly	Omman	Rodosovich	Winter
Girard	Kelso	Onnen	Sarna	Spk. Vanasek

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

Sviggum moved to amend S. F. No. 1758, as amended, as follows:

Page 11, lines 5 and 13, after "provisions" insert "by law"

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Knickerbocker	Olson, E.	Scaberg
Bennett	Gutknecht	Lasley	Omann	Stanius
Bishop	Hartle	Limmer	Onnen	Sviggum
Blatz	Haukoos	Lynch	Ozment	Swenson
Boo	Heap	Macklin	Pauly	Tjornhom
Burger	Henry	Marsh	Pellow	Tompkins
Carlson, D.	Himle	McDonald	Poppenhagen	Uphus
Dille	Hugoson	McPherson	Redalen	Valento
Forsythe	Jennings	Miller	Richter	Waltman
Frederick	Johnson, V.	Morrison	Runbeck	Weaver
Frerichs	Kahn	Neuenschwander	Schafer	
Girard	Kelso	Olsen, S.	Schreiber	

Those who voted in the negative were:

Anderson, G.	Dorn	Lieder	Ostrom	Segal
Anderson, R.	Greenfield	Long	Otis	Skoglund
Battaglia	Hasskamp	McEachern	Pappas	Solberg
Bauerly	Hausman	McGuire	Pelowski	Sparby
Beard	Jacobs	McLaughlin	Peterson	Stensma
Begich	Janezich	Milbert	Price	Trimble
Bertram	Jaros	Munger	Pugh	Tunheim
Brown	Jefferson	Murphy	Quinn	Vellenga
Carlson, L.	Johnson, A.	Nelson, C.	Reding	Wagenius
Carruthers	Kalis	Nelson, K.	Rest	Wenzel
Clark	Kelly	O'Connor	Rice	Williams
Cooper	Kinkel	Ogren	Rodosovich	Winter
Dauner	Kostohryz	Olson, K.	Rukavina	Spk. Vanasek
Dawkins	Krueger	Orenstein	Sarna	

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

S. F. No. 1758, as amended, was read for the third time.

CALL OF THE HOUSE

On the motion of McDonald and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abrams	Dawkins	Jaros	McEachern	Orenstein
Anderson, G.	Dille	Jefferson	McGuire	Ostrom
Anderson, R.	Dorn	Jennings	McLaughlin	Otis
Battaglia	Forsythe	Johnson, A.	McPherson	Ozment
Bauerly	Frederick	Johnson, R.	Milbert	Pappas
Beard	Frerichs	Johnson, V.	Miller	Pellow
Begich	Girard	Kahn	Morrison	Pelowski
Bennett	Greenfield	Kalis	Munger	Peterson
Bertram	Gruenes	Kelso	Murphy	Poppenhagen
Boo	Gutknecht	Kinkel	Nelson, C.	Price
Brown	Hartle	Kostohryz	Nelson, K.	Pugh
Burger	Hasskamp	Krueger	Neuenschwander	Quinn
Carlson, D.	Haukoos	Lasley	O'Connor	Redalen
Carlson, L.	Hausman	Lieder	Olsen, S.	Reding
Carruthers	Heap	Limmer	Olson, E.	Rest
Clark	Henry	Lynch	Olson, K.	Rice
Cooper	Himle	Marsh	Omann	Richter
Dauner	Hugoson	McDonald	Onnen	Rodosovich

Rukavina	Segal	Sviggum	Uphus	Williams
Runbeck	Simoneau	Swenson	Valento	Winter
Sarna	Skoglund	Tjornhom	Wagenius	Spk. Vanasek
Schafer	Sparby	Tompkins	Waltman	
Schreiber	Stanius	Trimble	Weaver	
Seaberg	Steensma	Tunheim	Wenzel	

Rodosovich moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

McDonald moved that S. F. No. 1758, as amended, be re-referred to the Committee on Agriculture.

A roll call was requested and properly seconded.

The question was taken on the McDonald motion and the roll was called. There were 57 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Limmer	Onnen	Stanius
Bennett	Gutknecht	Lynch	Ozment	Sviggum
Bishop	Hartle	Marsh	Pauly	Swenson
Blatz	Haukoos	McDonald	Pellow	Tjornhom
Boo	Heap	McPherson	Poppenhagen	Uphus
Burger	Henry	Miller	Redalen	Valento
Carlson, D.	Himle	Morrison	Reding	Waltman
Dille	Hugoson	Neuenschwander	Richter	Weaver
Forsythe	Jennings	Olsen, S.	Runbeck	Williams
Frederick	Johnson, V.	Olsen, E.	Schafer	
Frerichs	Kelso	Olsen, K.	Schreiber	
Girard	Knickerbocker	Omann	Seaberg	

Those who voted in the negative were:

Anderson, G.	Dorn	Krueger	Ostrom	Simoneau
Anderson, R.	Greenfield	Lasley	Otis	Skoglund
Battaglia	Hasskamp	Lieder	Pappas	Sparby
Bauerly	Hausman	Long	Pelowski	Steensma
Bear	Jacobs	McEachern	Peterson	Tompkins
Begich	Jaros	McGuire	Price	Trimble
Bertram	Jefferson	McLaughlin	Pugh	Tunheim
Brown	Johnson, A.	Milbert	Quinn	Vellenga
Carlson, L.	Johnson, R.	Munger	Rest	Wagenius
Carruthers	Kahn	Murphy	Rice	Wenzel
Clark	Kalis	Nelson, C.	Rodosovich	Winter
Cooper	Kelly	Nelson, K.	Rukavina	Spk. Vanasek
Dauner	Kinkel	O'Connor	Sarna	
Dawkins	Kostohryz	Orenstein	Segal	

The motion did not prevail.

S. F. No. 1758, A bill for an act relating to health; requiring the licensing of wholesale drug distributors; regulating the use of biosynthetic bovine somatotropin; providing penalties; amending

Minnesota Statutes 1988, sections 151.01, subdivision 28; 151.06, subdivision 1; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 151.

The question was taken on the passage of the bill and the roll was called.

Schreiber moved that those not voting be excused from voting. The motion did not prevail.

Long moved that those not voting be excused from voting. The motion prevailed.

There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Krueger	Ostrom	Simoneau
Anderson, R.	Hasskamp	Lieder	Otis	Skoglund
Battaglia	Hausman	Long	Pappas	Solberg
Bauerly	Jacobs	McEachern	Pelowski	Sparby
Beard	Janezich	McLaughlin	Peterson	Steensma
Begich	Jaros	Milbert	Price	Trimble
Bertram	Jefferson	Munger	Pugh	Tunheim
Brown	Johnson, A.	Murphy	Quinn	Vellenga
Carlson, L.	Johnson, R.	Nelson, C.	Rest	Wagenius
Carruthers	Kalis	Nelson, K.	Rice	Wenzel
Clark	Kelly	O'Connor	Rodosovich	Williams
Cooper	Kelso	Ogren	Rukavina	Winter
Dauner	Kinkel	Olson, K.	Sarna	
Dawkins	Kostohryz	Orenstein	Segal	

Those who voted in the negative were:

Abrams	Girard	Knickerbocker	Olsen, S.	Schafer
Bennett	Gruenes	Lasley	Olsen, E.	Schreiber
Bishop	Gutknecht	Limmer	Omann	Seaberg
Blatz	Hartle	Lynch	Onnen	Stanius
Boo	Haukoos	Macklin	Ozment	Sviggum
Burger	Heap	Marsh	Pauly	Swenson
Carlson, D.	Henry	McDonald	Pellow	Tjornhom
Dille	Himle	McGuire	Poppenhagen	Uphus
Dorn	Hugoson	McPherson	Redalen	Valento
Forsythe	Jennings	Miller	Reding	Waltman
Frederick	Johnson, V.	Morrison	Richter	Weaver
Frerichs	Kahn	Neuenschwander	Runbeck	

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

CALL OF THE HOUSE LIFTED

Long moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

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

S. F. No. 409 was reported to the House.

McLaughlin moved that S. F. No. 409 be temporarily laid over on Special Orders. The motion prevailed.

H. F. No. 2152 was reported to the House.

Olson, K., moved that H. F. No. 2152 be continued on Special Orders. The motion prevailed.

S. F. No. 2395, A bill for an act relating to unemployment compensation; making various technical changes; regulating eligibility of conservation corps members and entertainers; increasing the income disregard; regulating eligibility for persons receiving holiday pay; regulating administrative hearings; providing for data sharing; appropriating certain federal money; amending Minnesota Statutes 1988, sections 268.08, subdivision 3; 268.10, subdivision 9; and 268.12, subdivision 13; Minnesota Statutes 1989 Supplement, sections 84.965, subdivision 2; 84.98, subdivision 5; 268.07, subdivision 2; 268.12, subdivision 12; 270B.14, subdivision 8; and 290.92, subdivision 21.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1779, A bill for an act relating to agriculture; providing for mediation and arbitration of certain contract disputes; providing for recapture of capital investments required by certain agricultural contracts; clarifying responsibility of parent companies for affiliates; requiring good faith; prohibiting unfair practices; creating an ombudsman; appropriating money; amending Laws 1989, chapter 350, article 20, section 25; proposing coding for new law in Minnesota Statutes, chapters 17 and 514.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Anderson, R., was excused while in conference.

S. F. No. 2037 was reported to the House.

Olson, E., moved to amend S. F. No. 2037, as follows:

Page 19, after line 3, insert:

"Sec. 19. [17A.036] [CUSTODIAL ACCOUNT FOR SHIPPER PROCEEDS.]

Every market agency engaged in selling livestock on a commission or agency basis in this state shall establish and maintain a separate bank account designated as "custodial account for shippers proceeds."

Sec. 20. [31B.01] [CITATION.]

This chapter is known and may be cited as the "Minnesota packers and stockyards act."

Sec. 21. [31B.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter.

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

Subd. 3. [DEALER.] "Dealer" means a person, other than a market agency in the business of buying or selling livestock, either on the person's own account or as the employee or agent of the vendor or purchaser.

Subd. 4. [LIVESTOCK.] "Livestock" means live or dead cattle, sheep, swine, horses, mules, or goats.

Subd. 5. [LIVESTOCK PRODUCTS.] "Livestock products" means products and by-products other than meats and meat food products of the slaughtering and meat-packing industry derived in whole or in part from livestock.

Subd. 6. [MARKET AGENCY.] "Market agency" means a person engaged in the business of (1) buying or selling livestock on a commission basis, or (2) furnishing stockyard services and includes a person who sells or offers for sale livestock located in this state by satellite video auction.

Subd. 7. [MEAT FOOD PRODUCTS.] "Meat food products" means edible products and by-products of the slaughtering and meat-packing industry.

Subd. 8. [PACKER.] "Packer" means a person in the business of (1) buying livestock for purposes of slaughter, (2) manufacturing or preparing meats or meat food products for sale or shipment, or (3) marketing meats, meat food products, or livestock products in an

unmanufactured form acting as a wholesale broker, dealer, or distributor.

Subd. 9. [STOCKYARD.] "Stockyard" means a place, establishment, or facility commonly known as a stockyard conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment.

Subd. 10. [STOCKYARD OWNER.] "Stockyard owner" means a person in the business of conducting or operating a stockyard.

Subd. 11. [STOCKYARD SERVICES.] "Stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling of livestock.

Sec. 22. [31B.03] [REPORTING REQUIREMENTS.]

A packer, stockyard owner, market agency, and dealer and grain and feed businesses with livestock contracts shall file annually with the commissioner a copy of the annual report form of the federal packers and stockyards regulations filed with the federal packers and stockyards administration and any additional information that may be required on a form prescribed by the commissioner. The report and any additional information must be filed with the commissioner not later than April 15 following the end of the calendar year or, if the records are kept on a fiscal year basis, not later than 90 days after the close of the fiscal year.

The commissioner shall require: (1) a packer to annually complete a form showing the maximum capacity of each of the packer's packing plants; and (2) a copy of each contract a packer has entered into with a livestock producer and each agreement that will become part of the contract that a packer has with a livestock producer for the purchase or contracting of livestock.

Sec. 23. [31B.04] [PROMPT PAYMENT FOR PURCHASE OF LIVESTOCK.]

Subdivision 1. [KIND OF PAYMENT; TIME REQUIRED.] A packer, market agency, or dealer purchasing livestock shall, before the close of the next business day following the purchase of livestock and transfer of its possession, deliver to the seller or the seller's authorized representative the full amount of the purchase price. If a packer, market agency, or dealer is purchasing livestock for slaughter, that person shall, before the close of the next business day

following purchase of livestock and transfer of its possession, actually deliver at the point of transfer of possession to the seller or the seller's authorized representative a check or shall wire transfer funds to the seller's account for the full amount of the purchase price; or, in the case of a purchase on a carcass or "grade and yield" basis, the purchaser shall make payment by check at the point of transfer of possession or shall wire transfer funds to the seller's account for the full amount of the purchase price not later than the close of the first business day following determination of the purchase price. If the seller or a duly authorized representative is not present to receive payment at the point of transfer of possession, the packer, market agency, or dealer shall wire funds or place a check in the United States mail for the full amount of the purchase price properly addressed to the seller within the time limits specified in this section, and that action complies with the requirement for prompt payment.

Subd. 2. [WAIVER.] Notwithstanding subdivision 1 and subject to terms and conditions the commissioner may prescribe, the parties to the purchase and sale of livestock may expressly agree in writing, before the purchase or sale, to effect payment in a manner other than that required in subdivision 1. The agreement must be disclosed in the records of the market agency or dealer selling the livestock, and in the purchaser's records and on the accounts or other documents issued by the purchaser relating to the transaction.

Subd. 3. [DELAY IN PAYMENT OR ATTEMPT TO DELAY.] Any delay or attempt to delay by a market agency, dealer, or packer purchasing livestock, the collection of funds under this section, or otherwise for the purpose of or resulting in extending the normal period of payment for the livestock is an "unfair practice" in violation of this chapter.

Sec. 24. [31B.05] [UNFULFILLED CONTRACT TO BUY LIVESTOCK.]

A packer who has committed either orally or in writing to buy more livestock than the packer's plant can process and who cannot fulfill the commitment to the producer within 30 days of the delivery date of the contract is subject to denial, suspension, or revocation of the packer's license.

Sec. 25. [31B.06] [PACKER AND PROCESSOR ACCOUNTING REQUIREMENTS.]

Hog, cattle, sheep, and dairy processors with annual sales greater than \$10,000,000 are required to conduct all financial transactions relating to a contract feeding operation through a separate and exclusive bank account. This separate account is subject to audit and inspection at any reasonable time by the commissioner.

Grain and feed businesses with annual sales greater than \$10,000,000 are required to conduct all financial transactions relating to contract feeding of hogs, cattle, sheep, or dairy cows through a separate and exclusive bank account. This separate account is subject to audit and inspection at any reasonable time by the commissioner.

Renumber the sections in sequence

Amend the title accordingly

Schreiber moved to amend the Olson, E., amendment to S. F. No. 2037, as follows:

In the Olson, E., amendment, page 4, line 27 to page 5, line 4, delete section 25 from the bill

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 53 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Macklin	Pauly	Stanius
Bennett	Gutknecht	Marsh	Pellow	Sviggum
Bishop	Hartle	McDonald	Poppenhagen	Swenson
Blatz	Haukoos	McPherson	Pugh	Tjornhom
Boo	Heap	Milbert	Redalen	Tompkins
Burger	Henry	Miller	Rest	Uphus
Carlson, D.	Hugoson	Morrison	Richter	Valento
Forsythe	Johnson, V.	Olsen, S.	Runbeck	Waltman
Frederick	Kalis	Omann	Schafer	Weaver
Frerichs	Limmer	Onnen	Schreiber	
Girard	Lynch	Ozment	Seaberg	

Those who voted in the negative were:

Anderson, G.	Greenfield	Krueger	Olson, K.	Simoneau
Battaglia	Hasskamp	Lasley	Orenstein	Skoglund
Bauerly	Hausman	Lieder	Ostrom	Solberg
Beard	Jacobs	Long	Otis	Sparby
Begich	Janezich	McEachern	Pappas	Steensma
Bertram	Jaros	McGuire	Pelowski	Trimble
Brown	Jefferson	McLaughlin	Peterson	Tunheim
Carlson, L.	Jennings	Munger	Price	Vellenga
Carruthers	Johnson, A.	Murphy	Quinn	Wagenius
Clark	Johnson, R.	Nelson, C.	Reding	Wenzel
Cooper	Kahn	Nelson, K.	Rice	Williams
Dauner	Kelly	Neuenschwander	Rodosovich	Winter
Dawkins	Kelso	O'Connor	Rukavina	Spk. Vanasek
Dille	Kinkel	Ogren	Sarna	
Dorn	Kostohryz	Olson, E.	Segal	

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

The question recurred on the Olson, E., amendment to S. F. No. 2037. The motion prevailed and the amendment was adopted.

S. F. No. 2037, A bill for an act relating to agriculture; amending the definition of farm products; changing provisions related to wholesale produce dealers; imposing fees; providing for a wholesale dealers' trust; requiring mediation and arbitration in certain produce contracts; providing parent company liability; authorizing seizure of vehicles; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 17.14, subdivision 3; 27.01, subdivisions 2, 5, 8, and by adding a subdivision; 27.03, subdivision 1, and by adding subdivisions; 27.04; 27.041; 27.06; and 27.19; proposing coding for new law in Minnesota Statutes, chapter 27; repealing Minnesota Statutes 1988, section 27.05.

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 116 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frerichs	Haukoos	Milbert	Redalen	Valento
Gutknecht	Kalis	Miller	Stanius	

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

S. F. No. 2282 was reported to the House.

Rice moved that S. F. No. 2282 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 1852 was reported to the House.

Kelly moved that S. F. No. 1852 be temporarily laid over on Special Orders. The motion prevailed.

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

S. F. No. 2160 was reported to the House.

Nelson, K., moved to amend S. F. No. 2160, as follows:

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."

The motion prevailed and the amendment was adopted.

S. F. No. 2160, 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.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2177 was reported to the House.

Rest moved to amend S. F. No. 2177, as follows:

Page 6, line 28, after the first comma insert "and" and delete "and a copy of"

Page 6, line 29, delete everything before the period

Page 7, after line 21, insert:

"(d) In a hearing under this subdivision, the following shall be admissible in evidence:

(1) certified copies of the violator's driving record; and

(2) certified copies of vehicle registration records bearing the violator's name."

Page 8, after line 29, insert:

"Sec. 6. Minnesota Statutes 1989 Supplement, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review, unless the person is entitled to review under section 171.166. The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, and date of the offense, and a copy of the notice of revocation or disqualification. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure."

Renumber the sections in Article 1 in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2177, A bill for an act relating to traffic safety; providing for administrative impoundment of license plates of vehicles owned by repeat violators of laws relating to driving while intoxicated; providing for issuance of special plates; requiring peace officers to serve a notice of intent to impound when serving a notice of intent to revoke the violator's driver's license; providing for administrative and judicial review of impoundment orders; eliminating the alcohol problem screening for persons convicted of offenses associated with driving under the influence of alcohol or a controlled substance; modifying procedures for chemical use assessments, programs, and funding; changing the maximum rate for reimbursement of counties from the general fund for the assessments; expanding the crime of refusing to submit to an implied consent test; requiring notice of

certain enhanced penalties; expanding the crime of aggravated driving while intoxicated; removing requirement that negligence be proven for conviction of criminal vehicular operation if driver's alcohol concentration was 0.10 or more; imposing penalties for criminal vehicular operation resulting in substantial bodily harm; prohibiting constructive possession of alcohol in a private motor vehicle; expanding the definition of possession; changing provisions about aircraft operation while under the influence of alcohol or controlled substances; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 168.041, subdivisions 3, 8, and 10; 169.121, by adding a subdivision; 169.122, subdivision 2; 169.124, subdivision 1; 169.126, subdivisions 1, 2, 6, and by adding a subdivision; 169.129; and 360.015, subdivisions 1 and 6; Minnesota Statutes 1989 Supplement, sections 169.041, subdivision 4; 169.121, subdivisions 1a, 3, and 3b; 169.126, subdivision 4; 260.193, subdivision 8; and 609.21; proposing coding for new law in Minnesota Statutes, chapters 168 and 360; repealing Minnesota Statutes 1988, sections 168.041, subdivision 3a; 169.124, subdivisions 2 and 3; 169.126, subdivisions 2, 3, and 4b; 360.075, subdivision 7; and 360.0751; Minnesota Statutes 1989 Supplement, sections 168.041, subdivision 4a; and 169.126, subdivision 4a.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2248, A bill for an act relating to education; entering the Midwestern Higher Education Compact; providing the appointment of members; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Speaker pro tempore Quinn called McLaughlin to the Chair.

S. F. No. 2060 was reported to the House.

Lasley moved to amend S. F. No. 2060, as follows:

Page 4, after line 14, insert:

"Sec. 6. Minnesota Statutes 1988, section 171.05, subdivision 1, is amended to read:

Subdivision 1. Any person who is 18 or more years of age and who, except for a lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a Class C driver's license under this chapter, may apply for an instruction permit and the department shall issue such permit entitling the applicant, while having such permit in immediate possession, to drive a motor vehicle for which a Class C license is valid upon the highways for a period of one year, but such person must be accompanied by an adult licensed driver who is actually occupying a seat beside the driver. Any license of a lower class may be used as an instruction permit for a higher class for a period of six months after passage of the written test or tests required for the higher class and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license must be carried by the driver while using such lower class license as an instruction permit.

Sec. 7. Minnesota Statutes 1988, section 171.05, subdivision 2, is amended to read:

Subd. 2. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application therefor, may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who is enrolled in an approved driver education program including behind the wheel training. Such an instruction permit holder who has the permit in possession may operate a motor vehicle while receiving behind the wheel training in an approved driver education program, but only when accompanied by an authorized instructor who occupies the seat beside the permit holder, ~~or~~. During and upon completion of the course, a 16 or 17 year old may operate a motor vehicle while accompanied by an adult licensed driver who is actually occupying a seat beside the driver. During and upon completion of the course, a 15 year old may operate a motor vehicle while accompanied by a licensed parent or guardian or licensed adult driver authorized by the parent or guardian who also must occupy the seat beside the instruction permit holder."

Page 7, lines 5, 14, 18, and 22, delete "9" and insert "11"

Page 7, line 28, delete "to 10" and insert "to 5 and 8 to 12"

Page 7, line 30, delete "11" and insert "13"

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2060, A bill for an act relating to drivers' licenses; defining gross vehicle weight and commercial motor vehicle; allowing holder of class CC driver's license with school bus endorsement to operate a small school bus; changing effective dates of requirements for commercial driver's license; setting fees; appropriating money; amending Minnesota Statutes 1988, sections 169.01, subdivision 46; 171.01, subdivision 16; and 171.321, subdivision 1; Minnesota Statutes 1989 Supplement, sections 169.01, subdivision 75; 171.01, subdivision 22; 171.02, subdivision 2; and 171.06, subdivision 2; Laws 1989, chapter 307, sections 43 and 44.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2055, A bill for an act relating to appropriations; providing refunds of bond allocation deposits; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1499 was reported to the House.

O'Connor moved to amend S. F. No. 1499, as follows:

Page 11, delete lines 4 to 9 and insert:

"At any time after the first periodic payment is made, the lessee may acquire ownership of the property by tendering 55 percent of the difference between the total of scheduled payments and the total amount paid on the account."

The motion prevailed and the amendment was adopted.

O'Connor moved to amend S. F. No. 1499, as amended, as follows:

Page 12, line 23, delete "owned" and insert "owed"

Page 12, line 31, delete "owned" and insert "owed"

The motion prevailed and the amendment was adopted.

S. F. No. 1499, A bill for an act relating to consumer protection; regulating certain rental-purchase agreements; prescribing the rights and duties of all parties; requiring disclosures; regulating advertising; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1950, A bill for an act relating to housing; requiring state interagency coordination on homelessness; providing for treatment of certain obligations upon foreclosure of certain mortgages; appropriating nonrefundable bond allocation deposits to the housing trust fund account; amending Minnesota Statutes 1988, sections 462A.201, subdivision 2; 462C.07, by adding a subdivision; 469.155, by adding a subdivision; and 474A.21; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1798 was reported to the House.

Dauner moved to amend S. F. No. 1798, as follows:

Page 3, line 25, after the semicolon insert "and"

Page 3, line 28, delete "; and" and insert a period

Page 3, delete lines 29 to 31 and insert:

"Sec. 4. [APPROPRIATIONS.]

\$5,300 is appropriated to the commissioner of health from the special revenue fund for the fiscal year ending June 30, 1991, to administer section 1."

Page 3, line 32, delete "4" and insert "5"

Amend the title as follows:

Page 1, line 5, after "assistants;" insert "appropriating money;"

The motion prevailed and the amendment was adopted.

S. F. No. 1798, A bill for an act relating to health; providing limited prescription privileges for physician assistants; requiring permanent registration for certain physician assistants; amending Minnesota Statutes 1988, section 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1903 was reported to the House.

Weaver moved to amend S. F. No. 1903, as follows:

Page 1, line 20, after "marrow" insert "and the attendant risks of the procedure"

The motion prevailed and the amendment was adopted.

S. F. No. 1903, A bill for an act relating to health; providing

programs and incentives for persons to volunteer as bone marrow donors; requiring the commissioner of health to educate residents about the need for volunteer bone marrow donors; requiring paid leave for employees to donate bone marrow; requiring a bone marrow donor drive to encourage state employees to volunteer as bone marrow donors; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 145 and 181.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2721, A bill for an act relating to retirement; Minneapolis police and firefighters; health and medical benefits; continuance of surviving spouse benefits; St. Louis Park police survivor benefits; amending Laws 1949, chapter 406, section 6, subdivision 1, as amended; and Laws 1965, chapter 519, section 1, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Speaker pro tempore McLaughlin called Quinn to the Chair.

S. F. No. 2282 which was temporarily laid over earlier today was again reported to the House.

Blatz, Rice, Abrams and Begich moved to amend S. F. No. 2282, as follows:

Page 1, after line 5, insert:

“Section 1. [325E.34] [TERMINATION OF SALES REPRESENTATIVES.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meaning given them.

(b) “Good cause” means failure by the sales representative to substantially comply with the material and reasonable requirements imposed by the manufacturer, wholesaler, assembler, or importer, including, but not limited to:

(1) the bankruptcy or insolvency of the sales representative;

(2) assignment for the benefit of creditors or similar disposition of the assets of the sales representative's business;

(3) voluntary abandonment of the business by the sales representative;

(4) conviction or a plea of guilty or no contest to a charge of violating any law relating to the sales representative's business; or

(5) any act by or conduct of the sales representative which materially impairs the good will associated with the manufacturer's, wholesaler's, assembler's, or importer's trademark, trade name, service mark, logotype, or other commercial symbol.

(c) "Sales representative" means a person, other than an employee, who contracts with a principal to solicit wholesale orders and who is compensated, in whole or in part, by commission, but does not include a person who places orders or purchases exclusively for the person's own account for resale.

(d) "Sales representative agreement" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between a sales representative and another person or persons, whereby a sales representative is granted the right to distribute, represent, sell, or offer for sale a manufacturer's, wholesaler's, assembler's, or importer's goods by use of the latter's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics, and in which there exists a community of interest between the parties in the marketing of the goods or services at wholesale, retail, by lease, agreement, or otherwise.

Subd. 2. [TERMINATION OF AGREEMENT] (a) A manufacturer, wholesaler, assembler, or importer may not terminate a sales representative agreement unless the person has good cause and:

(1) that person has given written notice setting forth all the reasons for the termination at least 90 days in advance of termination; and

(2) the recipient of the notice fails to correct the reasons stated for termination in the notice within 60 days of receipt of the notice.

(b) A notice of termination is effective immediately upon receipt where the alleged grounds for termination are:

(1) voluntary abandonment of the relationship by the sales representative;

(2) the conviction of the sales representative of an offense directly

related to the business conducted pursuant to the sales representative agreement; or

(3) material impairment of the good will associated with the manufacturer's, assembler's, or importer's trade name, trademark, service mark, logotype, or other commercial symbol.

Subd. 3. [RENEWAL OF AGREEMENTS.] Unless the failure to renew a sales representative agreement is for good cause, and the sales representative has failed to correct reasons for termination as required by subdivision 2, no person may fail to renew a sales representative agreement unless the sales representative has been given written notice of the intention not to renew at least 90 days in advance of the expiration of the agreement.

Subd. 4. [RIGHTS UPON TERMINATION.] If a sales representative is paid by commission under a sales representative agreement and the agreement is terminated, the representative is entitled to be paid for all sales made and orders to creditworthy customers made in the representative's territory prior to the date of termination of the agreement or the end of the notification period, whichever is later, regardless of whether the goods or services have actually been delivered to the purchaser. The payments of commissions are due when the goods or services are delivered or at the date of termination, whichever occurs first.

Subd. 5. [ARBITRATION.] (a) The sole remedy for a sales representative against a manufacturer, wholesaler, assembler, or importer who has allegedly violated any provision of this section is to submit the matter to arbitration. Each party to a sales representative agreement shall be bound by the arbitration. The cost of an arbitration hearing must be borne equally by both parties. The arbitration proceeding is to be governed by the uniform arbitration act, sections 572.08 to 572.30.

(b) The arbitrator may provide any of the following remedies:

(1) sustainment of the termination of the sales representative agreement;

(2) reinstatement of the sales representative agreement;

(3) payment of commissions due under subdivision 4;

(4) reasonable attorneys' fees and costs to a prevailing sales representative;

(5) reasonable attorneys' fees and costs to a prevailing manufacturer, wholesaler, assembler, or importer, if the arbitrator finds the complaint was frivolous, unreasonable, or without foundation; or

(6) the full amount of the arbitrator's fees and expenses if the arbitrator finds that the sales representative's resort to arbitration or the manufacturer's, wholesaler's, assembler's, or importer's defense in arbitration was vexatious and lacking in good faith.

(c) Notwithstanding any provision of the uniform arbitration act, the decision of any arbitration hearing under this subdivision is final and binding on the sales representative and the manufacturer, wholesaler, assembler, or importer."

Page 2, line 26, after "enactment." insert:

"Section 1 is effective August 1, 1990, and applies to any sale representative agreements entered into or renewed on or after that date."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

Olsen, S., and Abrams moved to amend the Blatz et al amendment to S. F. No. 2282, as follows:

Page 3, line 24, of the Blatz et al amendment, after the period insert "At the employee's option, the employee may bring the employee's common law claims in a court of law. In the event the parties do not agree to an arbitrator within 30 days, either party may request the appointment of an arbitrator from the American Arbitration Association."

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

The question recurred on the Blatz et al amendment, as amended, to S. F. No. 2282. The motion prevailed and the amendment, as amended, was adopted.

Olsen, S., was excused for the remainder of today's session.

Sviggum moved to amend S. F. No. 2282, as amended, as follows:

Page 1, line 10, delete "and" and insert a comma

Page 1, line 11, after "3" insert ", and 4"

Page 2, after line 20, add a new section as follows:

“Sec. 2. [338.03] [LABOR ORGANIZATION; CONTRACT OBLIGATION.]

Where a collective bargaining agreement between an employer and a labor organization contains an arbitration or no strike clause regulating the rights and obligations of a labor organization, that clause shall be binding upon and enforceable against said labor organization despite the existence of an unauthorized or wildcat strike at the employer's worksite or premises.”

Page 2, line 21, delete “3” and insert “4”

Page 2, line 22, after “2” insert “and 3”

Page 2, line 24, delete “4” and insert “5”

Page 2, line 25, delete “3” and insert “4”

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 42 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Limmer	Ommen	Sviggum
Bennett	Gruenes	Lynch	Pauly	Swenson
Bishop	Gutknecht	Macklin	Pellow	Tjornhom
Blatz	Hartle	Marsh	Redalen	Tompkins
Boo	Haukoos	McDonald	Richter	Valento
Burger	Henry	McPherson	Runbeck	Waltman
Dille	Himle	Miller	Schafer	
Frederick	Hugoson	Morrison	Schreiber	
Frerichs	Kelso	Omann	Stanius	

Those who voted in the negative were:

Anderson, G.	Greenfield	Krueger	Ostrom	Segal
Anderson, R.	Hasskamp	Lasley	Otis	Simoneau
Battaglia	Hausman	Lieder	Ozment	Skoglund
Bauerly	Jacobs	Long	Pappas	Solberg
Beard	Janezich	McGuire	Pelowski	Sparby
Begich	Jaros	McLaughlin	Peterson	Steensma
Bertram	Jefferson	Milbert	Price	Trimble
Brown	Jennings	Munger	Pugh	Tunheim
Carlson, D.	Johnson, A.	Murphy	Quinn	Upphus
Carlson, L.	Johnson, R.	Nelson, K.	Reding	Vellenga
Carruthers	Johnson, V.	Neuenschwander	Rest	Wagenius
Clark	Kahn	O'Connor	Rice	Wenzel
Cooper	Kalis	Ogren	Rodosovich	Williams
Dauner	Kelly	Olson, E.	Rukavina	Winter
Dawkins	Kinkel	Olson, K.	Sarna	Spk. Vanasek
Dorn	Kostohryz	Orenstein	Seaberg	

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

Gutknecht moved to amend S. F. No. 2282, as amended, as follows:

Page 2, line 25, delete everything after "effective" and insert "for any bargaining agreement entered into or renewed on or after August 1, 1990."

Page 2, delete line 26

A roll call was requested and properly seconded.

The question was taken on the Gutknecht amendment and the roll was called. There were 46 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Limmer	Pauly	Swiggum
Bennett	Girard	Lynch	Pellow	Tjornhom
Bishop	Gruenes	Macklin	Poppenhagen	Tompkins
Blatz	Hartle	Marsh	Redalen	Valento
Boo	Haukoos	McDonald	Richter	Waltman
Burger	Henry	McPherson	Runbeck	Weaver
Dille	Himle	Miller	Schafer	
Dorn	Hugoson	Morrison	Schreiber	
Forsythe	Jennings	Omann	Seaberg	
Frederick	Johnson, V.	Onnen	Stanius	

Those who voted in the negative were:

Anderson, G.	Hasskamp	Lieder	Otis	Skoglund
Anderson, R.	Hausman	Long	Ozment	Solberg
Battaglia	Jacobs	McEachern	Pappas	Sparby
Bauerly	Janezich	McGuire	Pelowski	Steensma
Beard	Jaros	McLaughlin	Peterson	Swenson
Begich	Jefferson	Milbert	Price	Trimble
Bertram	Johnson, A.	Munger	Pugh	Tunheim
Brown	Johnson, R.	Murphy	Quinn	Uphus
Carlson, D.	Kahn	Nelson, C.	Reding	Vellenga
Carlson, L.	Kalis	Nelson, K.	Rest	Wagenius
Carruthers	Kelly	Neuenschwander	Rice	Wenzel
Clark	Kelso	O'Connor	Rodosovich	Williams
Cooper	Kinkel	Ogren	Rukavina	Winter
Dauner	Kostohryz	Olson, E.	Sarna	
Dawkins	Krueger	Olson, K.	Segal	
Greenfield	Lasley	Orenstein	Simoneau	

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

S. F. No. 2282, A bill for an act relating to contracts; providing for enforcement of certain contracts; proposing coding for new law as Minnesota Statutes, chapter 338.

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 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

H. F. No. 2817 was reported to the House.

Rodosovich moved that H. F. No. 2817 be continued on Special Orders. The motion prevailed.

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

Carlson, D., moved that H. F. No. 693 be placed at the end of Special Orders. The motion prevailed.

S. F. No. 1001, A bill for an act relating to the community dispute resolution program; giving the state planning agency joint responsibility with the state court administrator's office for administration

of the program; establishing eligibility criteria for grant recipients; appropriating money; amending Minnesota Statutes 1988, sections 494.01, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 494; repealing Minnesota Statutes 1988, sections 494.01, subdivisions 3, 4, and 5; and 494.04.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2490 was reported to the House.

Battaglia moved that S. F. No. 2490 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 2396 was reported to the House.

McGuire moved to amend S. F. No. 2396, the unofficial engrossment, as follows:

Page 1, delete section 1

Page 1, line 26, delete "Sec. 2" and insert "Section 1"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2396, A bill for an act relating to the environment; regulating the disposition of property acquired for response action; appropriating money; amending Minnesota Statutes 1988, section 115B.17, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

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

S. F. No. 1790 was reported to the House.

Greenfield moved to amend S. F. No. 1790, as follows:

Page 1, after line 5, insert:

"Section 1. [256.9691] [TECHNOLOGY ASSISTANCE REVIEW PANEL.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of health shall establish a technology assistance review panel to resolve disputes over the provision of health care benefits for technology-assisted persons who receive benefits under a policy or plan of health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, a subscriber contract of a nonprofit health service plan corporation regulated under chapter 62C, or a certificate of coverage of a health maintenance organization regulated under chapter 62D.

Subd. 2. [DEFINITION.] For purposes of this section, "technology-assisted person" means a person who:

- (1) has a chronic health condition;
- (2) requires the routine use of a medical device to compensate for the loss of a life-sustaining body function; and
- (3) requires ongoing care or monitoring by trained personnel on a daily basis.

Subd. 3. [STEERING COMMITTEE.] The commissioner shall appoint a seven-member steering committee to appoint the review panel members, develop policies and procedures for the review process, including the replacement of review panel members, serve as a liaison between the regulatory agencies and the review panel, and provide the review panel with technical assistance. The steering committee shall consist of representatives of the departments of health, human services, and commerce; a health maintenance organization regulated under chapter 62D; an insurer regulated under chapter 62A or a health service plan corporation regulated under chapter 62C; an advocacy organization representing persons who are technology assisted; and a tertiary care center that serves technology-assisted persons. The steering committee shall not be reimbursed for any expenses as defined under section 15.0575, subdivision 3. The steering committee shall dissolve no later than June 30, 1992.

Subd. 4. [COMPOSITION OF REVIEW PANEL.] (a) The review panel shall be appointed by the members of the steering committee that do not represent state agencies and must include:

- (1) a medical director from an insurer regulated under chapter 62A, a health service plan corporation regulated under chapter 62C, or a health maintenance organization regulated under chapter 62D;
- (2) a contract benefits analyst from an insurer regulated under

chapter 62A, a health service plan corporation regulated under chapter 62C, or a health maintenance organization regulated under chapter 62D;

(3) a consumer board member of an insurer regulated under chapter 62A, a health service plan corporation regulated under chapter 62C, or a health maintenance organization regulated under chapter 62D;

(4) a physician with expertise in providing care for technology-assisted persons in a nonhospital setting;

(5) a registered nurse with expertise in providing care for technology-assisted persons in a nonhospital setting; and

(6) a consumer of health care benefits regulated under chapter 62A, 62C, or 62D who is a technology-assisted person or the parent or guardian of a technology-assisted person.

(b) The term of service for review panel members is three years except that, for the initial appointment, the steering committee shall establish procedures to assure that the terms of the members are staggered. Members are eligible to serve two consecutive terms.

Subd. 5. [AUTHORITY.] The review panel may review cases involving disputes over the provision of contract benefits regarding discharge planning, home health care benefits eligibility and coverage, or changes in the level of home health care services for technology-assisted persons. The review may be requested by a third-party payor, a health or social service professional, or a parent or guardian of a technology-assisted child or a technology-assisted adult. For the case to be eligible for review by the panel, the parent or guardian of a technology-assisted child or technology-assisted adult must consent to the review. The review panel may not review cases involving discharge to a long-term care facility or cases involving coverage by title 18 or 19 of the Social Security Act or other public funding sources. The review panel may seek advice from experts outside the membership of the panel as necessary. The internal grievance process within an insurer, health service plan corporation, or health maintenance organization, except binding arbitration, must be exhausted before requesting a review by the review panel. The recommendations of the review panel are not binding. If, following a review by the review panel, a complaint is filed with the appropriate state agency regarding the same subject matter, the findings of the review panel must be made available to the agency upon request and with the consent of the parent or guardian of a technology-assisted child or technology-assisted adult. The information must be maintained by the agency as nonpublic information under chapter 13. The steering committee may establish policies for reimbursement of expenses for review panel members consistent with the provisions of section 15.0575, subdivision 3.

Subd. 6. [CONFIDENTIALITY.] All proceedings of the review organization are nonpublic under chapter 13. All data, information, and findings acquired and developed by the review panel in the exercise of its duties or functions must be held in confidence, may not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review panel or as described in subdivision 5, and are not subject to subpoena or discovery. Members of the review panel may not disclose what transpired at a meeting of the review panel except to the extent necessary to carry out one or more of the purposes of the review panel. The proceedings and record of the review panel are not subject to discovery or introduction into evidence in any civil action against a health care professional or insurer, health service plan corporation, or health maintenance organization, arising out of the matter or matters that are the subject of consideration by the review panel.

Subd. 7. [LIMITATION ON LIABILITY FOR MEMBERS OF STEERING COMMITTEE AND REVIEW PANEL.] A person who is a member of, or who acts in an advisory capacity to or who gives counsel or services to, the steering committee or review panel is not liable for damages or other relief in any action brought by a person or persons whose case has been reviewed by the panel, by reason of the performance of any duty, function, or activity of the review panel, unless the performance of the duty, function, or activity was motivated by malice toward the person affected. A member is not liable for damages or other relief in any action by reason of the performance of the member of any duty, function, or activity as a member of the steering committee or review panel or by reason of any recommendation or action of the review committee when the member acts in the reasonable belief that the action or recommendation is warranted by the facts known to the member or review panel after reasonable efforts to ascertain the facts."

Page 1, line 6, delete "Section 1" and insert "Sec. 2"

Page 3, after line 11, insert:

"Sec. 3. [APPROPRIATION.]

\$34,000 is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 1991, for the purpose of operating the technology assistance review panel under section 1. The commissioner may contract with an organization or entity to provide administrative support services for the review panel."

Page 3, line 12, delete "2" and insert "4"

Page 3, line 13, delete "Section 1 is" and insert "Sections 1, 2, and 3 are"

Amend the title as follows:

Page 1, line 2, after "health," insert "creating a technology assistance review panel;"

Page 1, line 4, after "costs" insert "; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256"

The motion prevailed and the amendment was adopted.

S. F. No. 1790, A bill for an act relating to health; establishing a legislative task force to study the regulation of health insurance premium rates and health care costs.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2229 was reported to the House.

Rodosovich moved that S. F. No. 2229 be continued on Special Orders. The motion prevailed.

S. F. No. 2195 was reported to the House.

Greenfield moved to amend S. F. No. 2195, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [116C.850] [FINDINGS; PURPOSE.]

Subdivision 1. [FINDINGS.] The legislature finds that the unregulated processing and disposal of low-level radioactive waste pose certain environmental risks and economic costs. The pending action by the United States Nuclear Regulatory Commission to designate certain low-level radioactive waste as “below regulatory concern” means the state must establish an additional radiation monitoring system to protect the public interest and the environment.

Subd. 2. [PURPOSE.] The purpose of sections 1 to 3 is to:

(1) avoid the costs that would be incurred if radioactive waste disposal is deregulated by the federal government;

(2) require all low-level radioactive waste regulated as of January 1, 1990, to remain regulated, so that it must be stored or disposed of at facilities specifically licensed for that purpose;

(3) avoid needless dissemination of radioactivity into the environment;

(4) encourage the Midwest Interstate Low-Level Radioactive Waste Compact members under section 116C.831 to amend the terms of the compact if it conflicts with the provisions in sections 1 to 3.

Sec. 2. [116C.851] [DEFINITIONS.]

Subdivision 1. [FACILITY.] “Facility” has the meaning given in section 116C.831, article II, paragraph f.

Subd. 2. [LOW-LEVEL RADIOACTIVE WASTE.] “Low-level radioactive waste” means waste that consists of or contains class A, B, or C radioactive waste as defined by Code of Federal Regulations, title 10, section 61.55, as in effect on January 26, 1983.

Sec. 3. [116C.852] [LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.]

No low-level radioactive waste may be treated, recycled, stored, or disposed of in this state except at a facility that is specifically licensed for treatment, recycling, storage, or disposal of low-level

radioactive waste regardless of whether or not the waste has been reclassified as "below regulatory concern" by the United States Nuclear Regulatory Commission pursuant to a generic rule or standard adopted after January 1, 1990.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waste; prohibiting certain types of low-level radioactive waste from being disposed of at other than licensed facilities; proposing coding for new law in Minnesota Statutes, chapter 116C."

The motion prevailed and the amendment was adopted.

Jennings moved to amend S. F. No. 2195, as amended, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1988, section 115A.94, subdivision 3, is amended to read:

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

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

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

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in

operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Sec. 2. Minnesota Statutes 1988, section 115A.94, subdivision 4, is amended to read:

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

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

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

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

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

(1) describe in detail the procedures it used to plan and to attempt

implementation of organized collection through an arrangement with collectors who expressed interest; and

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

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

Renumber the remaining sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Milbert and Ozment offered an amendment to S. F. No. 2195, as amended.

POINT OF ORDER

Schreiber raised a point of order pursuant to rule 3.9 that the Milbert and Ozment amendment was not in order. Speaker pro tempore Quinn ruled the point of order well taken and the amendment out of order.

Clark, Greenfield and McLaughlin offered an amendment to S. F. No. 2195, as amended.

POINT OF ORDER

Schreiber raised a point of order pursuant to rule 3.9 that the Clark et al amendment was not in order. Speaker pro tempore Quinn ruled the point of order well taken and the amendment out of order.

S. F. No. 2195, A bill for an act relating to waste; prohibiting certain types of low-level radioactive waste from being disposed of at other than licensed facilities; providing for a task force on radioac-

tive waste deregulation; proposing coding for new law in Minnesota Statutes, chapter 116C.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1866 was reported to the House.

Jaros moved to amend S. F. No. 1866, as follows:

Page 3, line 24, delete "other than Lake Superior Center, a Minnesota"

Page 3, line 25, delete "nonprofit corporation"

Page 4, line 10, delete "shall" and insert "may"

Page 6, after line 22, insert:

"Sec. 8. [DISSOLUTION.]

Upon dissolution of the corporation for any reason its wholly owned assets become state property. Partially owned assets become state property to the extent that state money was used to acquire them.

The motion prevailed and the amendment was adopted.

S. F. No. 1866, A bill for an act relating to Lake Superior; establishing an information and education authority; proposing coding for new law as Minnesota Statutes, chapter 85B.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2302 was reported to the House.

Tunheim moved to amend S. F. No. 2302, as follows:

Page 2, line 12, after the period insert "This subdivision does not affect access to service data under section 13.82, subdivision 3, when

data subject to that provision is sought from a law enforcement agency."

The motion prevailed and the amendment was adopted.

S. F. No. 2302, A bill for an act relating to telephone services; requiring local location identification data bases for 911 systems; classifying data provided for data bases; amending Minnesota Statutes 1988, sections 403.02, by adding a subdivision; and 403.07, by adding subdivisions; Minnesota Statutes 1989 Supplement, section 403.11, subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

Speaker pro tempore Quinn called Rodosovich to the Chair.

S. F. No. 443 was reported to the House.

Dauner moved to amend S. F. No. 443, as follows:

Page 2, line 7, delete "inhalater" and insert "inhalator equipped with scavenging system"

The motion prevailed and the amendment was adopted.

S. F. No. 443, A bill for an act relating to health; establishing standards for the use of nitrous oxide in the practice of podiatric medicine; amending Minnesota Statutes 1988, section 153.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 153.

The bill was read for the 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2346 was reported to the House.

Kalis moved to amend S. F. No. 2346, as follows:

Page 1, line 23, delete "council" and insert "board"

Page 2, lines 13 and 18, delete "feasible" and insert "possible"

Page 2, delete lines 26 and 27

Page 2, line 28, delete "(4)" and insert "(3)"

Page 2, line 31, delete "(5)" and insert "(4)"

Page 2, line 32, delete "(6)" and insert "(5)"

Page 2, line 35, delete "(7)" and insert "(6)"

Page 3, line 2, before "The" insert "The board shall consider the applicant's demonstrated inability to afford a greater degree of accessibility, but may not give greater weight to this factor than to the factors listed in clauses (1) to (6)."

The motion prevailed and the amendment was adopted.

S. F. No. 2346, A bill for an act relating to the state building code; accessibility for the physically disabled; establishing an access review board; providing for review of applications for permission to provide accessibility by means of stairway chair lifts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 471.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Jefferson	McEachern	Otis
Anderson, G.	Dille	Jennings	McGuire	Ozment
Anderson, R.	Dorn	Johnson, A.	McLaughlin	Pappas
Battaglia	Forsythe	Johnson, R.	McPherson	Pauly
Bauerly	Frederick	Johnson, V.	Milbert	Pellow
Beard	Frerichs	Kahn	Miller	Pelowski
Begich	Girard	Kalis	Morrison	Peterson
Bennett	Greenfield	Kelly	Munger	Poppenhagen
Bertram	Gruenes	Kelso	Murphy	Price
Bishop	Gutknecht	Kinkel	Nelson, C.	Pugh
Blatz	Hartle	Kostohryz	Nelson, K.	Quinn
Boo	Hasskamp	Krueger	Neuenschwander	Redalen
Brown	Haukoos	Lasley	O'Connor	Reding
Burger	Hausman	Lieder	Ogren	Rest
Carlson, D.	Henry	Limmer	Olson, E.	Rice
Carlson, L.	Himle	Long	Olson, K.	Richter
Carruthers	Hugoson	Lynch	Omann	Rodosovich
Clark	Jacobs	Macklin	Onnen	Rukavina
Cooper	Janezich	Marsh	Orenstein	Runbeck
Dauner	Jaros	McDonald	Ostrom	Sarna

Schafer
Schreiber
Seaberg
Segal
Simoneau
Skoglund

Solberg
Sparby
Stanius
Steensma
Sviggum
Swenson

Tjornhom
Tompkins
Trimble
Tunheim
Uphus
Valento

Vellenga
Wagenius
Waltman
Weaver
Wenzel
Williams

Winter
Spk. Vanasek

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

S. F. No. 1937 was reported to the House.

Clark moved to amend S. F. No. 1937, as follows:

Page 3, line 24, delete "all" and after "results" insert "of at least five micrograms per deciliter" and delete "Environmental laboratories" and insert "Boards of health must report to the commissioner the results of analyses from residential samples of paint, bare soil, dust, and drinking water that show lead in concentrations greater than or equal to the lead standards adopted by permanent rule under section 7, subdivision 2, paragraphs (a) and (c)."

Page 3, delete lines 25 and 26

Page 3, line 27, delete everything before "The"

Page 3, line 28, delete "and environmental"

Page 3, line 29, after "laboratories" insert "and boards of health"

Page 5, line 32, after "agency" insert "task force convened under section 144.861"

Page 5, line 33, delete everything before "develop"

Page 6, lines 15 and 16, delete "and need not" and insert ". The commissioner and political subdivisions shall"

Page 6, line 16, after "paint" insert "only"

Page 6, line 16, after "commissioner" insert "or political subdivision"

Page 6, line 17, delete "not"

Page 6, line 18, delete "or as" and insert "and is"

Page 7, line 6, after "commissioner" insert ", and political subdivisions,"

Page 7, line 9, delete "or as" and insert "and is not"

Page 7, line 12, delete "144.862" and insert "144.860, and section 144.862"

Page 7, line 14, after "to" insert "144.860 and"

Amend the title as follows:

Page 1, line 10, after "to" insert "144.860 and"

The motion prevailed and the amendment was adopted.

Ozment and Milbert moved to amend S. F. No. 1937, as amended, as follows:

Page 1, after line 21, insert:

"Sec. 2. [116.525] [DAKOTA COUNTY FACILITY; PERMIT.]

The pollution control agency may not issue an initial permit for a new facility in Dakota county that incinerates mixed municipal solid waste until the agency has adopted rules relating to the training needs and requirements for facility operators and the frequency of emissions testing for lead, mercury and other heavy metals."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Seaberg raised a point of order pursuant to rule 3.9 that the Ozment and Milbert amendment was not in order. Speaker pro tempore Rodosovich ruled the point of order not well taken and the amendment in order.

Seaberg and Morrison moved to amend the Ozment and Milbert amendment to S. F. No. 1937, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 9. [APPROPRIATION.]

\$6,000,000 is appropriated to Dakota County for the purpose of reimbursing the county for a portion of the costs incurred as a result

of any delay in the Dakota County resource recovery project caused by Section 8."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 36 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Gutknecht	Kostohryz	Pauly	Tompkins
Bennett	Haukoos	Lasley	Pellow	Uphus
Boo	Henry	Macklin	Poppenhagen	Valento
Burger	Himle	Marsh	Reding	Waltman
Dille	Hugoson	McPherson	Schafer	
Forsythe	Jennings	Morrison	Seaberg	
Frederick	Johnson, V.	Neuenschwander	Stanius	
Frerichs	Kalis	Ozment	Swenson	

Those who voted in the negative were:

Anderson, G.	Girard	Lynch	Orenstein	Solberg
Anderson, R.	Greenfield	McEachern	Ostrom	Sparby
Battaglia	Gruenes	McGuire	Otis	Steensma
Bauerly	Hartle	McLaughlin	Pelowski	Tjornhom
Beard	Hasskamp	Milbert	Peterson	Trimble
Begich	Hausman	Miller	Pugh	Tunheim
Bertram	Jacobs	Munger	Quinn	Vellenga
Brown	Janezich	Murphy	Redalen	Wagenius
Carlson, D.	Jaros	Nelson, C.	Rest	Wenzel
Carlson, L.	Johnson, A.	Nelson, K.	Richter	Williams
Carruthers	Kelly	O'Connor	Rodosovich	Winter
Clark	Kinkel	Ogren	Rukavina	Spk. Vanasek
Cooper	Krueger	Olson, E.	Runbeck	
Dauner	Lieder	Olson, K.	Sarna	
Dawkins	Limmer	Omann	Segal	
Dorn	Long	Onnen	Skoglund	

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

The question recurred on the Ozment and Milbert amendment and the roll was called. There were 31 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Battaglia	Hausman	Milbert	Rukavina	Trimble
Beard	Janezich	O'Connor	Sarna	Wagenius
Begich	Jaros	Orenstein	Schafer	Williams
Bennett	Johnson, V.	Ozment	Scheid	
Carlson, D.	Krueger	Pelowski	Solberg	
Cooper	Lasley	Pugh	Stanius	
Hasskamp	McLaughlin	Richter	Tompkins	

Those who voted in the negative were:

Abrams	Girard	Limmer	Pappas	Sparby
Anderson, G.	Greenfield	Long	Pauly	Steensma
Bauerly	Gruenes	Lynch	Pellow	Svigum
Bertram	Hartle	Macklin	Peterson	Swenson
Bishop	Haukoos	Marsh	Poppenhagen	Tjornhom
Boo	Henry	McEachern	Price	Tunheim
Brown	Himle	Morrison	Quinn	Uphus
Burger	Hugoson	Munger	Redalen	Valento
Carlson, L.	Jacobs	Murphy	Reding	Vellenga
Carruthers	Jefferson	Nelson, K.	Rest	Waltman
Dauner	Jennings	Neuenschwander	Rodosovich	Weaver
Dawkins	Johnson, A.	Ogren	Runbeck	Wenzel
Dille	Johnson, R.	Olson, E.	Schreiber	Winter
Dorn	Kalis	Olson, K.	Seaberg	Spk. Vanasek
Forsythe	Kinkel	Omman	Segal	
Frederick	Kostohryz	Onnen	Simoneau	
Frerichs	Lieder	Ostrom	Skoglund	

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

S. F. No. 1937, A bill for an act relating to health; establishing standards for safe levels of lead; requiring education about lead exposure; requiring lead assessments of certain residences; establishing standards for lead abatement; requiring rules; amending Minnesota Statutes 1988, section 116.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1989 Supplement, sections 144.851 to 144.862.

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 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dille	Johnson, A.	Milbert	Pellow
Anderson, G.	Dorn	Johnson, R.	Miller	Pelowski
Anderson, R.	Forsythe	Johnson, V.	Morrison	Peterson
Battaglia	Frederick	Kahn	Munger	Poppenhagen
Bauerly	Frerichs	Kalis	Murphy	Price
Beard	Girard	Kelly	Nelson, C.	Pugh
Begich	Greenfield	Kelso	Nelson, K.	Quinn
Bennett	Gruenes	Kinkel	Neuenschwander	Reding
Bertram	Gutknecht	Kostohryz	O'Connor	Rest
Bishop	Hartle	Krueger	Ogren	Rice
Blatz	Hasskamp	Lasley	Olson, E.	Richter
Boo	Haukoos	Lieder	Olson, K.	Rodosovich
Brown	Hausman	Limmer	Omman	Rukavina
Burger	Henry	Long	Onnen	Runbeck
Carlson, D.	Himle	Lynch	Orenstein	Sarna
Carlson, L.	Hugoson	Macklin	Osthoff	Schafer
Carruthers	Jacobs	Marsh	Ostrom	Schreiber
Clark	Janezich	McDonald	Otis	Seaberg
Cooper	Jaros	McGuire	Ozment	Segal
Dauner	Jefferson	McLaughlin	Pappas	Simoneau
Dawkins	Jennings	McPherson	Pauly	Skoglund

Solberg	Sviggum	Trimble	Vellenga	Wenzel
Sparby	Swenson	Tunheim	Wagenius	Williams
Stanius	Tjornhom	Uphus	Waltman	Winter
Steensma	Tompkins	Valento	Weaver	Spk. Vanasek

Those who voted in the negative were:

McEachern

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

S. F. No. 2375, 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.

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

The question was taken on the passage of the bill and the roll was called. There were 88 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Greenfield	Limmer	Onnen	Schafer
Battaglia	Hasskamp	Long	Orenstein	Seaberg
Bauerly	Hausman	Macklin	Ostrom	Segal
Beard	Jacobs	McDonald	Otis	Simoneau
Begich	Janezich	McEachern	Ozment	Skoglund
Bennett	Jaros	McGuire	Pappas	Solberg
Bertram	Jefferson	McLaughlin	Pelowski	Sparby
Boo	Johnson, A.	Milbert	Peterson	Sviggum
Brown	Johnson, R.	Morrison	Price	Swenson
Carlson, D.	Johnson, V.	Munger	Pugh	Tjornhom
Carlson, L.	Kahn	Murphy	Quinn	Trimble
Carruthers	Kelly	Nelson, C.	Redalen	Uphus
Clark	Kelso	Nelson, K.	Reding	Vellenga
Dauner	Kinkel	Neuenschwander	Rest	Wagenius
Dawkins	Kostohryz	O'Connor	Richter	Wenzel
Dille	Krueger	Ogren	Rodosovich	Spk. Vanasek
Dorn	Lasley	Olson, E.	Rukavina	
Forsythe	Lieder	Olson, K.	Sarna	

Those who voted in the negative were:

Abrams	Gutknecht	Kalis	Poppenhagen	Valento
Burger	Hartle	Lynch	Runbeck	Waltman
Cooper	Haukoos	Marsh	Schreiber	Weaver
Frederick	Henry	McPherson	Stanius	Williams
Frerichs	Himle	Miller	Steensma	Winter
Girard	Hugoson	Omann	Tompkins	
Gruenes	Jennings	Pellow	Tunheim	

The bill was passed and its title agreed to.

S. F. No. 2490 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 2490, A bill for an act relating to workers' compensation; including mentally retarded persons and those with related conditions to the list of registrable conditions for the subsequent disability special fund; regulating medical data access; providing for preventative treatment to employees exposed to rabies; regulating notice of insurance coverage and cancellation; amending Minnesota Statutes 1988, sections 176.131, subdivisions 2 and 8; 176.138; 176.185, subdivision 1; Minnesota Statutes 1989 Supplement, section 176.135, subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1822 was reported to the House.

Osthoff moved to amend S. F. No. 1822, the unofficial engrossment, as follows:

Page 16, line 8, delete “, provided the” and insert “: The”

Page 16, line 13, before the period insert “, provided that the council may continue to administer a section 8 program within such jurisdictions until the council completes an orderly transfer of its section 8 program responsibilities in such jurisdictions”

The motion prevailed and the amendment was adopted.

Dawkins moved to amend S. F. No. 1822, the unofficial engrossment, as amended, as follows:

Page 1, after line 21, insert:

“Section 1. Minnesota Statutes 1989 Supplement, section 462A.057, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.

(1) “Contract for deed” is the agreement between the homebuyer and eligible applicant as established by the agency.

(2) “Eligible organization” or “organization” means a political subdivision, nonprofit or cooperative organization, as defined by the agency, housing and redevelopment authority, or other organization designated by the agency, which demonstrates the capacity to perform the duties outlined in subdivision 5.

(3) “Eligible property” or “property” means a single family residential dwelling and surrounding property that is vacant, condemned, abandoned, or otherwise defined as eligible by the agency, which, if rehabilitated, may prevent or arrest the spread of blight.

(4) “Homebuyer” means an individual or family who has not owned a residential dwelling in the past three years and meets the definition of “at risk” established by the agency under subdivision 4.

(5) “Designated home ownership area” or “designated area” means a specific area where the acquisition, rehabilitation, and sale of eligible properties may take place under this section. In the metropolitan area, as defined in section 473.121, subdivision 2, a designated area must be a specific four square block area of not more than 16 adjoining blocks.

(6) “Neighborhood volunteer resident advisory board” or “advisory board” means the board established by an organization under subdivision 6.

(7) "Program" means the Minnesota rural and urban homesteading program established in subdivision 1."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1822, A bill for an act relating to housing; providing for the administration of section 8 existing housing and low-rent public housing programs; clarifying and limiting local approval requirements; removing the exemption for special assessments for housing and redevelopment authorities; providing for the transfer of housing and housing development projects to an economic development authority; authorizing the metropolitan council to plan and administer a section 8 program in the metropolitan area without approval of local units of government; amending Minnesota Statutes 1988, sections 469.002, subdivision 10, and by adding a subdivision; 469.004, subdivision 5; 469.005, subdivision 1; 469.012, subdivision 3; 469.016; 469.040, subdivisions 1 and 3; 469.094, subdivisions 1 and 2; and 473.195, subdivision 1; and Minnesota Statutes 1989 Supplement, section 469.012, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Johnson, A.	McPherson	Pellow
Anderson, G.	Forsythe	Johnson, R.	Milbert	Pelowski
Anderson, R.	Frederick	Johnson, V.	Miller	Peterson
Battaglia	Frerichs	Kahn	Munger	Poppenhagen
Bauerly	Girard	Kalis	Murphy	Price
Beard	Greenfield	Kelly	Nelson, C.	Pugh
Begich	Gruenes	Kelso	Nelson, K.	Quinn
Bennett	Gutknecht	Kinkel	Neuenschwander	Redalen
Bertram	Hartle	Kostohryz	O'Connor	Reding
Boo	Hasskamp	Krueger	Ogren	Rest
Brown	Haukoos	Lasley	Olson, E.	Rice
Burger	Hausman	Lieder	Olson, K.	Richter
Carlson, D.	Henry	Limmer	Omann	Rodosovich
Carlson, L.	Himle	Long	Onnen	Rukavina
Carruthers	Hugoson	Macklin	Orenstein	Sarna
Clark	Jacobs	Marsh	Osthoff	Schafer
Cooper	Janezich	McDonald	Ostrom	Scheid
Dauner	Jaros	McEachern	Otis	Schreiber
Dawkins	Jefferson	McGuire	Ozment	Seaberg
Dille	Jennings	McLaughlin	Pappas	Segal

Simoneau
Skoglund
Solberg
Sparby
Stanisus

Steensma
Sviggum
Swenson
Tjornhom
Tompkins

Trimble
Tunheim
Uphus
Valento
Vellenga

Wagenius
Waltman
Weaver
Wenzel
Williams

Winter
Spk. Vanasek

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

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.

The Speaker resumed the Chair.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON 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; 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 179A.03, subdivision 7; 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 120; 144; and 245.

April 17, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 2390, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2390 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [3.9227] [LEGISLATIVE COMMISSION ON CHILD PROTECTION.]

Subdivision 1. [CREATION.] A legislative commission on child protection is created consisting of ten members. Five members of the house of representatives, including members of the minority caucus, shall be appointed by the speaker and five members of the senate, including members of the minority caucus, shall be appointed by the subcommittee on committees. Members serve until expiration of their legislative terms and vacancies must be filled in the same manner as the original positions.

Subd. 2. [POWERS AND DUTIES.] The commission shall study matters relating to child protection and coordinate and oversee activities of the standing committees dealing with these issues. The commission's agenda shall include:

(1) analyzing and making recommendations regarding federal, state, and county funding and responsibility for the child protection system;

(2) developing ways to maximize the use of federal funding sources to enhance state child protection efforts; and

(3) encouraging and facilitating the funding of child protection services with an emphasis on prevention and treatment.

Subd. 3. [REPORT.] The commission shall report its findings and recommendations to the governor and the legislature by December 15 of each even-numbered year, beginning in 1992.

Subd. 4. [ADMINISTRATION.] The commission shall utilize existing legislative staff in carrying out its duties.

Sec. 2. [144.3871] [POSTERS ON THE DANGERS OF ALCOHOL USE.]

The commissioner of health shall encourage all establishments required to obtain on-sale or off-sale intoxicating liquor licenses under chapter 340A, to display, in a prominent location, posters informing pregnant women of the dangers of alcohol use. The commissioner shall make posters available, at no charge, to establishments with on-sale or off-sale licenses for intoxicating liquors. Posters must provide, in large print, the following message: "Warning: drinking alcoholic beverages during pregnancy can cause birth defects and prematurity" or a similar message approved by the commissioner of health.

Sec. 3. 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. 4. 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. 5. 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.

PROCEDURES IN FACILITIES SERVING EMOTIONALLY DISTURBED CHILDREN.]

When amending rules governing facilities serving emotionally disturbed children that are licensed under section 245A.09 and Minnesota Rules, parts 9545.0900 to 9545.1090, and 9545.1400 to 9545.1500, the commissioner of human services shall include provisions governing the use of restrictive techniques and procedures. No provision of these rules may encourage or require the use of restrictive techniques and procedures. The rules must prohibit: (1) the application of certain restrictive techniques or procedures in facilities, except as authorized in the child's case plan and monitored by the county caseworker responsible for the child; (2) the use of restrictive techniques or procedures that restrict the clients' normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing; and (3) the use of corporal punishment. The rule may specify other restrictive techniques and procedures and the specific conditions under which permitted techniques and procedures are to be carried out.

Sec. 7. Minnesota Statutes 1989 Supplement, section 245A.04, subdivision 3, is amended to read:

Subd. 3. [STUDY OF THE APPLICANT.] (a) Before the commissioner issues a license, the commissioner shall conduct a study of the individuals specified in clauses (1) to (4) according to rules of the commissioner. The applicant, license holder, the bureau of criminal apprehension, and county agencies, after written notice to the individual who is the subject of the study, shall help with the study by giving the commissioner criminal conviction data and reports about abuse or neglect of adults substantiated under section 626.557 and the maltreatment of minors substantiated under section 626.556. The individuals to be studied shall include:

(1) the applicant;

(2) persons over the age of 13 living in the household where the licensed program will be provided;

(3) current employees or contractors of the applicant who will have direct contact with persons served by the program; and

(4) volunteers who have direct contact with persons served by the program to provide program services, if the contact is not directly supervised by the individuals listed in clause (1) or (3).

The juvenile courts shall also help with the study by giving the commissioner existing juvenile court records on individuals described in clause (2) relating to delinquency proceedings held within

either the five years immediately preceding the application or the five years immediately preceding the individual's 18th birthday, whichever time period is longer. The commissioner shall destroy juvenile records obtained pursuant to this subdivision when the subject of the records reaches age 23.

For purposes of this subdivision, "direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by a program. For purposes of this subdivision, "directly supervised" means an individual listed in clause (1) or (3) is within sight or hearing of a volunteer to the extent that the individual listed in clause (1) or (3) is capable at all times of intervening to protect the health and safety of the persons served by the program who have direct contact with the volunteer.

A study of an individual in clauses (1) to (4) shall be conducted on at least an annual basis. No applicant, license holder, or individual who is the subject of the study shall pay any fees required to conduct the study.

(b) The individual who is the subject of the study must provide the applicant or license holder with sufficient information to ensure an accurate study including the individual's first, middle, and last name; home address, city, county, and state of residence; zip code; sex; date of birth; and driver's license number. The applicant or license holder shall provide this information about an individual in paragraph (a), clauses (1) to (4), on forms prescribed by the commissioner. The commissioner may request additional information of the individual, which shall be optional for the individual to provide, such as the individual's social security number or race.

(c) A study must include information from the county agency's record of substantiated abuse of adults, neglect of adults, and the maltreatment of minors, and information from the bureau of criminal apprehension.

The commissioner may also review arrest and investigative information from the bureau of criminal apprehension, a county attorney, county sheriff, county agency, local chief of police, other states, the courts, or a national criminal record repository if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual listed in paragraph (a), clauses (1) to (4).

(d) An applicant's or license holder's failure or refusal to cooperate with the commissioner is reasonable cause to deny an application or immediately suspend, suspend, or revoke a license. Failure or refusal of an individual to cooperate with the study is just cause for denying or terminating employment of the individual if the individual's failure or refusal to cooperate could cause the applicant's

application to be denied or the license holder's license to be immediately suspended, suspended, or revoked.

(e) The commissioner shall not consider an application to be complete until all of the information required to be provided under this subdivision has been received.

(f) No person in paragraph (a), clause (1), (2), (3), or (4) who is disqualified as a result of this act may be retained by the agency in a position involving direct contact with persons served by the program.

(g) The commissioner shall not implement the procedures contained in this subdivision until appropriate rules have been adopted, except for the applicants and license holders for child foster care, adult foster care, and family day care homes.

(h) Termination of persons in paragraph (a), clause (1), (2), (3), or (4) made in good faith reliance on a notice of disqualification provided by the commissioner shall not subject the applicant or license holder to civil liability.

(i) The commissioner may establish records to fulfill the requirements of this section. The information contained in the records is only available to the commissioner for the purpose authorized in this section.

Sec. 8. 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. 9. 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. 10. 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 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 sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will best serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; to provide judicial procedures which protect the welfare of the child; to preserve and strengthen the child's family ties whenever possible and in the child's best interests, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal; and, when removal from the child's own family is necessary and in the child's best interests, to secure for the child custody, care and discipline as nearly as possible equivalent to that which should have been given by the parents.

(b) The purpose of the laws relating to termination of parental rights is to ensure that:

(1) reasonable efforts have been made by the social service agency to reunite the child with the child's parents in a placement that is safe and permanent; and

(2) if placement with the parents is not reasonably foreseeable, to

secure for the child a safe and permanent placement, preferably with adoptive parents.

The paramount consideration in all proceedings for the termination of parental rights is the best interests of the child. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

(c) The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

(d) The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 11. 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 five years.

Sec. 12. 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. 13. 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. 14. 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. 15. 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:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this

paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); 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.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after the effective date of this section; 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.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 16. 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. 17. 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. 18. Minnesota Statutes 1989 Supplement, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If the punishment results in great bodily harm, that person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Sec. 19. Minnesota Statutes 1988, section 609.379, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section applies to sections 260.315, 609.255, 609.376, ~~609.377~~, 609.378, and 626.556.

Sec. 20. 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. 21. 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 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 ~~626.556-253B.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 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. 22. 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. 23. 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 under section 626.5561 or assisting in an assessment under this section or under section 626.5561;

(2) any social worker or supervisor employed by a local welfare agency complying with subdivision 10d or the provisions of section 626.5561; 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 or under section 626.5561.

(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 prevails in a civil action from which the person has been granted immunity under this subdivision, the court may award the person attorney fees and costs.

Sec. 24. 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 21.

(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. 25. 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 that has received any report or record under this subdivision.

Sec. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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. 33. 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.

Sec. 34. 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. 35. 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 investiga-

tion. 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. 36. [ATTORNEY GENERAL DATA PRACTICES STUDY.]

The attorney general and the department of human services, in consultation with the multidisciplinary task force established under section 39, 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 and the department of human services shall report and make recommendations to the legislature by December 15, 1991.

Sec. 37. [CHILD ABUSE; PLAN FOR STATEWIDE COMPUTER DATA SYSTEM.]

Subdivision 1. [APPLICATION.] This section applies only if the commissioner of public safety is required by another law enacted in the 1990 legislative session to prepare a plan for a statewide computer data system containing information on domestic assault crimes and domestic abuse orders for protection.

Subd. 2. [PLAN.] The commissioner of public safety, in consultation with the department of human services, shall determine the feasibility and costs of establishing a statewide computerized data system containing the following information on determinations made under Minnesota Statutes, section 626.556, and on the criminal and juvenile court matters specified in clauses (1) to (6):

(1) identifying information on any individual that a local social service agency has determined under Minnesota Statutes, section 626.556, subdivision 10e, to have been responsible for the maltreatment of a child or to have necessitated the provision of child protective services for a child, and the name and birth date of any child found to have been maltreated or to be in need of child protective services as a result of the individual's actions;

(2) identifying information on individuals arrested for, charged with, or convicted of malicious punishment of a child or neglect of a child;

(3) pretrial release conditions applicable to individuals charged with an offense listed in clause (2);

(4) probation and supervised release conditions applicable to individuals convicted of an offense listed in clause (2);

(5) identifying information on individuals whose parental rights to a child have been involuntarily terminated under Minnesota Statutes, section 260.226; and

(6) identifying information on individuals who have a child who was found to be in need of protective services as defined in Minnesota Statutes, section 260.015, subdivision 2a.

The commissioner shall also determine the feasibility and costs of requiring all local social service agencies, law enforcement agencies, prosecutors, courts, and court services personnel to report relevant information to the statewide data system; of making the information available to these agencies on request; and of providing a process by which the accuracy of the data may be reviewed at the request of the subject of the data.

The commissioner shall coordinate the study and plan under this section with the study and plan on domestic assault and domestic abuse data.

The commissioner shall report the results of the study and provide an implementation plan to the chairs of the judiciary committees in the house of representatives and the senate on or before February 1, 1991.

Sec. 38. [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. 39. [ALTERNATIVE DISPOSITIONS STUDY.]

The department of human services shall report and make recommendations regarding the use of permanency planning and alterna-

tive dispositions for children who are placed in out-of-home care, cannot be returned to their families, and for whom termination of parental rights is not in the child's best interest. The department shall consult with a multidisciplinary task force, including representatives of the Minnesota Indian affairs council, the council on Black Minnesotans, the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, public and private agencies, guardians ad litem, the judiciary, attorneys representing all parties in juvenile court proceedings, and community advocates. The department shall report and make recommendations to the legislature by January 7, 1991.

Sec. 40. [APPROPRIATIONS.]

Notwithstanding Minnesota Statutes, sections 299A.22 to 299A.25, or any other law to the contrary, up to \$45,000 of the money appropriated by Minnesota Statutes, section 299A.27, from the children's trust fund established under Minnesota Statutes, section 299A.22, to be administered by the children's trust fund for the fiscal year ending June 30, 1991, for grants must be used to provide a grant for administration of the professional consultation telephone line and service authorized by Minnesota Statutes, section 626.562. Notwithstanding Minnesota Statutes, section 626.562, subdivision 2, the commissioner of public safety shall provide a grant only to agencies that agree to match 50 percent of the grant amount through cash or in-kind donations.

Sec. 41. [EFFECTIVE DATE.]

Sections 17, 18, and 19 are effective August 1, 1990, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to children; creating a legislative commission on child protection; providing improved procedures to protect the safety and welfare of abused and neglected children; improving data practices; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalty for malicious child punishment resulting in great bodily harm; excluding persons convicted of child abuse or criminal sexual conduct seeking employment in juvenile corrections from certain protections for criminal offenders; providing for maternal and child health services in chemical abuse situations; defining controlled substances for purposes of reporting prenatal exposure to controlled substances; appropriating money; amending Minnesota Statutes 1988, sections 145.88; 145.882, subdivision 7; 147.09; 259.40, subdivisions 1 and 4; 260.011, subdivision 2; 260.155, subdivision 1; 609.379, subdivision 2; 626.556, subdivi-

sions 1, 3, 4, and by adding a subdivision; and 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; 626.5561, subdivisions 1, 3, 4, and by adding a subdivision; 626.5562, subdivisions 1, 2, and 4; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 144; and 245."

We request adoption of this report and repassage of the bill.

House Conferees: KATHLEEN VELLENGA, JEAN WAGENIUS, RANDY C. KELLY, KATHLEEN BLATZ AND JERRY JANEZICH.

Senate Conferees: EMBER D. REICHGOTT, ALLAN H. SPEAR, CAROL FLYNN AND PAT PARISEAU.

Vellenga moved that the report of the Conference Committee on H. F. No. 2390 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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; 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 179A.03, subdivision 7; 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 120; 144; and 245.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS

Orenstein moved that the names of Dawkins, Pappas and Jefferson be added as authors on H. F. No. 2038. The motion prevailed.

Jacobs moved that the name of Abrams be added as an author on H. F. No. 2520. The motion prevailed.

McLaughlin moved that House Advisory No. 56 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Economic Development. The motion prevailed.

Wenzel moved that H. F. No. 2035, now on Special Orders, be returned to General Orders. The motion prevailed.

Weaver moved that the following statement be printed in the permanent Journal of the House:

"Pursuant to House rule 2.5, it was my intention on Thursday, April 19, 1990, to request to be excused from voting on the Ozment

and Milbert amendment to S. F. No. 1937. In error my button was inadvertently pressed in the negative." The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 394:

Jaros, McGuire and Pellow.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1081:

Dawkins, Simoneau and Limmer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1777:

Kostohryz, McGuire and Valento.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1827:

Orenstein, Carruthers and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1847:

Orenstein, Carruthers and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1896:

Cooper, Sparby, Brown, Kalis and Boo.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1946:

Bertram, Sparby and Redalen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2126:

Price, Kalis, Bishop, Munger and Redalen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2158:

Jacobs, Osthoff and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2527:

Jennings, Sparby and Redalen.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 12:00 noon, Monday, April 23, 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, Monday, April 23, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives