

## STATE OF MINNESOTA

## SEVENTY-SEVENTH SESSION—1992

## SEVENTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 18, 1992

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

Prayer was offered by the Reverend Molly M. Cox, Olivet Congregational United Church of Christ and the Minnesota Council of Churches, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Davids moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

S. F. No. 1689 and H. F. No. 1901, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Winter moved that the rules be so far suspended that S. F. No. 1689 be substituted for H. F. No. 1901 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2210 and H. F. No. 2319, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Orenstein moved that the rules be so far suspended that S. F. No. 2210 be substituted for H. F. No. 2319 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Dee Long  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1992 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1992</i>	<i>Date Filed 1992</i>
1623		365	8:47 a.m. March 12	March 12

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 699, A bill for an act relating to retirement; judges retirement fund; eliminating the offset for a portion of Social Security benefits; amending Minnesota Statutes 1990, sections 355.391, subdivision 1; and 490.123, subdivision 1; repealing Minnesota Statutes 1990, section 490.129.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [355.393] [SECOND SOCIAL SECURITY COVERAGE ELECTION.]

A member of the basic program of the judges retirement plan governed by sections 490.121 to 490.133 is entitled to elect social security coverage in a second social security referendum held for that purpose by the department of employee relations. The social security coverage is effective on the first of the month next following the referendum.

Sec. 2. Minnesota Statutes 1991 Supplement, section 490.123, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTION RATES.] (a) A judge who is covered by the federal old age, survivors, disability, and health insurance program shall contribute to the fund from each salary payment a sum equal to ~~four~~ 6.27 percent of salary.

(b) A judge not so covered shall contribute to the fund from each salary payment a sum equal to 8.15 percent of salary.

(c) The contribution under this subdivision is payable by salary deduction.

Sec. 3. [REPEALER.]

Minnesota Statutes 1990, section 490.129, is repealed.

## Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective on the first day of the first payroll period occurring after final enactment. Section 3 is effective on the day following final enactment and applies to judges who terminated active service on or after July 1, 1991.

Amend the title as follows:

Page 1, line 4, delete everything after "amending"

Page 1, delete line 5

Page 1, line 6, delete everything before the semicolon and insert "Minnesota Statutes 1991 Supplement, section 490.123, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 355"

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. 905, A bill for an act relating to game and fish; prohibiting designation of experimental waters in specified counties; amending Minnesota Statutes 1990, section 97C.001, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete "[EXCEPTIONS.]" and insert "[SOUTHEASTERN STREAMS.] (a)"

Page 1, line 11, delete "not"

Page 1, after line 12, insert:

"(b) All legal methods of taking fish are allowed in the streams referred to in paragraph (a), except that barbed hooks are prohibited.

Sec. 2. Minnesota Statutes 1990, section 97C.001, is amended by adding a subdivision to read:

Subd. 1b. [PUBLIC INPUT.] Before any additional trout waters of the state are considered for experimental regulation, the commissioner shall formulate written procedures that ensure the opportunity for public input and consideration into the decision making process.

Amend the title as follows:

Page 1, line 2, delete "prohibiting" and insert "providing for"

Page 1, line 3, after the semicolon, insert "requiring the commissioner of natural resources to establish procedures for public input;"

Page 1, line 4, delete "a" and insert "subdivisions."

Page 1, delete line 5

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. 1133, A bill for an act relating to public employment; requiring the commissioner of the bureau of mediation services to adopt a uniform baseline determination document and a uniform collective bargaining agreement settlement document and rules relating to the use of these documents; amending Minnesota Statutes 1990, section 179A.04, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner; and

(m) adopt, subject to chapter 14, uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships, and adopt orders specifying procedures and instructions for completion of these documents. These documents shall be used by public employers defined in section 124A.22, subdivision 2a, for negotiating collective bargaining agree-

ments effective after June 30, 1993, and by all other public employers other than townships for negotiating collective bargaining agreements effective after December 31, 1993. A completed uniform collective bargaining agreement settlement document shall be presented to the public employer at the time it ratifies a collective bargaining agreement and shall thereafter be available for public inspection during normal business hours at the principal administrative offices of the public employer; and

(n) from the names provided by representative organizations, maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list shall meet at least one of the following requirements:

- (1) be a former or retired judge;
- (2) be a qualified arbitrator on the list maintained by either the bureau of mediation services or the public employment relations board according to section 179A.05, subdivision 6;
- (3) be a present, former, or retired administrative law judge; or
- (4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list."

Amend the title as follows:

Page 1, line 6, delete "rules" and insert "orders" and delete "use" and insert "completion"

Page 1, line 7, delete "1990" and insert "1991 Supplement"

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. 1817, A bill for an act relating to commerce; restraint of

trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

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. 1868, A bill for an act relating to public employment; providing an early retirement incentive for certain public employees; amending Minnesota Statutes 1990, section 275.125, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 275.50, subdivision 5.

Reported the same back with the following amendments:

Page 2, line 2, after “(2)” insert “(i)”

Page 2, line 4, delete the comma and insert a semicolon and after “or” insert “(ii) has”

Page 2, line 7, after the semicolon, insert “or (iii) has at least 25 years of service credit in the public pension plan that the person is a member of on the day before retirement;”

Page 2, after line 12, insert:

“During the biennium ending June 30, 1993, an executive branch state agency may not hire a replacement for a person who retires under this subdivision, except under conditions specified by the commissioners of finance and employee relations.”

Page 2, line 14, delete “school”

Page 2, line 15, delete “district,” and insert “joint vocational technical district formed under Minnesota Statutes, sections 136C.60 to 136C.69,” and after “state” insert “may, and the governing body of a school district”

Page 2, line 23, after “retirement” insert “; or in the case of a teacher has a total of at least 25 years of service credit in the teachers retirement association, a first-class city teacher retirement fund, or any combination of these groups”



Page 2, line 30, after the period insert "An employer that pays for insurance under this subdivision may not exclude any eligible employees."

Page 2, lines 33 and 35, before "incentive" insert "health insurance"

Page 3, line 2, after the period insert "If the early retirement incentive in the collective bargaining agreement or personnel plan includes both health insurance and other incentives, the employee may receive the incentives, other than health insurance, provided under the agreement or plan and the incentive provided under this section."

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

The report was adopted.

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

H. F. No. 1977, A bill for an act relating to water; requiring criteria for water deficiency declarations; prohibiting the use of groundwater for lake level maintenance; requiring review of water appropriation permits; requiring contingency planning for water shortages; changing water appropriation permit requirements; requiring changes to the metropolitan area water supply plan; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1990, sections 103G.101, subdivision 1; 103G.261; 103G.271, by adding subdivisions; 103G.281, subdivisions 2 and 3; 103G.285, subdivision 1; 115.03, subdivision 1; 473.175, subdivision 1; 473.851; 473.858, by adding a subdivision; and 473.859, subdivisions 3, 4, and by adding a subdivision; Minnesota Statutes 1991 Supplement, section 473.156, subdivision 1; repealing Minnesota Statutes 1990, section 103G.285, subdivision 6.

Reported the same back with the following amendments:

Page 2, lines 6 and 7, reinstate the stricken language and delete the new language

Page 2, line 15, reinstate the stricken language and delete the new language

Page 3, delete lines 9 to 25, and insert:

"Subd. 8. [PERMIT REVIEW.] The commissioner shall:

(1) adopt procedures for review, by January 1, 1998, of each metropolitan area municipal permit existing on August 1, 1992, after which the permit may be modified by the commissioner to conform with sections 103G.255 to 103G.297;

(2) establish a schedule that provides for review of all permits at least once every ten years, including review of contingency plans required under subdivision 9;

(3) adopt procedures for submission to and review by the metropolitan council of municipal public water supply permits and applications in the metropolitan area for conformance with local water supply plans adopted under section 473.859, subdivision 3, clause (4);

(4) develop and implement a plan for establishing water conservation measures applicable to all permits; and

(5) adopt procedures for review of proposed new or rehabilitated metropolitan area municipal wells before approval by the commissioner of health under section 144.383, paragraph (a)."

Page 3, line 28, after "PLANNING" insert "; METROPOLITAN AREA"

Page 3, line 29, before "permits" insert "municipal" and before "must" insert "in the metropolitan area as defined in section 473.121, subdivision 2,"

Pages 3 and 4, delete section 6

Page 4, line 15, before "The" insert "For municipal permittees,"

Page 4, line 17, after "commercial," insert "irrigation,"

Page 4, after line 25, insert:

"Sec. 7. Minnesota Statutes 1990, section 103G.281, is amended by adding a subdivision to read:

Subd. 4. [FLOW METERS.] A municipal public water supply permittee in the metropolitan area must ensure that flow meters are installed by January 1, 1995, to measure the quantity of water used by each customer."

Page 8, line 25, after "potential" insert "reuses of the discharged water, including reuse as potable water;" and delete "potable and"

Page 8, delete line 26

Page 10, line 23, delete "continually" and insert "routinely"

Page 10, line 28, delete "and evaluate alternative water supplies inside"

Page 10, line 29, delete "outside the metropolitan area,"

Page 10, line 30, before the semicolon insert ". The council must coordinate its evaluation under this clause with potentially affected local officials and local interests"

Page 12, line 13, before "plans" insert "water supply"

Page 12, line 15, before "plans" insert "water supply"

Page 12, line 17, before "plans" insert "water supply"

Page 13, delete lines 18 to 27 and insert:

"(iii) a conservation program that contains the goals of the program, demand and supply conservation techniques to be used, a program for meter installation and reading if neither exists, an evaluation of pricing methods that could be used to reduce demand, the conditions under which conservation actions would occur, a process for reducing nonessential uses according to the priority system under section 103G.261, and the education program that will be used to inform the public of the need to conserve and the methods available to achieve conservation;

(iv) an emergency preparedness or contingency plan, as described in section 103G.271, subdivision 9;"

Page 13, line 28, delete "(iv)" and insert "(v)"

Page 13, line 33, delete "(v)" and insert "(vi)"

Page 14, line 1, delete "(vi)" and insert "(vii)"

Page 14, delete lines 29 to 33 and insert:

"Subd. 6. [PLAN REVIEW.] The council shall prepare guidelines for the preparation of the plans by January 1, 1993. The plans must be submitted to the council by January 1, 1995. The council shall review the plans under section 473.175, subdivision 1."

Page 15, line 10, delete "July" and insert "March"

Page 15, line 13, delete "16" and insert "17"

Page 15, delete section 19

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before "contingency" insert "metropolitan area"

Page 1, line 12, delete "subdivisions 2 and 3" and insert "subdivision 3, and by adding a subdivision"

Page 1, line 17, delete everything after "1" and insert a period

Page 1, delete lines 18 and 19

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. 1996, A bill for an act relating to retirement; permitting certain persons to have employer contributions transferred from the teachers retirement association to the individual retirement account plan; amending Laws 1990, chapter 570, article 3, section 11.

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. 1997, A bill for an act relating to retirement; higher education individual retirement account plan; amending Minnesota Statutes 1990, sections 354B.04, subdivision 1; and 354B.05, subdivision 1; Minnesota Statutes 1991 Supplement, section 354B.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 354B.

Reported the same back with the following amendments:

Page 1, line 13, strike everything after "contribution"

Page 1, line 14, strike "section" and delete the new language and insert "of 4-1/2 percent of salary"

Page 1, line 15, delete "(a)"

Page 1, line 21, strike "in an amount equal to the"

Page 1, line 22, strike "amount prescribed by section"

Page 1, line 22, delete "352D.04," and insert "of six percent of salary"

Page 1, line 23, delete everything before the period

Page 2, line 30, delete "1992" and insert "1993"

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. 2060, A bill for an act relating to human services; directing the commissioner of human services to exempt intermediate care facilities for persons with mental retardation from Minnesota Rules, parts 9525.0215 to 9525.0430.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 14.03, subdivision 3, is amended to read:

Subd. 3. [RULEMAKING PROCEDURES.] The definition of a rule in section 14.02, subdivision 4, does not include:

(1) rules concerning only the internal management of the agency or other agencies that do not directly affect the rights of or procedures available to the public;

(2) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's

control, and rules adopted under section 609.105 governing the inmates of those institutions;

(3) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(4) opinions of the attorney general;

(5) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(6) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(7) the occupational safety and health standards provided in section 182.655; or

(8) revenue notices and tax information bulletins of the commissioner of revenue; or

(9) interpretive guidelines published by the commissioner of human services under section 245A.092.

**Sec. 2. [245A.091][EXEMPTION FROM CERTAIN RULE PARTS GOVERNING RESIDENTIAL PROGRAMS FOR PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]**

A Minnesota residential program certified under federal standards by the department of health as an intermediate care facility for persons with mental retardation or related conditions is exempt from the following Minnesota Rules parts:

(1) part 9525.0235, subparts 4; 6; 7; 8; 10, items A and B; and 12 to 15;

(2) part 9525.0243;

(3) part 9525.0245, subparts 2, items A, C, D, E, F; 4 to 7; and 9;

(4) part 9525.0255, subparts 1, items B, D, and F; and 3;

(5) part 9525.0265, subparts 1, items A and C; 3, items A to F; 5; and 8, items A and B;

(6) part 9525.0275;

- (7) part 9525.0285, subparts 2 and 3;
- (8) part 9525.0295, subparts 5, item B, subitem (3); and 6;
- (9) part 9525.0305, subparts 2, 3, items C, E, and F; and 5;
- (10) part 9525.0315, subparts 1; 2; and 3, items A to D;
- (11) part 9525.0325, subpart 3, items A, D to G, and I to K;
- (12) part 9525.0335, items C, E, F, H to J, and K, subitems (2) and (3); and
- (13) part 9525.0345, subparts 1, item B, subitem (2); 2, item A; 3 to 5; and 6, items A and B.

Sec. 3. [245A.092] [INTERPRETIVE GUIDELINES.]

Subdivision 1. [AUTHORITY.] The commissioner of human services may make, adopt, and publish interpretive guidelines. An "interpretive guideline" is a policy statement that has been published pursuant to subdivision 5 and that provides interpretation, details, or supplementary information concerning the application of law or rules. An interpretive guideline is published for the information and guidance of consumers, providers of service, county social service agencies, the department of human services, and others concerned.

Subd. 2. [EFFECT.] An interpretive guideline does not have the force and effect of law and has no precedential effect, but may be relied on by consumers, providers of service, and others concerned until revoked or modified. An interpretive guideline may be expressly revoked or modified by the commissioner, by the issuance of an interpretive guideline, but may not be revoked or modified retroactively to the detriment of the consumers, providers of services, county social service agencies, the department of human services, and others concerned. A change in the law or an interpretation of the law, whether in the form of a statute, court decision, administrative rule, or interpretive guideline, which occurs after an interpretive guideline is issued, results in revocation or modification of the guideline to the extent that the changed law affects the guideline.

Subd. 3. [RETROACTIVITY.] An interpretive guideline is interpretive of existing law and is retroactive to the effective date of the applicable law provision unless otherwise stated in the guideline.

Subd. 4. [ISSUANCE.] The issuance of an interpretive guideline is at the discretion of the commissioner of human services. The

commissioner shall establish procedures governing the issuance of interpretive guidelines.

Subd. 5. [PUBLICATION.] The commissioner shall publish interpretive guidelines in the State Register and in any other manner that makes them accessible to the general public. The commissioner may charge a reasonable fee for the publications. Interpretive guidelines are effective upon publication in the State Register.

**Sec. 4. [REVISION OF RULES GOVERNING RESIDENTIAL PROGRAMS FOR PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.]**

Prior to September 1, 1992, the commissioner shall begin the process of revising Minnesota Rules, parts 9525.0215 to 9525.0355, in accordance with the procedures set out in Minnesota Statutes, chapter 14.

**Sec. 5. [REPORT TO THE LEGISLATURE.]**

The commissioner shall submit a report to the legislature by January 31, 1993, on progress with respect to the following: (1) development of a single rule containing policy directives and common goals and outcomes for all licensed programs for persons with mental retardation or related conditions; (2) increasing efficiency in completion of vulnerable adult and maltreatment of minor investigations, in licensed programs, in consultation with the commissioner of health; (3) development of a technical assistance project to assist providers in avoiding negative license actions."

Delete the title and insert:

"A bill for an act relating to human services; exempting interpretive guidelines published by the commissioner of human services from the definition of rules; exempting intermediate care facilities for persons with mental retardation or related conditions from specific Minnesota Rules; authorizing the commissioner to make, adopt, and publish interpretive guidelines; directing the commissioner to revise Minnesota Rules, parts 9525.0215 to 9525.0355; directing the commissioner to submit a report; amending Minnesota Statutes 1991 Supplement, section 14.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 245A."

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. 2063, A bill for an act relating to retirement; changing provisions governing reduced annuities from the public employees retirement association due to reemployment of annuitants; amending Minnesota Statutes 1990, section 353.37, subdivision 1.

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. 2135, A bill for an act relating to utilities; clarifying the authority of the public utility commission in establishing extended area telephone service; amending Minnesota Statutes 1990, section 237.161, subdivision 3; Minnesota Statutes 1991 Supplement, section 237.161, subdivision 1.

Reported the same back with the following amendments:

Pages 2 and 3, delete section 2

Page 3, line 21, delete "3" and insert "2"

Page 3, line 22, delete "Sections" and insert "Section" and delete "and 2 are" and insert "is"

Page 3, line 23, delete "apply" and insert "applies"

Amend the title as follows:

Page 1, line 4, delete "Minnesota Statutes"

Page 1, line 5, delete everything before "Minnesota"

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

The report was adopted.

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

H. F. No. 2152, A bill for an act relating to labor; requiring arbitration in certain circumstances; establishing procedures; providing penalties; amending Minnesota Statutes 1990, sections 179.06, by adding a subdivision; and 179A.16, subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 5, after line 14, insert:

“(c) This subdivision does not apply to a group or unit of employees for two years after its creation as a result of a school district consolidation under Minnesota Statutes, chapter 122.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 2180, A bill for an act relating to public bodies; providing for the place of residence of members; amending Minnesota Statutes 1991 Supplement, section 375.025, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Page 1, line 10, delete “to a multimember executive branch agency”

Page 1, lines 14 and 17, delete “agency or”

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. 2198, A bill for an act relating to education; permitting

a student to sign a waiver to attend a non-HECB registered school; amending Minnesota Statutes 1990, section 136A.63.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 136A.63, is amended to read:

136A.63 [REGISTRATION.]

Subdivision 1. [REQUIRED ANNUALLY.] All schools located within Minnesota and all schools located outside Minnesota which offer programs or courses within Minnesota shall register annually with the board.

Subd. 2. [STUDENT WAIVER.] Notwithstanding subdivision 1, if a prospective student wishes to enroll in a school that is not registered, the student must contact the board before the school may enroll the student. The board must provide the student with a copy of sections 136A.61 to 136A.71 and any rules implementing those sections, as well as the board's summary of the law and its protections for students and the potential risks of attending an unregistered school. If the prospective student still wishes to attend the unregistered school, the student must sign an informed waiver on a form provided by the board. The student must provide a copy of the signed waiver to the unregistered school after which the school may allow the student to enroll. The board must keep a copy of the signed waiver in its files for ten years.

In the event that the school in question also would be required to be licensed under the provisions of section 141.25, the signed waiver shall serve to exempt the school from those provisions solely for the purpose of providing instruction to that signatory. The board shall also transmit a copy of the signed waiver to the commissioner of education who must keep the copy on file for ten years.

Sec. 2. Minnesota Statutes 1990, section 141.25, is amended by adding a subdivision to read:

Subd. 2a. [STUDENT WAIVER.] Notwithstanding subdivisions 1 and 2, if a prospective student wishes to enroll in a school that is subject to the provisions of this chapter but that is not licensed, the student must contact the commissioner before the school may enroll the student. The commissioner must provide the student with a copy of chapter 141 and any rules implementing that chapter, as well as the commissioner's summary of the law and its protections for students and the potential risks of attending an unlicensed school. If the prospective student still wishes to attend the unlicensed school,

the student must sign an informed waiver on a form provided by the commissioner. The student must provide a copy of the signed waiver to the unlicensed school, after which the school may allow the student to enroll. The commissioner must keep a copy of the signed waiver on file for ten years.

In the event that the school in question also would be required to register under the provisions of section 136A.63, the signed waiver shall serve to exempt the school from those provisions solely for the purpose of providing instruction to that signatory. The commissioner shall also transmit a copy of the signed waiver to the higher education coordinating board which must keep the copy on file for ten years."

Amend the title as follows:

Page 1, line 3, before the semicolon insert "or an unlicensed school under chapter 141"

Page 1, line 4, delete "section" and insert "sections" and before the period insert "; and 141.25, by adding a subdivision"

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. 2213, A bill for an act relating to health; changing home care licensure requirements; requiring persons who provide home management services to be registered, but not licensed; removing the fee exemption for local government providers; changing definitions; amending Minnesota Statutes 1990, sections 144A.43, subdivisions 3 and 4; and 144A.46, subdivision 5; Minnesota Statutes 1991 Supplement, section 144A.46, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reported the same back with the following amendments:

Page 5, line 3, delete "an agency" and insert "a provider"

Page 5, line 6, after "9525.0660" insert "when providing home care services to a person with a developmental disability"

Page 5, line 7, strike "person"

Page 5, line 8, delete "or agency" and insert "provider"

Page 5, line 13, after "9525.2140" insert "when providing home care services to a person with a developmental disability"

Page 5, line 22, strike "An" and delete "individual"

Page 5, lines 23 to 27, strike the old language

Page 5, line 28, strike everything before "The" and insert "All persons who have or will have direct contact with clients, including the home care provider, employees of the provider, and applicants for employment, shall be required to disclose all criminal convictions."

Page 6, line 30, delete everything after "organization"

Page 6, line 31, delete "provider" and after "provides" insert "only"

Page 6, line 35, after "must" insert "annually"

Page 7, line 4, after "rights" insert "provisions contained in section 144A.44"

Page 7, line 7, delete "controlling persons" and insert "individuals responsible for the management or direction"

Page 7, line 8, delete "a" and insert "an annual"

Page 7, line 19, after the comma insert "or"

Page 7, line 20, delete ", or impose conditions of registration"

Page 7, line 21, delete "Conviction of a crime related to" and insert "Any fine assessed for a violation of the bill of rights by a provider registered under this section shall be in the amount established in the licensure rules for home care providers."

Page 7, delete lines 22 and 23

Page 7, line 24, delete everything before "As"

Page 7, after line 32, insert:

"Sec. 7. Minnesota Statutes 1991 Supplement, section 144A.49, is amended to read:

144A.49 [TEMPORARY PROCEDURES.]

For purposes of this section, "home care providers" shall mean the providers described in section 144A.43, subdivision 4, including hospice programs described in section 144A.48. Home care providers are exempt from the licensure requirement in section 144A.46, subdivision 1, until 90 days after the effective date of the licensure rules. Beginning July 1, 1987, no home care provider, as defined in section 144A.43, subdivision 4, except a provider exempt from licensure under section 144A.46, subdivision 2, may provide home care services in this state without registering with the commissioner. A home care provider is registered with the commissioner when the commissioner has received in writing the provider's name; the name of its parent corporation or sponsoring organization, if any; the street address and telephone number of its principal place of business; the street address and telephone number of its principal place of business in Minnesota; the counties in Minnesota in which it may render services; the street address and telephone number of all other offices in Minnesota; and the name, educational background, and ten-year employment history of the person responsible for the management of the agency. A registration fee must be submitted with the application for registration, ~~except that the commissioner shall not collect a registration fee from a home care provider operated by a statutory or home rule charter city, county, town, or other governmental entity.~~ The fee must be established pursuant to section 144.122 and must be based on a consideration of the following factors: the number of clients served by the home care provider, the number of employees, the number of services offered, and annual revenues of the provider. The registration is effective until 90 days after licensure rules are effective. In order to maintain its registration and provide services in Minnesota, a home care provider must comply with section 144A.44 and comply with requests for information under section 144A.47. A registered home care provider is subject to sections 144A.51 to 144A.54. Registration under this section does not exempt a home care provider from the licensure and other requirements later adopted by the commissioner.

Within 90 days after the effective date of the licensure rules under section 144A.45, the commissioner of health shall issue provisional licenses to all home care providers registered with the department as of that date. The provisional license shall be valid until superseded by a license issued under section 144A.46 or for a period of one year, whichever is shorter. Applications for licensure as a home care provider received on or after the effective date of the home care licensure rules, shall be issued under section 144A.46, subdivision 1.

Sec. 8. Minnesota Statutes 1990, section 144A.51, subdivision 4, is amended to read:

Subd. 4. "Health care provider" means any professional licensed by the state to provide medical or health care services who does

provide the services to a resident of a health facility or a residential care home.

Sec. 9. Minnesota Statutes 1991 Supplement, section 144A.51, subdivision 5, is amended to read:

Subd. 5. "Health facility" means a facility or that part of a facility which is required to be licensed pursuant to sections 144.50 to 144.58, and a facility or that part of a facility which is required to be licensed under any law of this state which provides for the licensure of nursing homes, and a residential care home licensed under sections 144B.10 to 144B.17.

Sec. 10. Minnesota Statutes 1990, section 144A.51, subdivision 6, is amended to read:

Subd. 6. "Resident" means any resident or patient of a health facility or a residential care home, or a consumer of services provided by a home care provider, or the guardian or conservator of the resident, patient, or consumer, if one has been appointed.

Sec. 11. Minnesota Statutes 1990, section 144A.52, subdivision 3, is amended to read:

Subd. 3. The director may delegate to members of the staff any of the authority or duties of the director except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, residential care homes, health care providers, home care providers, and the state commissioner of health.

Sec. 12. Minnesota Statutes 1990, section 144A.52, subdivision 4, is amended to read:

Subd. 4. The director shall attempt to include staff persons with expertise in areas such as law, health care, social work, dietary needs, sanitation, financial audits, health-safety requirements as they apply to health facilities, residential care homes, and any other relevant fields. To the extent possible, employees of the office shall meet federal training requirements for health facility surveyors.

Sec. 13. Minnesota Statutes 1991 Supplement, section 144A.53, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to chapter 14, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers, home care providers, or residential care homes, or administrative agencies are to be made,

reviewed, investigated, and acted upon; provided, however, that a fee may not be charged for filing a complaint.

(b) Recommend legislation and changes in rules to the state commissioner of health, legislature, governor, administrative agencies or the federal government.

(c) Investigate, upon a complaint or upon initiative of the director, any action or failure to act by a health care provider, home care provider, residential care home, or a health facility.

(d) Request and receive access to relevant information, records, incident reports, or documents in the possession of an administrative agency, a health care provider, a home care provider, a residential care home, or a health facility, and issue investigative subpoenas to individuals and facilities for oral information and written information, including privileged information which the director deems necessary for the discharge of responsibilities. For purposes of investigation and securing information to determine violations, the director need not present a release, waiver, or consent of an individual. The identities of patients or residents must be kept private as defined by section 13.02, subdivision 12.

(e) Enter and inspect, at any time, a health facility or residential care home and be permitted to interview staff; provided that the director shall not unduly interfere with or disturb the provision of care and services within the facility or home or the activities of a patient or resident unless the patient or resident consents.

(f) Issue correction orders and assess civil fines pursuant to section 144.653 or any other law which provides for the issuance of correction orders to health facilities or home care provider, or under section 144A.45. A facility's or home's refusal to cooperate in providing lawfully requested information may also be grounds for a correction order.

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or XIX of the United States Social Security Act.

(h) Assist patients or residents of health facilities or residential care homes in the enforcement of their rights under Minnesota law.

(i) Work with administrative agencies, health facilities, home care providers, residential care homes, and health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.



Sec. 14. Minnesota Statutes 1990, section 144A.53, subdivision 2, is amended to read:

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, a home care provider, a residential care home, or a health facility. The director may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and any action upon them. After completing an investigation of a complaint, the director shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider, the home care provider, the residential care home, and the health facility of the action taken.

Sec. 15. Minnesota Statutes 1990, section 144A.53, subdivision 3, is amended to read:

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material the director deems pertinent, the director determines that the complaint is valid, the director may recommend that an administrative agency, a health care provider, a home care provider, a residential care home, or a health facility should:

- (a) Modify or cancel the actions which gave rise to the complaint;
- (b) Alter the practice, rule or decision which gave rise to the complaint;
- (c) Provide more information about the action under investigation; or
- (d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider, a home care provider, residential care home, or health facility shall, within the time specified, inform the director about the action taken on a recommendation.

Sec. 16. Minnesota Statutes 1990, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board or other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The

agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that an official or employee of an administrative agency, a home care provider, residential care home, or health facility has acted in a manner warranting criminal or disciplinary proceedings, the director shall refer the matter to the state commissioner of health, the commissioner of human services, an appropriate prosecuting authority, or other appropriate agency.

Sec. 17. Minnesota Statutes 1990, section 144A.54, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of the conclusions and recommendations. The director shall transmit the conclusions and recommendations to the state commissioner of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider, a home care provider, a residential care home, or a health facility, the director shall consult with that agency, health care provider, home care provider, home, or facility. When publishing an opinion adverse to an administrative agency, a health care provider, a home care provider, a residential care home, or a health facility, the director shall include in the publication any statement of reasonable length made to the director by that agency, health care provider, home care provider, residential care home, or health facility in defense or explanation of the action.

Sec. 18. Minnesota Statutes 1991 Supplement, section 144A.61, subdivision 3a, is amended to read:

Subd. 3a. [COMPETENCY EVALUATION PROGRAM.] The commissioner of health shall approve the competency evaluation program. A competency evaluation must be administered to nursing assistants who desire to be listed in the nursing assistant registry and who have done one of the following: (1) completed an approved training program; (2) been listed on the nursing assistant registry maintained by another state; or (3) completed a training program in nursing assistant skills other than the approved course. The tests may only be administered by technical colleges, community colleges, or other organizations approved by the department of health. ~~After January 1, 1992,~~ A competency evaluation for a person, other than an individual enrolled in a licensed nurse education program, who has not completed an approved nursing assistant training program, must include an evaluation of all clinical skills.

Sec. 19. Minnesota Statutes 1991 Supplement, section 144A.61, subdivision 6a, is amended to read:

Subd. 6a. [NURSING ASSISTANTS HIRED IN 1990 AND AFTER.] Each nursing assistant hired to work in a nursing home or in a certified boarding care home on or after January 1, 1990, must have successfully completed an approved competency evaluation prior to employment or an approved nursing assistant training program and competency evaluation within four months from the date of employment.

Sec. 20. Minnesota Statutes 1991 Supplement, section 144B.01, subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL CARE HOME OR HOME.] "Residential care home" or "home" means an establishment with a minimum of five beds, where adult residents are provided sleeping accommodations and ~~two three~~ three or more meals per day and where at least two or more supportive services or at least one health-related service are provided or offered to all residents by the facility home. A residential care home is not required to offer every supportive or health-related service. A "residential care home" does not include:

(1) a board and lodging establishment licensed under chapter 157 and also licensed by the commissioner of human services under chapter 245A the provisions of Minnesota Rules, parts 9530.4100 to 9530.4450;

(2) a boarding care home or a supervised living facility licensed under chapter 144;

(3) a home care provider licensed under chapter 144A; and

(4) any housing arrangement which consists of apartments containing a separate kitchen or kitchen equipment that will allow residents to prepare meals and where supportive services may be provided, on an individual basis, to residents in their living units either by the management of the residential care home or by home care providers under contract with the home's management; and

(5) a board or lodging establishment which serves as a shelter for battered women or other similar purpose.

Sec. 21. Minnesota Statutes 1991 Supplement, section 144B.01, subdivision 6, is amended to read:

Subd. 6. [SUPPORTIVE SERVICES.] "Supportive services" means the provision of supervision and minimal assistance with independent living skills. Supportive services include assistance with transportation, arranging for meetings and appointments,

arranging for medical and social services, help with laundry, managing money handling personal funds of residents, and personal shopping assistance. In addition, supportive services include, if needed, assistance with walking, grooming, dressing, eating, bathing, toileting, and providing reminders to residents to take medications. Supportive services also include other health-related support services identified by the commissioner in rule.

Sec. 22. Minnesota Statutes 1991 Supplement, section 144B.01, is amended by adding a subdivision to read:

Subd. 7. [HEALTH-RELATED SERVICES.] "Health-related services" include provision of or arrangement, if needed, of assistance with walking, grooming, dressing, eating, bathing, toileting, storing medications, providing reminders to take medications, administering medications, and other services identified by the commissioner in rule.

Sec. 23. Minnesota Statutes 1991 Supplement, section 144B.10, subdivision 2, is amended to read:

Subd. 2. [PERIODIC INSPECTION.] (a) All homes required to be licensed under sections 144B.01 to 144B.17 shall be periodically inspected by the commissioner to ensure compliance with rules and standards. Inspections shall occur at different times throughout the calendar year.

(b) Within the limits of the resources available to the commissioner, the commissioner shall conduct inspections and reinspections with a frequency and in a manner calculated to produce the greatest benefit to residents. In performing this function, the commissioner may devote proportionately more resources to the inspection of those homes in which conditions present the most serious concerns with respect to resident health, safety, comfort, and well-being, including:

- (1) change in ownership;
- (2) frequent change in management or staff;
- (3) complaints about care, safety, or rights;
- (4) previous inspections or reinspections which have resulted in correction orders related to care, safety, or rights; and
- (5) indictment of persons involved in ownership or operation of the home for alleged criminal activity.

(c) A home that does not have any of the conditions in paragraph (b) or any other condition established by the commissioner that

poses a risk to resident care, safety, or rights shall be inspected once every ~~two~~ three years."

Page 7, line 33, delete "7" and insert "24"

Page 7, line 34, delete "6" and insert "23"

Delete the title and insert:

"A bill for an act relating to health; changing home care licensure requirements; requiring persons who provide home management services to be registered, but not licensed; removing the fee exemption for local government providers; changing definitions; amending Minnesota Statutes 1990, sections 144A.43, subdivisions 3 and 4; 144A.46, subdivision 5; 144A.51, subdivisions 4 and 6; 144A.52, subdivisions 3 and 4; 144A.53, subdivisions 2, 3, and 4; and 144A.54, subdivision 1; Minnesota Statutes 1991 Supplement, sections 144A.46, subdivisions 1 and 2; 144A.49; 144A.51, subdivision 5; 144A.53, subdivision 1; 144A.61, subdivisions 3a and 6a; 144B.01, subdivisions 5, 6, and by adding a subdivision; and 144B.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A."

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. 2251, A bill for an act relating to state government; adopting the square dance as the American folk dance of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 1.

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

The report was adopted.

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

H. F. No. 2280, A bill for an act authorizing a conveyance of state lands to the city of Biwabik.

Reported the same back with the following amendments:

Page 1, line 6, delete "any law to the contrary, the state" and insert "the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county"

Page 1, line 8, delete everything after the first comma

Page 1, line 9, delete "title, and interest in" and after "of" insert "tax-forfeited"

Page 1, line 10, after "county" insert "\_1\_ except state highway right-of-way."

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. 2286, A bill for an act relating to human services; requiring reporting of legally blind persons to Minnesota state services for the blind and visually handicapped; proposing coding for new law in Minnesota Statutes, chapter 248.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [248.011] [REPORTING OF NEWLY BLINDED INDIVIDUAL.]

Subdivision 1. [DUTY TO REPORT.] Whenever an ophthalmologist or optometrist makes a diagnosis of legal blindness as defined in section 256D.35, subdivision 4a, the ophthalmologist or optometrist shall advise the client that services are available through Minnesota state services for the blind and visually handicapped. After obtaining client consent, the ophthalmologist or optometrist shall report the name of the legally blind client to Minnesota state services for the blind and visually handicapped. The report must be filed with Minnesota state services for the blind and visually handicapped within 30 days following a diagnosis of legal blindness after obtaining client consent.

Subd. 2. [DUTIES OF MINNESOTA STATE SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED.] Upon receipt of the

name of a legally blind individual, Minnesota state services for the blind and visually handicapped shall contact the newly blind individual within 30 days and provide a complete summary of available services to the blind individual in a media accessible to the individual.

Sec. 2. Minnesota Statutes 1990, section 248.07, subdivision 1, is amended to read:

Subdivision 1. [COOPERATION.] It shall be the duty of the commissioner of jobs and training, referred to in this section and sections 248.10 and 248.11 as the commissioner, to develop and administer programs serving the needs of blind and visually handicapped persons and to cooperate with state and local boards and agencies both public and private. The commissioner shall create a distinct organizational unit to be known as the division of services for the blind and visually handicapped, separate from the vocational rehabilitation unit and with its own activity budget, within the department of jobs and training to provide and coordinate services to the blind.

Sec. 3. Minnesota Statutes 1990, section 248.07, subdivision 5, is amended to read:

Subd. 5. [AIDS.] The commissioner shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by any other practicable means of improving their social, economic, or educational condition; ~~and~~ (4) by providing to eligible persons, or purchasing for sale at cost plus handling charges, special materials and supplies needed by blind or visually handicapped persons that are difficult to obtain elsewhere; and (5) by promoting literacy and access to print materials through production of alternative reading formats such as braille, audio tapes, radio signals, newspaper reading services, and other services originating from the division's communication center. Equipment may be leased or sold under written rehabilitation plans at cost plus handling charges to persons who wish to lease or purchase them. Receipts under this subdivision, as well as gifts to aid the blind, are subject to section 268.0121, subdivision 5.

Sec. 4. Minnesota Statutes 1990, section 248.10, subdivision 2, is amended to read:

Subd. 2. [REMOVAL; VACANCIES; ~~EXPIRATION.~~] The compensation, removal of members, and filling of vacancies on the council are as provided in section 15.0575. ~~The council expires on June 30, 1993.~~

Delete the title and insert:

"A bill for an act relating to human services; requiring reporting of legally blind persons to Minnesota state services for the blind and visually handicapped; modifying the duties of the commissioner of the jobs and training department; removing a council's expiration date; amending Minnesota Statutes 1990, sections 248.07, subdivisions 1 and 5; and 248.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 248."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2346, A bill for an act relating to insurance; providing for automobile insurance policy coverage on the repair or replacement of motor vehicle glass; amending Minnesota Statutes 1991 Supplement, section 72A.201, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 72A.201, subdivision 6, is amended to read:

Subd. 6. [STANDARDS FOR AUTOMOBILE INSURANCE CLAIMS HANDLING, SETTLEMENT OFFERS, AND AGREEMENTS.] In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) if an automobile insurance policy provides for the adjustment and settlement of an automobile total loss on the basis of actual cash value or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) comparable and available replacement automobile, with all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to the transfer or evidence of ownership of the automobile paid, at no cost to the insured other than the deductible amount as provided in the policy;

(b) a cash settlement based upon the actual cost of purchase of a comparable automobile, including all applicable taxes, license fees,



at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to transfer of evidence of ownership, less the deductible amount as provided in the policy. The costs must be determined by:

(i) the cost of a comparable automobile, adjusted for mileage, condition, and options, in the local market area of the insured, if such an automobile is available in that area; or

(ii) one of two or more quotations obtained from two or more qualified sources located within the local market area when a comparable automobile is not available in the local market area. The insured shall be provided the information contained in all quotations prior to settlement; or

(iii) any settlement or offer of settlement which deviates from the procedure above must be documented and justified in detail. The basis for the settlement or offer of settlement must be explained to the insured;

(2) if an automobile insurance policy provides for the adjustment and settlement of an automobile partial loss on the basis of repair or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) to assume all costs, including reasonable towing costs, for the satisfactory repair of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden damage as caused by the claim incident. This assumption of cost may be reduced by applicable policy provision; or

(b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle. Satisfactory repair includes repair of obvious and hidden damage caused by the claim incident, and includes reasonable towing costs;

(3) regardless of whether the loss was total or partial, in the event that a damaged vehicle of an insured cannot be safely driven, failing to exercise the right to inspect automobile damage prior to repair within five business days following receipt of notification of claim. In other cases the inspection must be made in 15 days;

(4) regardless of whether the loss was total or partial, requiring unreasonable travel of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate, to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made pursuant to policy requirements, or to have the automobile repaired;

(5) regardless of whether the loss was total or partial, if loss of use

coverage exists under the insurance policy, failing to notify an insured at the time of the insurer's acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage, including the policy terms and conditions affecting the coverage and the manner in which the insured can apply for this coverage;

(6) regardless of whether the loss was total or partial, failing to include the insured's deductible in the insurer's demands under its subrogation rights. Subrogation recovery must be shared at least on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered by the insured, except that when an insurer is recovering directly from an uninsured third party by means of installments, the insured must receive the full deductible share as soon as that amount is collected and before any part of the total recovery is applied to any other use. No deduction for expenses may be made from the deductible recovery unless an attorney is retained to collect the recovery, in which case deduction may be made only for a pro rata share of the cost of retaining the attorney;

(7) requiring as a condition of payment of a claim that repairs to any damaged vehicle must be made by a particular contractor or repair shop or that parts, other than window glass, must be replaced with parts other than original equipment parts;

(8) where liability is reasonably clear, failing to inform the claimant in an automobile property damage liability claim that the claimant may have a claim for loss of use of the vehicle;

(9) failing to make a good faith assignment of comparative negligence percentages in ascertaining the issue of liability;

(10) failing to pay any interest required by statute on overdue payment for an automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda,

all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to assume all reasonable costs sufficient to pay the insured's chosen vendor for the repair or replacement of comparable window glass at a price generally available in the area. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price-, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor;

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by otherwise limiting the ability of the insured to select the place, shop, or entity to repair or replace the motor vehicle glass and related products and services; or

(16) engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular company or location to provide the motor vehicle glass repair or replacement services or products. For purposes of this section, a warranty shall not be considered an inducement or incentive.

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Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "regulating coverage for motor vehicle glass"

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. 2426, A bill for an act relating to Dakota county; providing financing for planning activities for the international airport or other transportation; authorizing a regional railroad authority to transfer light rail money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [DAKOTA COUNTY; TRANSPORTATION PLANNING.]

Notwithstanding any law to the contrary, the Dakota county regional railroad authority may transfer any available money of the authority, including money in capital accounts, to Dakota county to be expended to meet other transportation studies. The department of transportation may amend any contract with Dakota county providing funds for light rail transit purposes under Laws 1989, chapter 269, section 2, subdivision 3, to allow the county to use the funds for purposes consistent with this section.

Sec. 2. [EFFECTIVE DATE.]

This act takes effect on the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to Dakota county; providing financing for transportation planning activities; authorizing a regional railroad authority to transfer light rail money.”

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. 2430, A bill for an act relating to education; requesting the University of Minnesota to establish a policy center for American Indian law and social justice on its Duluth campus; proposing coding for new law in Minnesota Statutes, chapter 137.

Reported the same back with the following amendments:

Page 2, line 2, delete "\$150,000" and insert "\$50,000"

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. 2443, A bill for an act relating to education; increasing student membership on the higher education board; amending Minnesota Statutes 1991 Supplement, section 136E.01, subdivisions 1 and 2; and Laws 1991, chapter 356, article 9, section 8, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 136E.01, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The higher education board, referred to in sections 136E.01 to 136E.05 as "the board," consists of ~~13~~ 15 members appointed by the governor with the advice and consent of the senate. At least one member of the board must be a resident of each congressional district. ~~One member~~ Three members must be a ~~student~~ students or have graduated from an institution governed by the board within one year of the date of appointment. One student member must represent technical colleges, one student member must represent community colleges, and one student member must represent state universities. The remaining members must be appointed to represent the state at large.

Sec. 2. Minnesota Statutes 1991 Supplement, section 136E.01, subdivision 2, is amended to read:

Subd. 2. [TERM; COMPENSATION; REMOVAL; VACANCIES.] The compensation, removal of members, and filling of vacancies on the board are as provided in section 15.0575. Members are appointed for a term of six years, except that the ~~term~~ terms of the student ~~member is~~ members are two years. Terms end on June 30.

Sec. 3. Laws 1991, chapter 356, article 9, section 8, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENTS TO BOARD.] Appointments to the higher education board must be made by July 1, 1991. Notwithstanding section 2, the initial higher education board consists of two members each from the state board of technical colleges, state board for community colleges, and the state university board, appointed by their respective boards and ~~six~~ nine members appointed by the governor. The governor's appointees may also be members of the current governing boards. The governor shall appoint one student member from a technical college, one student member from a community college, and one student member from a state university. The members appointed by boards must have been confirmed by the senate to the board from which they are appointed and served for at least one year on the board from which they were appointed. Initial higher education board members appointed by boards are not subject to further senate confirmation. Initial appointees of the governor are not subject to section 3. ~~The governor shall appoint the student member July 1, 1995.~~ Notwithstanding section 2, subdivision 2, the initial members of the higher education board must be appointed so that an equal number will have terms expiring in three, five, and seven years, except that the terms of the student members all expire June 30, 1995. To the extent possible, the initial board must have the geographic balance required by section 2.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

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. 2472, A bill for an act relating to human services; providing for notice to vendors when payments on behalf of a recipient will be reduced or terminated; limiting the liability of the state and county for damages claimed by vendors due to failure of a recipient to pay for rent, goods, or services; amending Minnesota Statutes 1990, section 256.81.

Reported the same back with the following amendments:

Page 2, line 11, after the period insert "A fee of no more than \$5 may be charged to a vendor to offset the cost of notification."

Page 2, line 16, after "pay" insert "or to notify"

With the recommendation that when so amended 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. 2502, A bill for an act relating to recreation; establishing a Cuyuna country state recreation area; establishing a new unit in the outdoor recreation system; appropriating money; amending Minnesota Statutes 1990, sections 86A.04; 86A.05, subdivisions 2 and 3; and 86A.08, subdivision 1; Minnesota Statutes 1991 Supplement, section 85.045, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 24 to page 2, line 26, delete the new language

Page 2, line 28, delete "advisory"

Page 5, delete lines 6 to 9

Renumber the remaining subdivisions in sequence

Correct the 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.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2541, A bill for an act relating to probate; enacting the uniform transfer on death security registration act; providing for rights of creditors and revocation of beneficiary designation by will; proposing coding for new law in Minnesota Statutes, chapter 524.

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. 2544, A bill for an act relating to game and fish; management of aquatic vegetation; rules for stamp design contests; use of live ammunition in dog training; red or blaze orange hunting clothing; nonresident rough fish taking; raccoon seasons; combining of licenses for private fish hatcheries and fish farms; salmon or trout possession; and muskie size limits; amending Minnesota Statutes 1990, sections 84.091, subdivision 1; 97A.045, subdivision 7; 97B.005, subdivisions 2 and 3; 97B.071; 97B.621, subdivision 1; 97C.211; 97C.305, subdivision 1; 97C.375; and 97C.405; Minnesota Statutes 1991 Supplement, section 84.091, subdivision 2; repealing Minnesota Statutes 1990, section 97C.209.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 84.091, subdivision 1, is amended to read:

Subdivision 1. [OWNERSHIP.] The state is the owner of wild rice and other aquatic vegetation growing in public waters. A person may not acquire a property interest in wild rice or other aquatic vegetation or destroy wild rice or aquatic vegetation, except as authorized under this chapter or chapter 103G.

Sec. 2. Minnesota Statutes 1991 Supplement, section 84.091, subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIRED; EXCEPTION.] (a) Except as provided in paragraph (b), a person may not harvest, buy, sell, transport, or possess ~~aquatic plants~~ wild rice or wild ginseng without a license required under this chapter. A license shall be issued in the same manner as provided under the game and fish laws.

(b) A resident under the age of 16 years may harvest wild rice without a license, if accompanied by a person with a wild rice license.

Sec. 3. Minnesota Statutes 1990, section 97A.045, subdivision 7, is amended to read:

Subd. 7. [DUTY TO ENCOURAGE STAMP DESIGN AND PURCHASES.] (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters inter-



ested in the migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement; and

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp.

Sec. 4. Minnesota Statutes 1990, section 97B.005, subdivision 2, is amended to read:

Subd. 2. [RESTRICTION ON AMMUNITION WHILE TRAINING.] A person ~~that~~ is training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird, except as provided in subdivision 3.

Sec. 5. Minnesota Statutes 1990, section 97B.005, subdivision 3, is amended to read:

Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE GAME BIRDS AND FIREARMS.] The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms for holding field trials and training ~~retrieving~~ hunting dogs.

Sec. 6. Minnesota Statutes 1990, section 97B.071, is amended to read:

97B.071 [RED OR BLAZE ORANGE REQUIREMENTS.]

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters in a boat, placing or removing decoys, or retrieving waterfowl on surface waters or in a stationary blind.

Sec. 7. Minnesota Statutes 1990, section 97B.621, subdivision 1, is amended to read:

Subdivision 1. [SEASON.] The statewide open season for raccoon

may be ~~prescribed~~ set by the commissioner ~~between October 15 and December 31.~~

Sec. 8. Minnesota Statutes 1990, section 97C.201, is amended to read:

**97C.201 [STATE FISH STOCKING PROHIBITED WITHOUT PUBLIC ACCESS.]**

The commissioner and state agencies may only stock fish in waters where there is ~~public free access.~~ The commissioner may stock fish in any stream within privately owned lands where the public is granted free access to and use of the stream for fishing purposes by the public.

Sec. 9. Minnesota Statutes 1990, section 97C.211, is amended to read:

**97C.211 [~~PRIVATE FISH HATCHERIES~~ AQUATIC FARMS.]**

Subdivision 1. [~~LICENSE REQUIRED.~~] A person may not operate a ~~private fish hatchery~~ an aquatic farm without a ~~private fish hatchery~~ an aquatic farm license. ~~A private fish hatchery is a facility for raising~~ An aquatic farm is a facility used for the purpose of culturing private aquatic life in waters, including but not limited to artificial ponds, vats, tanks, raceways, other indoor or outdoor facilities, for the sole purpose of processing or cultivating aquatic life. This facility commercially raises fish, including minnows, for sale, stocking waters, angling, or processing, including processing for human consumption.

Subd. 2. [~~RULES FOR OPERATION.~~] The commissioner shall prescribe rules that allow a person to maintain and operate a ~~private fish hatchery~~ an aquatic farm to raise and dispose of fish. The commissioner shall establish and assess a fee to cover the cost of inspection and disease certification of ~~private hatcheries~~ aquatic farms.

Subd. ~~2~~ 3. [~~ACQUISITION OF FISH.~~] (a) A ~~private fish hatchery~~ An aquatic farm may not obtain fish outside of the state unless the fish or the source of the fish are approved by the commissioner. The commissioner may apply more stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waters, except as provided in section 97C.515, subdivision 4. A request may be for annual acquisition.

(b) If the commissioner denies approval, a written notice must be

submitted to the applicant stating the reasons for the denial and the commissioner must:

(1) designate approved sources to obtain the desired fish or fish eggs; or

(2) sell the fish or fish eggs from state ~~fish hatcheries~~ operations at fair market value.

Subd. 3 4. [FISHING LICENSE NOT REQUIRED FOR PERSONS TO TAKE FISH.] A person may take fish by angling without a fishing license at a licensed ~~private fish hatchery~~ aquatic farm or an artificial pool containing only fish purchased from a ~~private fish hatchery~~ an aquatic farm, if the operator of the ~~hatchery~~ farm or pool furnishes each person catching fish a certificate prescribed by the commissioner. The certificate must state the number and species of the fish caught and other information as prescribed by the commissioner. A person without a fishing license may possess, ship, and transport within the state the fish caught in the same manner as fish taken by a resident with a fishing license.

Subd. 4 5. [LICENSE REQUIRED TO TAKE SUCKER EGGS.] A person may not take sucker eggs from public waters for a ~~private fish hatchery~~ an aquatic farm without a license to do so.

Subd. 5 6. [PRICE OF WALLEYE FRY.] The commissioner may not sell walleye fry for less than fair market value, defined as the average price charged by private walleye fry wholesalers located in Minnesota.

Sec. 10. Minnesota Statutes 1990, section 97C.305, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Except as provided in subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession to take fish by angling in:

- (1) a stream designated by the commissioner as a trout stream;
- (2) a lake designated by the commissioner as a trout lake; or
- (3) Lake Superior;

or to possess trout or salmon, including lake trout, taken by angling.

Sec. 11. Minnesota Statutes 1990, section 97C.375, is amended to read:

97C.375 [TAKING ROUGH FISH BY SPEARING OR ARCHERY.]

A resident or nonresident may take rough fish by spearing or archery during the times, in waters, and in the manner prescribed by the commissioner.

Sec. 12. Minnesota Statutes 1990, section 97C.405, is amended to read:

97C.405 [MUSKELLUNGE SIZE LIMITS.]

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than ~~36~~ 40 inches long in waters north of trunk highway No. 210, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of trunk highway No. 210 where muskellunge less than ~~36~~ 40 inches, but not less than 30 inches long, may be retained.

Sec. 13. Minnesota Statutes 1990, section 97C.701, subdivision 1, is amended to read:

97C.701 [TAKING, POSSESSION, PURCHASE, AND SALE OF MUSSELS.]

Subdivision 1. [COMMISSIONER'S AUTHORITY.] The commissioner may prescribe by rule conditions for taking, possession, purchase, and sale of mussels.

Sec. 14. Minnesota Statutes 1990, section 97C.705, subdivision 1, is amended to read:

Subdivision 1. [OPEN SEASON.] The open season for taking mussels is from May 16 ~~to~~ through the last day of February.

Sec. 15. Minnesota Statutes 1990, section 97C.711, is amended to read:

97C.711 [MUSSEL SIZE LIMITS.]

~~A person may not take mussels less than 1-3/4 inches in the greatest dimension, except pigtoes. The commissioner may prescribe size limits for the taking of mussels from the waters of the state. A person must return undersized mussels to the water without injury.~~

Sec. 16. [REPEALER.]

Minnesota Statutes 1990, sections 97C.209; 97C.701, subdivisions 4 and 5; and 97C.705, subdivision 2, are repealed.

## Sec. 17. [EFFECTIVE DATE.]

Sections 10 and 12 are effective March 1, 1993."

Delete the title and insert:

"A bill for an act relating to game and fish; management of aquatic vegetation; rules for stamp design contests; use of live ammunition in dog training; red or blaze orange hunting clothing; nonresident rough fish taking; raccoon seasons; combining of licenses for private fish hatcheries and fish farms; salmon or trout possession; and muskie size limits; restrictions upon fish stocking; restrictions upon taking or possession of mussels; amending Minnesota Statutes 1990, sections 84.091, subdivision 1; 97A.045, subdivision 7; 97B.005, subdivisions 2 and 3; 97B.071; 97B.621, subdivision 1; 97C.201; 97C.211; 97C.305, subdivision 1; 97C.375; 97C.405; 97C.701, subdivision 1; 97C.705, subdivision 1; and 97C.711; Minnesota Statutes 1991 Supplement, section 84.091, subdivision 2; repealing Minnesota Statutes 1990, sections 97C.209; 97C.701, subdivisions 4 and 5; and 97C.705, subdivision 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. 2545, A bill for an act relating to retirement; legislators and elective state officers retirement plans; establishing a retirement fund for each plan; establishing concurrent employer retirement contributions for each plan; establishing special additional employer contribution for each plan; transferring a portion of an existing appropriation; appropriating money; amending Minnesota Statutes 1990, sections 3A.03; 3A.11, subdivision 1; and 352C.09, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 3A and 352C; repealing Minnesota Statutes 1990, sections 3A.02, subdivision 3; and 352C.10.

Reported the same back with the following amendments:

Page 3, line 24, delete the new language

Page 3, line 25, delete everything before the period

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

The report was adopted.

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

H. F. No. 2564, 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.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Appropriations without further recommendation.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2574, A bill for an act relating to traffic regulations; providing misdemeanor penalties for persons who refuse to submit to a chemical test to determine if the person is under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1990, section 169.121, subdivisions 1a, 3, and 3b; Minnesota Statutes 1991 Supplement, section 169.123, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE 1

## DRIVING WHILE INTOXICATED PROVISIONS

Section 1. Minnesota Statutes 1990, section 168.042, subdivision 1, is amended to read:

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

(b) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the violation occurred.

(c) "Violation" means:

(1) a violation of section 169.123 or an impaired driving conviction as defined in section 169.121, subdivision 3, that results in the revocation of a person's driver's license or driving privileges, and also includes an alcohol-related license revocation from another state;

(2) a violation of section 169.129; and

(3) a violation of section 171.24 by a person whose driver's license or driving privileges have been canceled under section 171.04, clause (8).

Sec. 2. Minnesota Statutes 1990, section 168.042, subdivision 2, is amended to read:

Subd. 2. [VIOLATION; ISSUANCE OF IMPOUNDMENT ORDER.] The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or a fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within ten 15 years; or

(2) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (2) or (3). The order shall require the impoundment of the registration plates of the vehicle involved in the violation and all vehicles owned by, registered, or leased in the name of the violator, including vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 3. Minnesota Statutes 1990, section 168.042, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICER AS AGENT FOR NOTICE OF IMPOUNDMENT.] (a) On behalf of the commissioner, a peace officer issuing a notice of intent to revoke and of revocation under section 169.123 shall also serve a notice of intent to impound and an order of impoundment if the violation is the third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or the fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within ten 15 years. On behalf of the commissioner, a peace officer who is arresting a person for or charging a person with a violation described in subdivision 1, paragraph (c), clause (2) or (3), shall also serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the violation is accessible to the officer at the time the impoundment order is issued, the officer shall seize the registration plates subject to the impoundment order. The officer shall destroy all plates seized or impounded under this section. The officer shall send to the commissioner copies of the notice of intent to impound and the order of impoundment and a notice that registration plates impounded and seized under this section have been destroyed.

Sec. 4. Minnesota Statutes 1990, section 168.042, subdivision 10, is amended to read:

Subd. 10. [PETITION FOR JUDICIAL REVIEW.] (a) Within 30 days following receipt of a notice and order of impoundment under this section, a person may petition the court for review. The petition must include the petitioner's date of birth, driver's license number, and date of the violation. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order for impoundment. The petition may be combined with any petition filed under section 169.123, subdivision 5c.

(b) Except as otherwise provided in this section, the judicial review and hearing are governed by section 169.123, subdivisions 5c and 6, and shall take place at the same time as any judicial review of the person's license revocation under section 169.123. The filing of the petition shall not stay the impoundment order. The reviewing court may order a stay of the balance of the impoundment period if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. The court shall order either that the impoundment be rescinded or sustained, and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing.

(c) In addition to the issues described in section 169.123, subdivision ~~5e~~ 6, the scope of a hearing under this subdivision is limited to:



(1) whether the violator owns, is the registered owner of, possesses, or has access to the vehicle used in the violation; ~~and~~

(2) whether a member of the violator's household has a valid driver's license, the violator or registered owner has a limited license issued under section 171.30, the registered owner is not the violator and the registered owner has a valid or limited driver's license, or a member of the registered owner's household has a valid driver's license; and

(3) if the impoundment is based on a violation described in subdivision 1, paragraph (c), clause (2) or (3), whether the peace officer had probable cause to believe the violator committed the violation and whether the evidence demonstrates that the violation occurred.

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

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

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

Sec. 5. Minnesota Statutes 1990, section 168.042, subdivision 11, is amended to read:

Subd. 11. [RESCISSION OF REVOCATION AND; DISMISSAL OF CHARGES OR ACQUITTAL; ISSUANCE OF NEW PLATES.] If the driver's license revocation that is the basis for an impoundment order is rescinded, the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order rescinding the driver's license revocation. If the impoundment order was based on a violation described in subdivision 1, paragraph (c), clause (2) or (3), and the charges have been dismissed with prejudice or the violator has been acquitted of the violation, the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order dismissing the charges or a copy of the judgment of acquittal.

Sec. 6. Minnesota Statutes 1990, section 169.121, subdivision 1a, is amended to read:

Subd. 1a. [REFUSAL TO SUBMIT TO TESTING; CRIME.] It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 169.123 if the person's driver's license has been suspended, revoked, canceled, or denied once within the past five years, or two or more times within the past ten years, under any of the following: this section or section 169.123;

~~section 171.04, 171.14, 171.16, 171.17, or 171.18 because of an alcohol-related incident; section 609.21, subdivision 1, clause (2) or (3); 609.21, subdivision 2, clause (2) or (3); 609.21, subdivision 3, clause (2) or (3); or 609.21, subdivision 4, clause (2) or (3).~~

Sec. 7. Minnesota Statutes 1990, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this subdivision:

(1) "prior driving under the influence conviction" means a prior conviction under this section; section 169.129; or 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior driving under the influence conviction also includes a prior juvenile adjudication that would have been a prior driving under the influence conviction if committed by an adult;

(2) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; or 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(3) "prior license revocation" means a driver's license suspension, revocation, or cancellation under: this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4).

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with it either of them, is guilty of a misdemeanor.

~~(b)~~ (c) A person is guilty of a gross misdemeanor who under any of the following circumstances:

(1) the person violates subdivision 1 or an ordinance in conformity with it within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

For purposes of this paragraph, a prior impaired driving conviction is a prior conviction under this section; section 84.91, subdivi-

sion 1, paragraph (a), 169.129, 360.0752, 361.12, subdivision 1, paragraph (a), 609.21, subdivision 1, clause (2) or (3), 609.21, subdivision 2, clause (2) or (3), 609.21, subdivision 3, clause (2) or (3), 609.21, subdivision 4, clause (2) or (3), or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(c) A person who violates subdivision 1a is guilty of a gross misdemeanor.

(2) the person violates subdivision 1a within five years of a prior license revocation; or within ten years of the first of two or more prior license revocations; or

(3) the person violates section 169.26 while in violation of subdivision 1.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, under any of the following circumstances:

(1) the person violates subdivision 1 or 1a:

(i) within five years of four prior driving under the influence convictions or four prior license revocations based on separate incidents; or

(ii) within 15 years of the first of five or more prior driving under the influence convictions or the first of five or more prior license revocations based on separate incidents; or

(2) the person violates subdivision 1 or 1a within ten years of a prior conviction under section 169.09, 609.21, or 609.487, and the person either was sentenced to a stayed or executed felony sentence for the prior offense or pled guilty to an offense for which a felony sentence could have been imposed.

(e) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(e) A person is guilty of a gross misdemeanor if the person violates section 169.26 while in violation of subdivision 1.

Sec. 8. Minnesota Statutes 1990, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of ~~violating a gross misdemeanor violation of this section, a violation of section 169.129, or an ordinance in conformity with it either of them~~ (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

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

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

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

Sec. 9. Minnesota Statutes 1990, section 169.121, subdivision 3b, is amended to read:

Subd. 3b. [HABITUAL OFFENDERS; CHEMICAL USE ASSESSMENT.] If a person has been convicted under subdivision 1, 1a, section 169.129, an ordinance in conformity with ~~either any~~ any of them, or a statute or ordinance from another state in conformity with ~~either any~~ any of them, and if the person is then convicted of violating subdivision 1, 1a, section 169.129, or an ordinance in conformity with ~~either any~~ any of them (1) once within five years of the first

conviction or (2) two or more times within ten years after the first conviction, the court must order the person to submit to the level of care recommended in the chemical use assessment required under section 169.126.

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

Sec. 10. Minnesota Statutes 1990, section 169.121, subdivision 3c, is amended to read:

Subd. 3c. [NOTICE OF ENHANCED PENALTIES.] When a court sentences a person for a misdemeanor or gross misdemeanor violation of this section, it shall inform the defendant of the statutory provisions that provide for enhancement of criminal penalties for repeat violators. The failure of a court to provide this information to a defendant does not affect the future applicability of these enhanced penalties to that defendant.

Sec. 11. Minnesota Statutes 1990, section 169.121, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE PENALTIES.] (a) The commissioner of public safety shall revoke the driver's license of a person convicted of violating this section or an ordinance in conformity with it as follows:

(a) (1) First offense under subdivision 1: not less than 30 days;

(2) First offense under subdivision 1a: not less than 90 days;

(b) (3) Second offense in less than five years:

(i) if the current conviction is for a violation of subdivision 1, not less than 90 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126; or