

## STATE OF MINNESOTA

## SEVENTY-SEVENTH SESSION—1992

## SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 16, 1992

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

Prayer was offered by the Reverend R. W. Oltmanns, Saron Lutheran Church, Big Lake, Minnesota.

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

The roll was called and the following members were present:

Abrams	Frederick	Kelso	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Kinkel	Olson, E.	Smith
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, R. H.	Girard	Koppendrayner	Omann	Sparby
Battaglia	Goodno	Krambeer	Onnen	Stanius
Bauerly	Greenfield	Krinkie	Orenstein	Steensma
Beard	Gruenes	Krueger	Orfield	Sviggum
Begich	Gutknecht	Lasley	Osthoff	Swenson
Bertram	Hanson	Leppik	Ostrom	Thompson
Bettermann	Hartle	Lieder	Ozment	Tompkins
Bishop	Hasskamp	Limmer	Pauly	Trimble
Blatz	Haukoos	Lourey	Pellow	Tunheim
Bodahl	Hausman	Lynch	Pelowski	Uphus
Boo	Heir	Macklin	Peterson	Valento
Brown	Henry	Mariani	Pugh	Vanasek
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejzman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Schreiber	Winter
Dorn	Johnson, V.	Nelson, S.	Seaberg	Spk. Long
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Simoneau	

A quorum was present.

Ogren was excused.

The Chief Clerk proceeded to read the Journal of the preceding

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

## REPORTS OF STANDING COMMITTEES

Kalis from the Committee on Transportation to which was referred:

H. F. No. 355, A bill for an act relating to transportation; providing for and regulating bicycles to be operated on bikeways along or between the divided lanes of certain interstate highways and other highways and roads; providing for highway planning and rules for bikeways; amending Minnesota Statutes 1990, sections 160.262, subdivision 1; 161.174; 161.20, subdivision 2; 161.202, subdivision 2; 161.21, subdivision 1; 161.32, subdivision 4; 161.38, subdivision 7; 161.39, subdivision 1; 164.151; 167.50, subdivision 1; 169.18, subdivision 7; 169.19, subdivision 1; and 169.222, subdivisions 4, 8, and 10.

Reported the same back with the following amendments:

Page 11, after line 18, insert:

"Sec. 14. Minnesota Statutes 1990, section 169.222, subdivision 6, is amended to read:

Subd. 6. [BICYCLE EQUIPMENT.] (a) No person shall operate a bicycle at nighttime unless the bicycle or its operator is equipped with a lamp which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector of a type approved by the department of public safety which is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. No person may operate a bicycle at any time when there is not sufficient light to render persons and vehicles on the highway clearly discernible at a distance of 500 feet ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of head lamps on a motor vehicle.

The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches of reflective material on each side of the bicycle or its operator. Any bicycle equipped with side reflectors as required by regulations for new bicycles prescribed by the United States Consumer Product Safety Commission shall be

considered to meet the requirements for side reflectorization contained in this subdivision.

(b) No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(c) No person shall operate upon a highway any bicycle equipped with handlebars so raised that the operator must elevate the hands above the level of the shoulders in order to grasp the normal steering grip area.

(d) No person shall operate upon a highway any bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it with at least one foot on the highway surface and restarting in a safe manner.

(e) No person under the age of 16 may operate a bicycle on a bikeway located on, between, or along an interstate highway. From April 1, 1993, to April 1, 1994, a person age 16 or over may operate a bicycle on a bicycle route located on the shoulder of marked interstate highway No. 90 only if (1) the bicycle operation is during daylight hours, and (2) the person wears a protective bicycle helmet of a type that complies with standards adopted by the commissioner of public safety, or that meets the American National Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute, Inc."

Page 12, after line 11, insert:

"Sec. 17. [BICYCLE ROUTE.]

Subdivision 1. [ROUTE ESTABLISHED.] The commissioner of transportation shall establish and sign a bicycle route on the shoulder of marked interstate highway No. 90 from the Wisconsin boundary to the South Dakota boundary. The bicycle route must be open to traffic not later than April 1, 1993.

Subd. 2. [STUDY.] The commissioner shall study and evaluate the safety considerations related to bicycle use on the shoulders of controlled access highways. The study must include construction techniques that separate bicycles on the paved shoulder of a highway from motor vehicles on the roadway of the highway. The commissioner shall by January 1, 1994, report to the legislature on the results of the study and recommended changes in law to implement the study's findings."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 6, after the semicolon insert "directing the commissioner of transportation to establish a bicycle route on the shoulder of interstate highway No. 90 and authorizing limited bicycle operation on the bicycle route;"

Page 1, line 13, after "4," insert "6,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 769, A bill for an act relating to commerce; providing a computerized system for notification of security interests in farm products; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 336A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [336A.02] [DEFINITIONS.]

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

Subd. 2. [BUYER IN THE ORDINARY COURSE OF BUSINESS.] "Buyer in the ordinary course of business" means a person who, in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products.

Subd. 3. [COMMISSION MERCHANT.] "Commission merchant" means a person engaged in the business of receiving a farm product for sale on commission or for or on behalf of another person.

Subd. 4. [COMPUTERIZED FILING SYSTEM.] "Computerized filing system" means the system created under section 336.9-411 with separate programs for filing and giving notice of effective financing statements and farm products statutory liens.

Subd. 5. [EFFECTIVE FINANCING STATEMENT.] "Effective financing statement" means an original or reproduced copy of an original statement that meets the requirements of section 3.

Subd. 6. [FARM PRODUCT.] "Farm product" means an agricultural commodity, a species of livestock used or produced in farming operations, or a product of a crop or the livestock in its unmanufactured state, that is in the possession of a person engaged in farming operations.

Subd. 7. [FARM PRODUCT DEALER.] "Farm product dealer" means a buyer in the ordinary course of business, a commission merchant, or a selling agent.

Subd. 8. [FARM PRODUCTS STATUTORY LIEN.] "Farm products statutory lien" means a lien on farm products which is given by statute or other rule of law for services or materials.

Subd. 9. [FILING OFFICE.] "Filing office" means the office of the county recorder or the office of the secretary of state.

Subd. 10. [FILING OFFICER.] "Filing officer" means a county recorder, the secretary of state, or an agent of a county recorder or the secretary of state authorized to accept filings.

Subd. 11. [LIEN NOTICE.] "Lien notice" means an original or reproduced copy of an original statement that meets the requirements of section 3.

Subd. 12. [PERSON.] "Person" means an individual, partnership, corporation, trust, or other business entity.

Subd. 13. [SECURITY INTEREST.] "Security interest" means an interest in farm products that secures payment or performance of an obligation.

Subd. 14. [SELLING AGENT.] "Selling agent" means a person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of a farm product on behalf of a person engaged in farming operations.

## Sec. 2. [336A.03] [SPECIFICATION OF FARM PRODUCTS.]

The secretary of state shall, by rule, determine which specific farm products will be included in the computerized filing and notification system.

## Sec. 3. [336A.04] [CONTENTS OF FINANCING STATEMENT OR LIEN NOTICE.]

Subdivision 1. [SUBSTANTIAL COMPLIANCE.] An effective financing statement or lien notice must substantially comply with this section but may contain minor errors that are not seriously misleading.

Subd. 2. [CONTENTS.] (a) An effective financing statement or lien notice must contain:

(1) a description of the farm products subject to the security interest or farm products statutory lien, including the amount of the farm products, if applicable, and a reasonable description of the location of the property, including the county, where the farm products are located;

(2) the name and address of the secured party or the person entitled to the farm products statutory lien;

(3) the name and address of the debtor;

(4) in the case of an effective financing statement, the social security number of the debtor, or, if the debtor is doing business other than as an individual, the United States Internal Revenue Service taxpayer identification number of the debtor;

(5) in the case of an effective financing statement, the following statement with the appropriate blank checked:

"THIS EFFECTIVE FINANCING STATEMENT .... WILL .... WILL NOT BE TERMINATED WITHIN 30 DAYS OF THE DATE ON WHICH THE OBLIGATION(S) IT SECURES NO LONGER EXIST."; and

(6) in the case of a lien notice, any payment obligations imposed on the buyer, commission merchant, or selling agent as a condition for waiver or release of the farm products statutory lien.

(b) An effective financing statement or lien notice for one or more debtors may cover more than one farm product located in more than one county.

(c) The effective financing statement form may not be combined with a Uniform Commercial Code financing statement form.

(d) An effective financing statement must contain the following statement, all in capital letters:

"THE INFORMATION CONTAINED IN THIS EFFECTIVE FINANCING STATEMENT WILL BE SENT TO FARM PRODUCT BUYERS REGISTERED IN MINNESOTA. SALE OF FARM PRODUCTS TO THOSE BUYERS MAY RESULT IN A CHECK BEING ISSUED PAYABLE JOINTLY TO BOTH THE SELLER AND THE SECURED PARTY."

Subd. 3. [SIGNATURES.] A lien notice must be signed by the lienholder. An effective financing statement must be signed by:

(1) the secured party; and

(2) the debtor.

Subd. 4. [REQUIRED AMENDMENTS.] An effective financing statement or lien notice must be amended in writing within three months after material changes occur to reflect the material changes. The amendment to an effective financing statement or a lien statement must be signed and filed in the same manner required for the original document.

Subd. 5. [EFFECTIVE PERIOD.] (a) An effective financing statement is effective for five years from the date of filing. The effective period may be extended for additional periods of five years as provided in section 6.

(b) An effective financing statement is not effective after:

(1) the effective financing statement lapses on the expiration of the effective period; or

(2) a notice that the effective financing statement is terminated is signed by the secured party and filed in the filing office where the original effective financing statement is filed.

(c) A lien notice is not effective after:

(1) five years from the date of filing;

(2) expiration of the period for commencing an action to enforce the lien under applicable Minnesota law; or

(3) the obligation secured by the statutory lien no longer exists.

Sec. 4. [336A.05] [FILING EFFECTIVE FINANCING STATEMENT OR LIEN NOTICE.]

Subdivision 1. [FILING LOCATION.] An effective financing statement or lien notice must be filed in the office of the secretary of state or the county recorder in the county of the debtor's residence if the debtor is an individual or organization with residence in this state. If the debtor is not a resident of this state, the effective financing statement or lien notice must be filed in the office of the secretary of state.

Subd. 2. [EFFECTIVE FILING.] Presentation of an effective financing statement or lien notice with the appropriate filing fee to a filing officer or acceptance of the statement by a filing officer constitutes filing under this chapter.

Subd. 3. [FEES.] (a) The fee for filing and indexing a standard form for a lien notice, effective financing statement, amendment, or continuation statement, and stamping the date and place of filing on a copy of the filed document furnished by the filing party is \$10 when a single debtor name is listed. If more than one debtor's name is listed on a standard form, the fee is \$17. If one debtor's name is listed on a nonstandard effective filing statement, assignment or continuation statement or a nonstandard lien notice or assignment of a lien notice, the fee is \$13. If more than one debtor's name is listed on a nonstandard form, the fee is \$20.

(b) The fee for filing an amendment on the standard form that does not add debtors' names to the lien notice or effective financing statement is \$10. If a nonstandard form is used, the fee is \$13. The fee for an amendment that adds debtors' names is \$17 if a standard form is used or \$20 if a nonstandard form is used. The fee for filing a partial release is \$10 if a standard form is used or \$13 if a nonstandard form is used.

(c) A fee may not be charged for filing a termination statement if the termination is filed within 30 days after satisfaction of the lien or security interest. Otherwise, the fee is \$10.

(d) A county recorder shall forward \$5 of each filing fee collected under this subdivision to the secretary of state by the 15th of the month following the end of each fiscal quarter. The balance of the filing fees collected by a county recorder must be deposited in the general fund of the county.

Subd. 4. [FILING PROCEDURE.] (a) The filing officer shall mark the effective financing statement or lien notice with a consecutive file number and the date and hour of filing.

(b) The filing office shall maintain the original filed document or a microfilm or other photographic copy of the filed document for public inspection as provided in rule by the secretary of state.

(c) The filing office shall index filed documents according to the file number of the document.

Subd. 5. [ENTERING FILING INFORMATION INTO COMPUTERIZED FILING SYSTEM.] Each filing office shall enter the information from the filed documents into the computerized filing system as prescribed by the secretary of state.

The secretary of state shall record lien notices in the computerized filing system in a manner that separately identifies all farm products statutory liens, and shall ensure that the computerized filing and notification system distinguishes security interests covered by effective financing statements from liens covered by lien



notices to the extent required by United States Code, title 7, section 1631, et seq., and regulations adopted under those sections.

Subd. 6. [VERIFICATION OF INFORMATION.] A person who has filed an effective financing statement or lien notice may verify the accuracy of the information entered into the computerized filing system and compiled into the master list by making an inquiry under section 9. The secretary of state shall establish a procedure for requesting an inquiry to verify the accuracy of the information at the time of filing.

Sec. 5. [336A.06] [EFFECT OF FILING ON PERFECTION AND PRIORITY.]

Filing under this chapter does not affect the perfection or priority of security interests filed under the Uniform Commercial Code or a farm products statutory lien filed in accordance with the provisions of law under which it was created.

Sec. 6. [336A.07] [CONTINUATION STATEMENT.]

Subdivision 1. [FILING PERIOD.] A secured party may file a continuation statement for an effective financing statement within six months before a five-year effective period expires.

Subd. 2. [CONTENTS.] A continuation statement must:

- (1) be signed by the secured party and the debtor;
- (2) identify the original effective financing statement by file number; and
- (3) state that the original effective financing statement is still effective.

Subd. 3. [EFFECTIVE PERIOD.] If a continuation statement is filed within six months before a five-year effective period expires, the effectiveness of the original effective financing statement continues for an additional five years after the original five-year effective period. Additional continuation statements filed within six months before an effective period expires continue the effectiveness of the original effective financing statement for additional five-year periods.

Subd. 4. [FILING.] The continuation statement must be filed in the filing office where the original effective financing statement is filed.

Sec. 7. [336A.08] [TERMINATION STATEMENTS.]

Subdivision 1. [REQUIREMENT.] (a) If required in an effective financing statement, a secured party shall within 30 days file a lien termination statement and termination statement for the effective financing statement when:

(1) an outstanding secured obligation does not exist; and

(2) a written commitment to make advances, incur obligations, or otherwise give value does not exist.

(b) A lienholder shall file a termination statement with respect to a lien notice within 30 days after an outstanding lien notice obligation no longer exists.

Subd. 2. [CONTENTS.] A termination statement and termination statement for the effective financing statement must:

(1) state the file number of the effective financing statement or lien notice;

(2) state the date on which the lien or security interest was satisfied;

(3) state that the secured party does not claim a security interest under the effective financing statement or that the lienholder does not claim a lien under the lien notice; and

(4) be signed by the secured party or lienholder.

Subd. 3. [FILING.] A termination statement for an effective financing statement must be filed by the secured party in the filing office where the original effective financing statement is filed. A termination statement for the lien notice must be filed by the lienholder in the same manner required for filing the lien notice.

Subd. 4. [FAILURE TO FILE.] If the secured party or lienholder fails to file a termination statement as required by subdivision 1, or within ten days after a debtor serves a written demand for the termination statement if the conditions in subdivision 1 exist, the secured party or lienholder is liable to the debtor for \$100 plus any loss caused to the debtor by failing to file the termination statement. For the second and each subsequent time a secured party or lienholder is found liable to a debtor under this subdivision in any one calendar year, the secured party or lienholder is liable to the debtor for \$250 plus any loss caused to the debtor.

Subd. 5. [FILING PROCEDURES.] (a) When a termination statement is filed, each filing office must delete the information from the active files as prescribed by the secretary of state.

(b) If the termination statement is filed in duplicate, the filing office shall return one copy of the termination statement, stamped to show the time of receipt, to the secured party or lienholder.

Sec. 8. [336A.09] [MASTER LIST.]

Subdivision 1. [COMPILATION.] (a) The secretary of state shall compile the information on effective financing statements in the computerized filing system into a master list:

(1) organized according to farm product;

(2) arranged within each product:

(i) in alphabetical order according to the last name of the individual debtor or, in the case of debtors doing business other than as individuals, the first word in the name of the debtors;

(ii) in numerical order according to the social security number of the individual debtor or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of the debtors;

(iii) geographically by county; and

(iv) by crop year; and

(3) containing the information provided on an effective financing statement.

(b) The secretary of state shall compile information from lien notices recorded in the computerized filing system into a statutory lien master list in alphabetical order according to the last name of the individual debtor or, in the case of debtors doing business other than as individuals, the first word in the name of the debtors. The secretary of state may also organize the statutory lien master list according to one or more of the categories of information established in paragraph (a).

Subd. 2. [REMOVAL OF EFFECTIVE FINANCING STATEMENTS AND LIEN NOTICES.] The secretary of state shall remove lapsed and terminated effective financing statements and lien notices from the computerized filing system before preparing master lists.

Subd. 3. [REQUEST FOR PARTIAL MASTER LIST.] If requested by a buyer registered under section 11, the secretary of state shall distribute partial master lists to the buyer that are limited to one or more of the categories in subdivision 1, clause (a).

Subd. 4. [DISTRIBUTION OF MASTER AND PARTIAL LISTS.]

(a) The secretary of state shall maintain the information on the effective financing statement master list:

(1) by farm product arranged alphabetically by debtor; and

(2) by farm product arranged numerically by the debtor's social security number for an individual debtor or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of the debtors.

(b) The secretary of state shall maintain the information in the farm products statutory lien master list by county arranged alphabetically by debtor.

(c) The secretary of state shall distribute the requested master and partial master lists on a monthly basis to farm product dealers registered under section 11. The secretary of state may, by rule, establish that lists of certain farm products must be distributed more frequently.

(d) The secretary of state shall, by rule, establish:

(1) dates when the distribution of lists will be made;

(2) dates after which a filing of an effective financing statement or lien notice will not be reflected on the next lists distributed; and

(3) dates by which a registrant must complete a registration to receive the next list distributed.

(e) The secretary of state shall make the master and partial master lists available as written or printed paper documents and may make lists available in other forms or media, including:

(1) microfiche;

(2) magnetic tape;

(3) electronically transmitted medium; or

(4) computer disk.

(f) There shall be no fee for partial or master lists distributed on microfiche, magnetic tape, electronically transmitted medium, computer disk, or comparable media.

(g) At the request of a farm product dealer registered under section

11, the secretary of state shall deliver lists at cost by certified or registered mail, return receipt requested.

Sec. 9. [336A.10] [INQUIRIES.]

Subdivision 1. [PROCEDURE.] (a) Oral and written inquiries regarding information provided by the filing of effective financing statements or lien notices may be made at any filing office during regular business hours.

(b) A filing office receiving an oral or written inquiry shall, upon request, provide an oral or facsimile response to the inquiry and must mail a confirmation of the inquiry in writing by the end of the next business day after the inquiry is received.

(c) A filing office shall maintain a record of inquiries made under this section including:

- (1) the date of the inquiry;
- (2) the name of the debtor inquired about; and
- (3) identification of the person making the request for inquiry.

Subd. 2. [SEARCHES; FEES.] (a) If a person makes a request, the filing officer shall conduct a search of the computerized filing system for effective financing statements or lien notices and statements of assignment, continuation, amendment, and partial release of a particular debtor. The filing officer shall report the date, time, and results of the search by issuing:

(1) a certificate listing the file number, date, and hour of each effective financing statement found in the search and the names and addresses of each secured party on the effective financing statements or of each lien notice found in the search and the names and address of each lienholder on the lien notice;

(2) photocopies of the original effective financing statement or lien notice documents on file; or

(3) upon request, both the certificate and photocopies of the effective financing statements or lien notices.

(b) The uniform fee for conducting a search and for preparing a certificate showing up to five listed filings or for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, is \$10 per debtor name if the request is in the standard form prescribed by the secretary of state and otherwise is \$13 per debtor name. An additional fee of 50 cents must be charged for each listed filing and for each photocopy prepared in

excess of the first five. If an oral or facsimile response is requested, there is an additional fee of \$5 per debtor.

(c) A county recorder shall forward \$3 of each search fee collected under this subdivision to the secretary of state by the 15th of the month following each fiscal quarter. The balance of the search fees collected by a county recorder must be deposited in the general fund of the county.

Sec. 10. [336A.11] [LIABILITY FOR INFORMATION ERRORS.]

Except as provided in sections 609.87 to 609.891, the state, the secretary of state, counties, county recorders, and their employees and agents are immune from liability as a result of errors or omissions in information supplied under this chapter.

Sec. 11. [336A.12] [REGISTRATION OF FARM PRODUCT DEALERS.]

Subdivision 1. [REQUIREMENTS.] Farm product dealers may register with the secretary of state to receive master lists of notices of security interests in farm products or farm products statutory liens. Registration must be made on an annual calendar year basis. A registration is not complete until the registration form is properly completed and received by the secretary of state and accompanied by the registration fee. Registration entitles a farm product dealer to receive lists for those farm products specified by the registrant at the time of registration.

Subd. 2. [REGISTRATION FORMS.] The secretary of state shall make registration forms available to farm product dealers. The secretary of state must also make registration forms available to the commissioner of agriculture for distribution to applicants for licensure under section 17A.04 or 223.17. The registration form must include provisions for the name and address of the farm product dealer, a request for the master or partial master lists, and the medium on which the farm product dealer desires to receive the master list.

Subd. 3. [REGISTRATION FEE.] The annual registration fee for farm product dealers is \$25.

Subd. 4. [RECORD OF REGISTERED FARM PRODUCT DEALERS.] The secretary of state shall maintain a record of the registered farm product dealers and the lists and contents of the lists received by the registered farm product dealers for a period of five years after the lists are distributed.

Sec. 12. [336A.13] [RULES.]

Subdivision 1. [AUTHORITY.] (a) The secretary of state may adopt permanent rules to implement this chapter.

(b) If necessary to obtain federal certification of the computerized filing system, additional or alternative requirements made in conformity with United States Code, title 7, section 1631, may be adopted by the secretary of state by rule.

Subd. 2. [FORMS.] The secretary of state shall prescribe forms to be used for effective financing statements, lien notices, combined forms, amendments, continuation statements, termination statements, and notices to debtors.

**Sec. 13. [336A.14] [RECEIPT OF WRITTEN NOTICE.]**

For purposes of United States Code, title 7, section 1631, and this chapter, receipt of written notice means the date the notice is actually received by a farm product dealer or the first date that delivery is attempted by a carrier. A farm product dealer must act in good faith. A farm product dealer is presumed to have received the notice by five business days after it was mailed unless by ten days after it was mailed the farm product dealer notifies the secretary of state in writing that it has not received the notice by that time.

**Sec. 14. [336A.15] [RESTRICTED USE OF INFORMATION.]**

Information obtained from the seller of a farm product relative to the social security number or tax identification number of the true owner of the farm product and all information obtained from the master or limited list may not be used for purposes that are not related to: (1) purchase of a farm product; (2) taking a security interest against a farm product; or (3) perfecting a farm product statutory lien.

**Sec. 15. [336A.16] [BUYERS TAKING FREE OF AND SUBJECT TO FARM PRODUCTS STATUTORY LIENS.]**

Subdivision 1. [TAKING FREE OF LIEN.] Except as provided in subdivision 2, and notwithstanding other law or rule to the contrary, a buyer in the ordinary course of business who buys farm products from a seller engaged in farming operations takes free of a farm products statutory lien applicable to the purchased farm products even though the farm products statutory lien is perfected and the buyer knows the lien exists.

Subd. 2. [TAKING SUBJECT TO LIEN.] A buyer in the ordinary course of business of farm products takes subject to a farm products statutory lien applicable to the purchased farm products if the lienholder has perfected the farm products statutory lien and:

(1) the buyer has failed to register with the secretary of state as provided in section 11; or

(2) the buyer has registered with the secretary of state as provided in section 11, the buyer receives a notice from the secretary of state specifying that the seller and the farm products being sold are subject to a lien notice, and the buyer fails to secure a waiver or release of the farm products statutory lien specified in the lien notice by making a payment, satisfying an obligation, or otherwise.

**Sec. 16. [336A.17] [COMMISSION MERCHANTS AND SELLING AGENTS SUBJECT TO FARM PRODUCTS STATUTORY LIEN.]**

Subdivision 1. [SELLING NOT SUBJECT TO LIEN.] Except as provided in subdivision 2, and notwithstanding other law or rule to the contrary, a commission merchant or selling agent who sells farm products for others is not subject to a farm products statutory lien even though the farm products statutory lien is perfected and the commission merchant or selling agent knows the lien exists.

Subd. 2. [SELLING SUBJECT TO LIEN.] A commission merchant or selling agent selling farm products for another person is subject to a farm product statutory lien applicable to the purchased farm products if the lienholder has perfected the farm products statutory lien and:

(1) the commission merchant or selling agent has failed to register with the secretary of state as provided in section 11; or

(2) the commission merchant or selling agent has registered with the secretary of state as provided in section 11, the commission merchant or selling agent receives a notice from the secretary of state specifying that the seller and the farm products being sold are subject to a lien notice, and the commission merchant or selling agent fails to secure a waiver or release of the farm products statutory lien specified in the lien notice by making a payment, satisfying an obligation, or otherwise.

**Sec. 17. [336A.18] [FARM PRODUCTS FILING ACCOUNT.]**

Subdivision 1. [ESTABLISHMENT.] The farm products filing account is established as an account in the state treasury. Money received by the secretary of state under this chapter must be deposited in the state treasury and credited to the farm products filing account.

Subd. 2. [APPROPRIATION.] Money in the farm products filing account is continuously appropriated to the secretary of state.

**Sec. 18. [APPLICATION FOR CERTIFICATION.]**



The secretary of state shall apply to the secretary of the United States Department of Agriculture for certification of the computerized filing system.

Sec. 19. [MULTIPLE PAYEE DISPUTES; STUDY, REPORT, AND RECOMMENDATION.]

Not later than February 1, 1993, the commissioner of commerce shall report to the legislature on the findings of a study concerning problems arising out of disputes as to the allocation of proceeds among multiple payees on bank drafts for the purchase of farm products. The commissioner shall include findings regarding the extent of such problems, current formal and informal methods used to resolve such disputes, and recommendations, as appropriate, for eliminating or minimizing such disputes.

Sec. 20. [APPROPRIATION.]

Subdivision 1. [FARM PRODUCTS FILING ACCOUNT.] \$..... is appropriated from the general fund for transfer to the farm products filing account for implementation and maintenance of the computerized farm products filing and notification system to be available until expended.

Subd. 2. [COMPLEMENT.] The approved complement of the office of the secretary of state is increased by ..... persons.

Sec. 21. [REPEALER.]

Minnesota Statutes 1990, sections 223A.02; 223A.03; 223A.04; 223A.05; 223A.06; and 223A.07, are repealed.

Sec. 22. [EFFECTIVE DATE.]

This act is effective the day after final enactment except that the provisions relating to the computerized farm product filing and notification system are not effective until the secretary of state notifies the public and the filing officers that the computerized system is operational. The secretary of state shall give notice of the computerized system being operational at least 30 days before the operational date. The operational date shall be no earlier than January 1, 1993."

Delete the title and insert:

"A bill for an act relating to agriculture; providing for a central computerized filing system for effective financing statements and farm products statutory lien notices; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 336A;

repealing Minnesota Statutes 1990, sections 223A.02; 223A.03; 223A.04; 223A.05; 223A.06; and 223A.07.”

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

The report was adopted.

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

H. F. No. 802, A bill for an act relating to insurance; requiring the registration of utilization review organizations; defining terms; requiring certificate to be issued by commissioner of commerce; establishing criteria for issuance of certificate; describing application process and fees; stating grounds for expiration, denial, and revocation of certificate; providing for waiver for some contracts with federal government; establishing reporting requirements; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 72A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [62M.01][CITATION, JURISDICTION, AND SCOPE.]

Subdivision 1. [POPULAR NAME.] Sections 1 to 16 may be cited as the “Minnesota utilization review act of 1992.”

Subd. 2. [JURISDICTION.] Sections 1 to 16 apply to any insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third party administrator licensed under section 60A.23, subdivision 8, that provides utilization review services for the administration of benefits under a health benefit plan as defined in section 2; or any entity performing utilization review on behalf of a business entity in this state pursuant to a health benefit plan covering a Minnesota resident.

Subd. 3. [SCOPE.] Sections 2, 7, and 9, subdivision 4, apply to prior authorization of services. Nothing in sections 1 to 16 applies to review of claims after submission to determine eligibility for benefits under a health benefit plan.

Sec. 2. [62M.02] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 1 to 16, the terms defined in this section have the meanings given them.

Subd. 2. [APPEAL.] "Appeal" means a formal request, either orally or in writing, to reconsider a determination not to certify an admission, extension of stay, or other health care service.

Subd. 3. [ATTENDING DENTIST.] "Attending dentist" means the dentist with primary responsibility for the dental care provided to a patient.

Subd. 4. [ATTENDING PHYSICIAN.] "Attending physician" means the physician with primary responsibility for the care provided to a patient in a hospital or other health care facility.

Subd. 5. [CERTIFICATION.] "Certification" means a determination by a utilization review organization that an admission, extension of stay, or other health care service has been reviewed and that it, based on the information provided, meets the utilization review requirements of the applicable health plan.

Subd. 6. [CLAIMS ADMINISTRATOR.] "Claims administrator" means an entity that reviews and determines whether to pay claims to enrollees, physicians, hospitals, or others based on the contract provisions of the health plan contract. Claims administrators may include insurance companies licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a fraternal benefit society operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended.

Subd. 7. [CLAIMANT.] "Claimant" means the enrollee or covered person who files a claim for benefits or a provider of services who, pursuant to a contract with a claims administrator, files a claim on behalf of an enrollee or covered person.

Subd. 8. [CLINICAL CRITERIA.] "Clinical criteria" means the written policies, decision rules, medical protocols, or guidelines used by the utilization review organization to determine certification.

Subd. 9. [CONCURRENT REVIEW.] "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment and has the same meaning as continued stay review.

Subd. 10. [DISCHARGE PLANNING.] "Discharge planning" means the process that assesses a patient's need for treatment after hospitalization in order to help arrange for the necessary services and resources to effect an appropriate and timely discharge.

Subd. 11. [ENROLLEE.] "Enrollee" means an individual who has elected to contract for, or participate in, a health benefit plan for enrollee coverage or for dependent coverage.

Subd. 12. [HEALTH BENEFIT PLAN.] "Health benefit plan" means a policy, contract, or certificate issued by a health carrier to an employer or individual for the coverage of medical, dental, or hospital benefits. A health benefit plan does not include coverage that is:

- (1) limited to disability or income protection coverage;
- (2) automobile medical payment coverage;
- (3) supplemental to liability insurance;
- (4) designed solely to provide payments on a per diem, fixed indemnity, or nonexpense incurred basis;
- (5) credit accident and health insurance issued under chapter 62B;
- (6) blanket accident and sickness insurance as defined in section 62A.11;
- (7) accident only coverage issued by a licensed and tested insurance agent; or
- (8) workers' compensation.

Subd. 13. [INPATIENT ADMISSIONS TO HOSPITALS.] "Inpatient admissions to hospitals" includes admissions to all acute medical, surgical, obstetrical, psychiatric, and chemical dependency inpatient services at a licensed hospital facility, as well as other licensed inpatient facilities including skilled nursing facilities, residential treatment centers, and free standing rehabilitation facilities.

Subd. 14. [OUTPATIENT SERVICES.] "Outpatient services" means procedures or services performed on a basis other than as an

inpatient, and includes obstetrical, psychiatric, chemical dependency, dental, and chiropractic services.

Subd. 15. [PRIOR AUTHORIZATION.] "Prior authorization" means utilization review conducted prior to the delivery of a service, including an outpatient service.

Subd. 16. [PROSPECTIVE REVIEW.] "Prospective review" means utilization review conducted prior to an enrollee's inpatient stay.

Subd. 17. [PROVIDER.] "Provider" means a licensed health care facility, physician, or other health care professional that delivers health care services to an enrollee or covered person.

Subd. 18. [QUALITY ASSESSMENT PROGRAM.] "Quality assessment program" means a structured mechanism that monitors and evaluates a utilization review organization's program and provides management intervention to support compliance with the requirements of this chapter.

Subd. 19. [RECONSIDERATION REQUEST.] "Reconsideration request" means an initial request by telephone for additional review of a utilization review organization's determination not to certify an admission, extension of stay, or other health care service.

Subd. 20. [UTILIZATION REVIEW.] "Utilization review" means the evaluation of the necessity, appropriateness, and efficacy of the use of health care services, procedures, and facilities, by a person or entity other than the attending physician, for the purpose of determining the medical necessity of the service or admission. Utilization review also includes review conducted after the admission of the enrollee. It includes situations where the enrollee is unconscious or otherwise unable to provide advance notification. Utilization review does not include the imposition of a requirement that services be received by or upon referral from a participating provider.

Subd. 21. [UTILIZATION REVIEW ORGANIZATION.] "Utilization review organization" means an entity including but not limited to an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third party administrator licensed under section 60A.23, subdivision 8, which conducts utilization review and determines certification of an admission, extension of stay, or other health care services for a

Minnesota resident; or any entity performing utilization review that is affiliated with, under contract with, or conducting utilization review on behalf of, a business entity in this state.

Sec. 3. [62M.03] [COMPLIANCE WITH STANDARDS.]

Subdivision 1. [LICENSED UTILIZATION REVIEW ORGANIZATION.] Beginning January 1, 1993, any organization that is licensed in this state and that meets the definition of utilization review organization in section 2, subdivision 21, must comply with sections 1 to 16.

Subd. 2. [NONLICENSED UTILIZATION REVIEW ORGANIZATION.] An organization that meets the definition of a utilization review organization under section 2, subdivision 21, that is not licensed in this state that performs utilization review services for Minnesota residents must register with the commissioner of commerce and must certify compliance with sections 1 to 16.

Initial registration must occur no later than January 1, 1993.

Subd. 3. [PENALTIES AND ENFORCEMENTS.] If a nonlicensed utilization review organization fails to comply with sections 1 to 16, the organization may not provide utilization review services for any Minnesota resident. The commissioner of commerce may issue a cease and desist order under section 45.027, subdivision 5, to enforce this provision. The cease and desist order is subject to appeal under chapter 14. A nonlicensed utilization review organization that fails to comply with the provisions of sections 1 to 16 is subject to all applicable penalty and enforcement provisions of section 72A.201.

Sec. 4. [62M.04] [STANDARDS FOR UTILIZATION REVIEW PERFORMANCE.]

Subdivision 1. [RESPONSIBILITY FOR OBTAINING CERTIFICATION.] A health benefit plan that includes utilization review requirements must specify the process for notifying the utilization review organization in a timely manner and obtaining certification for health care services. In addition to the enrollee, the utilization review organization must allow any licensed hospital, physician or the physician's designee, or responsible patient representative, including a family member, to fulfill the obligations under the health plan.

A claims administrator that contracts directly with providers for the provision of health care services to enrollees may, through contract, require the provider to notify the review organization in a timely manner and obtain certification for health care services.

Subd. 2. [INFORMATION UPON WHICH UTILIZATION RE-

VIEW IS CONDUCTED.] If the utilization review organization is conducting routine prospective and concurrent utilization review, utilization review organizations must collect only the information necessary to certify the admission, procedure of treatment, and length of stay.

(a) Utilization review organizations may request, but may not require, hospitals, physicians, or other providers to supply numerically encoded diagnoses or procedures as part of the certification process.

(b) Utilization review organizations must not routinely request copies of medical records for all patients reviewed. In performing prospective and concurrent review, copies of the pertinent portion of the medical record should be required only when a difficulty develops in certifying the medical necessity or appropriateness of the admission or extension of stay.

(c) Utilization review organizations may request copies of medical records retrospectively for a number of purposes, including auditing the services provided, quality assurance review, assuring compliance with the terms of either the health benefit plan or the provider contract, and compliance with utilization review activities. Except for reviewing medical records associated with an appeal or with an investigation or audit of data discrepancies, health care providers must be reimbursed for the reasonable costs of duplicating records requested by the utilization review organization for retrospective review unless otherwise provided under the terms of the provider contract.

Subd. 3. [DATA ELEMENTS.] Except as otherwise provided in sections 1 to 16, for purposes of certification a utilization review organization must limit its data requirements to the following elements:

(a) Patient information that includes the following:

(1) name;

(2) address;

(3) date of birth;

(4) sex;

(5) social security number or patient identification number;

(6) name of health carrier or health plan; and

(7) plan identification number.

(b) Enrollee information that includes the following:

- (1) name;
- (2) address;
- (3) social security number or employee identification number;
- (4) relation to patient;
- (5) employer;
- (6) health benefit plan;
- (7) group number or plan identification number; and
- (8) availability of other coverage.

(c) Attending physician or provider information that includes the following:

- (1) name;
- (2) address;
- (3) phone numbers;
- (4) degree and license;
- (5) specialty or board certification status; and
- (6) tax identification number or other identification number.

(d) Diagnosis and treatment information that includes the following:

- (1) primary diagnosis with associated ICD or DSM coding, if available;
- (2) secondary diagnosis with associated ICD or DSM coding, if available;
- (3) tertiary diagnoses with associated ICD or DSM coding, if available;
- (4) proposed procedures or treatments with ICD or associated CPT codes, if available;
- (5) surgical assistant requirement;



(6) anesthesia requirement;

(7) proposed admission or service dates;

(8) proposed procedure date; and

(9) proposed length of stay.

(e) Clinical information that includes the following:

(1) support and documentation of appropriateness and level of service proposed; and

(2) identification of contact person for detailed clinical information.

(f) Facility information that includes the following:

(1) type;

(2) licensure and certification status and DRG exempt status;

(3) name;

(4) address;

(5) phone number; and

(6) tax ID number or other identification number.

(g) Concurrent or continued stay review information that includes the following:

(1) additional days, services, or procedures proposed;

(2) reasons for extension, including clinical information sufficient for support of appropriateness and level of service proposed; and

(3) diagnosis status.

(h) For admissions to facilities other than acute medical or surgical hospitals, additional information that includes the following:

(1) history of present illness;

(2) patient treatment plan and goals;

(3) prognosis;

(4) staff qualifications; and

(5) 24-hour availability of staff.

Additional information may be required for other specific review functions such as discharge planning or catastrophic case management. Second opinion information may also be required, when applicable, to support benefit plan requirements.

Subd. 4. [ADDITIONAL INFORMATION.] A utilization review organization may request information in addition to that described in subdivision 3 when there is significant lack of agreement between the utilization review organization and the health care provider regarding the appropriateness of certification during the review or appeal process. For purposes of this subdivision, "significant lack of agreement" means that the utilization review organization has:

(1) tentatively determined through its professional staff that a service cannot be certified;

(2) referred the case to a physician for review; and

(3) talked to or attempted to talk to the attending physician for further information.

Nothing in sections 1 to 16 prohibit a utilization review organization from requiring submission of data necessary to comply with the quality assurance and utilization review requirements of chapter 62D or other appropriate data or outcome analyses.

Subd. 5. [SHARING OF INFORMATION.] To the extent allowed under section 72A.49, a utilization review organization shall share all available clinical and demographic information on individual patients internally to avoid duplicate requests for information from enrollees or providers.

Sec. 5. [62M.05] [PROCEDURES FOR REVIEW DETERMINATION.]

Subdivision 1. [WRITTEN PROCEDURES.] A utilization review organization must have written procedures to assure that reviews are conducted in accordance with the requirements of this chapter and section 72A.20, subdivision 4a.

Subd. 2. [CONCURRENT REVIEW.] A utilization review organization may review ongoing inpatient stays based on the severity or complexity of the patient's condition or on necessary treatment or discharge planning activities. Such review must not be consistently conducted on a daily basis.

Subd. 3. [NOTIFICATION OF DETERMINATIONS.] A utilization review organization must have written procedures for providing notification of its determinations on all certifications in accordance with the following:

(a) When an initial determination is made to certify, notification must be provided promptly by telephone to the provider.

(b) When a determination is made not to certify a hospital or surgical facility admission or extension of a hospital stay, or other service requiring review determination, within one working day after making the decision the attending physician and hospital must be notified by telephone and a written notification must be sent to the hospital, attending physician, and enrollee or patient. The written notification must include the principal reason or reasons for the determination and the process for initiating an appeal of the determination. Reasons for a determination not to certify may include, among other things, the lack of adequate information to certify after a reasonable attempt has been made to contact the attending physician.

Subd. 4. [FAILURE TO PROVIDE NECESSARY INFORMATION.] A utilization review organization must have written procedures to address the failure of a health care provider, patient, or representative of either to provide the necessary information for review. If the patient or provider will not release the necessary information to the utilization review organization, the utilization review organization may deny certification in accordance with its own policy or the policy described in the health benefit plan.

Sec. 6. [62M.06] [APPEALS OF DETERMINATIONS NOT TO CERTIFY.]

Subdivision 1. [PROCEDURES FOR APPEAL.] A utilization review organization must have written procedures for appeals of determinations not to certify an admission, procedure, service, or extension of stay. The right to appeal must be available to the enrollee or designee and to the attending physician. The right of appeal must be communicated to the enrollee or designee or to the attending physician, whomever initiated the original certification request, at the time that the original determination is communicated.

Subd. 2. [EXPEDITED APPEAL.] When an initial determination not to certify a health care service is made prior to or during an ongoing service requiring review, and the attending physician believes that the determination warrants immediate appeal, the utilization review organization must assure that the attending physician, enrollee, or designee has an opportunity to appeal the determination over the telephone on an expedited basis. In such an appeal, the utilization review organization must assure reasonable

access to its consulting physician. Expedited appeals that are not resolved may be resubmitted through the standard appeal process.

Subd. 3. [STANDARD APPEAL.] The utilization review organization must establish procedures for appeals to be made either in writing or by telephone.

(a) Each utilization review organization shall notify in writing the enrollee or patient, attending physician, and claims administrator of its determination on the appeal as soon as practical, but in no case later than 45 days after receiving the required documentation on the appeal.

(b) The documentation required by the utilization review organization may include copies of part or all of the medical record and a written statement from the health care provider.

(c) Prior to upholding the original decision not to certify for clinical reasons, the utilization review organization shall conduct a review of the documentation by a physician who did not make the original determination not to certify.

(d) The process established by a utilization review organization may include defining a period within which an appeal must be filed to be considered. The time period must be communicated to the patient, enrollee, or attending physician when the initial determination is made.

(e) An attending physician who has been unsuccessful in an attempt to reverse a determination not to certify shall, consistent with section 72A.285, be provided the following:

(1) a complete summary of the review findings;

(2) qualifications of the reviewers, including any license, certification, or specialty designation; and

(3) the relationship between the enrollee's diagnosis and the review criteria used as the basis for the decision, including the specific rationale for the reviewer's decision.

(f) In cases where an appeal to reverse a determination not to certify for clinical reasons is unsuccessful, the utilization review organization must assure that a physician in the same or a similar general specialty as typically manages the medical condition, procedure, or treatment under discussion is reasonably available to review the case.

Subd. 4. [NOTIFICATION TO CLAIMS ADMINISTRATOR.] If the utilization review organization and the claims administrator are

separate entities, the utilization review organization must forward electronically or in writing, a notification of certification or determination not to certify to the appropriate claims administrator for the health benefit plan.

Sec. 7. [62M.07] [PRIOR AUTHORIZATION OF SERVICES.]

Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

(1) written procedures and criteria used to determine whether care is appropriate, reasonable, or medically necessary;

(2) a system for providing prompt notification of its determinations to enrollees and providers and for notifying the provider, enrollee, or enrollee's designee of appeal procedures under clause (4);

(3) compliance with section 72A.20, subdivision 4a, regarding time frames for approving and disapproving prior authorization requests;

(4) written procedures for appeals of denials of prior authorization which specify the responsibilities of the enrollee and provider, and which meet the requirements of section 72A.285, regarding release of summary review findings; and

(5) procedures to ensure confidentiality of patient-specific information, consistent with applicable law.

Sec. 8. [62M.08] [CONFIDENTIALITY.]

Subdivision 1. [WRITTEN PROCEDURES TO ASSURE CONFIDENTIALITY.] A utilization review organization must have written procedures for assuring that patient-specific information obtained during the process of utilization review will be:

(1) kept confidential in accordance with applicable federal and state laws;

(2) used solely for the purposes of utilization review, quality assurance, discharge planning, and case management; and

(3) shared only with those organizations or persons that have the authority to receive such information.

Subd. 2. [SUMMARY DATA.] Summary data is not subject to this section if it does not provide sufficient information to allow identification of individual patients.

## Sec. 9. [62M.09] [STAFF AND PROGRAM QUALIFICATIONS.]

Subdivision 1. [STAFF CRITERIA.] A utilization review organization shall have utilization review staff who are properly trained, qualified, and supervised.

Subd. 2. [LICENSURE REQUIREMENT.] Nurses, physicians, and other licensed health professionals conducting reviews of medical services, and other clinical reviewers conducting specialized reviews in their area of specialty must be currently licensed or certified by an approved state licensing agency in the United States.

Subd. 3. [PHYSICIAN REVIEWER INVOLVEMENT.] A physician must review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate. The physician should be reasonably available by telephone to discuss the determination with the attending physician.

Subd. 4. [DENTIST PLAN REVIEWS.] A dentist must review all cases in which the utilization review organization has concluded that a determination not to certify a dental service or procedure for clinical reasons is appropriate and an appeal has been made by the attending dentist, enrollee, or designee.

Subd. 5. [WRITTEN CLINICAL CRITERIA.] A utilization review organization's decisions must be supported by written clinical criteria and review procedures. Clinical criteria and review procedures must be established with appropriate involvement from physicians. A utilization review organization must use written clinical criteria, as required, for determining the appropriateness of the certification request. The utilization review organization must have a procedure for assuring the periodic evaluation and updating of the written criteria.

Subd. 6. [PHYSICIAN CONSULTANTS.] A utilization review organization must use physician consultants in the appeal process described in section 6, subdivision 3. The physician consultants should include, as needed and available, specialists who are board-certified, or board-eligible and working towards certification, in a specialty board approved by the American Board of Medical Specialists or the American Board of Osteopathy.

Subd. 7. [TRAINING FOR PROGRAM STAFF.] A utilization review organization must have a formalized program of orientation and ongoing training of utilization review staff.

Subd. 8. [QUALITY ASSESSMENT PROGRAM.] A utilization review organization must have written documentation of an active quality assessment program.

Sec. 10. [62M.10] [ACCESSIBILITY AND ON-SITE REVIEW PROCEDURES.]

Subdivision 1. [TOLL-FREE NUMBER.] A utilization review organization must provide access to its review staff by a toll-free or collect call telephone line during normal business hours. A utilization review organization must also have an established procedure to receive timely callbacks from providers and must establish written procedures for receiving after-hour calls, either in person or by recording.

Subd. 2. [REVIEWS DURING NORMAL BUSINESS HOURS.] A utilization review organization must conduct its telephone reviews, on-site reviews, and hospital communications during hospitals' and physicians' reasonable and normal business hours, unless otherwise mutually agreed.

Subd. 3. [IDENTIFICATION OF ON-SITE REVIEW STAFF.] Each utilization review organization's staff must identify themselves by name and by the name of their organization and, for on-site reviews, must carry picture identification and the utilization review organization's company identification card. On-site reviews should, whenever possible, be scheduled at least one business day in advance with the appropriate hospital contact. If requested by a hospital or inpatient facility, utilization review organizations must assure that their on-site review staff register with the appropriate contact person, if available, prior to requesting any clinical information or assistance from hospital staff. The on-site review staff must wear appropriate hospital supplied identification tags while on the premises.

Subd. 4. [ON-SITE REVIEWS.] Utilization review organizations must agree, if requested, that the medical records remain available in designated areas during the on-site review and that reasonable hospital administrative procedures must be followed by on-site review staff so as to not disrupt hospital operations or patient care. Such procedures, however, must not limit the ability of the utilization review organizations to efficiently conduct the necessary review on behalf of the patient's health benefit plan.

Subd. 5. [ORAL REQUESTS FOR INFORMATION.] Utilization review organizations shall orally inform, upon request, designated hospital personnel or the attending physician of the utilization review requirements of the specific health benefit plan and the general type of criteria used by the review agent. Utilization review organizations should also orally inform, upon request, hospitals, physicians, and other health care professionals of the operational procedures in order to facilitate the review process.

Subd. 6. [MUTUAL AGREEMENT.] Nothing in this section limits

the ability of a utilization review organization and a provider to mutually agree in writing on how review should be conducted.

Sec. 11. [62M.11] [COMPLAINTS TO COMMERCE OR HEALTH.]

Notwithstanding the provisions of sections 1 to 16, an enrollee may file a complaint regarding a determination not to certify directly to the commissioner responsible for regulating the utilization review organization.

Sec. 12. [62M.12] [PROHIBITION OF INAPPROPRIATE INCENTIVES.]

No individual who is performing utilization review may receive any financial incentive based on the number of denials of certifications made by such individual, provided that utilization review organizations may establish medically appropriate performance standards. This prohibition does not apply to financial incentives established between health plans and their providers.

Sec. 13. [62M.13] [SEVERABILITY.]

If any provisions of sections 1 to 16 are held invalid, illegal, or unenforceable for any reason and in any respect, the holding does not affect the validity of the remainder of sections 1 to 16.

Sec. 14. [62M.14] [EFFECT OF COMPLIANCE.]

Evidence of a utilization review organization's compliance or noncompliance with the provisions of sections 1 to 16 shall not be determinative in an action alleging that services denied were medically necessary and covered under the terms of the enrollee's health benefit plan.

Sec. 15. [62M.15] [APPLICABILITY OF OTHER CHAPTER REQUIREMENTS.]

The requirements of this chapter regarding the conduct of utilization review are in addition to any specific requirements contained in chapter 62A, 62C, 62D, or 72A.

Sec. 16. [62M.16] [RULEMAKING.]

If it is determined that rules are reasonable and necessary to accomplish the purpose of sections 1 to 16, the rules must be adopted through a joint rulemaking process by both the department of commerce and the department of health.



Sec. 17. Minnesota Statutes 1991 Supplement, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. A consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) This subdivision does not prohibit the release of health records for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency.

(c) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.

(d) A patient's consent to the release of data on the date and type of immunizations administered to the patient is effective until the patient directs otherwise, if the consent was executed before August 1, 1991.

For purposes of this subdivision, person does not include an accident and health insurer, health service plan corporation, health maintenance organization, or third party administrator, that is reviewing health record information for purposes of claims determination, eligibility, care protocol development, provider audit, data analysis and studies, fraud investigation, health outcomes analysis and studies, or quality of care review and studies. Any use or release of the health record information by the accident and health insurer, health service plan corporation, health maintenance organization, or third party administrator must meet the requirements of sections 72A.49 to 72A.505.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective January 1, 1993."

Delete the title and insert:

"A bill for an act relating to insurance; regulating utilization review services; providing standards and procedures; regulating

appeals of determinations not to certify; regulating prior authorization of services; prescribing staff and program qualifications; amending Minnesota Statutes 1991 Supplement, section 144.335, subdivision 3a; proposing coding for new law as Minnesota Statutes, chapter 62M."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1357, A bill for an act relating to occupations and professions; establishing a system of licensure for acupuncture practitioners; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Page 2, line 12, delete "20-30" and insert "28-36"

Page 2, line 30, delete "9" and insert "8"

Page 2, line 35, delete "10" and insert "9"

Page 3, line 2, delete "11" and insert "10"

Page 3, line 12, delete "12" and insert "11"

Page 3, line 18, delete "1992" and insert "1993"

Page 3, line 24, after "(1)" insert "a physician or" and after the first "professional" insert "practicing within the scope of the license"

Page 4, delete line 26, and insert "National Acupuncture Detoxification Association guidelines and verified to have passed a course on clean needle technique equivalent to that given by the National Council of Acupuncture Schools and Colleges;"

Page 5, line 13, delete "2" and insert "3"

Page 6, line 22, delete "144.336" and insert "144.335"

Page 8, delete lines 4 to 8 and insert:

"Sec. 7. [APPROPRIATION.]

\$..... is appropriated in fiscal year 1993 to the commissioner of health to establish a licensing board for the practice of acupuncture."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "appropriating money;"

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

The report was adopted.

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

H. F. No. 1453, A bill for an act relating to waste; establishing priorities for municipal wastewater treatment funding under the state independent grants program; amending Minnesota Statutes 1990, sections 116.16, subdivisions 2, 5, and 9a; 116.162, subdivision 7; 116.18, subdivision 3a; 116.181, subdivisions 1 and 2; and 446A.06, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 115.03, subdivision 1, is amended to read:

Subdivision 1. The agency is hereby given and charged with the following powers and duties:

(a) To administer and enforce all laws relating to the pollution of any of the waters of the state;

(b) To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

(c) To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are

or may be put as it shall deem necessary for the purposes of this chapter and, with respect to the pollution of waters of the state, chapter 116;

(d) To encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;

(e) To adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable orders, permits, variances, standards, rules, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution, or for the installation or operation of disposal systems or parts thereof, or for other equipment and facilities;

(1) Requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this chapter;

(2) Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof or the discharge into any municipal disposal system where the same is likely to get into any waters of the state in violation of this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying the schedule of compliance within which such prohibition or abatement must be accomplished;

(3) Prohibiting the storage of any liquid or solid substance or other pollutant in a manner which does not reasonably assure proper retention against entry into any waters of the state that would be likely to pollute any waters of the state;

(4) Requiring the construction, installation, maintenance, and operation by any person of any disposal system or any part thereof, or other equipment and facilities, or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any person;

(5) Establishing, and from time to time revising, standards of performance for new sources taking into consideration, among other things, classes, types, sizes, and categories of sources, processes, pollution control technology, cost of achieving such effluent reduction, and any nonwater quality environmental impact and energy requirements. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction

which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed rules prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after May 20, 1973, and which is so constructed as to meet all applicable standards of performance for new sources shall, consistent with and subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

(6) Establishing and revising pretreatment standards to prevent or abate the discharge of any pollutant into any publicly owned disposal system, which pollutant interferes with, passes through, or otherwise is incompatible with such disposal system;

(7) Requiring the owner or operator of any disposal system or any point source to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including where appropriate biological monitoring methods, sample such effluents in accordance with such methods, at such locations, at such intervals, and in such a manner as the agency shall prescribe, and providing such other information as the agency may reasonably require;

(8) Notwithstanding any other provision of this chapter, and with respect to the pollution of waters of the state, chapter 116, requiring the achievement of more stringent limitations than otherwise imposed by effluent limitations in order to meet any applicable water quality standard by establishing new effluent limitations, based upon section 115.01, subdivision 5, clause (b), including alternative effluent control strategies for any point source or group of point sources to insure the integrity of water quality classifications, whenever the agency determines that discharges of pollutants from such point source or sources, with the application of effluent limitations required to comply with any standard of best available technology, would interfere with the attainment or maintenance of the

water quality classification in a specific portion of the waters of the state. Prior to establishment of any such effluent limitation, the agency shall hold a public hearing to determine the relationship of the economic and social costs of achieving such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained and to determine whether or not such effluent limitation can be implemented with available technology or other alternative control strategies. If a person affected by such limitation demonstrates at such hearing that, whether or not such technology or other alternative control strategies are available, there is no reasonable relationship between the economic and social costs and the benefits to be obtained, such limitation shall not become effective and shall be adjusted as it applies to such person;

(9) Modifying, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants;

(f) To require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof;

(g) To prescribe and alter rules, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state;

(h) To conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable for the discharge of its duties under this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member, employee, or agent appointed by it to conduct such investigations or, issue such notices and hold such hearings;

(i) For the purpose of water pollution control planning by the state and pursuant to the Federal Water Pollution Control Act, as amended, to establish and revise planning areas, adopt plans and programs and continuing planning processes, including, but not limited to, basin plans and areawide waste treatment management plans, and to provide for the implementation of any such plans by

means of, including, but not limited to, standards, plan elements, procedures for revision, intergovernmental cooperation, residual treatment process waste controls, and needs inventory and ranking for construction of disposal systems;

(j) To train water pollution control personnel, and charge such fees therefor as are necessary to cover the agency's costs. All such fees received shall be paid into the state treasury and credited to the pollution control agency training account;

(k) To impose as additional conditions in permits to publicly owned disposal systems appropriate measures to insure compliance by industrial and other users with any pretreatment standard, including, but not limited to, those related to toxic pollutants, and any system of user charges ratably as is hereby required under state law or said Federal Water Pollution Control Act, as amended, or any regulations or guidelines promulgated thereunder;

(l) To set a period not to exceed five years for the duration of any National Pollutant Discharge Elimination System permit;

(m) To require a each governmental subdivision that owns or operates identified as a permittee for a wastewater disposal system treatment works to have a plan to address its ability to pay the costs of making major repairs to the annually evaluate the condition of its existing system and planning and constructing an adequate replacement system at the end of the existing system's expected useful life identify future capital improvements that will be needed to attain or maintain compliance with a national pollutant discharge elimination system or state disposal system permit; and

(n) To train individual sewage treatment system personnel, including persons who design, construct, install, inspect, service, and operate individual sewage treatment systems, and charge fees as necessary to pay the agency's costs. All fees received must be paid into the state treasury and credited to the agency's training account. Money in the account is appropriated to the agency to pay expenses related to training.

The information required in clause (m) must be submitted annually to the commissioner on a form provided by the commissioner. The commissioner shall provide technical assistance if requested by the governmental subdivision.

## Sec. 2. [116.182] [FINANCIAL ASSISTANCE PROGRAM.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Agency" means the pollution control agency.

(c) "Authority" means the public facilities authority established in section 446A.03.

(d) "Commissioner" means the commissioner of the pollution control agency.

(e) "Essential project components" means those components of a wastewater disposal system that are necessary to convey or treat a municipality's existing wastewater flows and loadings, and future wastewater flows and loadings based on the projected residential growth of the municipality for a 20-year period.

(f) "Municipality" means a county, city, or town; the metropolitan waste control commission established in chapter 473; the metropolitan council when acting under the provisions of chapter 473; an Indian tribe or an authorized Indian tribal organization; or any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state.

Subd. 2. [APPLICABILITY.] This section governs the commissioner's certification of applications for financial assistance under section 446A.07 or 446A.071.

Subd. 3. [PROJECT REVIEW.] The commissioner shall review a municipality's proposed project and financial assistance application to determine whether they meet the criteria in this section and the rules adopted under this section. The review must include a determination of the essential project components.

Subd. 4. [CERTIFICATION OF APPROVED PROJECTS.] The commissioner shall certify to the authority each approved application, including a statement of the essential project components and associated costs.

Subd. 5. [RULES.] The agency shall adopt rules for the administration of the financial assistance program. The rules must include:

(1) application requirements;

(2) criteria for the ranking of projects in order of priority based on factors including the type of project and the degree of environmental impact; and

(3) criteria for determining essential project components.

Subd. 6. [TRANSFER OF FUNDS.] As the projects in the programs specified under section 116.18, except the program under



subdivision 3c of that section, are completed, any funds remaining from appropriations for the programs must be used for the wastewater infrastructure funding program in section 446A.071 and are reappropriated to the authority, provided this use of the funds does not violate applicable provisions of any bond or note resolutions, indentures, or other instruments, contracts, or agreements associated with the source of the funds.

**Sec. 3. [446A.071] [WASTEWATER INFRASTRUCTURE FUNDING PROGRAM.]**

Subdivision 1. [ESTABLISHMENT OF THE PROGRAM.] (a) The authority shall establish the wastewater infrastructure funding program to provide supplemental assistance, as provided in rules of the authority, to municipalities that receive loans or other assistance from the water pollution control revolving fund under section 446A.07.

(b) The authority may secure funds for the wastewater infrastructure funding program through state appropriations, any source identified in section 446A.04 which may be designated by the authority for the purposes of this section, and any federal funding appropriated by Congress that may be used for the purposes of this section.

(c) The authority may set aside up to ten percent of the money appropriated to the wastewater infrastructure funding program for wastewater projects that are necessary to accommodate economic development projects.

Subd. 2. [SUPPLEMENTAL ASSISTANCE.] The authority may provide supplemental assistance under this section in the form of loans; write-down of principal, interest, or both; or direct grants, as determined by authority rules. The amount and form of the supplemental assistance must be based on the authority's determination of the financial capability of the municipality, the municipality's eligibility to qualify for other grant programs, and the source of funds.

Subd. 3. [PROGRAM ADMINISTRATION.] The authority may provide supplemental assistance to municipalities demonstrating financial need whose applications have been certified by the commissioner of the agency under section 116.182. The authority shall provide supplemental assistance according to the priority ranking established by the agency except for amounts set aside under subdivision 1, paragraph (c). The authority shall assist municipalities in securing other funding from appropriate sources. The authority shall not award financial assistance under this section unless it determines that the total project financing will be in place.

Subd. 4. [FUNDING LEVEL.] (a) The authority may provide

supplemental assistance for essential project components and costs as certified by the commissioner of the agency under section 116.182, subdivision 4, only if the loan or other financial assistance under section 446A.07 is not sufficient to provide financing for that portion of the project. The authority shall take into account the ability of significant wastewater contributors to pay their fair share of the total project costs in determining eligibility of costs for supplemental assistance.

(b) When feasible, the authority shall coordinate and leverage assistance under the wastewater infrastructure funding program with other grant programs the municipality is eligible for.

(c) Requirements under paragraph (a) do not apply to the economic development set-aside under subdivision 1, paragraph (c).

Subd. 5. [APPLICATIONS.] Applications for supplemental assistance must be made to the authority on forms prescribed by the authority and must include information identified in the rules of the authority and the agency. The authority shall forward an application to the agency within ten days of receipt. The commissioner of the agency shall review the projects and applications to determine if they meet the criteria set forth in section 116.182 and the agency rules for the program. The commissioner of the agency shall certify approved applications to the authority under section 116.182.

Subd. 6. [PAYMENTS.] Payments from the wastewater infrastructure funding program must be made in accordance with applicable state and federal laws and rules of the authority governing such payments.

Subd. 7. [RULES.] The commissioner of trade and economic development shall adopt rules establishing procedures for the administration of the wastewater infrastructure funding program. The rules must include:

(1) procedures for the administration of the financial assistance program, including application procedures;

(2) provisions establishing eligible uses of funds, forms of assistance, payments, and reporting requirements; and

(3) criteria for determining the amount of supplemental assistance, which must include consideration of: social, economic, and demographic considerations; sewer service charges; financial management; and the ability of significant wastewater contributors to pay their fair share of the costs without supplemental assistance.

Subd. 8. [TRANSFER OF APPROPRIATIONS.] As the projects in the programs specified under section 116.18 are completed, any

funds remaining from appropriations for the programs may be used for the wastewater infrastructure funding program, provided this use does not violate applicable provisions of any bond or note resolutions, indentures, or other instruments, contracts, or agreements associated with the source of the funds.

Sec. 4. [APPROPRIATION ALLOCATION.]

Up to \$50,000 of funds appropriated under Laws 1990, chapter 594, article 1, section 22, paragraph (c), may be awarded to a municipality or sanitary district for advanced alternative on-site treatment system demonstration projects in groundwater sensitive areas. The amount awarded must be matched by an equal amount of local funds from the municipality or sanitary district."

Delete the title and insert:

"A bill for an act relating to wastewater treatment funding; requiring governmental subdivisions to evaluate annually their wastewater disposal system needs; establishing a program of supplemental financial assistance for the construction of municipal wastewater disposal systems; amending Minnesota Statutes 1990, section 115.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 116; and 446A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1738, A bill for an act relating to family law; modifying the requirements for a person other than a parent who seeks child custody or visitation; amending Minnesota Statutes 1990, section 518.156, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1990, section 257.022, subdivision 2, is amended to read:

Subd. 2. [FAMILY COURT PROCEEDINGS.] In all proceedings for dissolution, custody, legal separation, annulment, or parentage subsequent to the commencement of the proceeding or at any time

after completion of the proceeding, and continuing thereafter during the minority of the child, the court may, upon the request of the parent or grandparent of a party, grant reasonable visitation rights to the unmarried minor child, after dissolution of marriage, legal separation, annulment, or determination of parentage during minority if it finds that visitation rights would be in the best interests of the child and would not interfere with the parent child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the party and the child prior to the application.

Sec. 2. Minnesota Statutes 1990, section 257.022, subdivision 2a, is amended to read:

Subd. 2a. [WHEN CHILD HAS RESIDED WITH GRANDPARENTS.] If an unmarried minor has resided with grandparents or great-grandparents for a period of 12 months or more within three years, and is subsequently removed from the home by the minor's parents, the grandparents or great-grandparents may petition the district or county court for an order granting them reasonable visitation rights to the child during minority. The court shall grant the petition if it finds that visitation rights would be in the best interests of the child and would not interfere with the parent and child relationship."

Page 2, after line 5, insert:

"Sec. 4. Minnesota Statutes 1990, section 518.175, subdivision 7, is amended to read:

Subd. 7. [GRANDPARENT VISITATION.] In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding or at any time after completion of the proceeding, and continuing during the minority of the child, the court may make an order granting visitation rights to grandparents under section 257.022, subdivision 2."

Page 2, line 7, delete "Section 1 is" and insert "Sections 1 to 4 are"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, after the semicolon insert "clarifying certain rights of grandparents to visitation;"

Page 1, line 5, delete "section" and insert "sections 257.022, subdivisions 2 and 2a;" and before the period insert "and 518.175, subdivision 7"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1751, A bill for an act relating to trade regulations; regulating certain interactive telephone services; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 8.31, subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.] The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the nonprofit corporation act (sections 317A.001 to 317A.909), the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), the antitrust act (sections 325D.49 to 325D.66), section 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 2), and the prevention of consumer fraud act (sections 325F.68 to 325F.70) and assist in the enforcement of those laws as in this section provided.

Sec. 2. [325E.39] [TELEPHONE ADVERTISING SERVICES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "telephone advertising service" means a service that enables advertisers to make recorded personal or other advertisements available to respondents by means of voice mail or another messaging device accessed by telephone. Telephone advertising service does not mean advertisements for telephone services or a newspaper or other medium of mass communication that publishes an advertisement for a telephone advertising service.

Subd. 2. [VERIFICATION AND IDENTIFICATION.] A person who operates a telephone advertising service in this state shall:

(1) verify the placement of an advertisement that includes the advertiser's telephone number or other information that enables respondents to identify and communicate directly with the advertiser by calling the listed number or otherwise communicating with the person identified as the advertiser to ensure that the person placed or consented to the placement of the advertisement; and

(2) in any advertising for the telephone advertising service, provide a business mailing address or business telephone number sufficient to enable persons to communicate with the business operation of the service."

Delete the title and insert:

"A bill for an act relating to trade regulations; regulating telephone advertising services; providing penalties and remedies; amending Minnesota Statutes 1990, section 8.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E."

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1757, A bill for an act relating to local government; authorizing the creation of a neighborhood early learning board in the city of Minneapolis and special school district No. 1; authorizing the acquisition, betterment, and operation of neighborhood early learning centers.

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

The report was adopted.

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

H. F. No. 1797, A bill for an act relating to game and fish; reducing

deer license fees for residents under age 18; amending Minnesota Statutes 1991 Supplement, section 97A.475, subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 14, 16, 18, and 20, delete "18" and insert "16"

Page 1, after line 21, insert:

"(8) to take a second deer under section 97B.301, subdivision 4, \$11;"

Page 1, line 22, delete "(8)" and insert "(9)"

Page 1, line 24, delete "(9)" and insert "(10)"

Page 1, line 25, delete "(10)" and insert "(11)"

Page 2, line 2, delete "(11)" and insert "(12)"

Page 2, after line 2, insert:

"Sec. 2. Minnesota Statutes 1990, section 97B.301, subdivision 4, is amended to read:

Subd. 4. [TAKING TWO DEER.] The commissioner may, by order, allow a person to take two deer. The commissioner shall prescribe the conditions for taking the second deer including:

(1) taking by firearm or archery; and

(2) obtaining an additional license; and

(3) payment of a fee not more than the fee for a firearms deer license."

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

Page 2, line 5, delete "1993" and insert "1992"

Amend the title as follows:

Page 1, line 3, delete "18" and insert "16 and for licenses to take a second deer"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, after "2" insert "; and 97B.301, subdivision 4"

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1865, A bill for an act relating to education; requiring the graduation rule to be authorized by law.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE COMMITMENT TO A RESULTS-ORIENTED GRADUATION RULE.]

The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the state board of education shall use its rulemaking authority granted under Minnesota Statutes, section 121.11, subdivision 12, to adopt a statewide, results-oriented graduation rule according to the timeline in section 2. The board shall not prescribe in rule or otherwise the delivery system, form of instruction, or a single statewide form of assessment that local sites must use to meet the requirements contained in the rule.

Sec. 2. [RULE TO BE AUTHORIZED BY LAW.]

Notwithstanding Minnesota Statutes, section 121.11, subdivision 12, the state board of education may continue its proceedings to adopt a graduation rule but must not take final action under Minnesota Statutes, sections 14.131 to 14.20 to adopt the rule until specifically authorized by law to do so. The 180-day time limit in Minnesota Statutes, section 14.19, does not apply after the rule is specifically authorized by law.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:



"A bill for an act relating to education; authorizing the state board of education to adopt a results-oriented graduation rule."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1893, A bill for an act relating to education; changing the structure of the higher education merger; amending Minnesota Statutes 1991 Supplement, sections 136E.03; 136E.04, subdivision 1; 179A.10, subdivision 2; and Laws 1991, chapter 356, article 9, sections 8, subdivisions 1 and 4; 9; and 14; repealing Minnesota Statutes 1991 Supplement, section 136E.04, subdivision 4; and Laws 1991, chapter 356, article 9, sections 8, subdivision 6; and 11.

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

The report was adopted.

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

H. F. No. 1902, A bill for an act relating to retirement; providing benefit increases for certain public employees; amending Minnesota Statutes 1990, sections 352.115, subdivision 3; 353.29, subdivision 3; 354.44, subdivision 6; and 354A.31, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 352.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund must be equal to ~~4.15~~ 4.45 percent of salary. These contributions must be made by deduction from salary as provided in subdivision 4.

Sec. 2. Minnesota Statutes 1990, section 352.04, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] (a) The employer contribution to the fund must be equal to ~~4.29~~ .... percent of salary.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Sec. 3. Minnesota Statutes 1990, section 352.115, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] (a) This paragraph, in conjunction with section 352.116, subdivision 1, applies to a person who became a covered employee or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless paragraph (b), in conjunction with section 352.116, subdivision 1a, produces a higher annuity amount, in which case paragraph (b) will apply. The employee's average salary, as defined in subdivision 2, multiplied by ~~one~~ 1.1 percent per year of allowable service for the first ten years and ~~1.5~~ 1.6 percent for each later year of allowable service and pro rata for completed months less than a full year shall determine the amount of the retirement annuity to which the employee is entitled.

(b) This paragraph applies to a person who has become at least 55 years old and first became a covered employee after June 30, 1989, and to any other covered employee who has become at least 55 years old and whose annuity amount, when calculated under this paragraph and in conjunction with section 352.116, subdivision 1a, is higher than it is when calculated under paragraph (a), in conjunction with section 352.116, subdivision 1. The employee's average salary, as defined in subdivision 2, multiplied by ~~1.5~~ 1.6 percent for each year of allowable service and pro rata for months less than a full year shall determine the amount of the retirement annuity to which the employee is entitled.

Sec. 4. Minnesota Statutes 1990, section 352.92, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] Beginning with the first full pay period after July 1, 1984, in lieu of employee contributions payable under section 352.04, subdivision 2, contributions by covered correctional employees must be in an amount equal to ~~4.90~~ .... percent of salary.

Sec. 5. Minnesota Statutes 1990, section 352.92, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] (a) In lieu of employer contributions payable under section 352.04, subdivision 3, the employer shall contribute for covered correctional employees an amount equal to ~~6.27~~ ..... percent of salary.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Sec. 6. Minnesota Statutes 1990, section 352.93, subdivision 2, is amended to read:

Subd. 2. [CALCULATING MONTHLY ANNUITY.] The monthly annuity under this section must be determined by multiplying the average monthly salary by the number of years, or completed months, of covered correctional service by ~~2.5~~ 2.7 percent. However, the monthly annuity must not exceed ~~75~~ 81 percent of the average monthly salary.

Sec. 7. Minnesota Statutes 1990, section 352.95, subdivision 1, is amended to read:

Subdivision 1. [JOB-RELATED DISABILITY.] A covered correctional employee less than 55 years old who becomes disabled and physically unfit to perform the duties of the position as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty that makes the employee physically or mentally unable to perform the duties, is entitled to a disability benefit based on covered correctional service only. The benefit amount must equal ~~50~~ 54 percent of the average salary defined in section 352.93, plus an additional ~~2-1/2~~ 2.7 percent for each year of covered correctional service in excess of 20 years, prorated for completed months.

Sec. 8. Minnesota Statutes 1990, section 352B.02, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTIONS.] Each member shall pay a sum equal to ~~8.5~~ .... percent of the member's salary, which shall constitute the member contribution to the fund.

Sec. 9. Minnesota Statutes 1990, section 352B.02, subdivision 1c, is amended to read:

Subd. 1c. [EMPLOYER CONTRIBUTIONS.] (a) In addition to member contributions, department heads shall pay a sum equal to

14.88 ... percent of the salary upon which deductions were made, which shall constitute the employer contribution to the fund. Department contributions must be paid out of money appropriated to departments for this purpose.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Sec. 10. Minnesota Statutes 1990, section 352B.08, subdivision 2, is amended to read:

Subd. 2. [NORMAL RETIREMENT ANNUITY.] The annuity must be paid in monthly installments. The annuity shall be equal to the amount determined by multiplying the average monthly salary of the member by ~~2-1/2~~ 2.7 percent for each year and pro rata for completed months of service.

Sec. 11. Minnesota Statutes 1990, section 352B.10, subdivision 1, is amended to read:

Subdivision 1. [INJURIES, PAYMENT AMOUNTS.] Any member less than 55 years old, who becomes disabled and physically or mentally unfit to perform duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, shall receive disability benefits while disabled. The benefits must be paid in monthly installments equal to the member's average monthly salary multiplied by ~~50~~ 54 percent, plus an additional ~~2-1/2~~ 2.7 percent for each year and pro rata for completed months of service in excess of 20 years, if any.

Sec. 12. Minnesota Statutes 1990, section 353.27, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTION.] The employee contribution shall be an amount (a) for a "basic member" equal to ~~8.23~~ 8.52 percent of total salary; and (b) for a "coordinated member" equal to ~~4.23~~ 4.52 percent of total salary. These contributions shall be made by deduction from salary in the manner provided in subdivision 4. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the total salary received from all sources.

Sec. 13. Minnesota Statutes 1990, section 353.29, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] (a) This paragraph, in conjunction with section 353.30, subdivisions 1, 1a, 1b, and 1c, applies to any member who first became a public employee or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless paragraph (b), in conjunction with section 353.30, subdivision 5, produces a higher annuity amount, in which case paragraph (b) will apply. The average salary as defined in subdivision 2, multiplied by ~~two~~ 2.1 percent for each year of allowable service for the first ten years and thereafter by ~~2.5~~ 2.6 percent per year of allowable service and completed months less than a full year for the "basic member," and ~~one~~ 1.1 percent for each year of allowable service for the first ten years and thereafter by ~~1.5~~ 1.6 percent per year of allowable service and completed months less than a full year for the "coordinated member," shall determine the amount of the "normal" retirement annuity.

(b) This paragraph applies to a member who has become at least 55 years old and first became a public employee after June 30, 1989, and to any other member whose annuity amount, when calculated under this paragraph and in conjunction with section 353.30, subdivision 5, is higher than it is when calculated under paragraph (a), in conjunction with section 353.30, subdivisions 1, 1a, 1b, and 1c. The average salary, as defined in subdivision 2, multiplied by ~~2.5~~ 2.6 percent for each year of allowable service and completed months less than a full year for a basic member and ~~1.5~~ 1.6 percent per year of allowable service and completed months less than a full year for a coordinated member, shall determine the amount of the normal retirement annuity.

Sec. 14. Minnesota Statutes 1990, section 353.651, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by ~~2-1/2~~ 2.7 percent per year of allowable service shall determine the amount of the normal retirement annuity. If the member has earned allowable service for performing services other than those of a police officer or firefighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 15. Minnesota Statutes 1990, section 353.656, subdivision 1, is amended to read:

Subdivision 1. [IN LINE OF DUTY; COMPUTATION OF BENEFITS.] Any member of the police and fire fund less than 55 years of age, who becomes disabled and physically unfit to perform duties as a police officer or firefighter subsequent to June 30, 1973, as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which has or is expected to render the member physically or mentally unable to perform duties as a police officer or firefighter for a period of at least one year, shall receive disability

benefits during the period of such disability. The benefits must be in an amount equal to ~~50~~ 54 percent of the "average salary" pursuant to subdivision 3 plus an additional ~~2-1/2~~ 2.7 percent of said average salary for each year of service in excess of 20 years. Should disability under this subdivision occur before the member has at least five years of allowable service credit in the police and fire fund, the disability benefit must be computed on the "average salary" from which deductions were made for contribution to the police and fire fund.

Sec. 16. Minnesota Statutes 1991 Supplement, section 353C.06, subdivision 3, is amended to read:

Subd. 3. [ANNUITY AMOUNT.] The average salary as defined in subdivision 2, multiplied by ~~two~~ 2.2 percent for each year of allowable service for the first ten years and ~~2.5~~ 2.7 percent for each additional year of allowable service, and pro rata for completed months less than a full year, determines the amount of the normal annuity. If a person has earned allowable service in the public employees retirement association or the public employees police and fire fund prior to participation under this chapter, the annuity representing such service must be computed in accordance with the formula under sections 353.29 and 353.30 or 353.651, whichever applies.

Sec. 17. Minnesota Statutes 1990, section 354.42, subdivision 2, is amended to read:

Subd. 2. The employee contribution to the fund shall be an amount equal to ~~4-1/2~~ ... percent of the salary of every coordinated member and ~~8-1/2~~ ... percent of the salary of every basic member. This contribution shall be made by deduction from salary. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the entire salary received.

Sec. 18. Minnesota Statutes 1990, section 354.42, subdivision 3, is amended to read:

Subd. 3. The employer contribution to the fund shall be an amount equal to ~~4-1/2~~ ... percent of the salary of each coordinated member and ~~8-1/2~~ ... percent of the salary of each basic member. This contribution shall be made in the manner provided in section 354.43.

Sec. 19. Minnesota Statutes 1990, section 354.44, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] (1) The formula retirement annuity hereunder

shall be computed in accordance with the applicable provisions of the formulas stated in clause (2) or (4) on the basis of each member's average salary for the period of the member's formula service credit.

For all years of formula service credit, "average salary," for the purpose of determining the member's retirement annuity, means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, section 354.511, for the highest five successive years of formula service credit provided, however, that such "average salary" shall not include any more than the equivalent of 60 monthly salary payments. Average salary must be based upon all years of formula service credit if this service credit is less than five years.

(2) This clause, in conjunction with clause (3), applies to a person who first became a member of the fund or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless clause (4), in conjunction with clause (5), produces a higher annuity amount, in which case clause (4) applies. The average salary as defined in clause (1), multiplied by the following percentages per year of formula service credit shall determine the amount of the annuity to which the member qualifying therefor is entitled:

	Coordinated Member	Basic Member
Each year of service during first ten	<del>1.0</del> <u>1.1</u> percent per year	<del>2.0</del> <u>2.1</u> percent per year
Each year of service thereafter	<del>1.5</del> <u>1.6</u> percent per year	<del>2.5</del> <u>2.6</u> percent per year

(3)(i) This clause applies only to a person who first became a member of the fund or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, and whose annuity is higher when calculated under clause (2), in conjunction with this clause than when calculated under clause (4), in conjunction with clause (5).

(ii) Where any member retires prior to normal retirement age under a formula annuity, the member shall be paid a retirement annuity in an amount equal to the normal annuity provided in clause (2) reduced by one-quarter of one percent for each month that the member is under normal retirement age at the time of retirement except that for any member who has 30 or more years of allowable service credit, the reduction shall be applied only for each month that the member is under age 62.

(iii) Any member whose attained age plus credited allowable service totals 90 years is entitled, upon application, to a retirement annuity in an amount equal to the normal annuity provided in clause (2), without any reduction by reason of early retirement.

(4) This clause applies to a member who has become at least 55 years old and first became a member of the fund after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity amount when calculated under this clause and in conjunction with clause (5), is higher than it is when calculated under clause (2), in conjunction with clause (3). The average salary, as defined in clause (1) multiplied by ~~2.5~~ 2.6 percent for each year of service for a basic member and by ~~1.5~~ 1.6 percent for each year of service for a coordinated member shall determine the amount of the retirement annuity to which the member is entitled.

(5) This clause applies to a person who has become at least 55 years old and first becomes a member of the fund after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity is higher when calculated under clause (4) in conjunction with this clause than when calculated under clause (2), in conjunction with clause (3). An employee who retires under the formula annuity before the normal retirement age shall be paid the normal annuity provided in clause (4) reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable to the employee if the employee deferred receipt of the annuity and the annuity amount were augmented at an annual rate of three percent compounded annually from the day the annuity begins to accrue until the normal retirement age.

Sec. 20. Minnesota Statutes 1990, section 354A.12, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] The contribution required to be paid by each member of a teachers retirement fund association shall not be less than the percentage of total salary specified below for the applicable association and program:

Association and Program	Percentage of Total Salary
Duluth teachers retirement association	
old law and new law coordinated programs	4.5 ... percent
Minneapolis teachers retirement association	
basic program	8.5 ... percent
coordinated program	4.5 ... percent
St. Paul teachers retirement association	
basic program	8 ... percent
coordinated program	4.5 ... percent



Sec. 21. Minnesota Statutes 1990, section 354A.12, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed.

The employing units shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the employing unit shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement fund association	5.79 ... percent
Minneapolis teachers retirement fund association	4.50 ... percent
St. Paul teachers retirement fund association	4.50 ... percent

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

Minneapolis teachers retirement fund association	13.35 ... percent
St. Paul teachers retirement fund association	12.63 ... percent

The employer contributions shall be remitted directly to each teachers retirement fund association each month.

Payments for school district or technical college employees who are paid from normal operating funds, shall be made from the appropriate fund of the district or technical college.

Sec. 22. Minnesota Statutes 1990, section 354A.31, subdivision 4, is amended to read:

Subd. 4. [COMPUTATION OF THE NORMAL COORDINATED RETIREMENT ANNUITY.] (a) The normal coordinated retirement annuity shall be an amount equal to a retiring coordinated member's average salary multiplied by the retirement annuity formula percentage. Average salary for purposes of this section shall mean an amount equal to the average salary upon which contributions were made for the highest five successive years of service credit, but which shall not in any event include any more than the equivalent of 60 monthly salary payments. Average salary must be based upon all years of service credit if this service credit is less than five years.

(b) This paragraph, in conjunction with subdivision 6, applies to a person who first became a member or a member in a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless paragraph (c), in conjunction with subdivision 7, produces a higher annuity amount, in which case paragraph (c) will apply. The retirement annuity formula percentage for purposes of this paragraph is ~~one~~ 1.1 percent per year for each year of coordinated service for the first ten years and ~~1-5~~ 1.6 percent for each year of coordinated service thereafter.

(c) This paragraph applies to a person who has become at least 55 years old and who first becomes a member after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity amount, when calculated under this paragraph and in conjunction with subdivision 7 is higher than it is when calculated under paragraph (b), in conjunction with the provisions of subdivision 6. The retirement annuity formula percentage for purposes of this paragraph is ~~1-5~~ 1.6 percent for each year of coordinated service.

Sec. 23. Minnesota Statutes 1991 Supplement, section 356.215, subdivision 4d, is amended to read:

Subd. 4d. [INTEREST AND SALARY ASSUMPTIONS.] (a) For funds governed by chapters 352, 352B, 353, 353C, and 354, the actuarial valuation must use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and a future salary increase assumption of ~~6-5~~ six percent.

(b) For funds governed by chapter 354A, the actuarial valuation must use preretirement and postretirement assumptions of 8.5 percent and a future salary increase assumption of ~~6-5~~ six percent, but the actuarial valuation must reflect the payment of postretirement adjustments to retirees, based on the methods specified in the bylaws of the fund as approved by the legislature. For a fund governed by chapter 422A, the actuarial valuation shall use a preretirement interest assumption of six percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.04 multiplied by the salary for the preceding year.

(c) For all other funds not specified in paragraph (a), (b), or (d), the actuarial valuation must use a preretirement interest assumption of five percent, a postretirement interest assumption of five percent, and a future salary increase assumption of 3.5 percent.

(d) For funds governed by chapters 3A, 352C, and 490, the actuarial valuation must use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and a future salary increase assumption of ~~6.5~~ six percent in each future year in which the salary amount payable is not determinable from section 3.099, 15A.081, subdivision 6, or 15A.083, subdivision 1, whichever applies, or from applicable compensation council recommendations under section 15A.082.

Sec. 24. Minnesota Statutes 1991 Supplement, section 356.215, subdivision 4g, is amended to read:

Subd. 4g. [AMORTIZATION CONTRIBUTIONS.] (a) In addition to the exhibit indicating the level normal cost, the actuarial valuation must contain an exhibit indicating the additional annual contribution sufficient to amortize the unfunded actuarial accrued liability. For funds governed by chapters 3A, 352, 352B, 352C, 353, 353C, 354, 354A, and 490, the additional contribution must be calculated on a level percentage of covered payroll basis by the established date for full funding in effect when the valuation is prepared. The level percent additional contribution must be calculated assuming annual payroll growth of ~~6.5~~ six percent. For all other funds, the additional annual contribution must be calculated on a level annual dollar amount basis.

(b) For any fund other than the Minneapolis employees retirement fund, after the first actuarial valuation date occurring after June 1, 1989, if there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, which change or changes by themselves without inclusion of any other items of increase or decrease produce a net increase in the unfunded actuarial accrued liability of the fund, the established date for full funding for the first actuarial valuation made after June 1, 1989, and each successive actuarial valuation is the first actuarial valuation date occurring after June 1, 2020.

(c) For any fund or plan other than the Minneapolis employees retirement fund, after the first actuarial valuation date occurring after June 1, 1989, if there has been a change in any or all of the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial

cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability in the fund, the established date for full funding must be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the fund must be determined in accordance with the plan provisions governing annuities and retirement benefits and the actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution or level percentage, whichever is applicable, needed to amortize the unfunded actuarial accrued liability amount determined under item (i) by the established date for full funding in effect before the change must be calculated using the interest assumption specified in subdivision 4d in effect before the change;

(iii) the unfunded actuarial accrued liability of the fund must be determined in accordance with any new plan provisions governing annuities and benefits payable from the fund and any new actuarial assumptions and the remaining plan provisions governing annuities and benefits payable from the fund and actuarial assumptions in effect before the change;

(iv) the level annual dollar contribution or level percentage, whichever is applicable, needed to amortize the difference between the unfunded actuarial accrued liability amount calculated under item (i) and the unfunded actuarial accrued liability amount calculated under item (iii) over a period of 30 years from the end of the plan year in which the applicable change is effective must be calculated using the applicable interest assumption specified in subdivision 4d in effect after any applicable change;

(v) the level annual dollar or level percentage amortization contribution under item (iv) must be added to the level annual dollar amortization contribution or level percentage calculated under item (ii);

(vi) the period in which the unfunded actuarial accrued liability amount determined in item (iii) is amortized by the total level annual dollar or level percentage amortization contribution computed under item (v) must be calculated using the interest assumption specified in subdivision 4d in effect after any applicable change, rounded to the nearest integral number of years, but not to exceed 30 years from the end of the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and not to be less than the period of years beginning in the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made

and ending by the date for full funding in effect before the change; and

(vii) the period determined under item (vi) must be added to the date as of which the actuarial valuation was prepared and the date obtained is the new established date for full funding.

(d) For the Minneapolis employees retirement fund, the established date for full funding is June 30, 2020.

Sec. 25. Minnesota Statutes 1990, section 356.30, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; COMPUTATION OF ANNUITY.]  
(1) Notwithstanding any provisions to the contrary of the laws governing the funds enumerated in subdivision 3, a person who has met the qualifications of clause (2) may elect to receive a retirement annuity from each fund in which the person has at least six months allowable service, based on the allowable service in each fund, subject to the provisions of clause (3).

(2) A person may receive upon retirement, in lieu of any augmentation of deferred annuities provided by laws governing the funds enumerated in subdivision 3, a retirement annuity from each fund in which the person has at least six months allowable service if

(a) the person has allowable service totaling an amount that allows the person to receive an annuity in any two or more of the enumerated funds;

(b) the person has at least six months of allowable service with the last such fund earned during the last period of employment; and

(c) the person has not begun to receive an annuity from any enumerated fund or the person has made application for benefits from all funds within a six-month period.

(3) The retirement annuity from each fund shall be based upon the allowable service in each fund, except that:

(a) The laws governing annuities shall be the law in effect on the date of final termination from the last public service under a covered fund.

(b) The "average salary" on which the annuity from each covered fund in which the employee has credit in a formula plan shall be based on the employee's highest five successive years of covered salary during the entire service in covered funds.

(c) The formula percentages to be used by each fund shall be those percentages prescribed by each fund's formula as continued for the respective years of allowable service from one fund to the next, recognizing all previous allowable service with the other covered funds.

(d) Allowable service in all the funds shall be combined in determining eligibility for and the application of each fund's provisions in respect to actuarial reduction in the benefit amount for retirement prior to normal retirement.

(e) The benefit amount payable for any allowable service under a nonformula plan of a covered fund shall not be affected but such service and covered salary shall be used in the above calculation.

(f) This section shall not apply to any person whose final termination from the last public service under a covered fund is prior to May 1, 1975.

(g) For the purpose of computing benefits under this section the formula percentages used by any covered fund shall in no event exceed  $2\frac{1}{2}$  2.7 percent per year of service for any year of service or fraction thereof.

(h) Any period of time for which a person has credit in more than one of the covered funds shall be used only once for the purpose of determining total allowable service.

(i) If the period of duplicated service credit is more than six months, or the person has credit for more than six months with each of the funds, each fund shall apply its formula to a prorated service credit for the period of duplicated service based on a fraction of the salary on which deductions were paid to that fund for the period divided by the total salary on which deductions were paid to all funds for the period.

(j) If the period of duplicated service credit is less than six months, or when added to other service credit with that fund is less than six months, the service credit shall be ignored and a refund of contributions made to the person in accord with that fund's refund provisions.

Sec. 26. Minnesota Statutes 1990, section 422A.10, subdivision 1, is amended to read:

Subdivision 1. There shall be deducted and withheld from the basic salary, pay or compensation of each employee in the contributing class, prior to January 1, 1980 an amount equal to  $7\frac{1}{4}$  percent, after December 31, 1979 but prior to January 1, 1981 an amount equal to  $8\frac{1}{4}$  percent and after December 31, 1980 an

amount equal to ~~9-1/4~~ ... percent of such salary, pay or compensation, except as hereinafter provided. The retirement board may increase the percentage rate of contribution to the retirement fund of any employee or employees for the purpose of establishing and maintaining on an actuarial basis a plan of insurance, survivors' benefits, or other type of benefit or benefits, the cost of which shall be paid out of such extra percentage so authorized and deducted from the employee's compensation, except as hereinafter provided. Any plan or plans so established and placed in operation may be amended from time to time, or may be abandoned, but if abandoned, any surplus remaining from the operation of a plan shall be the property of the fund, and shall be credited to the reserve for loss in investment account.

Sec. 27. Minnesota Statutes 1990, section 422A.15, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided in subdivision 3, each contributing member who, at the time of retirement, fulfills the conditions necessary to enable the member to retire, shall receive what shall be known as a "formula pension and annuity" equal to ~~two 2.1~~ percent for each year of allowable service for the first ten years and thereafter ~~2.5~~ 2.6 percent per year of allowable service of the arithmetic average annual salary, wages or compensation of the member from the city for any five calendar years out of the last ten calendar years of service except as provided for in section 422A.16, which may include the year in which the employee retires, as selected by the employee, multiplied by the years of service credited by the retirement fund. The formula pension and annuity shall be computed on the single life plan but subject to the option selections provided for in section 422A.17.

In order to be entitled to the formula pension and annuity herein provided for, the retiring employee at the time of cessation of employment and of actual retirement shall have attained the age of 60 years or have been employed by the city not less than 30 years, or meet the qualifications provided for in section 422A.16, and in addition thereto have contributed to the retirement fund at the percentage rate prescribed by the retirement law applicable when the salary, wages or compensation was paid on all salaries, wages, or compensation received from the city or from an applicable employing unit. The years of service to be applied in the formula pension and annuity shall be found and determined by the retirement board, except that no credit shall be allowed for any year in which a back charge is owing at time of retirement and the earnings from any year in which a back charge is owing shall not be used in determining the average annual salary.

Sec. 28. [FIRST CLASS CITY TEACHER FUNDS.]

Subdivision 1. [AUTHORITY GRANTED TO INCREASE FOR-

MULAS.] In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the teachers retirement fund associations in each of the cities of the first class to amend their articles of incorporation or bylaws in the manner specified in this section. The amendments in this section apply only to basic members in the Minneapolis teachers retirement fund association and the St. Paul teachers retirement fund association, and to old law coordinated program members in the Duluth teachers retirement fund association.

Subd. 2. [PERMISSIBLE INCREASES.] The formula percentages for persons specified in subdivision 1 may be increased as follows:

(1) for the Minneapolis teachers retirement fund, 2.6 instead of 2.5 percent for each year of service;

(2) for the St. Paul teachers retirement fund, 2.1 instead of 2.0 percent for each year of service for persons whose annuity is calculated under Laws 1989, chapter 319, article 13, section 94, paragraph (a), and 2.6 instead of 2.5 percent for persons whose annuity is calculated under authority of Laws 1989, chapter 319, article 13, section 94, paragraphs (b) and (c);

(3) for the Duluth teachers retirement fund old coordinated plan, 1.35 instead of 1.25 percent for each year of service for persons whose annuity is calculated under Laws 1989, chapter 319, article 13, section 94, paragraph (a), and 1.6 instead of 1.5 percent for persons whose annuity is calculated under Laws 1989, chapter 319, article 13, section 94, paragraphs (b) and (c).

Sec. 29. [EFFECTIVE DATE.]

Sections 3, 6, 7, 10, 11, 13, 14, 15, 16, 19, 22, 23, 24, 25, 27, and 28 are effective May 16, 1993. Sections 1, 2, 4, 5, 8, 9, 12, 17, 18, 20, 21, and 26 are effective the first full payroll period beginning after July 1, 1993."

Delete the title and insert:

"A bill for an act relating to retirement; providing increases in benefits and employer and employee contributions for members of certain public employee pension plans; amending Minnesota Statutes 1990, sections 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.92, subdivisions 1 and 2; 352.93, subdivision 2; 352.95, subdivision 1; 352B.02, subdivisions 1a and 1c; 352B.08, subdivision 2; 352B.10, subdivision 1; 353.27, subdivision 2; 353.29, subdivision 3; 353.651, subdivision 3; 353.656, subdivision 1; 354.42, subdivisions 2 and 3; 354.44, subdivision 6; 354A.12, subdivisions 1 and 2; 354A.31, subdivision 4; 356.30, subdivision 1; 422A.10, subdivision



1; 422A.15, subdivision 1; Minnesota Statutes 1991 Supplement, section 353C.06, subdivision 3; 356.215, subdivisions 4d and 4g.”

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

The report was adopted.

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

H. F. No. 1951, A bill for an act relating to workers' compensation; modifying insurance regulations; permitting adoption of administrative rules; providing hearing procedures; appropriating money; amending Minnesota Statutes 1990, sections 79.01, subdivision 1; 79.074, by adding subdivisions; 79.252, by adding a subdivision; 79.50; 79.59; 176.185, subdivision 1; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 79.

Reported the same back with the following amendments:

Page 1, line 12, delete “ARTICLE 1”

Page 3, line 6, delete “the effective date of this section” and insert “March 31, 1992”

Page 3, line 33, before “Rates” insert “Except as provided in subdivision 2,”

Page 3, line 35, delete “the effective date of this article” and insert “July 1, 1992,”

Page 4, delete lines 2 to 4

Page 14, line 3, delete “one each”

Page 24, line 21, after “6” insert “, 7,”

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

The report was adopted.

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

H. F. No. 1958, A bill for an act relating to juveniles; establishing a youth employment and education pilot program; appropriating money for the pilot program and for family-based services under the family preservation act.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

“Section 1. [145.9265] [FETAL ALCOHOL SYNDROME AND EFFECTS AND DRUG-EXPOSED INFANT PREVENTION.]

The commissioner of health, in coordination with the commissioner of education and the commissioner of human services, shall design and implement a coordinated prevention effort to reduce the rates of fetal alcohol syndrome and fetal alcohol effects, and reduce the number of drug-exposed infants. The commissioner shall:

(1) conduct research to determine the most effective methods of preventing fetal alcohol syndrome, fetal alcohol effects, and drug-exposed infants and to determine the best methods for collecting information on the incidence and prevalence of these problems in Minnesota;

(2) provide training on effective prevention methods to health care professionals and human services workers; and

(3) operate a statewide media campaign focused on reducing the incidence of fetal alcohol syndrome and fetal alcohol effects, and reducing the number of drug-exposed infants.

Sec. 2. Minnesota Statutes 1990, section 241.021, is amended by adding a subdivision to read:

Subd. 4a. [CHEMICAL DEPENDENCY TREATMENT PROGRAMS.] All residential chemical dependency treatment programs operated by the commissioner of corrections to treat adults and juveniles committed to the commissioner's custody shall comply with the standards mandated in Minnesota Rules, parts 9530.4100 to 9530.4450, for treatment programs operated by community-based residential treatment facilities.

Sec. 3. Minnesota Statutes 1990, section 254A.14, is amended by adding a subdivision to read:

Subd. 3. [GRANTS FOR TREATMENT OF HIGH-RISK YOUTH.]

The commissioner of human services shall award grants on a pilot project basis to develop culturally specific chemical dependency treatment programs for minority and other high-risk youth, including those enrolled in area learning centers, those presently in residential chemical dependency treatment, and youth currently under commitment to the commissioner of corrections or detained under chapter 260. Proposals submitted under this section shall include an outline of the treatment program components, a description of the target population to be served, and a protocol for evaluating the program outcomes.

Sec. 4. Minnesota Statutes 1990, section 254A.17, subdivision 1, is amended to read:

Subdivision 1. [MATERNAL AND CHILD SERVICE PROGRAMS.] (a) The commissioner shall fund maternal and child health and social service programs designed to improve the health and functioning of children born to mothers using alcohol and controlled substances. Comprehensive programs shall include immediate and ongoing intervention, treatment, and coordination of medical, educational, and social services through a child's preschool years. Programs shall also include research and evaluation to identify methods most effective in improving outcomes among this high-risk population.

(b) The commissioner of human services shall develop models for the treatment of children ages 6 to 12 who are in need of chemical dependency treatment. The commissioner shall fund at least two pilot projects with qualified providers to provide nonresidential treatment for children in this age group. Model programs must include a component to monitor and evaluate treatment outcomes.

Sec. 5. Minnesota Statutes 1990, section 254A.17, is amended by adding a subdivision to read:

Subd. 1a. [PROGRAM FOR PREGNANT WOMEN AND WOMEN WITH CHILDREN.] Within the limits of funds available, the commissioner of human services shall fund programs providing specialized chemical dependency treatment for pregnant women and women with children. The programs shall provide prenatal care, child care, housing assistance, and other services needed to ensure successful treatment.

Sec. 6. Minnesota Statutes 1990, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be

examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

The court shall have a chemical use assessment conducted when: (1) a child is (4) found to be delinquent for violating a provision of chapter 152, or; (2) a child is alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order; or (3) a child has violated a condition of release imposed by the court under section 260.172, subdivision 2c, relating to abstinence from the use of chemicals. The assessor's qualifications and the assessment criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under chapter 254B are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655 and 9530.7000 to 9530.7030. The commissioner of public safety shall reimburse the court for the cost of the chemical use assessment, up to a maximum of \$100.

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

Sec. 7. Minnesota Statutes 1990, section 260.172, is amended by adding a subdivision to read:

Subd. 2c. [CONDITIONS OF RELEASE.] If the court releases from detention a child alleged to have committed a delinquent act, the court may impose reasonable conditions of release on the child including, but not limited to, a requirement that the child abstain from the use of alcohol and drugs. If the child violates a condition of release requiring abstinence from the use of chemicals, the court shall order a chemical use assessment as provided in section 260.151, subdivision 1.

Sec. 8. Minnesota Statutes 1991 Supplement, section 299A.30, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The assistant commissioner shall gather and make available information on prevention and supply reduction

activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(b) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The assistant commissioner shall recommend to the commissioner recipients of grants under sections 299A.33 and 299A.34, after consultation with the chemical abuse prevention resource council.

(c) The assistant commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

Sec. 9. Minnesota Statutes 1991 Supplement, section 299A.31, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A chemical abuse prevention resource council consisting of 17 19 members is established. The commissioners of public safety, education, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of

the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Sec. 10. Minnesota Statutes 1991 Supplement, section 299A.32, subdivision 2a, is amended to read:

Subd. 2a. [GRANT PROGRAMS.] The council shall, in coordination with the assistant commissioner of the office of drug policy, review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The appropriate state agencies would have responsibility for management of state and federal drug grant programs.

Sec. 11. [299A.325] [STATE CHEMICAL HEALTH INDEX MODEL.]

The assistant commissioner of the office of drug policy and the chemical abuse prevention resource council shall develop and test a chemical health index model to help assess the state's chemical health and coordinate state policy and programs relating to chemical abuse prevention and treatment. The chemical health index model shall assess a variety of factors known to affect the use and abuse of chemicals in different parts of the state including, but not limited to, demographic factors, risk factors, health care utilization, drug-related crime, productivity, resource availability, and overall health.

Sec. 12. [STUDY; DEPARTMENT OF CORRECTIONS.]

The commissioner of corrections, in collaboration with the commissioner of human services and the assistant commissioner of the office of drug policy, shall conduct a comprehensive study of the availability and quality of appropriate treatment programs within the criminal or juvenile justice system for adult and juvenile offenders who are chemically dependent or abuse chemicals. In particular, the commissioner shall investigate the extent to which the lack of culturally oriented treatment programs for minority youth has contributed to disparate and more punitive treatment of these youth by the juvenile justice system. As part of this study, the

commissioner shall determine the cost of expanding the availability of culturally oriented treatment programs to all adult and juvenile offenders who are in need of treatment. The commissioner shall report the study's findings and recommendations to the legislature by February 1, 1993.

Sec. 13. [STATEWIDE MEDIA CAMPAIGN.]

The commissioner of health, in collaboration with the commissioner of human services and the commissioner of public safety, shall design and implement a statewide mass media campaign for the promotion of chemical health. The campaign must use both traditional and nontraditional media and focus on and support chemical health activities conducted at the community level with diverse and targeted populations. The campaign must last a minimum of six months and be coordinated with local school and community educational efforts, policy, skills training, and behavior modeling."

Page 3, delete line 25 and insert:

"Sec. 14. [APPROPRIATIONS; DEPARTMENT OF HEALTH.]

Subdivision 1. [ALCOHOL AND DRUG-EXPOSED INFANT PREVENTION.] \$..... is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 1993, for purposes of section 1.

Subd. 2. [COMMUNITY CHEMICAL ABUSE PREVENTION GRANTS.] \$..... is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 1993, for the community chemical abuse prevention grant program established in Minnesota Statutes, section 144.401.

Subd. 3. [STATEWIDE MEDIA CAMPAIGN.] \$..... is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 1993, for the purposes of section 13.

Sec. 15. [APPROPRIATIONS; DEPARTMENT OF HUMAN SERVICES.]

Subdivision 1. [PROGRAMS FOR HIGH-RISK YOUTH.] \$..... is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1993, for purposes of funding programs under section 3.

Subd. 2. [TREATMENT PROGRAMS FOR CHILDREN.] \$..... is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1993, for purposes of funding pilot projects under section 4.

Subd. 3. [PROGRAMS FOR PREGNANT WOMEN AND WOMEN WITH CHILDREN.] \$..... is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1993, for purposes of funding programs under section 5.

Subd. 4. [CHEMICAL USE ASSESSMENTS.] \$..... is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1993, to pay for chemical use assessments ordered by juvenile courts under section 7."

Page 3, line 26, delete "(b)" and insert "Subd. 5. [FAMILY-BASED SERVICES.]"

Page 3, delete section 3 and insert:

"Sec. 16. [APPROPRIATIONS; DEPARTMENT OF PUBLIC SAFETY.]

Subdivision 1. [OFFICE OF DRUG POLICY.] \$..... is appropriated from the general fund to the commissioner of public safety, office of drug policy, for the fiscal year ending June 30, 1993, to be used to pay operating expenses of the office and of the chemical abuse prevention resource council. The approved complement of the office of drug policy is increased by .. positions.

Subd. 2. [CHEMICAL HEALTH INDEX MODEL.] \$..... is appropriated from the general fund to the commissioner of public safety, office of drug policy, for the fiscal year ending June 30, 1993, to be used to pay the cost of developing and testing the chemical health index model described in section 11."

Delete the title and insert:

"A bill for an act relating to chemical abuse prevention and treatment; requiring coordinated prevention efforts concerning fetal alcohol syndrome and drug-exposed infants; appropriating money for community chemical abuse prevention program grants; providing grants for chemical dependency programs targeted at pregnant women and mothers, high-risk youth, and young children; requiring chemical use assessments for certain juveniles at an earlier stage of the juvenile court process; clarifying the duties of the office of drug policy and the chemical abuse prevention resource council; expanding the council's membership; requiring the development of a chemical health index model; requiring a statewide chemical health media campaign; appropriating money; amending Minnesota Statutes 1990, sections 241.021, by adding a subdivision; 254A.14, by adding a subdivision; 254A.17, subdivision 1, and by adding a subdivision; 260.151, subdivision 1; and 260.172, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 299A.30, subdivision 2; 299A.31, subdivision 1; and 299A.32, sub-



division 2a; proposing coding for new law in Minnesota Statutes, chapters 145; and 299A."

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

The report was adopted.

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

H. F. No. 1960, A bill for an act relating to retirement; changing the formula governing calculation of postretirement adjustments for certain public pension plans; amending Minnesota Statutes 1990, section 11A.18, subdivision 9.

Reported the same back with the following amendments:

Page 1, line 18, after "workers" insert "all items index" and after "the" insert "Bureau of Labor Statistics of the"

Page 3, line 10, after "reserves" insert ", as adjusted for mortality gains and losses under subdivision 11,"

Page 3, line 11, after "eligible" insert "and ineligible"

Page 3, line 25, delete the second "the"

Page 3, line 26, delete "next"

Page 4, line 1, delete "the sum of: (i)"

Page 4, line 2, delete everything after "(2)"

Page 4, delete line 3

Page 4, line 4, delete everything before the period

Page 5, line 33, before "In" insert "(a)"

Page 6, after line 13, insert:

"(b) The state board of investment shall not add the percentage amount listed in paragraph (a) to the increase in the Consumer Price Index if the percentage increase determined under section 11A.18, subdivision 9, paragraph (c), without adding any percentage to the Consumer Price Index under paragraph (a), would be equal to

or greater than the percentage amount to be added to the Consumer Price Index under paragraph (a) for that year.

(c) If a percentage amount listed in paragraph (a) is added to the increase in the Consumer Price Index for a year, any percentage determined under section 11A.18, subdivision 9, paragraph (c), may not be used in calculating a postretirement adjustment for that year."

Page 6, line 15, delete "1993" and insert "1992"

Page 6, line 19, after the period insert "The calculations made to determine the amount of a postretirement adjustment to be paid beginning January 1, 1993, and the payment of this adjustment, must be based on the law in effect on the day before the effective date of sections 1 and 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1965, A bill for an act relating to natural resources; providing for the management of ecologically harmful exotic species; requiring rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 18.317, subdivisions 1, 2, 3, 5, and by adding a subdivision; 86B.401, subdivision 11; Minnesota Statutes 1991 Supplement, section 84.9691; proposing coding for new law in Minnesota Statutes, chapters 84; and 97A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 18.317, subdivision 1, is amended to read:

Subdivision 1. [TRANSPORTATION PROHIBITED.] Except as provided in subdivision 2, a person may not transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescens, zebra mussels, or other water-transmitted harmful exotic species identified by the commissioner of natural resources on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Sec. 2. Minnesota Statutes 1990, section 18.317, subdivision 2, is amended to read:

Subd. 2. [EXCEPTION.] A person may transport Eurasian or Northern water milfoil, *myriophyllum spicatum* or *exalbescons*, or other water-transmitted harmful exotic species identified by the commissioner of natural resources for disposal as part of a harvest or control activity.

Sec. 3. Minnesota Statutes 1990, section 18.317, subdivision 3, is amended to read:

Subd. 3. [LAUNCHING OF WATERCRAFT WITH EURASIAN OR NORTHERN WATER MILFOIL PROHIBITED.] (a) A person may not place a trailer or launch a watercraft with Eurasian or Northern water milfoil, zebra mussels, or other water-transmitted harmful exotic species identified by the commissioner of natural resources attached into waters of the state. A conservation officer or other licensed peace officer may order the removal of Eurasian or Northern water milfoil, zebra mussels, or other water-transmitted harmful exotic species identified by the commissioner of natural resources from a trailer or watercraft before being placed or launched into waters of the state.

(b) For purposes of this section, the meaning of watercraft includes a float plane and "waters of the state" has the meaning given in section 103G.005, subdivision 17.

Sec. 4. Minnesota Statutes 1990, section 18.317, is amended by adding a subdivision to read:

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] (a) Licensed watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state which are identified as being contaminated with Eurasian water milfoil, zebra mussels, or other water-transmitted exotic harmful species identified by the commissioner of natural resources, shall be inspected as described in paragraphs (b) and (c).

(b) From May 1 to October 15, on the five bodies of water that the commissioner determines have the greatest potential for transmitting exotic harmful species, equipment must be inspected for a minimum of 16 hours per day as follows:

(1) equipment leaving a commercial access point must be inspected by the owner or operator of the access point; and

(2) equipment leaving public access points must be inspected by authorized department of natural resources personnel.

(c) Equipment leaving commercial and public access points on bodies of water other than the five described in paragraph (b), must be randomly inspected by authorized department of natural resources personnel.

Sec. 5. Minnesota Statutes 1990, section 18.317, subdivision 5, is amended to read:

Subd. 5. [PENALTY.] A person who violates subdivision 1 ~~or~~ 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove Eurasian or Northern water milfoil from a trailer or watercraft is guilty of a misdemeanor.

Sec. 6. [84.9681] [PLAN FOR CONTAINMENT.]

(a) By January 1, 1993, the commissioner shall prepare a plan for lake associations, local groups, and local units of government that provides education in the identification and detection of new infestations of ecologically harmful exotic species. The plan shall include a review of the effectiveness of including lake associations in the management of infestations of ecologically harmful exotic species.

(b) By January 1, 1993, the commissioner shall develop a plan for the containment of ecologically harmful exotic species, which plan must be in effect by May 1, 1993, that:

(1) provides signs on access points to infested waters that notify users of exotic management laws in effect and identify the species that is present;

(2) provides that permits for organized events on waters of the state include a reasonable and workable requirement for inspection of boats and equipment;

(3) allows access points infested with exotic species to be closed for control or eradication purposes. The access point may not be closed for more than seven days. Signs shall be posted stating the reason as to why the access is closed;

(4) establishes fines for violations of exotic species containment and prevention program;

(5) develops general statewide public awareness programs and accelerated public awareness programs in communities with infested waters to call attention to containment and prevention programs and rules;

(6) provides for signs on major entry points of the state that

provide notice to travelers of penalties for violation of exotic species laws;

(7) authorizes local units of government to take commissioner approved action against exotic species infestations;

(8) includes feasibility evaluation and economic and recreational justification review of an Eurasian water milfoil eradication program in the state; and

(9) provides for the regulation of harvesting live bait from water infested with zebra mussels or other egg or larval water-transmitted harmful exotic species identified by the commissioner.

Sec. 7. Minnesota Statutes 1991 Supplement, section 84.9691, is amended to read:

84.9691 [RULEMAKING.]

(a) The commissioner of natural resources may adopt rules, including emergency rules, to restrict the introduction, propagation, use, possession, and spread of ecologically harmful exotic animals and aquatic plants in the state.

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested shall be marked and prohibited for use.

(c) The commissioner shall adopt rules that allow for the reasonable chemical eradication of Eurasian water milfoil, extend treatment dates for the eradication of Eurasian water milfoil, and suspend bans on testing of bottom barriers.

Sec. 8. Minnesota Statutes 1990, section 86B.401, subdivision 11, is amended to read:

Subd. 11. [SUSPENSION FOR NOT REMOVING EURASIAN OR NORTHERN WATER MILFOIL.] The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescons, zebra mussels or other ecologically harmful species identified by the commissioner from the watercraft or its trailer as provided in section 18.317, subdivision 3.

Sec. 9. Minnesota Statutes 1991 Supplement, section 86B.415, subdivision 7, is amended to read:

Subd. 7. [WATERCRAFT SURCHARGE.] A surcharge of \$2 \$4 is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of nuisance aquatic exotic species such as zebra mussel, purple loosestrife, and Eurasian water milfoil in public waters and public wetlands.

Sec. 10. [APPROPRIATIONS.]

\$..... is appropriated to the commissioner of natural resources for the purposes of sections 1 to 9. Fifty percent of the appropriation must come from the water recreation account and 50 percent from the general fund."

Delete the title and insert:

"A bill for an act relating to natural resources; providing for the management of ecologically harmful exotic species; requiring rule-making; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 18.317, subdivisions 1, 2, 3, 5, and by adding a subdivision; 86B.401, subdivision 11; Minnesota Statutes 1991 Supplement, sections 84.9691; and 86B.415, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 84."

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1975, A bill for an act relating to corrections; requiring community-based sex offender treatment programs to be certified; establishing a sex offender treatment fund; requiring the legislative auditor to prepare a plan to implement an outcome-based evaluation and quality management system for sex offender treatment programs; requiring a report; amending Minnesota Statutes 1990, section 241.67, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 241.

Reported the same back with the following amendments:

Page 9, delete section 5, and insert:

"Sec. 5. [SEX OFFENDER TREATMENT; PILOT PROGRAM.]

The commissioners of corrections and human services shall administer a grant to create a pilot program to test the effectiveness of pharmacological agents, such as antiandrogens, in the treatment of sex offenders, including psychopathic personalities.

Participation in the study must be by volunteers who meet defined criteria. The commissioner of corrections shall report to the legislature by February 1, 1993, regarding the preliminary results of the study.

**Sec. 6. [APPROPRIATION; DEPARTMENTS OF CORRECTIONS AND HUMAN SERVICES.]**

\$..... is appropriated from the general fund to the commissioners of human services and corrections for the fiscal year ending June 30, 1993, for the pilot program described in section 5."

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, delete "requiring"

Page 1, delete lines 5 and 6

Page 1, line 7, delete everything before "requiring"

Page 1, line 8, before "amending" insert "authorizing creation of a pilot program to test the effectiveness of certain pharmacological agents in the treatment of sex offenders; appropriating money;"

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

The report was adopted.

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

H. F. No. 1978, A bill for an act relating to health; regulating ionizing radiation; delaying the effective date of existing quality assurance rules; requiring the adoption of quality assurance rules for the practice of dentistry.

Reported the same back with the following amendments:

Page 1, delete lines 9 to 17 and insert:

"Subdivision 1. [DELAY OF APPLICATION OF PARTS OF EXISTING RULES.] Except as they relate to mammographic procedures, Minnesota Rules, parts 4730.1655; 4730.1670; 4730.1675, subpart 1; 4730.1688; 4730.1690, subpart 1; and 4730.1691, subparts 1 to 3, 4, items A to I and K, subparts 7, 9, and 11, items A to D and F, and subpart 12, are not effective before March 15, 1993. Unless amended pursuant to subdivision 2, all of the rules cited in this subdivision are effective March 15, 1993.

Subd. 2. [RULEMAKING.] The commissioner of health shall review the rules listed in subdivision 1 in order to determine their appropriateness for and application to medical, dental, chiropractic, podiatric, osteopathic, and veterinary medicine facilities. As part of this review the commissioner shall consult with those health-related licensing boards defined in section 214.01 which are subject to the provisions of the ionizing radiation rules, and the commissioner shall also consult with representatives of the affected health care professions."

Delete the title and insert:

"A bill for an act relating to health; regulating ionizing radiation; delaying the effective date of certain rules; requiring their review by the commissioner of health."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1992, A bill for an act relating to human services; requiring child care centers to offer a choice of cloth or disposable diapers; amending Minnesota Statutes 1990, section 245A.14, by adding a subdivision.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2033, A bill for an act relating to the city of St. Paul; setting the maximum amounts and other conditions for the issuance



of capital improvement bonds; amending Laws 1971, chapter 773, section 1, subdivision 2, as amended; and section 2, as amended.

Reported the same back with the following amendments:

Page 2, line 1, delete "1989" and insert "1998"

Page 2, line 9, delete "1998" and insert "1992"

Page 2, line 13, after "(6)" insert "1 or for youth development, service, or employment programs of a capital nature,"

Page 2, after line 33, insert:

"Sec. 3. [JOINT TAX ADVISORY COMMITTEE.]

The city of St. Paul, independent school district No. 625, and Ramsey county may establish a St. Paul joint tax levy advisory committee. The committee shall elect a chair from among its members and shall meet from time to time to make appropriate recommendations for the efficient and effective use of property tax dollars raised by levies by the jurisdictions for programs, buildings, and operations."

Page 2, line 35, delete "This act is" and insert "Sections 1 and 2 are"

Renumber remaining section in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "establishing a joint city, county, school district tax levy advisory committee;"

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

The report was adopted.

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

H. F. No. 2034, A bill for an act relating to health; allowing persons who voluntarily provide assistance at the scene of an accident to obtain test results to determine whether they have been

exposed to HIV or hepatitis B; amending Minnesota Statutes 1990, section 144.761, subdivision 5.

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

The report was adopted.

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

H. F. No. 2050, A bill for an act relating to public health; providing for the reporting and monitoring of certain licensed health care workers who are infected with the human immunodeficiency virus or hepatitis B virus; authorizing rulemaking for certain health-related licensing boards; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 144.054; 144.55, subdivision 3; 147.091, subdivision 1; 148.261, subdivision 1; 150A.08, subdivision 1; 153.19, subdivision 1; and 214.12; proposing coding in Minnesota Statutes, chapters 150A; and 214.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 144.054, is amended to read:

144.054 [SUBPOENA POWER.]

Subdivision 1. The commissioner may, as part of an investigation to determine whether a serious health threat exists or to locate persons who may have been exposed to an agent which can seriously affect their health, issue subpoenas to require the attendance and testimony of witnesses and production of books, records, correspondence, and other information relevant to any matter involved in the investigation. The commissioner or the commissioner's designee may administer oaths to witnesses or take their affirmation. The subpoenas may be served upon any person named therein anywhere in the state by any person authorized to serve subpoenas or other processes in civil actions of the district courts. If a person to whom a subpoena is issued does not comply with the subpoena, the commissioner may apply to the district court in any district and the court shall order the person to comply with the subpoena. Failure to obey the order of the court may be punished by the court as contempt of court. Except as provided in subdivision 2, no person may be compelled to disclose privileged information as described in section 595.02, subdivision 1. All information pertaining to individual medical records obtained under this section shall be considered

health data under section 13.38. The fees for the service of a subpoena must be paid in the same manner as prescribed by law for a service of process issued out of a district court. Witnesses must receive the same fees and mileage as in civil actions.

Subd. 2. The commissioner may subpoena privileged medical information of patients who may have been exposed by a licensed dental hygienist, dentist, physician, nurse, podiatrist, a registered dental assistant or a physician's assistant who is infected with the human immunodeficiency virus (HIV) or hepatitis B virus (HBV) when the commissioner has determined that it may be necessary to notify those patients that they may have been exposed to HIV or HBV.

Sec. 2. Minnesota Statutes 1990, section 144.55, subdivision 3, is amended to read:

Subd. 3. [STANDARDS FOR LICENSURE.] (a) Notwithstanding the provisions of section 144.56, for the purpose of hospital licensure, the commissioner of health shall use as minimum standards the hospital certification regulations promulgated pursuant to Title XVIII of the Social Security Act, United States Code, title 42, section 1395, et. seq. The commissioner may use as minimum standards changes in the federal hospital certification regulations promulgated after May 7, 1981 if the commissioner finds that such changes are reasonably necessary to protect public health and safety. The commissioner shall also promulgate in rules additional minimum standards for new construction.

(b) Each hospital shall establish policies and procedures to prevent the transmission of human immunodeficiency virus and hepatitis B virus to patients and within the health care setting. The policies and procedures shall be developed in conformance with the most recent recommendations issued by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control. The commissioner of health shall evaluate a hospital's compliance with the policies and procedures according to subdivision 4.

Sec. 3. Minnesota Statutes 1990, section 147.091, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(c) Conviction, during the previous five years, of a felony reasonably related to the practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) Revocation, suspension, restriction, limitation, or other disciplinary action against the person's medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

(e) Advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by another physician.

(f) Violating a rule promulgated by the board or an order of the board, a state, or federal law which relates to the practice of medicine, or in part regulates the practice of medicine including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law.

(g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Failure to supervise a physician's assistant or failure to supervise a physician under any agreement with the board.

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

(j) Adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) Inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.

(m) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(n) Failure by a doctor of osteopathy to identify the school of healing in the professional use of the doctor's name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

(o) Improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335 or to furnish a medical record or report required by law.

(p) Fee splitting, including without limitation:

(1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices;

(2) dividing fees with another physician or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the physician has disclosed the terms of the division;

(3) referring a patient to any health care provider as defined in section 144.335 in which the referring physician has a significant financial interest unless the physician has disclosed the physician's own financial interest; and

(4) dispensing for profit any drug or device, unless the physician has disclosed the physician's own profit interest.

The physician must make the disclosures required in this clause in advance and in writing to the patient and must include in the disclosure a statement that the patient is free to choose a different health care provider. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the physician or under a physician's direct supervision, or to the division or distribution of prepaid or capitated health care premiums, or fee-for-service withhold amounts paid under contracts established under other state law.

(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(r) Becoming addicted or habituated to a drug or intoxicant.

(s) Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral.

(t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient.

(u) Failure to make reports as required by section 147.111 or to cooperate with an investigation of the board as required by section 147.131.

(v) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

Sec. 4. Minnesota Statutes 1990, section 148.261, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board shall have power to deny, revoke, suspend, limit, or condition the license and regis-

tration of any person to practice professional or practical nursing pursuant to sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant as described in section 148.262. The following are grounds for disciplinary action:

(1) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in section 148.171 to 148.285 or rules of the board. In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements.

(2) Employing fraud or deceit in procuring or attempting to procure a permit, license, or registration certificate to practice professional or practical nursing or attempting to subvert the licensing examination process. Conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to:

(i) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

(ii) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or

(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(3) Conviction during the previous five years of a felony or gross misdemeanor reasonably related to the practice of professional or practical nursing. Conviction as used in this subdivision shall include a conviction of an offense that if committed in this state would be considered a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(4) Revocation, suspension, limitation, conditioning, or other disciplinary action against the person's professional or practical nursing license in another state, territory, or country; failure to report to the board that charges regarding the person's nursing license are pending in another state, territory, or country; or having been refused a license by another state, territory, or country.

(5) Failure to or inability to perform professional or practical nursing as defined in section 148.171, paragraph (3) or (5), with

reasonable skill and safety, including failure of a registered nurse to supervise or a licensed practical nurse to monitor adequately the performance of acts by any person working at the nurse's direction.

(6) Engaging in unprofessional conduct including, but not limited to, a departure from or failure to conform to board rules of professional or practical nursing practice that interpret the statutory definition of professional or practical nursing as well as provide criteria for violations of the statutes, or, if no rule exists, to the minimal standards of acceptable and prevailing professional or practical nursing practice, or any nursing practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

(7) Delegating or accepting the delegation of a nursing function or a prescribed health care function when the delegation or acceptance could reasonably be expected to result in unsafe or ineffective patient care.

(8) Actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.

(9) Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or without this state.

(10) Engaging in any unethical conduct including, but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

(11) Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or engaging in sexual exploitation of a patient or former patient.

(12) Obtaining money, property, or services from a patient, other than reasonable fees for services provided to the patient, through the use of undue influence, harassment, duress, deception, or fraud.

(13) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(14) Engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.



(15) Improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to section 144.335, or to furnish a patient record or report required by law.

(16) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of professional or practical nursing.

(17) Violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional or practical nursing, or a state or federal narcotics or controlled substance law.

(18) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

Sec. 5. Minnesota Statutes 1990, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, any license to practice dentistry or dental hygiene or the registration of any dental assistant upon any of the following grounds:

(1) Fraud or deception in connection with the practice of dentistry or the securing of a license or annual registration certificate;

(2) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

(3) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

(4) Habitual overindulgence in the use of intoxicating liquors;

(5) Improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 152;

(6) Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct

contrary to the best interest of the public, as such conduct is defined by the rules of the board;

(7) Gross immorality;

(8) Any physical, mental, emotional, or other disability which adversely affects a dentist's, dental hygienist's, or registered dental assistant's ability to perform the service for which the person is licensed or registered;

(9) Revocation or suspension of a license, registration, or equivalent authority to practice, or other disciplinary action or denial of a license or registration application taken by a licensing, registering, or credentialing authority of another state, territory, or country as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was taken only after affording the credentialed person or applicant notice and opportunity to refute the allegations or pursuant to stipulation or other agreement;

(10) Failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules of the board;

(11) Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry;

(12) Failure or refusal to attend, testify, and produce records as directed by the board under subdivision 7; or

(13) Violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the board of dentistry, or any disciplinary order issued by the board or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct; or

(14) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

#### Sec. 6. [150A.081] [ACCESS TO MEDICAL DATA.]

When the board has probable cause to believe that a licensee's or registrant's condition meets a ground listed in section 150A.08, subdivision 1, clause (4) or (8), it may, notwithstanding sections

13.42, 144.651, or any other law limiting access to medical data, obtain medical or health records relating to the licensee or registrant without the person's consent. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency. A provider, insurance company, or government agency shall comply with a written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released under the written request, unless the information is false and the entity providing the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private data on individuals under chapter 13. Under this subdivision, the commissioner of health is not required to release health data collected and maintained under section 13.38.

Sec. 7. Minnesota Statutes 1990, section 153.19, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license or may impose disciplinary action as described in this section against any doctor of podiatric medicine. The following conduct is prohibited and is grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board; the burden of proof shall be upon the applicant to demonstrate the qualifications or satisfaction of the requirements;

(2) obtaining a license by fraud or cheating or attempting to subvert the licensing examination process;

(3) conviction, during the previous five years, of a felony reasonably related to the practice of podiatric medicine;

(4) revocation, suspension, restriction, limitation, or other disciplinary action against the person's podiatric medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction;

(5) advertising that is false or misleading;

(6) violating a rule adopted by the board or an order of the board, a state, or federal law that relates to the practice of podiatric medicine, or in part regulates the practice of podiatric medicine, or a state or federal narcotics or controlled substance law;

(7) engaging in any unethical conduct; conduct likely to deceive,

defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient; or podiatric medical practice that is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established;

(8) failure to supervise a preceptor or resident;

(9) aiding or abetting an unlicensed person in the practice of podiatric medicine, except that it is not a violation of this clause for a podiatrist to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority;

(10) adjudication as mentally incompetent, or mentally ill, or as a chemically dependent person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state;

(11) engaging in unprofessional conduct that includes any departure from or the failure to conform to the minimal standards of acceptable and prevailing podiatric medical practice, but actual injury to a patient need not be established;

(12) inability to practice podiatric medicine with reasonable skill and safety to patients by reason of illness or chemical dependency or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills;

(13) revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law;

(14) improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made under section 144.335 or to furnish a medical record or report required by law;

(15) accepting, paying, or promising to pay a part of a fee in exchange for patient referrals;

(16) engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(17) becoming addicted or habituated to a drug or intoxicant;

(18) prescribing a drug for other than medically accepted thera-

peutic or experimental or investigative purposes authorized by a state or federal agency;

(19) engaging in sexual conduct with a patient or conduct that may reasonably be interpreted by the patient as sexual, or in verbal behavior which is seductive or sexually demeaning to a patient;

(20) failure to make reports as required by section 153.24 or to cooperate with an investigation of the board as required by section 153.20;

(21) knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

Sec. 8. Minnesota Statutes 1990, section 214.12, is amended to read:

#### 214.12 [CONTINUING EDUCATION.]

Subdivision 1. [REQUIREMENTS.] The health-related and non-health-related licensing boards may promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of continuing professional education or training shall be designed solely to improve professional skills and shall not exceed an average attendance requirement of 50 clock hours per year. All requirements promulgated by the boards shall be effective commencing January 1, 1977, or at a later date as the board may determine. The 50 clock hour limitation shall not apply to the board of teaching.

Subd. 2. [INFECTION CONTROL.] The boards listed in section 214.17, subdivision 1, shall require by rule that licensees obtain instruction or continuing education in the subject of infection control and blood borne diseases.

Sec. 9. [214.16] [HIV AND HBV PREVENTION PROGRAM; PURPOSE AND SCOPE.]

Sections 214.16 to 214.24 are intended to promote the health and safety of patients and regulated persons by reducing the risk of infection in the provision of health care.

#### Sec. 10. [214.17] [DEFINITIONS.]

Subdivision 1. [BOARD.] "Board" means the boards of dentistry, medical practice, nursing, and podiatric medicine. For purposes of sections 214.18, subdivisions 4 and 5; 214.19, paragraph (a); and 214.23, board also includes the board of chiropractic examiners.

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

Subd. 3. [HBV.] "HBV" means the hepatitis B virus with the e antigen present in the most recent blood test.

Subd. 4. [HIV.] "HIV" means the human immunodeficiency virus.

Subd. 5. [REGULATED PERSON.] "Regulated person" means a licensed dental hygienist, dentist, physician, nurse, podiatrist, a registered dental assistant, a physician's assistant, and for purposes of sections 214.18, subdivisions 4 and 5, and 214.19, paragraph (a), a chiropractor.

#### Sec. 11. [214.18] [REPORTING OBLIGATIONS.]

Subdivision 1. [PERMISSION TO REPORT.] A person with actual knowledge that a regulated person has been diagnosed as infected with HIV or HBV may file a report with the commissioner.

Subd. 2. [SELF-REPORTING.] A regulated person who is diagnosed as infected with HIV or HBV shall report that information to the commissioner promptly and as soon as medically necessary for disease control purposes, but no more than 30 days after learning of the diagnosis or 30 days after becoming licensed or registered by the state.

Subd. 3. [MANDATORY REPORTING.] A person or institution required to report HIV or HBV status to the commissioner under Minnesota Rules, parts 4605.7030, subparts 1 to 4 and 6, and 4605.7040, shall, at the same time, notify the commissioner if the person or institution knows that the reported person is a regulated person.

Subd. 4. [INFECTION CONTROL REPORTING.] A regulated person shall, within ten days, report to the appropriate board personal knowledge of a serious failure or a pattern of failure by another regulated person to comply with accepted and prevailing infection control procedures related to the prevention of HIV and HBV transmission. In lieu of reporting to the board, the regulated person may make the report to a designated official of the hospital, nursing home, clinic, or other institution or agency where the failure to comply with accepted and prevailing infection control procedures occurred. The designated official shall report to the appropriate board within 30 days of receiving a report under this subdivision. The report shall include specific information about the response by the institution or agency to the report. A regulated person shall not be discharged or discriminated against for filing a complaint in good faith under this subdivision.

Subd. 5. [IMMUNITY.] A person is immune from civil liability or criminal prosecution for submitting a report in good faith to the commissioner or to a board under this section.

Sec. 12. [214.19] [GROUNDS FOR DISCIPLINARY OR RESTRICTIVE ACTION.]

A board may refuse to grant a license or registration or may impose disciplinary or restrictive action against a regulated person who:

(a) fails to follow accepted and prevailing infection control procedures, including a failure to conform to current recommendations of the Centers for Disease Control for preventing the transmission of HIV and HBV, or fails to comply with infection control rules promulgated by the board. Injury to a patient need not be established;

(b) fails to comply with any requirement of sections 214.16 to 214.23; or

(c) fails to comply with any monitoring or reporting requirement.

Sec. 13. [214.20] [TEMPORARY SUSPENSION.]

The board may, without hearing, temporarily suspend the right to practice of a regulated person if the board finds that the regulated person has refused to submit to or comply with monitoring under section 214.22. The suspension shall take effect upon written notice to the regulated person specifying the statute or rule violated. The suspension shall remain in effect until the board issues a final order based on a stipulation or after a hearing. At the time the board issues the suspension notice, the board shall schedule a disciplinary hearing to be held under chapter 14. The regulated person shall be provided with at least 20 days' notice of a hearing held under this section. The hearing shall be scheduled to begin no later than 30 days after the issuance of the suspension order.

Sec. 14. [214.21] [NOTICE; ACTION.]

If the board has reasonable grounds to believe a regulated person infected with HIV or HBV has done or omitted doing any act that would be grounds for disciplinary action under section 214.19, the board may take action after giving notice three business days before the action, or a lesser time if deemed necessary by the board. The board may:

(a) temporarily suspend the regulated person's right to practice under section 214.20;

(b) require the regulated person to appear personally at a conference with representatives of the board and to provide information relating to the regulated person's health or professional practice; and

(c) take any other lesser action deemed necessary by the board for the protection of the public.

Sec. 15. [214.22] [MONITORING.]

Subdivision 1. [COMMISSIONER OF HEALTH.] The board shall enter into a contract with the commissioner to perform the functions in subdivisions 2 and 3. The contract shall provide that:

(a) unless requested to do otherwise by a regulated person, a board shall refer all regulated persons infected with HIV or HBV to the commissioner;

(b) the commissioner may choose to refer any regulated person who is infected with HIV or HBV as well as all information related thereto to the person's board at any time for any reason, including but not limited to: the degree of cooperation and compliance by the regulated person; the inability to secure information or the medical records of the regulated person; or when the facts may present other possible violations of the regulated persons practice act. Upon request of the regulated person who is infected with HIV or HBV the commissioner shall refer the regulated person and all information related thereto to the person's board. Once the commissioner has referred a regulated person to a board, the board may not thereafter submit it to the commissioner to establish a monitoring plan unless the commissioner of health consents in writing;

(c) a board shall not take action on grounds relating solely to the HIV or HBV status of a regulated person until after referral by the commissioner; and

(d) notwithstanding sections 13.39 and 13.41 and chapters 147, 148, 150A, 153, and 214, a board shall forward to the commissioner any information on a regulated person who is infected with HIV or HBV that the department of health requests.

Subd. 2. [MONITORING PLAN.] After receiving a report that a regulated person is infected with HIV or HBV, the board or the commissioner acting on behalf of the board shall evaluate the past and current professional practice of the regulated person to determine whether there has been a violation under section 214.19. The board or the commissioner acting on behalf of the board shall also:

(a) establish a plan to monitor the regulated person's practice. The board or the commissioner acting on behalf of the board may enter



into agreements with qualified persons to perform monitoring on its behalf. A person involved in the monitoring of a regulated person's practice shall comply with any requirements imposed by the board or the commissioner acting on behalf of the board.

(b) require regular reports, at a frequency determined by the board or the commissioner acting on behalf of the board, regarding the regulated person's health status; and

(c) require any other information it deems necessary.

The regulated person shall comply with any request for information and any monitoring requirement established under this subdivision.

Subd. 3. [EXPERT REVIEW PANEL.] The board or the commissioner acting on behalf of the board may appoint an expert review panel to assist in the performance of the responsibilities under this section. In consultations with the expert review panel, the commissioner or board shall, to the extent possible, protect the identity of the regulated person. When an expert review panel is appointed, it must contain at least one member appointed by the commissioner and one professional member appointed by the board. The panel shall provide expert assistance to the board, or to the commissioner acting on behalf of the board, in the subjects of infectious diseases, epidemiology, practice techniques used by regulated persons, and other subjects determined by the board or by the commissioner acting on behalf of the board. Members of the expert review panel are subject to those provisions of chapter 13 that restrict the commissioner or the board under this act.

Subd. 4. [IMMUNITY.] Members of the board or the commissioner acting on behalf of the board, and persons who participate on an expert review panel or who assist the board or the commissioner in monitoring the practice of a regulated person, are immune from civil liability or criminal prosecution for any actions, transactions, or publications made in good faith and in execution of, or relating to, their duties under sections 214.16 to 214.23, except that no immunity shall be available for persons who have knowingly violated any provision of chapter 13.

#### **Sec. 16. [214.23] [INSPECTION OF PRACTICE.]**

Subdivision 1. [AUTHORITY.] The board is authorized to conduct inspections of the clinical practice of a regulated person to determine whether the regulated person is following accepted and prevailing infection control procedures. The board shall provide at least three business days notice to the clinical practice prior to the inspection. The clinical practice of a regulated person includes any location where the regulated person practices that is not an institution licensed and subject to inspection by the commissioner of

health. During the course of inspections the privacy and confidentiality of patients and regulated persons shall be maintained. The board may require on license renewal forms that regulated persons inform the board of all locations where they practice.

Subd. 2. [ACCESS; RECORDS.] An inspector from the board shall have access, during reasonable business hours for purposes of inspection, to all areas of the practice setting where patient care is rendered or drugs or instruments are held that come into contact with a patient. An inspector is authorized to interview employees and regulated persons in the performance of an inspection, to observe infection control procedures, test equipment used to sterilize instruments, and to review and copy all relevant records, excluding patient health records. In performing these responsibilities, inspectors shall make reasonable efforts to respect and preserve patient privacy and the privacy of the regulated person. Boards are authorized to conduct joint inspections and to share information obtained under this section. The boards shall contract with the commissioner to perform the duties under this subdivision.

Subd. 3. [BOARD ACTION.] If accepted and prevailing infection control techniques are not being followed, the board may educate the regulated person or take other actions. The board and the inspector shall maintain patient confidentiality in any action resulting from the inspection.

Subd. 4. [RULEMAKING.] A board is authorized to adopt rules setting standards for infection control procedures. Boards shall engage in joint rulemaking. Boards must seek and consider the advice of the commissioner of health before adopting rules. No inspections shall be conducted under this section until after infection control rules have been adopted. Each board is authorized to provide educational information and training to regulated persons regarding infection control. All regulated persons who are employers shall make infection control rules available to employees who engage in functions related to infection control.

#### Sec. 17. [214.24] [DATA PRIVACY.]

Subdivision 1. [BOARD DATA.] (a) All data collected or maintained as part of the board's duties under sections 214.18 and 214.22 shall be classified as investigative data under section 13.39 except that inactive investigative data shall be classified as private under section 13.02, subdivision 12, or protected nonpublic data under section 13.02, subdivision 13, in the case of data not on individuals.

(b) Notwithstanding section 13.05, subdivision 9, data addressed in this subdivision shall not be disclosed except as provided in this subdivision or section 13.04; except that the board may disclose to the commissioner under section 214.22.

Subd. 2. [COMMISSIONER OF HEALTH DATA.] (a) All data collected or maintained as part of the commissioner of health's duties under sections 214.18 and 214.22 shall be classified as investigative data under section 13.39 except that inactive investigative data shall be classified as private under section 13.02, subdivision 12 or protected nonpublic data under section 13.02, subdivision 13 in the case of data not on individuals.

(b) Notwithstanding section 13.05, subdivision 9, data addressed in this subdivision shall not be disclosed except as provided in this subdivision or section 13.04; except that the commissioner may disclose to the boards under section 214.22.

(c) The commissioner may disclose data addressed under this subdivision as necessary: to identify, establish, implement, and enforce a monitoring plan; to investigate a regulated person; to alert persons who may be threatened by illness as evidenced by epidemiologic data; to control or prevent the spread of HIV or HBV disease; or to diminish an imminent threat to the public health.

#### Sec. 18. [APPROPRIATIONS.]

Subdivision 1. (a) \$..... is appropriated from the special revenue fund to the board of medical practice for the purposes of this act to be available until June 30, 1993.

(b) \$..... is appropriated from the special revenue fund to the board of dentistry for the purposes of this act to be available until June 30, 1993.

(c) \$..... is appropriated from the special revenue fund to the board of nursing for the purposes of this act to be available until June 30, 1993.

(d) \$..... is appropriated from the special revenue fund to the board of podiatric medicine for the purposes of this act to be available until June 30, 1993.

(e) \$..... is appropriated from the special revenue fund to the board of chiropractic examiners for the purposes of this act to be available until June 30, 1993.

Subd. 2. \$..... is appropriated from the special revenue fund to the commissioner of health for purposes of Minnesota Statutes, section 214.22, to be available until June 30, 1993. The boards of medical practice, dentistry, nursing, and podiatric medicine are authorized to increase fees to recover the cost of this appropriation.

Subd. 3. \$..... is appropriated from the general fund to the

commissioner of health for the purposes of section 2 to be available until June 30, 1993.

Sec. 19. [EFFECTIVE DATE.]

Subdivision 1. Section 11 is effective July 1, 1992.

Subd. 2. All other provisions of this act are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public health; providing for the reporting and monitoring of certain licensed health care workers who are infected with the human immunodeficiency virus or hepatitis B virus; authorizing rulemaking for certain health-related licensing boards; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 144.054; 144.55, subdivision 3; 147.091, subdivision 1; 148.261, subdivision 1; 150A.08, subdivision 1; 153.19, subdivision 1; and 214.12; proposing coding for new law in Minnesota Statutes, chapters 150A; and 214."

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2080, A bill for an act relating to railroads; providing for reimbursement of expenses for maintaining signals and other safety devices at crossings; requiring commissioner of transportation to identify areas where insufficient rail service is detrimental to efficient transportation; removing restrictions on grants for rail rehabilitation projects; appropriating money; amending Minnesota Statutes 1990, section 222.50, subdivision 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 219.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [BOND SALE AUTHORIZED.]

The commissioner of finance, on request of the governor, shall sell and issue bonds of the state in the amount of \$2,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be deposited in the special revenue fund and credited to the rail service improvement account established under Minnesota Statutes, section 222.49."

Delete the title and insert:

"A bill for an act relating to railroads; authorizing the issuance of \$2,000,000 in state bonds and crediting the proceeds to the rail service improvement account."

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

The report was adopted.

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

H. F. No. 2081, A bill for an act relating to health; modifying provider appeal requirements for medical assistance; amending Minnesota Statutes 1990, section 256B.50, subdivision 1b.

Reported the same back with the following amendments:

Page 1, after line 21, insert:

"The commissioner shall review an appeal by a nursing facility, if the appeal was sent by certified mail and postmarked prior to August 1, 1991, and would have been received by the commissioner within the 60-day deadline if it had not been delayed due to an error by the postal service."

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 2082, A bill for an act relating to utilities; requiring more efficient customer service by telephone companies; requiring companies to honor a request for tracing calls made to a household that has received harassing calls; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [237.069] [TRACERS; HARASSING TELEPHONE CALLS.]

The commission shall adopt rules to govern how telephone companies respond to requests for tracers made by persons who allege receiving harassing telephone calls. The rules must address when a request for a tracer may be denied or delayed.”

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before “requiring”

Page 1, line 4, delete everything before “for” and insert “rules”

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2090, A bill for an act relating to crimes; enforcing mandatory insurance requirement for vehicles; providing for penalties; providing for loss of driver's license and motor vehicle registration; amending Minnesota Statutes 1990, sections 65B.67, subdivision 4; 169.791; 169.792; 169.793; 169.794; and 171.19; Minnesota Statutes 1991 Supplement, sections 168.041, subdivision 4; 169.795; 171.29, subdivision 1; and 171.30, subdivision 1; repealing Minnesota Statutes 1990, section 169.792, subdivision 9; and Minnesota Statutes 1991 Supplement, section 168.041, subdivision 1a.

Reported the same back with the following amendments:

Page 2, line 36, restore the stricken "169.792 to" and delete the new language and insert "169.7995"

Page 3, line 19, after the second "of" insert "this" and delete "65B.671"

Page 3, line 30, after "under" insert "this" and delete "65B.671 or 65B.672" and insert "or section 169.792"

Page 3, after line 30, insert:

"(j) Section 65B.43 applies to the sections referenced in paragraph (a)."

Page 6, line 14, delete "65B.672" and insert "169.792"

Page 6, line 15, delete "65B.672" and insert "169.792"

Page 6, lines 26 and 32, restore the stricken language and delete the new language

Page 8, line 6, delete "chapter 65B" and insert "section 169.791 or 169.797"

Page 9, line 26, delete "65B.671" and insert "169.791"

Page 10, line 9, delete "65B.67" and insert "169.797"

Page 12, delete section 6

Page 13, line 10, restore the stricken language

Page 13, line 11, delete everything before the period

Page 13, after line 11, insert:

"Sec. 7. [169.7995] [RECEIPT OF DATA BY ELECTRONIC TRANSFER.]

The commissioner of public safety may, in the commissioner's discretion, agree to receive by electronic transfer any information required by this chapter to be provided to the commissioner by an insurance company.

Page 14, line 9, strike "65B.67" and delete ", or 65B.671" and insert "169.797, or 169.791"

Page 14, line 10, restore the stricken language and delete the new language

Page 14, line 14, delete "65B.672" and insert "169.792"

Page 14, line 19, strike "65B.67," and delete the new language

Page 14, line 20, restore the stricken language and before "or" insert "169.797,"

Page 15, line 22, restore the stricken language and delete the new language

Page 16, line 2, delete "169.791" and insert "65B.67" and delete "65B.671" and insert "169.797"

Page 16, line 3, delete "169.792" and insert "65B.68" and delete "65B.672" and insert "169.798"

Page 16, after line 3, insert "65B.69" in Column A and "169.799" in Column B

Page 16, delete lines 4 through 7

Renumber the sections

Amend the title as follows:

Page 1, line 7, delete "169.794,"

Page 1, line 10, after the semicolon insert "proposing coding for new law in Minnesota Statutes, chapter 169;"

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2113, A bill for an act relating to traffic regulations; authorizing the operation of flashing lights and stop arms on school buses transporting persons age 18 and under to and from certain activities; requiring school bus sign on school bus providing such transportation; amending Minnesota Statutes 1991 Supplement,



sections 169.441, subdivision 3; 169.443, subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1991 Supplement, section 169.443, is amended by adding a subdivision to read:

Subd. 8. [SCHOOL BUSES USED FOR RECREATIONAL AND EDUCATIONAL ACTIVITY.] A school bus that transports over regular routes and on regular schedules persons age 18 or under to and from a regularly scheduled recreational or educational activity must comply with subdivisions 1 and 7. Notwithstanding section 169.441, subdivision 3, a school bus may provide such transportation only if (1) the "school bus" sign required by section 169.443, subdivision 3, is plainly visible; (2) the school bus has a valid certificate of inspection under section 169.451; (3) the driver of the school bus possesses a driver's license with a valid school bus endorsement under section 171.10; and (4) the entity that organizes the recreational or educational activity, or the contractor who provides the school buses to the entity, consults with the superintendent of the school district in which the activity is located or the superintendent's designee on the safety of the regular routes used."

Page 2, after line 27, insert:

"Sec. 4. Laws 1988, chapter 573, section 1, is amended to read:

**Section 1. [DULUTH TRANSIT BUSES ARE NOT SCHOOL BUSES.]**

Notwithstanding Minnesota Statutes, section 169.01, subdivision 6, and 171.01, subdivision 21, the Duluth transit authority may transport secondary students to or from a school, or to or from school-related activities within the city of Duluth, on fixed routes and schedules or under an agreement with independent school district No. 709, in a publicly owned transit bus. For the purposes of this section, secondary students include students in grade six who attend a school serving grades six through eight.

**Sec. 5. [EFFECTIVE DATE.]**

Section 4 is effective the day after the school board in section 4 complies with Minnesota Statutes, section 645.021, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2117, A bill for an act relating to health; authorizing grants for a home health visiting program designed to prevent abuse and neglect of children; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145A.

Reported the same back with the following amendments:

Page 3, after line 31, insert:

"Sec. 2. Minnesota Statutes 1991 Supplement, section 245.484, is amended to read:

245.484 [RULES.]

The commissioner shall adopt emergency rules to govern implementation of case management services for eligible children in section 245.4881 and professional home-based family treatment services for medical assistance eligible children, in section 245.4884, subdivision 3, by January 1, 1992, and must adopt permanent rules by January 1, 1993.

The commissioner shall adopt permanent rules as necessary to carry out sections 245.461 to 245.486 and 245.487 to 245.4888. The commissioner shall reassign agency staff as necessary to meet this deadline.

By January 1, 1993, the commissioner shall adopt permanent rules specifying program requirements for family community support services.

Sec. 3. Minnesota Statutes 1990, section 245.4871, is amended by adding a subdivision to read:

Subd. 9a. [CRISIS ASSISTANCE.] "Crisis assistance" means assistance to the child, family, and the child's school in recognizing and resolving a mental health crisis. It shall include, at a minimum, working with the child, family, and school to develop a crisis assistance plan. Crisis assistance does not include services designed to secure the safety of a child who is at risk of abuse or neglect or necessary emergency services.

Sec. 4. Minnesota Statutes 1991 Supplement, section 245.4884, subdivision 1, is amended to read:

Subdivision 1. [AVAILABILITY OF FAMILY COMMUNITY SUPPORT SERVICES.] By July 1, 1991, county boards must provide or contract for sufficient family community support services within the county to meet the needs of each child with severe emotional disturbance who resides in the county and the child's family. Children or their parents may be required to pay a fee in accordance with section 245.481.

Family community support services must be designed to improve the ability of children with severe emotional disturbance to:

- (1) manage basic activities of daily living;
- (2) function appropriately in home, school, and community settings;
- (3) participate in leisure time or community youth activities;
- (4) set goals and plans;
- (5) reside with the family in the community;
- (6) participate in after-school and summer activities;
- (7) make a smooth transition among mental health and education services provided to children; and
- (8) make a smooth transition into the adult mental health system as appropriate.

In addition, family community support services must be designed to improve overall family functioning if clinically appropriate to the child's needs, and to reduce the need for and use of placements more intensive, costly, or restrictive both in the number of admissions and lengths of stay than indicated by the child's diagnostic assessment.

The commissioner of human services shall work with mental health professionals to develop standards for clinical supervision of family community support services. These standards shall be incorporated in rule and in guidelines for grants for family community support services.

Sec. 5. Minnesota Statutes 1991 Supplement, section 256B.0625, subdivision 19a, is amended to read:

Subd. 19a. [PERSONAL CARE SERVICES.] Medical assistance covers personal care services in a recipient's home. Recipients who

can direct their own care, or persons who cannot direct their own care when accompanied authorized by the responsible party, may use approved hours outside the home when normal life activities take them outside the home and when, without the provision of personal care, their health and safety would be jeopardized. Medical assistance does not cover personal care services at a hospital, nursing facility, intermediate care facility or a health care facility licensed by the commissioner of health, except as authorized in section 256B.64 for ventilator-dependent recipients in hospitals. Total hours of service and payment allowed for services outside the home cannot exceed that which is otherwise allowed for personal care services in an in-home setting according to section 256B.0627. All personal care services must be provided according to section 256B.0627. Personal care services may not be reimbursed if the personal care assistant is the spouse of the recipient or the parent of a recipient under age 18, the responsible party, the foster care provider of a recipient who cannot direct their own care or the recipient's legal guardian. Parents of adult recipients, adult children of the recipient or adult siblings of the recipient may be reimbursed for personal care services if they are granted a waiver under section 256B.0627. An exception for foster care providers may be made according to section 256B.0627, subdivision 5, paragraph (j).

Sec. 6. Minnesota Statutes 1991 Supplement, section 256B.0627, subdivision 5, is amended to read:

Subd. 5. [LIMITATION ON PAYMENTS.] Medical assistance payments for home care services shall be limited according to this subdivision.

(a) [EXEMPTION FROM PAYMENT LIMITATIONS.] The level, or the number of hours or visits of a specific service, of home care services to a recipient that began before and is continued without increase on or after December 1987, shall be exempt from the payment limitations of this section, as long as the services are medically necessary.

(b) [LIMITS ON SERVICES WITHOUT PRIOR AUTHORIZATION.] A recipient may receive the following amounts of home care services during a calendar year:

(1) a total of 40 home health aide visits, skilled nurse visits, health promotions, or health assessments under section 256B.0625, subdivision 6a; and

(2) a total of ten hours of nursing supervision under section 256B.0625, subdivision 7 or 19a.

(c) [PRIOR AUTHORIZATION; EXCEPTIONS.] All home care services above the limits in paragraph (b) must receive the commissioner's prior authorization, except when:

(1) the home care services were required to treat an emergency medical condition that if not immediately treated could cause a recipient serious physical or mental disability, continuation of severe pain, or death. The provider must request retroactive authorization no later than five working days after giving the initial service. The provider must be able to substantiate the emergency by documentation such as reports, notes, and admission or discharge histories;

(2) the home care services were provided on or after the date on which the recipient's eligibility began, but before the date on which the recipient was notified that the case was opened. Authorization will be considered if the request is submitted by the provider within 20 working days of the date the recipient was notified that the case was opened; or

(3) a third party payor for home care services has denied or adjusted a payment. Authorization requests must be submitted by the provider within 20 working days of the notice of denial or adjustment. A copy of the notice must be included with the request.

(d) [RETROACTIVE AUTHORIZATION.] A request for retroactive authorization under paragraph (c) will be evaluated according to the same criteria applied to prior authorization requests. Implementation of this provision shall begin no later than October 1, 1991, except that recipients who are currently receiving medically necessary services above the limits established under this subdivision may have a reasonable amount of time to arrange for waived services under section 256B.49 or to establish an alternative living arrangement. All current recipients shall be phased down to the limits established under paragraph (b) on or before April 1, 1992.

(e) [ASSESSMENT AND CARE PLAN.] The home care provider shall conduct an assessment and complete a care plan using forms specified by the commissioner. For the recipient to receive, or continue to receive, home care services, the provider must submit evidence necessary for the commissioner to determine the medical necessity of the home care services. The provider shall submit to the commissioner the assessment, the care plan, and other information necessary to determine medical necessity such as diagnostic or testing information, social or medical histories, and hospital or facility discharge summaries.

(f) [PRIOR AUTHORIZATION.] The commissioner, or the commissioner's designee, shall review the assessment, the care plan, and any additional information that is submitted. The commissioner shall, within 30 days after receiving a request for prior authorization, authorize home care services as follows:

(1) [HOME HEALTH SERVICES.] All home health services provided by a nurse or a home health aide that exceed the limits

established in paragraph (b) must be prior authorized by the commissioner or the commissioner's designee. Prior authorization must be based on medical necessity and cost-effectiveness when compared with other care options.

(2) [PERSONAL CARE SERVICES.] (i) All personal care services must be prior authorized by the commissioner or the commissioner's designee except for the limits on supervision established in paragraph (b). The amount of personal care services authorized must be based on the recipient's case mix classification according to section 256B.0911, except that a child may not be found to be dependent in an activity of daily living if because of the child's age an adult would either perform the activity for the child or assist the child with the activity and the amount of assistance needed is similar to the assistance appropriate for a typical child of the same age. Based on medical necessity, the commissioner may authorize:

(A) up to two times the average number of direct care hours provided in nursing facilities for the recipient's case mix level;

(B) up to three times the average number of direct care hours provided in nursing facilities for recipients who have complex medical needs;

(C) up to 60 percent of the average reimbursement rate, as of July 1, 1991, for care provided in a regional treatment center for recipients who have complex behaviors;

(D) up to the amount the commissioner would pay, as of July 1, 1991, for care provided in a regional treatment center for recipients referred to the commissioner by a regional treatment center preadmission evaluation team. For purposes of this clause, home care services means all services provided in the home or community that would be included in the payment to a regional treatment center; or

(E) up to the amount medical assistance would reimburse for facility care for recipients referred to the commissioner by a preadmission screening team established under section 256B.091 or 256B.092.

(ii) The number of direct care hours shall be determined according to annual cost reports which are submitted to the department by nursing facilities each year. The average number of direct care hours, as established by May 1, shall be incorporated into the home care limits on July 1 each year.

(iii) The case mix level shall be determined by the commissioner or the commissioner's designee based on information submitted to the commissioner by the personal care provider on forms specified by the commissioner. The forms shall be a combination of current assess-

ment tools developed under sections 256B.0911 and 256B.501 with an addition for seizure activity that will assess the frequency and severity of seizure activity and with adjustments, additions, and clarifications that are necessary to reflect the needs and conditions of children and nonelderly adults who need home care. The commissioner shall establish these forms and protocols under this section and shall use the advisory group established in section 256B.04, subdivision 16, for consultation in establishing the forms and protocols by October 1, 1991.

(iv) A recipient shall qualify as having complex medical needs if they require:

(A) daily tube feedings;

(B) daily parenteral therapy;

(C) wound or decubiti care;

(D) postural drainage, percussion, nebulizer treatments, suctioning, tracheotomy care, oxygen, mechanical ventilation;

(E) catheterization;

(F) ostomy care; or

(G) other comparable medical conditions or treatments the commissioner determines would otherwise require institutional care.

(v) A recipient shall qualify as having complex behavior if the recipient exhibits on a daily basis the following:

(A) self-injurious behavior;

(B) unusual or repetitive habits;

(C) withdrawal behavior;

(D) hurtful behavior to others;

(E) socially or offensive behavior;

(F) destruction of property; or

(G) a need for constant one-to-one supervision for self-preservation.

(vi) The complex behaviors in clauses (A) to (G) have the meanings developed under section 256B.501.

(3) [PRIVATE DUTY NURSING SERVICES.] All private duty nursing services shall be prior authorized by the commissioner or the commissioner's designee. Prior authorization for private duty nursing services shall be based on medical necessity and cost-effectiveness when compared with alternative care options. The commissioner may authorize medically necessary private duty nursing services when:

(i) the recipient requires more individual and continuous care than can be provided during a nurse visit; or

(ii) the cares are outside of the scope of services that can be provided by a home health aide or personal care assistant.

The commissioner may authorize up to 16 hours per day of private duty nursing services or up to 24 hours per day of private duty nursing services until such time as the commissioner is able to make a determination of eligibility for recipients who are applying for home care services under the community alternative care program developed under section 256B.49, or until it is determined that a health benefit plan is required to pay for medically necessary nursing services. Recipients who are eligible for the community alternative care program may not receive more hours of nursing under this section than would otherwise be authorized under section 256B.49.

(4) [VENTILATOR-DEPENDENT RECIPIENTS.] If the recipient is ventilator-dependent, the monthly medical assistance authorization for home care services shall not exceed what the commissioner would pay for care at the highest cost hospital designated as a long-term hospital under the Medicare program. For purposes of this clause, home care services means all services provided in the home that would be included in the payment for care at the long-term hospital. "Ventilator-dependent" means an individual who receives mechanical ventilation for life support at least six hours per day and is expected to be or has been dependent for at least 30 consecutive days.

(g) [PRIOR AUTHORIZATION; TIME LIMITS.] The commissioner or the commissioner's designee shall determine the time period for which a prior authorization shall remain valid. If the recipient continues to require home care services beyond the duration of the prior authorization, the home care provider must request a new prior authorization through the process described above. Under no circumstances shall a prior authorization be valid for more than 12 months. A recipient who appeals a reduction in previously authorized home care services may request that the previously authorized services, other than temporary services under paragraph (i), be continued pending an appeal under section 256.045, subdivision 10.



(h) [APPROVAL OF HOME CARE SERVICES.] The commissioner or the commissioner's designee shall determine the medical necessity of home care services, the level of caregiver according to subdivision 2, and the institutional comparison according to this subdivision, and the amount, scope, and duration of home care services reimbursable by medical assistance, based on the assessment, the care plan, the recipient's age, the recipient's medical condition, and diagnosis or disability. The commissioner may publish additional criteria for determining medical necessity according to section 256B.04.

(i) [PRIOR AUTHORIZATION REQUESTS; TEMPORARY SERVICES.] The department has 30 days from receipt of the request to complete the prior authorization, during which time it may approve a temporary level of home care service. Authorization under this authority for a temporary level of home care services is limited to the time specified by the commissioner.

(j) [PRIOR AUTHORIZATION REQUIRED IN FOSTER CARE SETTING.] Home care services provided in an adult or child foster care setting must receive prior authorization by the department according to the limits established in paragraph (b).

The commissioner may not authorize:

(1) home care services that are the responsibility of the foster care provider under the terms of the foster care placement agreement and administrative rules;

(2) personal care services when the foster care license holder is also the personal care provider or personal care assistant unless the recipient can direct the recipient's own care, or the recipient is referred to the commissioner by a regional treatment center preadmission evaluation team;

(3) personal care services when the responsible party is an employee of, or under contract with, or has any direct or indirect financial relationship with the personal care provider or personal care assistant, unless the recipient is referred to the commissioner by a regional treatment center preadmission evaluation team;

(4) home care services when the number of foster care residents is greater than four; or

(5) home care services when combined with foster care payments, less the base rate, that exceed the total amount that public funds would pay for the recipient's care in a medical institution.

Sec. 7. Minnesota Statutes 1991 Supplement, section 256B.0627, subdivision 6, is amended to read:

Subd. 6. [RECOVERY OF EXCESSIVE PAYMENTS.] The commissioner shall seek monetary recovery from providers of payments made for services which exceed the limits established in this section. This subdivision does not apply to services provided to a recipient at the previously authorized level pending an appeal under section 256.045, subdivision 10."

Page 3, line 32, delete "2" and insert "8"

Page 3, after line 35, insert:

"Sec. 9. [EFFECTIVE DATE.]

Sections 5 to 7 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the first semicolon insert "requiring family community support services rule adoption; providing mental health crisis assistance to certain persons; modifying home care services programs appeal provisions;" and before "proposing" insert "amending Minnesota Statutes 1990, section 245.4871, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 245.484; 245.4884, subdivision 1; 256B.0625, subdivision 19a; and 256B.0627, subdivisions 5 and 6;"

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

The report was adopted.

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

H. F. No. 2128, A bill for an act relating to human services; authorizing an exception to the moratorium on new negotiated rate facilities for a specialized housing program for chronic inebriates; amending Minnesota Statutes 1991 Supplement, section 256I.04, subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 11, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1993."

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2132, A bill for an act relating to consumer protection; requiring certificates of title on rebuilt vehicles to contain the term "rebuilt" on them; removing a limitation on this requirement; amending Minnesota Statutes 1990, section 325F.6642, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 325F.6641, is amended to read:

**325F.6641 [DISCLOSURE OF MOTOR VEHICLE DAMAGE.]**

~~Subdivision 1. [DAMAGE.]~~ (a) If a motor vehicle has sustained damage by collision or other occurrence which exceeds 70 percent of its actual cash value so that the vehicle becomes a class C total loss vehicle, the seller must disclose that fact to the buyer, if the seller has actual knowledge of the damage.

(b) The disclosure required under this subdivision must be made in writing on the application for title and registration or other transfer document, in a manner prescribed by the registrar of motor vehicles. The registrar shall revise the certificate of title form, including the assignment by seller (transferor) and reassignment by licensed dealer sections of the form, the separate application for title forms, and other transfer documents to accommodate this disclosure. If the seller is a motor vehicle dealer licensed pursuant to section 168.27, the disclosure required by this section must be made orally by the dealer to the prospective buyer in the course of the sales presentation.

~~Subd. 2. [FORM OF DISCLOSURE.]~~ The disclosure required in this section must be made in substantially the following form: "To the best of my knowledge, this vehicle has ..... has not ..... sustained damage in excess of 70 percent actual cash value."

Sec. 2. Minnesota Statutes 1990, section 325F.6642, subdivision 3, is amended to read:

Subd. 3. [OUT-OF-STATE VEHICLES.] (a) Upon transfer and application for title of all repaired vehicles with out-of-state titles that bear the term "damaged," "salvage," "rebuilt," "reconditioned," or any similar term, the registrar of motor vehicles shall record the term "rebuilt" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title used for that vehicle.

(b) The registrar shall mark "rebuilt" on the first Minnesota certificate of title and all subsequent certificates of title issued for any vehicle which came into the state unrepaired and for which a salvage certificate of title was issued unless the person applying for the Minnesota title offers proof satisfactory to the registrar that the vehicle did not sustain damage equivalent to the 70 percent standard set forth in this section so that the vehicle became a class C vehicle. The proof shall include photographs of the vehicle and either an insurance adjuster's written report or a written repair estimate which details the parts and labor required to repair the vehicle. The photographs and other documents submitted as proof under this subdivision must be filed and retained by the registrar so as to permit verification of the proof offered.

(c) For vehicles with out-of-state titles which bear the term "flood damaged," the registrar of motor vehicles shall record the term "flood damaged" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title issued for that vehicle.

Sec. 3. Minnesota Statutes 1990, section 325F.6642, subdivision 6, is amended to read:

Subd. 6. [CLASS C TOTAL LOSS VEHICLE; DEFINITION.] For the purposes of this section, a class C total loss vehicle means a vehicle, damaged by collision or other occurrence, for which a salvage certificate of title has been issued and vehicles with damage of at least 70 percent of the vehicle's actual cash value immediately prior to sustaining the damage based on a written retail repair estimate or invoice, as determined by an insurer or dealer pursuant to section 168A.151 or by comparing an insurer's written retail repair estimate of damage or actual loss payout to the average trade-in value of the vehicle according to the National Automobile Dealers Association's Official Used Car Guide or other similar publication approved by the registrar."

Amend the title as follows:

Page 1, line 2, delete "requiring"

Page 1, delete lines 3 to 6 and insert "regulating disclosures of motor vehicle damage; regulating title branding; amending Minnesota Statutes 1990, sections 325F.6641; and 325F.6642, subdivisions 3 and 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 2134, A bill for an act relating to energy; appropriating money to energy and conservation account for programs to improve energy efficiency of residential oil-fired heating plants in low-income households.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 115C.08, subdivision 3, is amended to read:

Subd. 3. [PETROLEUM TANK RELEASE CLEANUP FEE.] A petroleum tank release cleanup fee is imposed on the use of tanks that contain petroleum products ~~subject to the inspection fee charged in section 239.78. The fee must be collected in the manner provided in sections 239.78 and 296.14 defined in section 296.01.~~ On products other than gasoline, the fee must be paid in the manner provided in section 296.14 by the first licensed distributor receiving the product in Minnesota, as defined in section 296.01. When the product is gasoline, the distributor responsible for payment of the gasoline tax is also responsible for payment of the petroleum tank cleanup fee. The fee must be imposed as required under subdivision 3, at a rate of \$10 per 1,000 gallons of petroleum products ~~as defined in section 296.01, subdivision 2,~~ rounded to the nearest 1,000 gallons. A distributor who fails to pay the fee imposed under this section is subject to the penalties provided in section 296.15.

Sec. 2. [116.492] [BASEMENT STORAGE TANKS; REMOVAL.]

A person who removes a basement heating oil storage tank shall ensure that fill and vent pipes through the basement wall to the outside are also removed or permanently sealed.

Sec. 3. Minnesota Statutes 1991 Supplement, section 239.78, is amended to read:

239.78 [INSPECTION FEES.]

A person who owns petroleum products held in storage at a pipeline terminal, river terminal, or refinery shall pay an inspection fee of ~~75~~ 85 cents for every 1,000 gallons sold or withdrawn from the

terminal or refinery storage. The revenue from the fee must cover the amounts appropriated for petroleum product quality inspection expenses, for the inspection and testing of petroleum product measuring devices as required by this chapter, and for petroleum supply monitoring under chapter 216C.

The commissioner of revenue shall credit a person for inspection fees previously paid in error or for any material exported or sold for export from the state upon filing of a report in a manner approved by the department. The commissioner of revenue may collect the inspection fees along with any taxes due under chapter 296.

#### Sec. 4. [239.785] [PROPANE SALES.]

The operator of a terminal that sells propane for resale to retail customers in this state shall pay a fee equal to one mill for each gallon of propane sold by the terminal. The fee must be remitted monthly to the commissioner of revenue for deposit in the general fund.

#### Sec. 5. [APPROPRIATION.]

Of the revenue received from the increase in the petroleum product inspection fee under Laws 1991, chapter 235, article 1, section 6, \$750,000 is appropriated from the general fund to the energy and conservation account established in Minnesota Statutes, section 216B.241, subdivision 2a, to be available until June 30, 1993, for programs administered by the commissioner of public service or the commissioner of jobs and training to improve the energy efficiency of residential oil-fired heating plants in low-income households, and, when necessary, provide weatherization services to the homes.

#### Sec. 6. [APPROPRIATION.]

Of the revenue received under section 4, \$350,000 is appropriated from the general fund to the energy and conservation account established by Minnesota Statutes, section 216B.241, subdivision 2a, to be available until June 30, 1993, for conservation improvement and low-income energy assistance programs serving residential propane customers who use propane as their heating fuel."

Delete the title and insert:

"A bill for an act relating to energy; prescribing the method of payment of petroleum tank release cleanup fees; requiring persons who remove basement heating oil storage tanks to remove fill and vent pipes to the outside; changing the inspection fee for petroleum products; imposing a fee on sales of propane; appropriating money to energy and conservation account for programs to improve energy

efficiency of residential oil-fired heating plants in low-income households; amending Minnesota Statutes 1990, section 115C.08, subdivision 3; Minnesota Statutes 1991 Supplement, section 239.78; proposing coding for new law in Minnesota Statutes, chapters 116; and 239."

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

The report was adopted.

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

H. F. No. 2144, A bill for an act relating to human services; providing for a pilot project for improved mental health services delivery system in Dakota county for adults with serious and persistent mental illness.

Reported the same back with the following amendments:

Page 1, line 22, delete everything after the semicolon

Page 1, delete line 23

Page 1, line 24, delete "institutional settings;" and delete "(7)" and insert "(6)"

Page 1, after line 25, insert:

"(c) By January 1, 1993, the pilot program shall develop a comprehensive proposal for integrated program funding which would permit flexibility in expenditures based on local needs with local control. The planning process shall include, but not be limited to, mental health consumers, health advocacy groups, Dakota county, and the department of human services.

The integrated funding proposal shall be presented to the state legislature for approval prior to implementation on July 1, 1993."

Page 2, line 1, delete "(c)" and insert "(d)"

Page 2, line 24, delete "(d)" and insert "(e)" and delete everything after "include"

Page 2, line 25, delete "to,"

Page 2, line 34, after the semicolon insert "and"

Page 2, line 35, delete " ; and"

Page 2, line 36, delete everything before the period

Page 3, line 1, delete "(e)" and insert "(f)"

Page 3, line 10, delete "(f)" and insert "(g)"

Page 3, line 15, delete "(g)" and insert "(h)"

Page 3, line 18, delete "(h)" and insert "(i)"

Page 3, line 21, delete "(i)" and insert "(j)"

Page 3, line 23, delete "(j)" and insert "(k)"

Page 3, line 24, delete "(k)" and insert "(l)"

Page 3, line 30, before the semicolon insert ": Any mental health expenditures from regional treatment center appropriations or any share of expenditures from mental health funding used for commitment to or treatment in a regional treatment center shall not become part of any comprehensive fund or plan"

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

The report was adopted.

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

H. F. No. 2149, A bill for an act relating to general assistance and work readiness; transferring secondary school students for whom English is a second language from the work readiness program to the general assistance program; amending Minnesota Statutes 1991 Supplement, section 256D.05, subdivision 1.

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

The report was adopted.



Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2159, A bill for an act relating to local governments; reimbursing costs incurred by peace officers in defending civilian complaints; amending Minnesota Statutes 1990, section 471.44.

Reported the same back with the following amendments:

Page 2, line 5, delete everything after "pay" and insert "costs, including reasonable attorneys fees,"

Page 2, line 6, delete everything before "incurred"

Page 2, line 9, delete "for other reason"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2161, A bill for an act relating to the Minnesota supplemental aid program; expanding assistance for mentally ill persons in shared housing; amending Minnesota Statutes 1990, section 256D.44, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, line 24, delete "Sec. 2." and insert "Section 1."

Page 2, line 7, after "person," insert "who resides with another person who is not the applicant's or recipient's spouse or another financially responsible relative,"

Amend the title as follows:

Page 1, line 5, delete "subdivisions 2 and" and insert "subdivision"

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2170, A bill for an act relating to the environment; petrofund; providing that bonds or insurance must be provided by persons bidding on or performing corrective actions; proposing coding for new law in Minnesota Statutes, chapter 115C.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1990, section 115C.02, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to ~~sections 115C.02 to 115C.10~~ this chapter.”

Page 1, line 7, delete “Section 1.” and insert “Sec. 2.” and delete “BONDS AND”

Page 1, line 8, delete “file a”

Page 1, delete lines 9 to 21

Page 1, line 22, delete everything before “provide”

Page 2, line 8, after “(4)” insert “for consulting and engineering services,”

Page 2, line 9, delete “\$1,000,000” and insert “\$500,000” and delete “\$2,000,000” and insert “\$1,000,000”

Page 2, delete lines 15 to 18, and insert:

“(b) When requested by the board, a responsible person or volunteer entering into a contract after the effective date of this section must provide evidence of the insurance coverages specified in paragraph (a), clauses (1) to (4), for contractors or consultants providing services for which reimbursement of costs is sought.”

Amend the title as follows:

Page 1, line 3, delete “bonds or” and insert “evidence of” and after “insurance” insert “coverage”

Page 1, line 4, after the semicolon insert “amending Minnesota Statutes 1990, section 115C.02, subdivision 1,”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2211, A bill for an act relating to crime; clarifying certain law enforcement powers; making technical corrections to the eligibility criteria for possession of a pistol; increasing penalties for the unlawful carrying of a pistol without a permit; amending Minnesota Statutes 1990, sections 169.98, subdivision 1a; 299D.06; 624.713, subdivision 1; and 624.714, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 169.98, subdivision 1a, is amended to read:

Subd. 1a. [VEHICLE STOPS.] ~~Except as otherwise permitted under sections 221.221 and 299D.06,~~ Only a person who is licensed as a peace officer, constable, or part-time peace officer under sections 626.84 to section 626.863 may use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.01, subdivision 2.

Sec. 2. Minnesota Statutes 1991 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as provided in paragraph (d). Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless: (1) the child is alleged to have violated section 169.121 or 169.129; (2) the child is alleged to have violated section 609.66; 609.67; or 624.713, subdivision 1, clause (a); or (3) the child is alleged to have committed an offense listed in section 609.11, subdivision 9, by using a firearm. Upon the determination of all juvenile court actions or proceedings in favor of the child, the child or the child's parents shall, upon demand, have all photographs,

copies, and duplicates returned. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

Sec. 3. Minnesota Statutes 1990, section 299D.06, is amended to read:

299D.06 [INSPECTIONS; WEIGHING.]

Personnel to enforce the laws relating to motor vehicle equipment, school bus equipment, drivers license, motor vehicle registration, motor vehicle size and weight, and motor vehicle petroleum tax, to enforce public utilities commission rules relating to motor carriers, to enforce pollution control agency rules relating to motor vehicle noise abatement, and to enforce laws relating to directing the movement of vehicles shall be classified employees of the commissioner of public safety assigned to the division of state patrol. Employees engaged in these duties, while actually on the job during their working hours only, shall have power to ~~arrest~~ issue citations in lieu of arrest and continued detention and to prepare notices to appear in court for violation of these laws and rules, in the manner provided in section 169.91, subdivision 3. They shall not be armed and shall have none of the other powers and privileges reserved to peace officers.

Sec. 4. [609.672] [PERMISSIVE INFERENCE; FIREARMS IN AUTOMOBILES.]

The presence of a firearm in a passenger automobile permits the factfinder to infer knowing possession of the firearm by the driver or person in control of the automobile when the firearm was in the automobile. The inference does not apply:

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

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

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

Sec. 5. Minnesota Statutes 1990, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere for ~~the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16 of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;~~

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts; or

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 6. Minnesota Statutes 1990, section 624.7131, subdivision 10, is amended to read:

Subd. 10. [TRANSFER REPORT NOT REQUIRED.] A person who transfers a pistol to a licensed peace officer, as defined in section 626.84, subdivision 1, exhibiting a valid peace officer identification, or to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Sec. 7. Minnesota Statutes 1990, section 624.7132, subdivision 4, is amended to read:

Subd. 4. [DELIVERY.] Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Sec. 8. Minnesota Statutes 1990, section 624.7132, subdivision 8, is amended to read:

Subd. 8. [REPORT NOT REQUIRED.] (1) If the proposed transferee presents a valid transferee permit issued under section 624.714, ~~subdivision 9~~ 624.7131 or a valid permit to carry issued under section 624.714, or if the transferee is a licensed peace officer, as defined in section 626.84, subdivision 1, who presents a valid peace officer identification, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Sec. 9. [EFFECTIVE DATE.]

Section 4 is effective August 1, 1992, and applies to offenses occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; clarifying certain law enforcement powers; permitting law enforcement agencies to take photographs of juveniles who are in custody for a firearms-related offense; creating a permissive inference of possession with respect to a firearm in an automobile; making technical corrections to the eligibility criteria and transfer process applicable to permits to possess a pistol; amending Minnesota Statutes 1990, sections 169.98, subdivision 1a; 299D.06; 624.713, subdivision 1; 624.7131, subdivision 10; and 624.7132, subdivisions 4 and 8; Minnesota Statutes 1991 Supplement, section 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2226, A bill for an act relating to retirement; St. Paul police relief association; validating a change in the date on which personal and benefit payments are made.

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

The report was adopted.

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

H. F. No. 2242, A bill for an act relating to human rights; declaring a state policy of zero tolerance of violence; encouraging state agencies to act to implement the policy; proposing coding for new law in Minnesota Statutes, chapters 1 and 15.

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

The report was adopted.

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

H. F. No. 2250, A bill for an act relating to public safety officer's survivor benefits; altering a definition; amending Minnesota Statutes 1990, section 299A.41, subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 1990, section 299A.41, subdivision 4, is amended to read:

Subd. 4. [PUBLIC SAFETY OFFICER.] "Public safety officer" includes:



(1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);

(2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;

(3) a firefighter employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in the hazards of firefighting;

(4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

(5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;

(6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;

(7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and

(8) a first responder who is certified by the commissioner of health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance.

### Sec. 3. [299A.47] [CLAIMS LIMITATION; DATA CLASSIFICATION.]

Subdivision 1. [FILING LIMITATIONS.] Claims for benefits from the public safety officer's death benefit account made by or on behalf of a survivor of a public safety officer must be filed within two years after the date of death of the officer.

Subd. 2. [CLAIM CLASSIFICATION.] Claims for death benefits and supporting documents and reports are investigative data and subject to the provisions of section 13.39 until the claim is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or abandonment of a claim, the claim and supporting documents and reports are private data on individuals as defined in section 13.02, subdivision 12.

### Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "definition;" insert "providing a claim filing limitation and data classification;"

Page 1, line 4, delete "subdivision 3" and insert "subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 299A"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2254, A bill for an act relating to occupations and professions; clarifying membership requirements for the board of pharmacy; amending Minnesota Statutes 1991 Supplement, section 151.03.

Reported the same back with the following amendments:

Page 1, line 13, delete "hole" and insert "whole"

Page 1, after line 24, insert:

"Sec. 2. [APPLICATION.]

Section 1 is effective for appointments made after August 1, 1992."

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

The report was adopted.

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

H. F. No. 2257, A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain employee of independent school district No. 197.

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

The report was adopted.

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

H. F. No. 2261, A bill for an act relating to state government; executive council; regulating depositories for state funds; amending Minnesota Statutes 1990, section 9.031, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 9; repealing Minnesota Statutes 1990, section 9.031, subdivisions 1, 2, 3, 4, 5, and 10.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

"The banks or trust companies so designated as depositories must have received ratings of "outstanding" or "satisfactory" as their most recent rating under section 47.83 or under United States Code, title 12, section 2906."

Page 3, after line 34, insert:

"Sec. 8. Minnesota Statutes 1990, section 9.031, is amended by adding a subdivision to read:

Subd. 13. [LOSS OF REQUIRED COMMUNITY REINVESTMENT RATING.] If a state depository receives a community reinvestment rating, as provided in section 9.025, that is below "satisfactory," the executive council shall revoke its designation as a depository. The executive council may delay the effective date of the revocation if necessary to allow a reasonable period of time to arrange for a replacement depository."

Page 3, line 35, delete "8" and insert "9"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring state depositories to satisfy community reinvestment standards;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2273, A bill for an act relating to mental health; adding licensed marriage and family therapists to the list of qualified mental health professionals; amending Minnesota Statutes 1991 Supplement, sections 245.462, subdivision 18; and 245.4871, subdivision 27.

Reported the same back with the following amendments:

Page 2, line 11, delete "4,000 hours" and insert "two years"

Page 3, line 20, delete "4,000 hours" and insert "two years"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2283, A bill for an act relating to the legislature; declaring a state policy for children, youth, and their families; amending the responsibilities of the legislative commission on children, youth, and their families; appropriating money; amending Minnesota Statutes 1991 Supplement, section 3.873, subdivisions 1, 4, 5, and by adding a subdivision.

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

The report was adopted.

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

H. F. No. 2285, A bill for an act relating to unemployment compensation; requiring waiver of certain benefit overpayments; amending Minnesota Statutes 1990, section 268.18, subdivision 1.

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

The report was adopted.

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

H. F. No. 2298, A bill for an act relating to state government; creating a legislative commission on occupational regulation; revising state policy on occupational regulation; appropriating money; amending Minnesota Statutes 1990, section 214.001, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 3.

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

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2302, A bill for an act relating to cities; requiring an equitable distribution of state and local funds in neighborhood revitalization programs; amending Minnesota Statutes 1990, section 469.203, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 469.1831, is amended by adding a subdivision to read:

Subd. 8. [DISTRIBUTION OF LOCAL FUNDS.] Each city shall ensure that money used for revitalization under its neighborhood revitalization program is distributed equitably to all geographic parts of the city. To be equitable for the purposes of this section, distribution of funds must be in proportion to the population, geographic area, and needs of each commonly identified neighborhood in the city. Distribution of funds is not equitable if a lottery or other method of random chance is a basis upon which funding for programs is determined.

Sec. 2. [EFFECTIVE DATE.]

Section 1 applies to all expenditures of program money made after August 1, 1992."

Delete the title and insert:

"A bill for an act relating to cities; requiring an equitable distribution of local funds in neighborhood revitalization programs; amending Minnesota Statutes 1990, section 469.1831, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2309, A bill for an act relating to natural resources; requiring establishment of aquatic management areas; amending Minnesota Statutes 1990, section 86A.05, by adding a subdivision.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2319, A bill for an act relating to Ramsey county; providing for the certification of eligibles for county positions; amending Minnesota Statutes 1990, section 383A.291, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete "the Lake" and insert "a county facility or for another reason"

Page 1, line 13, delete "Owasso residence"

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

The report was adopted.

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

H. F. No. 2334, A bill for an act relating to game and fish; exempting certain minors from whitefish and ciscoe net licensing; amending Minnesota Statutes 1990, section 97A.451, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 13, delete "with not more than two nets"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2341, A bill for an act relating to transportation; authorizing nonoperating assistance for public transit service; amending Minnesota Statutes 1990, section 174.24, subdivisions 3, 5, and by adding subdivisions; repealing Minnesota Statutes 1990, section 174.245.

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

The report was adopted.

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

H. F. No. 2345, A bill for an act relating to state government; clarifying that the open meeting law applies to advisory bodies; providing that a court may award attorney's fees to the prevailing party in an action brought under the open meeting law; amending Minnesota Statutes 1990, section 471.705, subdivision 2; Minnesota Statutes 1991 Supplement, section 471.705, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 471.705, subdivision 2, is amended to read:

Subd. 2. Any person who violates subdivision 1 shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$100 for a single occurrence. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located. Upon a third violation by the same person connected with the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving. The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and, upon finding as to the occurrence of a separate third violation, unrelated to the previous violations issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy. The prevailing party, in addition to other remedies, may recover reasonable costs, disbursements, and attorney's fees from: (1) the defendant if the court finds that the violation was committed with knowing intent to violate subdivision 1 and in bad faith; or (2) the plaintiff if the court finds the plaintiff's position was substantially without foundation in fact or law.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1992, and applies to actions commenced after that date."

Delete the title and insert:

"A bill for an act relating to state government; providing that a prevailing party may be awarded costs and attorney's fees for an action brought under the open meeting law; amending Minnesota Statutes 1990, section 471.705, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2349, A bill for an act relating to motor vehicles; allowing registrar to recover the cost of manufacturing and issuing motor vehicle license plates and stickers; crediting fees from the sale of license plates to the highway user tax distribution fund; amending Minnesota Statutes 1990, sections 168.012, by adding a subdivision;



168.042, by adding a subdivision; 168.12, subdivisions 2 and 5; 168.128, by adding a subdivision; and 168.29; Minnesota Statutes 1991 Supplement, section 168.041, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 2352, A bill for an act relating to state agencies; providing that agency heads may not delegate affirmative action duties; amending Minnesota Statutes 1990, section 43A.191, subdivision 1.

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

The report was adopted.

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

H. F. No. 2369, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers and surviving spouses in the city of Thief River Falls.

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2379, A bill for an act relating to public safety; requiring offenders to pay for probation services; imposing a tax on the retail sale of rifles, shotguns, and semi-automatic rifles; requiring a fee for pistol permits; amending Minnesota Statutes 1990, section 624.714, subdivisions 6 and 7; proposing coding for new law in Minnesota Statutes, chapters 244; 297A; and 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 241.26, subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in the work release program provided by this section may be collected by or forwarded to the commissioner of corrections for deposit to the account of the inmate in the work release account in the state treasury, or the inmate may be permitted to collect, retain, and expend the net earnings from the inmate's employment under rules established by the commissioner of corrections. The money collected by or forwarded to the commissioner under the rules shall remain under the control of the commissioner for the sole benefit of the inmate. Wages under the control of the commissioner and wages retained by the inmate may be disbursed by the commissioner or expended by the inmate for the following purposes and in the following order:

(1) The cost of the inmate's keep as determined by subdivision 7, which money shall be deposited in the general fund of the state treasury if the inmate is housed in a state correctional facility, or shall be paid directly to the place of confinement as designated by the commissioner pursuant to subdivision 1;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) Court-ordered restitution, if any;

(5) Court-ordered fines, if any;

(6) Contribution to any programs established by law to aid victims of crime, provided that the contribution must not be more than 20 percent of the inmate's gross wages;

~~(6)~~ (7) Restitution to the commissioner of corrections ordered by a prison disciplinary hearing officer for damage to property caused by an inmate's conduct;

~~(7)~~ (8) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

~~(8)~~ (9) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All money in the work release account are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 2. [244.17] [PROBATION SERVICE FEES; IMPOSITION OF OFFENDERS.]

Subdivision 1. [DEFINITION.] As used in this section, "probation services" means those services authorized under section 260.311 and provided by local correctional agencies.

Subd. 2. [PROBATION SERVICE FEES.] A local correctional agency may establish a schedule of probation service fees to charge persons convicted of a crime and placed on probation under the supervision and control of the local correctional agency. The probation service fees on the schedule must be reasonably related to defendants' abilities to pay and the actual cost of probation services.

Subd. 3. [FEE COLLECTION.] The chief executive officer of a local correctional agency may authorize probation officers to collect probation service fees assessed under section 3. The probation officer may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. The probation officer may use any available civil means of debt collection in collecting a probation service fee.

Subd. 4. [EXEMPTION FROM FEE.] The probation officer shall waive payment of a probation service fee if so ordered by the court under section 3. If the court fails to waive the fee, the probation officer may, upon approval of the chief executive officer of the local correctional agency, waive payment of the fee if the probation officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee.

Subd. 5. [RESTITUTION PAYMENT PRIORITY.] If a defendant has been ordered by a court to pay restitution and a probation service fee, the defendant shall be obligated to pay the restitution ordered before paying the probation service fee.

Subd. 6. [USE OF FEES.] The probation service fees shall be used by the local correctional agency to pay the costs of probation officer salaries and other probation-related expenses.

Sec. 3. [609.102] [PROBATION SERVICE FEES; IMPOSITION BY COURT.]

Subdivision 1. [DEFINITION.] As used in this section, "probation service fee" means a fee for probation services established by a local correctional agency under section 2.

Subd. 2. [IMPOSITION OF FEE.] When a court places a defendant on probation under section 609.135 under the supervision and control of a local correctional agency, the court shall impose a

probation service fee based on the local correctional agency's probation service fee schedule adopted under section 2.

Subd. 3. [FEE EXEMPTION.] The court may waive payment of a probation service fee if it makes findings on the record that the convicted person is exempt due to any of the factors named under section 2, subdivision 4. The court shall consider prospects for payment during the term of supervision by the local correctional agency.

Subd. 4. [RESTITUTION PAYMENT PRIORITY.] If in addition to placing the defendant on probation, the court orders the defendant to pay restitution, the court shall order that the restitution be paid before any probation service fee.

Sec. 4. Minnesota Statutes 1990, section 609.748, subdivision 2, is amended to read:

Subd. 2. [RESTRaining ORDER; JURISDICTION.] A person who is a victim of harassment may seek a restraining order from the district court in the manner provided in this section. The parent or guardian of a minor who is a victim of harassment may seek a restraining order from the juvenile district court on behalf of the minor.

Sec. 5. [EFFECTIVE DATE.]

Sections 2 and 3 are effective August 1, 1992, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; requiring offenders to pay for probation services; amending Minnesota Statutes 1990, sections 241.26, subdivision 5; and 609.748, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 244; and 609."

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

The report was adopted.

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

H. F. No. 2415, A bill for an act relating to human services; prohibiting restrictions on the right to provide licensed day care; proposing coding for new law in Minnesota Statutes, chapter 245A.

Reported the same back with the following amendments:

Page 2, line 19, delete the colon

Page 2, delete line 20

Page 2, line 21, delete the paragraph coding and delete "(2)"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2435, A bill for an act relating to the department of employee relations; public employment; removing a committee's expiration date; modifying retirement program options; expanding a bidding requirement exemption; amending Minnesota Statutes 1990, section 43A.316, subdivisions 4, 6, and 10; Minnesota Statutes 1991 Supplement, section 43A.316, subdivision 8; repealing Laws 1990, chapter 589, article 2, section 3.

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

The report was adopted.

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

H. F. No. 2437, A bill for an act relating to the environment; pollution control; conforming certain pollution control measures to federal Clean Air Act amendments; authorizing assessment of emission fees; changing method used for calculating emission fees; changing the definition of chlorofluorocarbons; establishing a small business air quality compliance assistance program; providing for the appointment of an ombudsman for small business air quality compliance assistance; creating a small business air quality compliance advisory council; amending Minnesota Statutes 1990, section 116.70, subdivision 3; Minnesota Statutes 1991 Supplement, section 116.07, subdivision 4d; proposing coding for new law in Minnesota Statutes, chapter 116.

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

The report was adopted.

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

H. F. No. 2483, A bill for an act relating to natural resources; extending the term of certain timber permits.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 2505, A bill for an act relating to telephones; allowing telephone companies to offer caller identification service to its subscribers; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [237.74] [CALLER IDENTIFICATION SERVICES; BLOCKING.]

Subdivision 1. [CALLER IDENTIFICATION.] Subject to subdivision 2, a telephone company may elect to offer, for a reasonable fee, caller identification service to its subscribers who purchase a caller identification device for installation on the subscriber's telephone or who purchase a telephone with a built-in caller identification device. "Caller identification device" means a device that displays to the person being called the number of the telephone being used by the caller or the name of the subscriber of the telephone being used by the caller.

Subd. 2. [BLOCKING FEATURE.] If a telephone company elects to offer caller identification service, it must also offer the option for a subscriber to employ a blocking feature to prevent the communication of the information about the caller that would otherwise be communicated to a subscriber receiving the call who has purchased a caller identification device and the caller identification service described in subdivision 1. A blocking feature that a subscriber may

use on a call-by-call basis must be provided free of any additional charge or fee. A telephone company may charge a fee to be determined by the commission for a blocking feature that affects all calls placed from a subscriber's telephone."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2508, A bill for an act relating to public safety; providing for membership on emergency response commission and regional review committees; requiring mining companies to comply with the hazardous chemical inventory reporting provisions of the federal emergency planning and community right to know act; amending Minnesota Statutes 1990, sections 299K.03, subdivisions 2 and 3; 299K.04, subdivision 1; and 299K.08, subdivision 2.

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

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2520, A bill for an act relating to economic development; creating standards for quasi-public agencies; proposing coding for new law in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [15.013] [QUASI-PUBLIC AGENCIES.]

Subdivision 1. [SHORT TITLE.] This section shall be cited as the "Minnesota quasi-public agency act."

Subd. 2. [DEFINITION.] For the purposes of this section "quasi-public agency" means:

(1) the Agricultural Utilization Research Institute, Minnesota Technology, Inc., Minnesota Project Outreach Corporation, Minne-

sota zoological garden, World Trade Center Corporation, and Advantage Minnesota Inc.; and

(2) any specific nonprofit corporation, public corporation, or nonprofit public corporation expressly created by statute.

Subd. 3. [BOARD OF DIRECTOR; REQUIREMENTS.] Except as otherwise expressly provided by law, the board of directors of a quasi-public agency:

(1) is subject to section 471.705 except when security, trade secrets, a company's competitive position, potential client lists, pending proposals, negotiations, employee matters, or labor relations information are discussed;

(2) shall annually submit director pay and expense reimbursement schedules to the commissioner of finance for review;

(3) shall hire an executive officer only after conducting a national search; and

(4) shall annually submit a report to the governor and legislature that includes, but is not limited to, the following:

(i) a list of all board of directors meetings;

(ii) a list of funded projects;

(iii) a list of outside individuals and firms receiving more than \$10,000 in loans, grants, or payments for services;

(iv) a balance sheet showing all revenues and expenditures;

(v) the agency's affirmative action policy statement; and

(vi) a description of planned activities for the next fiscal year.

Subd. 4. [EXPENSES; MANAGEMENT CONTROLS; AUDITS.] A quasi-public agency may incur expenses only for public purposes, and in amounts and for purposes that are equivalent to a state agency. The board of directors and officers of a quasi-public agency shall establish an internal control structure to protect agency resources. A quasi-public agency, except an agency audited by the legislative auditor, must contract for an annual financial and compliance audit and make the results available to the governor, the legislature, and the legislative auditor.

Subd. 5. [DATA.] A quasi-public agency is a state agency for the purposes of the Minnesota government data practices act. If, in the course of providing assistance to a private company, a quasi-public



agency obtains information about the company which relates to the company's competitive position and which the company considers to be sensitive, that information shall be classified as private data with regard to data on individuals under section 13.02, subdivision 12, or as nonpublic data with regard to data not on individuals under section 13.02, subdivision 9, whichever is applicable."

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2530, A bill for an act relating to economic development; creating a mission statement for the department of trade and economic development; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 1, line 23, after "development" insert "and in the development of its economic blueprint for the state"

Page 2, line 9, after "(5)" insert "to expand and promote the development of tourism as a growing and vital part of the state economy;

(6)"

Page 2, line 12, delete "(6)" and insert "(7)"

Page 2, line 14, delete "(7)" and insert "(8)"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2539, A bill for an act relating to natural resources; payments by the state on lands enrolled in a certain federal program; proposing coding for new law in Minnesota Statutes, chapter 477A.

Reported the same back with the following amendments:

Page 1, delete lines 21 and 22, and insert:

"There shall be deducted from amounts paid any amounts paid to a county during the preceding year pursuant to sections 89.036; 97A.061, subdivisions 1 and 2; 272.68, subdivision 3; and 477A.12."

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

The report was adopted.

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

H. F. No. 2565, A bill for an act relating to retirement; providing for surviving spouse benefits for the Minneapolis Police Relief Association and the Minneapolis Fire Department Relief Association; amending Laws 1949, chapter 406, section 6, subdivision 1, as amended; and Laws 1965, chapter 519, section 1, as amended.

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2577, A bill for an act relating to towns; authorizing town boards to disclaim and extinguish a town interest in abandoned town roads; amending Minnesota Statutes 1990, section 164.06.

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

The report was adopted.

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

H. F. No. 2578, A bill for an act relating to game and fish; limiting the prohibition on the use of radio equipment to take protected wild animals to big game and small game; amending Minnesota Statutes 1990, section 97B.085, subdivision 1.

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

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2586, A bill for an act relating to cultural resources; reorganizing the nature of a Saint Paul tourism and cultural district; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CAPITAL CITY CULTURAL RESOURCES COMMISSION.]

Subdivision 1. The legislature finds that the capital city of Saint Paul:

(1) encourages the use of many of its downtown facilities for state agencies and their personnel;

(2) encourages a wide range of cultural attractions for tourists and visitors to the capital city that reflect its multicultural city and state community; and

(3) encourages the development of a strong link between downtown civic and cultural amenities to aid in economic development by establishing a true and distinguishable identity, building upon its civic and cultural industries to increase day and night time vitality.

Subd. 2. A capital city cultural resources commission is established to review and recommend to the state legislature, the Ramsey county board, and the mayor of Saint Paul, the proper use of state and local financial resources to develop Saint Paul as a "cultural capital," a resource for the state and region, including, but not limited to:

(1) acquisition, construction, expansion, and remodeling of facilities comprising the cultural capital area of Saint Paul and downtown, including, but not limited to, the Saint Paul Civic Center complex, Science Museum of Minnesota, Children's Museum, Minnesota Museum of Art, Minnesota History Center, Ordway Music Theatre, Landmark Center, and the historic and cultural attractions of the capitol area;

(2) plans for the possible use of the downtown area as educational and visitors' center for the capital city;

(3) stabilization and ongoing support of the civic and cultural industries; and

(4) attracting and developing new cultural institutions.

Subd. 3. The commission shall be composed of 22 members selected as follows:

(1) one member from the Minnesota house of representatives, selected by the speaker from among the members whose district represents all or part of the city of Saint Paul;

(2) one member from the Minnesota senate, selected by the senate committee on rules and administration from among the members whose district represents all or part of the city of Saint Paul;

(3) one member of the Ramsey county board, selected by the county board;

(4) the mayor of the city of Saint Paul, who shall be the commission's chair;

(5) two members of the Saint Paul city council, selected by the council;

(6) the chair of the capitol area architectural and planning board or designee;

(7) eight members of the public, selected by the mayor of the city of Saint Paul, who are residents of or have their principal place of business located within the city of Saint Paul; and

(8) seven members of the public appointed by the Saint Paul city council, with each council member selecting one person who is a resident of or has a principal place of business in the council member's ward.

The commission membership must include representation from the following groups: business, labor, art funders and providers, and civic and education.

Members of the commission shall serve without compensation. Expenses that would be reimbursed for state employees shall be reimbursed to members. The commission may accept gifts, grants, or donations from public and private entities to assist with the cost of its work. Gifts, grants, or donations are not subject to Minnesota

Statutes, chapter 10A, or other law or rule regulating lobbying expenses.

Subd. 4. The members of the commission shall hold their first meeting on or before May 15, 1992. The commission shall review plans and recommend priorities for the development and financing of projects and programs. It shall submit a report on its findings and prioritized recommendations to the legislature, the city of Saint Paul, and the Ramsey county board on or before January 1, 1993.

Sec. 2. [EFFECTIVE DATE.]

Section 1 takes effect the day following final enactment and expires upon the submission of the report under section 1, subdivision 4."

Delete the title and insert:

"A bill for an act providing for a study of the civic and cultural functions of downtown Saint Paul."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2592, A bill for an act relating to natural resources; revising certain laws concerning commercial activities related to wild animals; providing penalties; amending Minnesota Statutes 1990, sections 84.091, subdivision 3; 84.093; 94A.105, subdivisions 1, 2, 3, 4, and by adding a subdivision; 97A.215, subdivision 1; 97A.421, subdivision 1; 97A.425, subdivisions 1, 2, and 3; 97A.475, subdivisions 19, 21, 22, and 24; 97A.505, subdivision 4; 97B.601, subdivision 2; 97B.905, subdivisions 1, 2, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97A; repealing Minnesota Statutes 1990, section 97A.105, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE 1

## GINSENG

Section 1. Minnesota Statutes 1990, section 84.091, subdivision 3, is amended to read:

Subd. 3. [LICENSE FEES.] (a) The fees for the following licenses, to be issued to residents only, are:

(1) for harvesting wild rice, \$12.50;

(2) for buying and selling wild ginseng, \$5;

(3) for a wild rice dealer's license to buy and sell 50,000 pounds or less, \$70; and

(4) (3) for a wild rice dealer's license to buy and sell more than 50,000 pounds, \$250.

(b) The weight of the wild rice shall be determined in its raw state.

Sec. 2. Minnesota Statutes 1990, section 84.093, is amended to read:

84.093 [WILD GINSENG; REGULATION OF ACTIVITIES RELATED TO HARVEST AND SALE; LICENSES AND FEES; RECORDS AND REPORTS.]

Subdivision 1. [REGULATION.] For the purpose of protecting wild ginseng (Panax quinquefolium) from excessive and indiscriminate harvest and therefore protect the plant and its habitat from endangerment and possible extinction, it is in the public interest and serves a public purpose to regulate ginseng of any kind, whether wild or not, as provided in this section. In furtherance of those objectives, the commissioner, by order published under section 3.846, may establish rules including seasons and limitations for harvesting to conserve wild, possessing, transporting, buying, and selling ginseng.

Subd. 2. [LICENSES AND FEES.] (a) A person may not harvest ginseng without an annual cultivator-harvester license. The annual fee for this license is \$12.50. The license authorizes the licensee to harvest ginseng for resale, purchase seed for planting purposes only, sell wild or nonwild dried ginseng to licensed dealers, and possess and transport ginseng for sale.

(b) Except as otherwise provided in this subdivision, no person may possess, transport, buy, or sell ginseng of any kind without a dealer's license. The annual fee for a resident dealer is \$35. The

annual fee for a nonresident dealer is \$75. The commissioner shall deposit fees required by this subdivision in the game and fish fund.

(c) This subdivision does not apply to a person who cultivates, harvests, possesses, transports, or buys less than ten ounces of ginseng of any kind for personal use.

Subd. 3. [RECORDS AND REPORTS.] The commissioner may require persons who are required to be licensed under this section to maintain records and submit reports in a format that the commissioner prescribes. The records required under this section must be available for inspection by the commissioner or the commissioner's employees at all reasonable times, and must be preserved and available for three years after the expiration of a license that required them.

Subd. 4. [PENALTIES.] A person who violates any provision of this section or any commissioner's rule adopted under this section is guilty of a misdemeanor.

## ARTICLE 2

### MISCELLANEOUS CHANGES CONCERNING COMMERCIAL ACTIVITIES RELATED TO GAME AND FISH

Section 1. Minnesota Statutes 1990, section 97A.421, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license; or

(3) a second conviction occurs within three years for incomplete or illegible entries in records required of persons who buy or sell wild animals, tan or dress raw furs, or engage in taxidermy or taxidermy-related businesses, that are not falsifications or intentional omissions of information required to be recorded or attempts to conceal unlawful acts within the records; or

(4) the conviction occurs under a license not described in clause (1) or (2).

(b) Except for big game licenses and as otherwise provided in this

section, for one year after the conviction the person may not obtain the kind of license relating to the game and fish law violation.

Sec. 2. Minnesota Statutes 1990, section 97A.505, subdivision 4, is amended to read:

Subd. 4. [STORAGE OF PROTECTED WILD ANIMALS.] A person that stores protected wild animals for others must plainly mark the package, in ink, with the date of receipt, name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.

Sec. 3. [97A.507] [SALE OF NONMIGRATORY BIRD FEATHERS.]

The feathers, excluding the whole skin, of ruffed and spruce grouse, sharp-tailed grouse, gray partridge, and pheasants, lawfully taken, may be possessed, transported, bought, and sold without license for the following purposes:

- (1) the making of fishing flies;
- (2) the making of clothing or bedding; or
- (3) ornamental purposes.

The skins of nonmigratory birds may not be possessed, transported, bought, or sold except as allowed under the game and fish laws.

Sec. 4. [97A.512] [SALE OF INEDIBLE PORTIONS OF CERTAIN ANIMALS AND GAME BIRDS.]

Subdivision 1. [LAWFUL PORTIONS.] Except as otherwise provided by the game and fish laws and as restricted in this section, a person may possess, transport, buy, and sell the following inedible portions of lawfully taken or acquired big game animals, furbearing animals, and game birds other than migratory waterfowl:

- (1) bones, including skulls;
- (2) sinews;
- (3) hides;
- (4) hooves;



(5) teeth;

(6) claws; and

(7) antlers.

Subd. 2. [UNLAWFUL PORTIONS.] No person may buy or sell the following inedible portions of big game animals:

(1) bear gall bladders; and

(2) bear paws, unless attached to the hide.

Sec. 5. [REPORT TO LEGISLATURE.]

The department shall report the effects of Minnesota Statutes, section 97A.512, subdivisions 1 and 2, on big game, furbearing animals, game birds other than migratory waterfowl, and law enforcement to the legislature by November 15, 1996.

Sec. 6. [RULEMAKING.]

The commissioner may establish rules for taxidermy that include requirements for reporting, record keeping, and marking requirements.

Sec. 7. [EFFECTIVE DATE.]

Unless otherwise provided, this act is effective March 1, 1993."

Delete the title and insert:

"A bill for an act relating to natural resources; revising certain laws concerning commercial activities related to wild animals; providing penalties; amending Minnesota Statutes 1990, sections 84.091, subdivision 3; 84.093; 97A.421, subdivision 1; and 97A.505, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 97A."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2593, A bill for an act relating to state lands; authorizing

public sale of certain tax-forfeited land that borders public water in Kandiyohi county.

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2594, A bill for an act relating to drivers' licenses; abolishing requirements to surrender driver's license under certain circumstances; amending Minnesota Statutes 1990, sections 169.121, subdivision 7; 169.123, subdivision 5a; 171.11; and 171.22, subdivision 1; Minnesota Statutes 1991 Supplement, section 171.02, subdivision 1; repealing Minnesota Statutes 1990, section 171.20, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 169.121, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section unless the commissioner has already revoked the person's driving privileges or served the person with a notice of revocation for a violation of section 169.123 arising out of the same incident. ~~The court shall take the license or permit of the driver, if any, or obtain a sworn affidavit stating that the license or permit cannot be produced, and send it to the commissioner with a record of the conviction and issue a temporary license effective only for the period during which an appeal from the conviction may be taken. No person who is without driving privileges at the time shall be issued a temporary license and any temporary license issued shall bear the same restrictions and limitations as the driver's license or permit for which it is exchanged.~~

~~The commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section.~~

Sec. 2. Minnesota Statutes 1990, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION OR DISQUALIFICATION.] On behalf of the commissioner of public safety a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of 0.10 or more. On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more. The officer shall either:

(1) take the driver's license or permit of the driver, if any, and issue a temporary license, effective only for seven days. ~~The peace officer, and shall send the person's driver's license it to the commissioner of public safety along with the certificate required by subdivision 4; or~~

(2) invalidate the driver's license or permit in such a way that no identifying information is destroyed.

Sec. 3. Minnesota Statutes 1990, section 169.14, subdivision 10, is amended to read:

Subd. 10. [RADAR; ~~SPEEDALYZER~~ SPEED-MEASURING DEVICES; STANDARDS OF EVIDENCE.] In any prosecution in which the rate of speed of a motor vehicle is relevant, evidence of the speed as indicated on radar or other ~~speedalyzer~~ speed-measuring devices is admissible in evidence, subject to the following conditions:

(a) The officer operating the device has sufficient training to properly operate the equipment;

(b) The officer testifies as to the manner in which the device was set up and operated;

(c) The device was operated with minimal distortion or interference from outside sources; and

(d) The device was tested by an accurate and reliable external mechanism, method, or system at the time it was set up.

Records of tests made of such devices and kept in the regular course of operations of any law enforcement agency are admissible in evidence without further foundation as to the results of the tests. The records shall be available to a defendant upon demand. Nothing in this subdivision shall be construed to preclude or interfere with

cross examination or impeachment of evidence of the rate of speed as indicated on the radar or ~~speedalyzer~~ speed-measuring device.

Sec. 4. Minnesota Statutes 1991 Supplement, section 169.444, subdivision 7, is amended to read:

Subd. 7. ~~[EVIDENTIARY PRESUMPTION PRESUMPTIONS.]~~

(a) There is a rebuttable presumption that signals described in section 169.442 were in working order and operable when a violation of subdivision 1, 2, or 5 was allegedly committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation.

(b) There is a rebuttable presumption that a motor vehicle outwardly equipped and identified as a school bus satisfies all of the identification and equipment requirements of section 169.441 when a violation of subdivision 1, 2, or 5 was allegedly committed, if the applicable school bus bears a current inspection certificate issued under section 169.451.

Sec. 5. Minnesota Statutes 1991 Supplement, section 171.01, subdivision 24, is amended to read:

Subd. 24. ~~[SPECIAL TRANSPORTATION SERVICE.]~~ "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation but do not require ambulance service, as defined in section 144.801, subdivision 4. Special transportation service includes but is not limited to service provided by specially equipped buses, vans, and taxis. Special transportation service does not include ~~a volunteer driver using a private passenger vehicle that belongs to the volunteer~~ services exempted in section 174.30.

Sec. 6. Minnesota Statutes 1991 Supplement, section 171.02, subdivision 1, is amended to read:

Subdivision 1. ~~[LICENSE REQUIRED.]~~ No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon any street or highway in this state unless such person has a license valid under the provisions of this chapter for the type or class of vehicle being driven. No person shall receive a driver's license unless and until the ~~person surrenders to the department all valid driver's licenses in possession issued to the person by any other jurisdiction. All surrendered licenses shall be returned by person's license from any jurisdiction has been invalidated by the department. The department shall provide to the issuing department together with of any jurisdiction, information that the licensee is now licensed in new jurisdiction Minnesota.~~ No person shall be permitted to have more

than one valid driver's license at any time. No person to whom a current Minnesota identification card has been issued may receive a driver's license, other than an instruction permit or a limited license, unless the ~~person surrenders to the department any person's Minnesota identification card issued to the person under section 171.07, subdivision 3~~ has been invalidated by the department.

Sec. 7. Minnesota Statutes 1991 Supplement, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle, school bus, special transportation service vehicle, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit vehicles and combinations of vehicles, except commercial motor vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials; and

(5) ~~with a special transportation service vehicle endorsement, operating a motor vehicle providing special transportation service.~~

The holder of a class C license may also tow vehicles if the

~~combination of vehicles has a gross vehicle weight of 26,000 pounds or less.~~

(b) Class CC; valid for:

(1) operating class C vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class C vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses. The holder of a class B license may also tow vehicles with a gross vehicle weight of 10,000 pounds or less.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 8. Minnesota Statutes 1991 Supplement, section 171.10, subdivision 2, is amended to read:

Subd. 2. [ENDORSEMENTS ADDED.] Any person, after applying for or receiving a driver's license and prior to the expiration year of the license, who wishes to have a motorcycle, school bus, ~~special transportation service vehicle~~, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement added to the license, shall, after taking the necessary examination, apply for a duplicate license and make payment of the proper fee.

Sec. 9. Minnesota Statutes 1990, section 171.11, is amended to read:

#### 171.11 [CHANGE OF DOMICILE OR NAME.]

When any person, after applying for or receiving a driver's license, shall change permanent domicile from the address named in such application or in the license issued to the person, or shall change a name by marriage or otherwise, such person shall, within 30 days thereafter, make application apply for a duplicate driver's license upon a form furnished by the department; such and pay the required fee. The application or duplicate license shall show both the licensee's old address and new address or the former name and new name as the case may be. ~~Such application for a duplicate license, upon change of address or change of name, shall be accompanied by all certificates of driver's license then in the possession of the applicant together with the required fee.~~

Sec. 10. Minnesota Statutes 1991 Supplement, section 171.13, subdivision 5, is amended to read:

Subd. 5. [FEE FOR VEHICLE ENDORSEMENT.] Any person applying to secure a motorcycle, school bus, ~~special transportation service vehicle~~, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

Sec. 11. Minnesota Statutes 1990, section 171.22, subdivision 1, is amended to read:

Subdivision 1. [ACTS.] With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

(1) to display, cause or permit to be displayed, or have in possession, any:

(i) canceled, revoked, or suspended driver's license;

(ii) driver's license for which the person has been disqualified; or

(iii) fictitious or fraudulently altered driver's license or Minnesota identification card;

(2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;

(3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;

~~(4) to fail or refuse to surrender to the department, upon its lawful demand, any driver's license or Minnesota identification card which has been suspended, revoked, canceled, or for which the holder has been disqualified;~~

~~(5) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;~~

~~(6)~~ (5) to alter any driver's license or Minnesota identification card;

~~(7)~~ (6) to take any part of the driver's license examination for another or to permit another to take the examination for that person;

~~(8)~~ (7) to make a counterfeit driver's license or Minnesota identification card; or

~~(9)~~ (8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer.

Sec. 12. Minnesota Statutes 1991 Supplement, section 171.323, subdivision 1, is amended to read:

Subdivision 1. [DRIVER'S LICENSE WITH ENDORSEMENT REQUIRED.] No person shall drive a motor vehicle providing special transportation service within the seven-county metropolitan area as defined in section 473.121, subdivision 2, without having a valid ~~class A, class B, or class CC~~ driver's license for the class of vehicle being driven with a special transportation service vehicle endorsement.

Sec. 13. [REPEALER.]

Minnesota Statutes 1990, section 171.20, subdivision 1, is repealed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to drivers' licenses; eliminating requirement for drivers of special transportation vehicles to take examination for license endorsement; abolishing requirements to surrender driver's license under certain circumstances; making technical changes; providing evidentiary presumption regarding school bus identification and equipment requirements; amending Minnesota Statutes 1990, sections 169.121, subdivision 7; 169.123, subdivision 5a; 169.14, subdivision 10; 171.11; and 171.22, subdivision 1; Minnesota Statutes 1991 Supplement, sections 169.444, subdivision 7; 171.01, subdivision 24; 171.02, subdivisions 1 and 2; 171.10, subdivision 2; 171.13, subdivision 5; and 171.323, subdivision 1; repealing Minnesota Statutes 1990, section 171.20, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.



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

H. F. No. 2601, A bill for an act relating to retirement; providing continued coverage in the Minnesota state retirement system for certain employees; amending Minnesota Statutes 1990, sections 352.01, subdivision 2a; and 352.04, subdivision 6.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2606, A bill for an act relating to education; transferring the Waseca campus to the state board of technical colleges; specifying conditions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

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

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 2621, A bill for an act relating to energy; establishing energy efficiency standards for room air conditioners; amending Minnesota Statutes 1990, section 216C.19, subdivision 13.

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

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2632, A bill for an act relating to economic development; establishing the affirmative enterprise program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2635, A bill for an act relating to economic development; establishing an intergovernmental planning and study commission; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1990, section 116J.966, is amended by adding a subdivision to read:

Subd. 3. [TRADE ADVISORY COUNCIL.] The commissioner shall establish a trade advisory council under section 15.014 to advise and assist the commissioner on matters related to international trade including, but not limited to, trade promotion, agricultural export promotion, trade and export development, and trade financing. The commissioner shall appoint 15 members to the trade advisory council representing international business operations, including one or more representatives of export trading companies, international banking departments, international law departments, exporting companies, and multinational corporations. To the extent practicable, members should be appointed to achieve representation from diverse geographic areas, company sizes, and economic sectors.

Sec. 2. [INTERNATIONAL PROTOCOL AND HOSPITALITY COMMISSION.]

Subdivision 1. [PURPOSE.] The legislature finds there is a need for a legislative commission to appropriately host foreign visitors to the legislature and the state of Minnesota. Globalization and international commerce are increasingly important to Minnesota. The exchange of ideas, products, and commodities brings a corresponding increase in the number of foreign dignitaries, delegations, and trade missions visiting this state. A legislative commission can serve the special needs of these visitors and appropriately recognize the importance of their visits to the state.

Subd. 2. [MEMBERSHIP.] The international hospitality and protocol commission consists of ten members selected as follows:

(1) five members of the house of representatives with three members appointed by the speaker and two members appointed by the minority leader of the house of representatives; and

(2) five members of the senate with three members appointed by the committee on rules and legislation and two members appointed by the minority leader of the senate.

Subd. 3. [COMPENSATION.] Legislative members are compensated in the same manner as for other legislative meetings.

Subd. 4. [DUTIES.] The international hospitality and protocol commission shall:

(1) serve as legislative hosts to foreign visitors to the legislature, trade delegations, and trade missions;

(2) advise and inform other members of the legislature of foreign visitors; and

(3) develop an official legislative recognition to give to foreign visitors."

Page 4, line 21, delete "1" and insert "3"

Page 4, line 23, delete the first "1" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "an" and insert "a trade advisory council, an international protocol and hospitality commission, and an"

Page 1, line 4, before the period insert "; amending Minnesota Statutes 1990, section 116J.966, by adding a subdivision"

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

The report was adopted.

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

H. F. No. 2640, A bill for an act relating to occupations and

professions; elevators and boilers; providing that boilers used for mint oil extraction are considered to be used for agricultural or horticultural purposes; amending Minnesota Statutes 1991 Supplement, section 183.56.

Reported the same back with the following amendments:

Page 2, line 11, before the semicolon insert "but are subject to inspection under section 183.45"

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 2643, A bill for an act relating to energy; requiring energy providers to solicit contributions from customers for fuel funds that distribute emergency energy assistance to low-income households; establishing a statewide fuel fund in the department of jobs and training; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the following amendments:

Page 1, line 22, delete "complies with all of" and insert "meets" and delete "eligibility" and insert "minimum"

Page 1, line 27, delete "shall" and insert "may"

Page 2, line 7, delete "must" and insert "may"

Page 2, line 8, delete "must" and insert "may"

Page 2, line 32, after the period, insert "The remaining two-thirds of the policy council must be comprised of persons representing energy providers, customers, local energy assistance providers, existing fuel fund delivery agencies, and community action agencies." and delete "shall" and insert "may"

Amend the title as follows:

Page 1, line 2, delete "requiring" and insert "providing that" and delete "to" and insert "may"

With the recommendation that when so amended the bill pass.

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2650, A bill for an act relating to telecommunications; appropriating money to facilitate public sector regional telecommunications systems statewide, to create a public sector telecommunications clearinghouse, and to continue STARS telecommunications master planning development, including matching funds for pilot project development, in the Northeast and Southeast regions.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 2657, A bill for an act relating to utilities; making adjustments in how telephone service rates are determined when extended area telephone service is established; amending Minnesota Statutes 1990, section 237.161, subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 20, strike "50" and insert "25"

Page 2, line 32, delete "pending or"

With the recommendation that when so amended the bill pass.

The report was adopted.

Murphy from the Committee on Energy to which was referred:

H. F. No. 2669, A bill for an act relating to energy; changing requirements for energy metering of individual dwelling units; repealing Minnesota Statutes 1990, section 216C.27, subdivision 8.

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

The report was adopted.

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

H. F. No. 2680, A bill for an act relating to state government; the department of administration; directing the commissioner of administration to monitor the availability of federal money to state agencies and agency application for and receipt of federal grants; requiring agencies to cooperate with the commissioner; requiring reports to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

The report was adopted.

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

H. F. No. 2688, A bill for an act relating to insurance; solvency; making various technical corrections; amending Minnesota Statutes 1990, sections 60A.03, subdivision 6; and 60A.10, subdivision 4; Minnesota Statutes 1991 Supplement, sections 60A.092, subdivision 3; 60A.11, subdivisions 13 and 20; 60A.112; 60A.12, subdivision 10; 60A.124; and 60D.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60C; repealing Minnesota Statutes 1991 Supplement, section 72A.206.

Reported the same back with the following amendments:

Page 4, line 24, after the period insert "Pursuant to section 106 of title I of the Secondary Mortgage Market Enhancement Act of 1984, United States Code, title 15, section 77r-1, included under this paragraph are obligations issued or guaranteed by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association."

Page 4, line 32, delete everything after the period

Page 4, delete lines 33 to 36

Page 5, delete line 1

Page 8, line 29, delete "should" and insert "must"

Page 10, after line 24, insert:

"Sec. 11. Minnesota Statutes 1990, section 61B.03, subdivision 5, is amended to read:

Subd. 5. [CONTRACTUAL OBLIGATION.] "Contractual obligation" means any obligation under covered policies. For guaranteed investment contracts and similar policies where employers, trustees, or other third parties own or control the policies but the premiums or other consideration for the contracts or policies are paid by employees or similar persons who will be entitled to benefits from the policy or contract, contractual obligation means the obligation to those employees or similar persons, and not any obligation to the employer, trustee, or other third party owner of the contract or policy.

Sec. 12. Laws 1991, chapter 325, article 5, section 6, is amended to read:

Sec. 6. [EFFECTIVE DATE.]

Sections 2 and 3 are effective August 1, ~~1992~~ 1993."

Page 10, line 25, delete "11" and insert "13"

Page 10, line 28, delete "12" and insert "14"

Page 10, line 29, delete "11" and insert "13"

Amend the title as follows:

Page 1, line 5, after the semicolon insert "61B.03, subdivision 5;"

Page 1, line 8, after the semicolon insert "Laws 1991, chapter 325, article 5, section 6;"

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

The report was adopted.

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

H. F. No. 2704, A bill for an act relating to state government;

increasing the size of the council on Asian-Pacific Minnesotans; providing for representation of various Asian-Pacific communities on the council; amending Minnesota Statutes 1991 Supplement, section 3.9226, subdivision 1.

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

The report was adopted.

Segal from the Committee on Economic Development to which was referred:

H. F. No. 2708, A bill for an act relating to community service; providing the Minnesota jobs in community service act; establishing a community service program; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 16B; and 121.

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

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 2711, A bill for an act relating to counties; establishing procedures for filling certain vacancies on county boards by general election; amending Minnesota Statutes 1990, section 375.101, by adding a subdivision.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2712, A bill for an act relating to counties; providing for financing of acquisition, construction, equipping, and improvement of correctional facilities; authorizing certain leasing agreements; authorizing the sale of bonds; providing for tax levies; establishing a correctional facilities fund; amending Minnesota Statutes 1990, sections 401.02, subdivision 3; 401.05; 469.153, subdivision 2; and 641.24.



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

The report was adopted.

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

H. F. No. 2718, A bill for an act relating to natural resources; authorizing expenditure of funds for development of waterfowl breeding grounds in Canada; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

The report was adopted.

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

H. F. No. 2719, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to advance state funds for the purpose of matching nonstate funds under certain conditions; amending Minnesota Statutes 1991 Supplement, section 84.085, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, after the comma insert "the National Fish and Wildlife Foundation,"

Page 1, line 25, after "with" insert "the National Fish and Wildlife Foundation,"

Page 1, line 26, after "commissioner" insert "to"

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 2741, A bill for an act relating to housing; creating a regional housing revitalization program; imposing a deed tax on

certain real property transfers within the metropolitan area; appropriating money; amending Minnesota Statutes 1990, sections 287.21, subdivisions 1 and 2; 287.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Page 3, after line 2, insert:

“Sec. 4. [462A.206] [REGIONAL HOUSING REVITALIZATION FUND.]

Subdivision 1. [CREATION.] The regional housing revitalization fund is created as a separate account in the housing development fund. The regional housing revitalization fund is a revolving loan fund. The fund consists of all revenue deposited in it under section 287.21, subdivision 2, and all other funds made available to the fund by law.

Subd. 2. [USES OF FUND.] The agency may make loans to cities located in a metropolitan county as defined in section 473.121, subdivision 4, for housing revitalization under terms and conditions determined by the governing board established under section 473.202, for projects approved by the governing board. “Housing revitalization” means rehabilitation of housing as defined in section 462A.03, subdivision 15. Demolition of property is housing revitalization when undertaken with respect to a project to provide housing for low- and moderate-income families, to provide green space or for other public purposes.

Sec. 5. Minnesota Statutes 1990, section 462A.21, is amended by adding a subdivision to read:

Subd. 17. [REGIONAL HOUSING REVITALIZATION FUND.] It may make loans for the purpose of section 4 and may pay the costs and expenses necessary and incidental to the operation of the loan program.”

Page 3, delete lines 4 to 31

Page 3, line 32, delete “Subd. 4. [METROPOLITAN COUNCIL; GOVERNING BOARD.]”

Page 3, line 35, delete “municipalities” and insert “cities under section 4”

Page 4, line 6, after the period insert “To access the fund a municipality must have a housing plan approved by its local governing body and reviewed by the metropolitan council. Applica-

tion for funds must be approved by the governing body with citizen input. The target population for projects or programs funded must be individuals and families at or below 60 percent of the area median income as determined by the Department of Housing and Urban Development and adjusted for family size. At least 75 percent of the funds must be used for the target population."

Page 4, line 10, after the period insert "Members of the board must represent the interests of realtors, city planners, lenders, nonprofit developers, apartment owners, low-income persons, housing advocates, advocates for the homeless, and single or multifamily builders."

Page 4, line 13, after the period insert "The board shall report biennially to the legislature on the use and expenditure of funds under this section. The first report shall be due January 15, 1994. The report shall include information on the number and size of housing units created; the income levels, size, and racial or ethnic composition of the families served; and the number of units demolished."

Page 4, after line 16, insert:

"Sec. 8. [APPROPRIATION.]

\$..... is appropriated to the Minnesota housing finance agency for the regional housing revitalization fund."

Page 4, line 19, delete "4" and insert "6"

Re-number the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 7, after the semicolon insert "and 462A.21, by adding a subdivision;"

Page 1, line 8, delete "chapter 473" and insert "chapters 462A; and 473"

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

The report was adopted.

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

H. F. No. 2744, A bill for an act relating to the department of employee relations; modifying expense account terms and uses; amending Minnesota Statutes 1991 Supplement, section 43A.48.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 2749, A bill for an act relating to telecommunications; authorizing the telecommunications access for communication-impaired persons' board to advance money to contractors under certain conditions; prescribing the terms and compensation of board members; amending Minnesota Statutes 1990, sections 237.51, subdivision 3; and 237.52, subdivision 5.

Reported the same back with the following amendments:

Page 2, after line 18, insert:

"Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2757, A bill for an act relating to courts; authorizing issuance of bonds to finance the construction of centrally located suburban Ramsey county court facility; amending Minnesota Statutes 1990, sections 488A.18, subdivision 10; and 488A.185; proposing coding for new law in Minnesota Statutes, chapter 488A.

Reported the same back with the following amendments:

Page 2, delete section 3

Delete the title and insert:

"A bill for an act relating to courts; requiring Ramsey county to provide one centrally located site for holding court; amending Minnesota Statutes 1990, sections 488A.18, subdivision 10; and 488A.185."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2768, A bill for an act relating to education; transferring functions of the higher education coordinating board; changing the membership, terms, and functions of the higher education board; allowing the merger of certain technical colleges by agreement; requiring the merger of certain technical and community colleges similarly located; amending Minnesota Statutes 1991 Supplement, sections 15A.081, subdivision 7b; 136E.01; 136E.02; 179A.10, subdivision 2; Laws 1991, chapter 356, article 9, section 8, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1990, sections 136A.01; 136A.02; 136A.03; Minnesota Statutes 1991 Supplement, sections 135A.061; 135A.50; 136A.04; 136E.03; 136E.04; 136E.05; Laws 1991, chapter 356, article 9, section 8, subdivisions 3 to 9; and sections 9 to 16.

Reported the same back with the following amendments:

Pages 9 and 10, delete section 6

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 2773, A bill for an act relating to housing and redevelopment authorities; permitting use of general obligation bonds for housing projects; amending Minnesota Statutes 1990, section 469.034.

Reported the same back with the following amendments:

Page 2, line 6, after "housing" insert "development"

Page 2, line 10, before "issue" insert "principal amount of the"

Page 2, line 14, delete "120" and insert "15"

Page 2, line 15, delete "15" and insert "120"

Page 2, line 17, delete "lesser" and insert "greater"

Page 2, line 18, before "one" insert "one-half of"

Page 2, line 19, after "obligation" insert "which includes a tax on property"

Page 2, line 20, delete "\$5,000,000 for the authority" and insert "\$3,000,000"

Page 2, line 24, after the period insert "Obligations under this subdivision are excluded from net debt limits."

Page 2, line 26, after "housing" insert "development"

Page 2, line 31, after "housing" insert "development" in both places

Page 2, line 33, after "low" insert "or moderate"

Amend the title as follows:

Page 1, line 3, after "housing" insert "development"

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2785, A bill for an act relating to education; creating the Waseca higher education center; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 135A.

Reported the same back with the following amendments:

Page 1, delete lines 10 to 15

Page 2, delete lines 13 to 17

Page 2, line 21, delete "by the center's board"

Renumber the remaining subdivisions in sequence

Correct internal references

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

The report was adopted.

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

H. F. No. 2792, A bill for an act relating to retirement; providing level benefits for members of the Minneapolis fire department relief association.

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

The report was adopted.

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

H. F. No. 2800, A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; creating a health care access account; imposing taxes; appropriating money; amending

Minnesota Statutes 1990, sections 43A.316, by adding a subdivision; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62E.11, by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 62A; 62E; 62J; 136A; 137; 144; 144A; 256; 256B; 295; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 62A.02, subdivisions 4 and 5.

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

The report was adopted.

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

H. F. No. 2801, A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 43A.316, by adding a subdivision; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62E.11, by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 62A; 62E; 62J; 136A; 137; 144; 144A; 256; 256B; 295; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 62A.02, subdivisions 4 and 5.

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

The report was adopted.



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

H. F. No. 2802, A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 43A.316, by adding a subdivision; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62E.11, by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 62A; 62E; 62J; 136A; 137; 144; 144A; 256; 256B; 295; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 62A.02, subdivisions 4 and 5.

Reported the same back with the following amendments:

Page 60, line 31, after "policies" insert "including policies that supplement Medicare issued by health maintenance organizations or those policies governed by section 1833 or 1876 of the federal Social Security Act, United States Code, title 42, section 1395, et seq.,"

Page 60, lines 32 to 35, delete the new language

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

The report was adopted.

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

H. F. No. 2813, A bill for an act relating to occupations and professions; board of accountancy; establishing procedures for the board to carry out disciplinary proceedings; providing penalties; amending Minnesota Statutes 1990, section 326.211, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1990, sections 326.23; and 326.231.

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

The report was adopted.

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

H. F. No. 2823, A bill for an act relating to the environment; providing that diesel-powered motor vehicles that are exempt from testing may verify the exemption at the place of registration rather than at a testing station; amending Minnesota Statutes 1990, section 116.61, subdivision 1.

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

The report was adopted.

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

H. F. No. 2842, A bill for an act relating to state trails; establishing a Southeast Blufflands Trail System in southeastern Minnesota; amending Minnesota Statutes 1990, section 85.015, by adding a subdivision.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2876, A bill for an act relating to trade regulations; providing for the calculation of late payment charges by cable and subscription television companies; proposing coding for new law in Minnesota Statutes, chapter 238.

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

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 355, 802, 1453, 1738, 1751, 1865, 1960, 1978, 2034, 2081, 2082, 2113, 2132, 2159, 2170, 2211, 2226, 2242, 2250, 2254, 2257, 2261, 2273, 2285, 2302, 2309, 2319, 2334, 2341, 2345, 2352, 2369, 2415, 2435, 2437, 2483, 2505, 2508, 2520, 2530, 2565, 2577, 2578, 2586, 2592, 2593, 2594, 2601, 2621, 2640, 2643, 2657, 2669, 2704, 2711, 2744, 2749, 2757, 2792, 2813, 2823, 2842 and 2876 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Winter introduced:

H. F. No. 2921, A bill for an act relating to taxation; income; imposing a tax for individuals, estates, and trusts computed as a percentage of federal income tax liability; proposing coding for new law as Minnesota Statutes, chapter 289B; repealing Minnesota Statutes 1990, sections 290.01, subdivisions 19b, 19f, 19g, and 20e; 290.032; 290.067, as amended; 290.0802, as amended; 290.081; and 290.091, as amended; Minnesota Statutes 1991 Supplement, sections 290.01, subdivisions 19a; 290.06, subdivisions 2c and 2d; and 290.0671.

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

Krambeer introduced:

H. F. No. 2922, A resolution memorializing Congress to refrain from imposing upon the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries, and specifically, to refrain from mandating the passage of state laws requiring the use of motorcycle helmets, safety belts, and child restraint systems.

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

Bettermann, Pellow, Erhardt, Frederick and Waltman introduced:

H. F. No. 2923, A bill for an act relating to workers' compensation;

regulating benefits, providers, dispute resolution, and insurance; appropriating money; imposing penalties; amending Minnesota Statutes 1990, sections 15A.083, subdivision 7; 79.095; 79.251, by adding subdivisions; 79.252, subdivisions 1 and 3; 79.55, subdivision 2; 79.56, by adding a subdivision; 79.58, subdivision 2; 79.61, subdivision 1; 175.007; 176.011, subdivisions 3, 11a, 18, 27, and by adding a subdivision; 176.021, subdivision 3; 176.041, subdivision 1a; 176.061, subdivision 10, and by adding a subdivision; 176.081, subdivisions 1, 2, and 3; 176.101, subdivisions 1, 2, 4, 5, 6, 8, and by adding subdivisions; 176.102, subdivisions 1, 2, 4, 6, 9, and 11; 176.103, subdivisions 2, 3, and by adding a subdivision; 176.105, subdivisions 1 and 4; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 18, 20, and 21; 176.135, subdivisions 1, 5, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.179; 176.181, subdivision 3, and by adding a subdivision; 176.183; 176.215, by adding a subdivision; 176.221, subdivision 6a; 176.261; 176.305, subdivision 1; 176.351, subdivision 2a; 176.421, subdivision 7; 176.442; 176.461; 176.645, subdivisions 1 and 2; 176.66, subdivision 11; 176.82; 176.83, subdivision 5, and by adding a subdivision; 176A.03, by adding a subdivision; 221.141, subdivision 1; 268.08, subdivision 3; 353.33, subdivision 5; 480A.06, subdivisions 3 and 4; 609.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 79; and 176; repealing Minnesota Statutes 1990, sections 79.54; 79.57; 79.58, subdivision 1; 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; 175A.10; 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; 176.106; 176.111, subdivision 8a; 176.131; 176.132; 176.135, subdivision 3; and 176.136, subdivision 5.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jefferson and Reding introduced:

H. F. No. 2924, A bill for an act relating to licensure board powers; amending the examination procedure for licensing optometrists; amending Minnesota Statutes 1990, section 148.57, subdivision 1.

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

Dawkins introduced:

H. F. No. 2925, A bill for an act relating to local government; prohibiting publication of pictures of officials in county and city publications; amending Minnesota Statutes 1990, section 471.68, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Greenfield introduced:

H. F. No. 2926, A bill for an act relating to human services; providing for continuous eligibility for work readiness under certain conditions; extending eligibility duration; establishing a grant diversion program; changing penalties; amending Minnesota Statutes 1990, section 256D.101, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 256D.051, subdivisions 1 and 1a; and 256D.052, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 256D; repealing Minnesota Statutes 1990, section 256D.09, subdivision 3.

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

Greenfield introduced:

H. F. No. 2927, A bill for an act relating to human services; requiring the commissioner to contract with a prepaid dental plan company to provide dental services to recipients of medical assistance, general assistance medical care, and the children's health plan; amending Minnesota Statutes 1990, section 256B.0625, subdivision 9.

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

Greenfield introduced:

H. F. No. 2928, A bill for an act relating to human services; clarifying and expanding restrictions on giving away assets or income to gain eligibility for medical assistance; requiring an institutionalized spouse on medical assistance to use available income and assets for health care and personal needs; permitting medical assistance liens against real property; prohibiting trust clauses that make trust assets unavailable to a beneficiary if the beneficiary becomes eligible for medical assistance; amending Minnesota Statutes 1990, sections 256B.059, subdivision 5; 256B.0595, subdivision 1; 256B.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 501B.

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

Waltman; Olson, K.; Bettermann and Haukoos introduced:

H. F. No. 2929, A bill for an act relating to education; prohibiting new state mandates for schools without a funding source; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Kahn, Munger, Battaglia, Lasley and Pauly introduced:

H. F. No. 2930, A bill for an act relating to forestry and the environment; providing for the Minnesota releaf program; creating a steering committee and regional committees; assessing a fee on the carbon content of certain fuels; providing for offsets from fees; providing penalties; appropriating money; amending Minnesota Statutes 1991 Supplement, section 88.82; proposing coding for new law in Minnesota Statutes, chapters 88 and 116.

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

Trimble introduced:

H. F. No. 2931, A bill for an act relating to employment; requiring compensation for employees for being on-call; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Boo, Munger and Jaros introduced:

H. F. No. 2932, A bill for an act relating to capital improvements; authorizing bonds and appropriating money for capital planning for the University of Minnesota-Duluth campus library addition.

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

Tunheim introduced:

H. F. No. 2933, A bill for an act relating to education; changing computations for purposes of sparsity and supplemental revenue; amending Minnesota Statutes 1991 Supplement, section 124A.22, subdivisions 5 and 8.

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

Tunheim introduced:

H. F. No. 2934, A bill for an act relating to education; changing the computation for revenue reduction in certain cases; amending Minnesota Statutes 1991 Supplement, section 124A.26, subdivision 1.

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

Erhardt and Krambeer introduced:

H. F. No. 2935, A bill for an act relating to taxation; property; providing for classification of homesteads owned by persons at least 65 years of age; prohibiting an increase in estimated market value for homesteads owned by persons at least 65 years of age; amending Minnesota Statutes 1990, section 273.11, subdivision 5, and by adding a subdivision; Minnesota Statutes 1991 Supplement, section 273.11, subdivision 1; and 273.13, subdivision 22.

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

Kahn and Stanius introduced:

H. F. No. 2936, A bill for an act relating to agriculture; restricting ecologically harmful exotic terrestrial plants; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 18.

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

Hartle, McEachern, Weaver, Leppik and Bauerly introduced:

H. F. No. 2937, A bill for an act relating to education; authorizing the state board of education to appoint the commissioner of education; amending Minnesota Statutes 1990, section 121.16, subdivision 1.

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

Smith introduced:

H. F. No. 2938, A bill for an act relating to waters; requiring identification and inspection of watercraft operated in zebra mussel infested waters; authorizing fines for violations; proposing coding for new law in Minnesota Statutes, chapter 86B.

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

Janezich and Sarna introduced:

H. F. No. 2939, A bill for an act relating to cemeteries; providing for additional care fund charges in the sale of certain cemetery lots; amending Minnesota Statutes 1990, section 306.15.

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

Rest and Janezich introduced:

H. F. No. 2940, A bill for an act relating to taxation; income and franchise; updating references to the Internal Revenue Code; providing for payment of corporate estimated tax; amending Minnesota Statutes 1990, section 289A.26, subdivision 7; Minnesota Statutes 1991 Supplement, section 290.01, subdivision 19.

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

Pugh, by request, and Pelowski, by request, introduced:

H. F. No. 2941, A bill for an act relating to economic development; authorizing excursion boat gambling; establishing an excursion boat gambling board; imposing penalties; appropriating money; amending Minnesota Statutes 1990, section 299L.02, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 349C.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Pelowski, Reding, Kelso, Ozment and O'Connor introduced:

H. F. No. 2942, A bill for an act relating to the one call excavation notice system; authorizing land surveyors to receive location information related to underground facilities; amending Minnesota Stat-



utes 1990, section 216D.01, subdivision 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216D.

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

Clark, Begich, Rodosovich and Greenfield introduced:

H. F. No. 2943, A bill for an act relating to occupational safety and health; changing certain workplace accident and injury program requirements; modifying an exemption from sales taxation; amending Minnesota Statutes 1990, sections 182.653, subdivision 8; and 297A.25, subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Tompkins, Hufnagle, Newinski, Rodosovich and Ogren introduced:

H. F. No. 2944, A resolution memorializing the television networks to actively reduce the amount of violence-laden, sexually explicit material on television programs and to produce television material that promotes wholesome family values and helps to strengthen the family.

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

Smith introduced:

H. F. No. 2945, A bill for an act relating to waters; control and eradication of Eurasian water milfoil; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Kalis, Hugoson and Bertram introduced:

H. F. No. 2946, A bill for an act relating to agriculture; changing requirements for the payment of certain pesticide registration and agricultural chemical response and reimbursement fees; amending Minnesota Statutes 1990, section 18B.26, subdivision 3; Minnesota Statutes 1991 Supplement, section 18E.03, subdivision 5.

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

Sviggum introduced:

H. F. No. 2947, A bill for an act relating to capital improvements; changing recipient and use of previous appropriation; amending Laws 1988, chapter 703, article 2, section 2, subdivision 2.

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

McGuire, Valento, Pellow and Mariani introduced:

H. F. No. 2948, A bill for an act relating to Ramsey county; adding routes to the trunk highway system; providing for the transfer of jurisdiction over highways between the commissioner of transportation and Ramsey county, and between Ramsey county and municipalities in Ramsey county; providing for transfers of funds; requiring a surface water management study; amending Minnesota Statutes 1990, section 383A.16, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1990, sections 161.122; and 383A.16, subdivision 5.

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

Seaberg, Morrison, Mariani, Kelso and Tompkins introduced:

H. F. No. 2949, A bill for an act proposing an amendment to the Minnesota Constitution, article XIV; dedicating and allocating motor vehicle excise tax proceeds to highway and transit purposes; creating Minnesota mobility trust fund and surface transportation fund; increasing gasoline tax; making technical changes; amending Minnesota Statutes 1990, sections 174.32; and 296.02, subdivision 1b; Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 174; and 297B; repealing Minnesota Statutes 1991 Supplement, sections 161.041; and 297B.09.

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

Dawkins introduced:

H. F. No. 2950, A bill for an act relating to commerce; regulating the real estate, education, research, and recovery fund; amending

Minnesota Statutes 1990, section 82.34, subdivisions 3, 4, 7, 9, 11, 13, and 14; repealing Minnesota Statutes 1990, section 82.34, subdivision 20.

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

Marsh, Gruenes, Omann, Bauerly and Bertram introduced:

H. F. No. 2951, A bill for an act relating to capital improvements; authorizing bonds and appropriating money for land acquisition and structure demolition at St. Cloud state university.

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

Marsh, Gruenes, Omann, Bauerly and Bertram introduced:

H. F. No. 2952, A bill for an act relating to state lands; authorizing a conveyance to the city of St. Cloud of certain land owned by the state as a part of St. Cloud State University.

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

Rodosovich, Cooper, Jaros and Sviggum introduced:

H. F. No. 2953, A bill for an act relating to human services; establishing a comprehensive medical rehabilitation services program; proposing coding for new law as Minnesota Statutes, chapter 256J.

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

Lasley introduced:

H. F. No. 2954, A bill for an act relating to traffic regulations; requiring safety devices on motor vehicles to detect objects immediately behind the vehicle; authorizing rulemaking; amending Minnesota Statutes 1990, section 169.70.

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

Dauner; Nelson, S.; Steensma; Bodahl and Tunheim introduced:

H. F. No. 2955, A bill for an act relating to state government; reorganizing, consolidating, and restructuring state agencies and departments; creating the department of environmental protection and conservation, the board of environmental review, and the office of assistance and public advocacy; transferring all powers and duties of the pollution control agency, the department of natural resources, the environmental quality board, the board of water and soil resources, the office of waste management, the harmful substances compensation board, the petroleum tank release compensation board, and the agricultural chemical response compensation board; transferring certain powers and duties of the departments of agriculture, health, public safety, trade and economic development, and transportation; authorizing rulemaking; amending Minnesota Statutes 1991 Supplement, section 15A.081, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 100A; and 100B.

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

Krinkie, Davids and Pellow introduced:

H. F. No. 2956, A bill for an act relating to social and charitable organizations; prohibiting solicitors by organizations whose officer's or director's annual compensation exceeds the governor's; amending Minnesota Statutes 1990, section 309.52, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 309.

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

Tunheim introduced:

H. F. No. 2957, A bill for an act relating to education; expanding the possibilities for qualifying as combining districts; amending Minnesota Statutes 1990, section 122.241, subdivision 3.

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

Sparby introduced:

H. F. No. 2958, A bill for an act relating to the environment; modifying requirements relating to the use of refuse derived fuel; amending Minnesota Statutes 1991 Supplement, section 116.90.

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

Ozment introduced:

H. F. No. 2959, A bill for an act relating to the environment; clarifying the circumstances under which the commissioner of agriculture may order a corrective action; amending Minnesota Statutes 1990, section 18D.105, subdivision 1.

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

Ogren and Swenson introduced:

H. F. No. 2960, A bill for an act relating to taxation; providing sales tax exemptions for certain sales of horses and charges for breeding horses; amending Minnesota Statutes 1990, section 297A.25, by adding a subdivision; and Minnesota Statutes 1991 Supplement, section 297A.01, subdivision 3.

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

Bauerly, Bertram and McEachern introduced:

H. F. No. 2961, A bill for an act relating to capital improvements; authorizing bonds and appropriating money for capital planning for the St. Cloud state university library.

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

Cooper introduced:

H. F. No. 2962, A bill for an act relating to health; allowing nursing homes to establish review organizations; including quality assurance under medical assistance and Medicare as an activity of a review organization; allowing nursing homes to limit access to certain physicians and pharmacists on the basis of quality assurance activities; amending Minnesota Statutes 1991 Supplement, sections 145.61, subdivisions 4a and 5; and 256B.48, subdivision 1.

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

Runbeck introduced:

H. F. No. 2963, A bill for an act relating to family law; child custody; creating a study commission to study and recommend changes in child custody laws, rules, practice, and procedures.

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

Farrell; Hanson; Johnson, R.; Erhardt and Peterson introduced:

H. F. No. 2964, A bill for an act relating to human rights; declaring a state policy of zero tolerance of violence; encouraging state agencies to act to implement the policy; proposing coding for new law in Minnesota Statutes, chapters 1 and 15.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 1652, A resolution memorializing the Postmaster General to issue a postal stamp in commemoration of Wanda Gag, American Author and Illustrator.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam 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. 2002, A bill for an act relating to community service; directing the Minnesota office on volunteer services to prepare a federal grant proposal.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Orenstein moved that the House concur in the Senate amendments to H. F. No. 2002 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2002, A bill for an act relating to community service; directing the Minnesota office on volunteer services to prepare a federal grant proposal.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Kinkel	Olson, E.	Smith
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, R. H.	Girard	Koppendrayner	Omann	Sparby
Battaglia	Goodno	Krambeer	Onnen	Stanius
Bauerly	Greenfield	Krinkie	Orenstein	Steensma
Beard	Gruenes	Krueger	Orfield	Sviggum
Begich	Gutknecht	Lasley	Osthoff	Swenson
Bertram	Hanson	Leppik	Ostrom	Thompson
Bettermann	Hartle	Lieder	Ozment	Tompkins
Bishop	Hasskamp	Limmer	Pauly	Trimble
Blatz	Haukoos	Lourey	Pellow	Tunheim
Bodahl	Hausman	Lynch	Pelowski	Uphus
Boo	Heir	Macklin	Peterson	Valento
Brown	Henry	Mariani	Pugh	Vanasek
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Schreiber	Winter
Dorn	Johnson, V.	Nelson, S.	Seaberg	Spk. Long
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Simoneau	

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

Madam Speaker:

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

S. F. Nos. 2210, 1633, 1669, 1689 and 1854.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 2210, A bill for an act relating to Ramsey county; providing for the certification of eligibles for county positions; amending Minnesota Statutes 1990, section 383A.291, by adding a subdivision.

The bill was read for the first time.

Orenstein moved that S. F. No. 2210 and H. F. No. 2319, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1633, A bill for an act relating to the city of Bloomington; providing for the membership of the port authority; amending Minnesota Statutes 1990, section 469.071, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

S. F. No. 1669, A bill for an act relating to watercraft; allowing towing of persons with personal watercraft equipped with rearview mirrors; amending Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1.

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

S. F. No. 1689, A bill for an act relating to insurance; property and casualty; regulating certain terminations and modifications or changes to certain agent agreements; modifying the definition of loss ratio experience; modifying membership in the board of review; amending Minnesota Statutes 1990, sections 60A.172; and 60A.177, subdivision 3.

The bill was read for the first time.

Winter moved that S. F. No. 1689 and H. F. No. 1901, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1854, A bill for an act relating to appropriations; clarifying the purposes for which a certain appropriation may be spent at Worthington community college.



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

### CONSENT CALENDAR

H. F. No. 1416, A bill for an act relating to commerce; modifying the regulation of interest rate advertising; amending Minnesota Statutes 1990, section 45.025, subdivisions 1 and 2; repealing Minnesota Statutes 1990, section 45.025, subdivision 7.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olsen, S.	Smith
Anderson, I.	Frerichs	Kinkel	Olsen, E.	Solberg
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Sparby
Anderson, R. H.	Girard	Koppendrayner	Omann	Stanius
Battaglia	Goodno	Krambeer	Onnen	Steensma
Bauerly	Greenfield	Krinkie	Orenstein	Sviggum
Beard	Gruenes	Krueger	Orfield	Swenson
Begich	Gutknecht	Lasley	Osthoff	Thompson
Bertram	Hanson	Leppik	Ostrom	Tompkins
Bettermann	Hartle	Lieder	Ozment	Trimble
Bishop	Hasskamp	Limmer	Pauly	Tunheim
Blatz	Haukoos	Lourey	Pellow	Uphus
Bodahl	Hausman	Lynch	Pelowski	Valento
Boo	Heir	Macklin	Peterson	Vanasek
Brown	Henry	Mariani	Pugh	Vellenga
Carlson	Hufnagle	Marsh	Reding	Wagenius
Carruthers	Hugoson	McEachern	Rest	Waltman
Clark	Jacobs	McGuire	Rice	Weaver
Cooper	Janezich	McPherson	Rodosovich	Wejcman
Dauner	Jaros	Milbert	Rukavina	Welker
Dauids	Jefferson	Morrison	Runbeck	Welle
Dawkins	Jennings	Munger	Sarna	Wenzel
Dempsey	Johnson, A.	Murphy	Schafer	Winter
Dille	Johnson, R.	Nelson, K.	Schreiber	Spk. Long
Dorn	Johnson, V.	Nelson, S.	Seaberg	
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 1744, A bill for an act relating to retirement; public employees retirement association; providing entitlement for optional annuities to certain surviving spouses of certain deceased disabilitants; mandating a study of coordinated program survivorship benefit gaps.

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

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

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Olsen, S.	Simoneau
Anderson, I.	Garcia	Kinkel	Olson, E.	Skoglund
Anderson, R.	Girard	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Goodno	Koppendrayner	Omann	Solberg
Battaglia	Greenfield	Krambeer	Onnen	Sparby
Beard	Gruenes	Krinkie	Orenstein	Stanius
Begich	Gutknecht	Lasley	Orfield	Steensma
Bettermann	Hanson	Leppik	Osthoff	Svigum
Bishop	Hartle	Lieder	Ostrom	Swenson
Blatz	Hasskamp	Limmer	Ozment	Thompson
Bodahl	Haukoos	Lourey	Pauly	Tompkins
Boo	Hausman	Lynch	Pellow	Trimble
Brown	Heir	Macklin	Pelowski	Tunheim
Carlson	Henry	Mariani	Peterson	Uphus
Carruthers	Hufnagle	Marsh	Pugh	Valento
Clark	Hugoson	McEachern	Reding	Vanasek
Cooper	Jacobs	McGuire	Rest	Vellenga
Dauner	Janezich	McPherson	Rice	Wagenius
Davids	Jaros	Milbert	Rodosovich	Waltman
Dawkins	Jefferson	Morrison	Rukavina	Weaver
Dempsey	Jennings	Munger	Runbeck	Wejcman
Dille	Johnson, A.	Murphy	Sarna	Welker
Dorn	Johnson, R.	Nelson, K.	Schafer	Welle
Erhardt	Johnson, V.	Nelson, S.	Schreiber	Wenzel
Farrell	Kahn	Newinski	Seaberg	Winter
Frederick	Kalis	O'Connor	Segal	Spk. Long

The bill was passed and its title agreed to.

H. F. No. 1761, A bill for an act relating to alcoholic beverages; municipal liquor stores; specifying the conditions under which a municipality is required to hold a public hearing on the question of continued operation of a municipal liquor store; amending Minnesota Statutes 1990, section 340A.602.

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

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

Those who voted in the affirmative were:

Abrams	Bauerly	Blatz	Carruthers	Dawkins
Anderson, I.	Begich	Bodahl	Clark	Dempsey
Anderson, R.	Bertram	Boo	Cooper	Dille
Anderson, R. H.	Bettermann	Brown	Dauner	Dorn
Battaglia	Bishop	Carlson	Davids	Erhardt

Farrell	Jefferson	Mariani	Ozment	Stanius
Frederick	Jennings	Marsh	Pauly	Steensma
Frerichs	Johnson, A.	McEachern	Pellow	Sviggum
Garcia	Johnson, R.	McGuire	Pelowski	Swenson
Girard	Johnson, V.	McPherson	Peterson	Thompson
Goodno	Kahn	Milbert	Pugh	Tompkins
Greenfield	Kalis	Morrison	Reding	Trimble
Gruenes	Kelso	Murphy	Rest	Tunheim
Gutknecht	Kinkel	Nelson, K.	Rodosovich	Uphus
Hanson	Knickerbocker	Nelson, S.	Rukavina	Valento
Hartle	Koppendrayner	Newinski	Runbeck	Vanasek
Hasskamp	Krambeer	O'Connor	Sarna	Vellenga
Haukoos	Krinkie	Olsen, S.	Schafer	Wagenius
Hausman	Krueger	Olson, E.	Schreiber	Waltman
Heir	Lasley	Olson, K.	Seaberg	Weaver
Henry	Leppik	Omann	Segal	Wejcmann
Hufnagle	Lieder	Onnen	Simoneau	Welker
Hugoson	Limmer	Orenstein	Skoglund	Welle
Jacobs	Lourey	Orfield	Smith	Wenzel
Janezich	Lynch	Osthoff	Solberg	Winter
Jaros	Macklin	Ostrom	Sparby	Spk. Long

The bill was passed and its title agreed to.

H. F. No. 1818, A bill for an act relating to local government; authorizing mail balloting for certain municipalities; amending Minnesota Statutes 1990, sections 204B.45, subdivisions 1 and 2; and 365.51, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dille	Jaros	Marsh	Pellow
Anderson, I.	Dorn	Jefferson	McEachern	Pelowski
Anderson, R.	Erhardt	Jennings	McGuire	Peterson
Anderson, R. H.	Farrell	Johnson, A.	McPherson	Pugh
Battaglia	Frederick	Johnson, R.	Milbert	Reding
Bauerly	Frerichs	Johnson, V.	Morrison	Rest
Beard	Garcia	Kahn	Munger	Rice
Begich	Girard	Kalis	Murphy	Rodosovich
Bertram	Goodno	Kelso	Nelson, K.	Rukavina
Bettermann	Greenfield	Kinkel	Nelson, S.	Runbeck
Bishop	Gruenes	Knickerbocker	Newinski	Sarna
Blatz	Gutknecht	Koppendrayner	O'Connor	Schafer
Bodahl	Hanson	Krambeer	Olsen, S.	Schreiber
Boo	Hartle	Krinkie	Olson, E.	Seaberg
Brown	Hasskamp	Krueger	Olson, K.	Segal
Carlson	Haukoos	Lasley	Omann	Simoneau
Carruthers	Hausman	Leppik	Onnen	Skoglund
Clark	Heir	Lieder	Orenstein	Smith
Cooper	Henry	Limmer	Orfield	Solberg
Dauner	Hufnagle	Lourey	Osthoff	Sparby
Davids	Hugoson	Lynch	Ostrom	Stanius
Dawkins	Jacobs	Macklin	Ozment	Steensma
Dempsey	Janezich	Mariani	Pauly	Sviggum

Swenson	Tunheim	Vellenga	Wejcman	Winter
Thompson	Uphus	Wagenius	Welker	Spk. Long
Tompkins	Valento	Waltman	Welle	
Trimble	Vanasek	Weaver	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 1969 was reported to the House.

Blatz moved that H. F. No. 1969 be placed at the beginning of General Orders. The motion prevailed.

H. F. No. 2377, A bill for an act relating to education; allowing a temporary school board structure for districts operating a cooperative secondary facility; amending Minnesota Statutes 1990, section 124.494, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 122.23, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olson, E.	Smith
Anderson, I.	Frerichs	Kinkel	Olson, K.	Solberg
Anderson, R.	Garcia	Knickerbocker	Omann	Sparby
Anderson, R. H.	Girard	Koppendrayser	Onnen	Stanius
Battaglia	Goodno	Krambeer	Orenstein	Steensma
Bauerly	Greenfield	Krinkie	Orfield	Sviggum
Beard	Gruenes	Krueger	Osthoff	Swenson
Begich	Gutknecht	Lasley	Ostrom	Thompson
Bertram	Hanson	Leppik	Ozment	Tompkins
Bettermann	Hartle	Lieder	Pauly	Trimble
Bishop	Hasskamp	Limmer	Pellow	Tunheim
Blatz	Haukoos	Lourey	Pelowski	Uphus
Bodahl	Hausman	Lynch	Peterson	Valento
Boo	Heir	Macklin	Pugh	Vanasek
Brown	Henry	Mariani	Reding	Vellenga
Carlson	Hufnagle	Marsh	Rest	Wagenius
Carruthers	Hugoson	McEachern	Rice	Waltman
Clark	Jacobs	McGuire	Rodosovich	Weaver
Cooper	Janezich	Milbert	Rukavina	Wejcman
Dauner	Jaros	Morrison	Runbeck	Welker
Davids	Jefferson	Munger	Sarna	Welle
Dawkins	Jennings	Murphy	Schafer	Wenzel
Dempsey	Johnson, A.	Nelson, K.	Schreiber	Winter
Dille	Johnson, R.	Nelson, S.	Seaberg	Spk. Long
Dorn	Johnson, V.	Newinski	Segal	
Erhardt	Kahn	O'Connor	Simoneau	
Farrell	Kalis	Olsen, S.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 2397, A bill for an act relating to pipelines; regulating liquefied natural gas facilities; amending Minnesota Statutes 1990, sections 299J.02, subdivisions 12, 13, and by adding subdivisions; 299J.04; 299J.07, subdivision 1; 299J.10; 299J.12, subdivisions 2 and 3; and 299J.15.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olsen, S.	Smith
Anderson, I.	Frerichs	Kinkel	Olson, E.	Solberg
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Sparby
Anderson, R. H.	Girard	Koppendrayer	Omann	Stanius
Battaglia	Goodno	Krambeer	Onnen	Steensma
Bauerly	Greenfield	Krinkie	Orenstein	Sviggunm
Beard	Gruenes	Krueger	Orfield	Swenson
Begich	Gutknecht	Lasley	Osthoff	Thompson
Bertram	Hanson	Leppik	Ostrom	Tompkins
Bettermann	Hartle	Lieder	Pauly	Trimble
Bishop	Hasskamp	Limmer	Pellow	Tunheim
Blatz	Haukoos	Lourey	Pelowski	Uphus
Bodahl	Hausman	Lynch	Peterson	Valento
Boo	Heir	Macklin	Pugh	Vanasek
Brown	Henry	Mariani	Reding	Vellenga
Carlson	Hufnagle	Marsh	Rest	Wagenius
Carruthers	Hugoson	McEachern	Rice	Waltman
Clark	Jacobs	McGuire	Rodosovich	Weaver
Cooper	Janezich	McPherson	Rukavina	Wejerman
Dauner	Jaros	Milbert	Runbeck	Welker
Davids	Jefferson	Morrison	Sarna	Welle
Dawkins	Jennings	Munger	Schafer	Wenzel
Dempsey	Johnson, A.	Murphy	Schreiber	Winter
Dille	Johnson, R.	Nelson, K.	Seaberg	Spk. Long
Dorn	Johnson, V.	Nelson, S.	Segal	
Erhardt	Kahn	Newinski	Simoneau	
Farrell	Kalis	O'Connor	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 2465, A bill for an act relating to veterans; clarifying procedures for searches of veterans' home residents' rooms or property; amending Minnesota Statutes 1990, sections 198.33, subdivision 1; and 365A.06, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kelso	Olsen, S.	Skoglund
Anderson, I.	Frerichs	Kinkel	Olson, E.	Smith
Anderson, R.	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, R. H.	Girard	Koppendraye	Omann	Sparby
Battaglia	Goodno	Krambeer	Onnen	Stanis
Bauerly	Greenfield	Krinkie	Orenstein	Steensma
Beard	Gruenes	Krueger	Orfield	Sviggum
Begich	Gutknecht	Lasley	Osthoff	Swenson
Bertram	Hanson	Leppik	Ostrom	Thompson
Bettermann	Hartle	Lieder	Ozment	Tompkins
Bishop	Hasskamp	Limmer	Pauly	Trimble
Blatz	Haukoos	Lourey	Pellow	Tunheim
Bodahl	Hausman	Lynch	Pelowski	Uphus
Boo	Heir	Macklin	Peterson	Valento
Brown	Henry	Mariani	Pugh	Vanasek
Carlson	Hufnagle	Marsh	Reding	Vellenga
Carruthers	Hugoson	McEachern	Rest	Wagenius
Clark	Jacobs	McGuire	Rice	Waltman
Cooper	Janezich	McPherson	Rodosovich	Weaver
Dauner	Jaros	Milbert	Rukavina	Wejcman
Davids	Jefferson	Morrison	Runbeck	Welker
Dawkins	Jennings	Munger	Sarna	Welle
Dempsey	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, K.	Schreiber	Winter
Dorn	Johnson, V.	Nelson, S.	Seaberg	Spk. Long
Erhardt	Kahn	Newinski	Segal	
Farrell	Kalis	O'Connor	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 2551, A bill for an act relating to corporations; regulating registrations of domestic corporations with the secretary of state; amending Minnesota Statutes 1990, section 302A.821, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson	Girard	Janezich	Krueger
Anderson, I.	Carruthers	Goodno	Jaros	Lasley
Anderson, R.	Clark	Greenfield	Jefferson	Leppik
Anderson, R. H.	Cooper	Gruenes	Jennings	Lieder
Battaglia	Dauner	Gutknecht	Johnson, A.	Limmer
Bauerly	Davids	Hanson	Johnson, R.	Lourey
Beard	Dawkins	Hartle	Johnson, V.	Lynch
Begich	Dempsey	Hasskamp	Kahn	Macklin
Bertram	Dille	Haukoos	Kalis	Mariani
Bettermann	Dorn	Hausman	Kelso	Marsh
Bishop	Erhardt	Heir	Kinkel	McEachern
Blatz	Farrell	Henry	Knickerbocker	McGuire
Bodahl	Frederick	Hufnagle	Koppendraye	McPherson
Boo	Frerichs	Hugoson	Krambeer	Milbert
Brown	Garcia	Jacobs	Krinkie	Morrison

Munger	Orfield	Rodosovich	Sparby	Vellenga
Murphy	Osthoff	Rukavina	Stanisus	Wagenius
Nelson, K.	Ostrom	Runbeck	Steensma	Waltman
Nelson, S.	Ozment	Sarna	Sviggun	Weaver
Newinski	Pauly	Schafer	Swenson	Wejman
O'Connor	Pellow	Schreiber	Thompson	Welker
Olsen, S.	Pelowski	Seaberg	Tompkins	Welle
Olson, E.	Peterson	Segal	Trimble	Wenzel
Olson, K.	Pugh	Simoneau	Tunheim	Winter
Omann	Reding	Skoglund	Uphus	Spk. Long
Onnen	Rest	Smith	Valento	
Orenstein	Rice	Solberg	Vanasek	

The bill was passed and its title agreed to.

H. F. No. 2572, A bill for an act relating to probate; altering the definition of successors; amending Minnesota Statutes 1990, sections 353A.02, subdivision 21; 524.1-201; 524.3-303; and 524.3-308.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kinkel	Olson, E.	Smith
Anderson, I.	Frerichs	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Garcia	Koppendrayner	Omann	Sparby
Anderson, R. H.	Girard	Krambeer	Onnen	Stanisus
Battaglia	Goodno	Krinkie	Orenstein	Steensma
Bauerly	Greenfield	Krueger	Orfield	Sviggun
Beard	Gruenes	Lasley	Osthoff	Swenson
Begich	Hanson	Leppik	Ostrom	Thompson
Bertram	Hartle	Lieder	Ozment	Tompkins
Bettermann	Hasskamp	Limmer	Pauly	Trimble
Bishop	Haukoos	Lourey	Pellow	Tunheim
Blatz	Hausman	Lynch	Pelowski	Uphus
Bodahl	Heir	Macklin	Peterson	Valento
Boo	Henry	Mariani	Pugh	Vanasek
Brown	Hufnagle	Marsh	Reding	Vellenga
Carlson	Hugoson	McEachern	Rest	Wagenius
Carruthers	Jacobs	McGuire	Rice	Waltman
Clark	Janezich	McPherson	Rodosovich	Weaver
Cooper	Jaros	Milbert	Rukavina	Wejman
Dauner	Jefferson	Morrison	Runbeck	Welker
Davids	Jennings	Munger	Sarna	Welle
Dawkins	Johnson, A.	Murphy	Schafer	Wenzel
Dempsey	Johnson, R.	Nelson, K.	Schreiber	Winter
Dille	Johnson, V.	Nelson, S.	Seaberg	Spk. Long
Dorn	Kahn	Newinski	Segal	
Erhardt	Kalis	O'Connor	Simoneau	
Farrell	Kelso	Olsen, S.	Skoglund	

Those who voted in the negative were:

Gutknecht

The bill was passed and its title agreed to.

## GENERAL ORDERS

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

## MOTIONS AND RESOLUTIONS

Anderson, I., moved that the name of Carruthers be added as chief author on H. F. No. 1531. The motion prevailed.

Runbeck moved that her name be stricken as an author on H. F. No. 1629. The motion prevailed.

Newinski moved that his name be stricken as an author on H. F. No. 1839. The motion prevailed.

Farrell moved that the name of Bauerly be added as an author on H. F. No. 2217. The motion prevailed.

Dawkins moved that the name of Trimble be added as an author on H. F. No. 2643. The motion prevailed.

Carruthers moved that the name of Bauerly be shown as chief author on H. F. No. 2645. The motion prevailed.

Pugh moved that the name of Bertram be added as an author on H. F. No. 2649. The motion prevailed.

Carruthers moved that the name of Bauerly be added as chief author on H. F. No. 2653. The motion prevailed.

Dawkins moved that the names of Lourey, Mariani, Milbert and Clark be added as authors on H. F. No. 2708. The motion prevailed.

Sviggum moved that the name of Peterson be added as an author on H. F. No. 2748. The motion prevailed.

Winter moved that the names of Anderson, R. H.; Kalis; Peterson and Nelson, S., be added as authors on H. F. No. 2785. The motion prevailed.

Sparby moved that the name of Bettermann be added as an author on H. F. No. 2855. The motion prevailed.



Trimble moved that H. F. No. 2586, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Trimble moved that H. F. No. 1453, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

McGuire moved that H. F. No. 2437, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Dawkins moved that H. F. No. 2643, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Reding moved that H. F. No. 2848 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Runbeck moved that H. F. No. 2864 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Gutknecht moved that S. F. No. 1716, now on General Orders, be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Svigum raised a point of order pursuant to section 125 of "Mason's Manual of Legislative Procedure" relating to personal disputes between members. The Speaker ruled the point of order not well taken.

The question recurred on the Gutknecht motion and the roll was called. There were 76 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abrams  
Anderson, R.

Anderson, R. H.  
Battaglia

Begich  
Bettermann

Blatz  
Bodahl

Boo  
Dauner

Davids	Henry	Lasley	Osthoff	Sviggum
Dempsey	Hufnagle	Leppik	Ostrom	Thompson
Dille	Hugoson	Limmer	Pauly	Tompkins
Erhardt	Jacobs	Lynch	Pellow	Tunheim
Frederick	Janezich	Macklin	Pelowski	Valento
Frerichs	Jaros	Marsh	Rest	Waltman
Garcia	Jennings	McPherson	Rice	Weaver
Girard	Johnson, R.	Morrison	Runbeck	Wenzel
Goodno	Johnson, V.	Murphy	Schafer	Winter
Gruenes	Kinkel	Nelson, S.	Seaberg	Spk. Long
Gutknecht	Koppendrayer	Newinski	Smith	
Hasskamp	Krambeer	Olsen, S.	Sparby	
Haukoos	Krinkie	Olson, K.	Stanius	
Heir	Krueger	Omann	Steensma	

Those who voted in the negative were:

Anderson, I.	Dawkins	Kelso	Olson, E.	Simoneau
Bauerly	Dorn	Lieder	Onnen	Skoglund
Beard	Farrell	Lourey	Orenstein	Solberg
Bertram	Greenfield	Mariani	Orfield	Trimble
Bishop	Hanson	McEachern	Peterson	Vanasek
Brown	Hausman	McGuire	Pugh	Vellenga
Carlson	Jefferson	Milbert	Rukavina	Wagenius
Carruthers	Johnson, A.	Munger	Sarna	Wejzman
Clark	Kahn	Nelson, K.	Schreiber	Welle
Cooper	Kalis	O'Connor	Segal	

The motion prevailed.

Segal moved that H. F. No. 2878 be recalled from the Committee on Economic Development and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 155:

Bishop, Kalis and Wagenius.

#### ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, March 18, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, March 18, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives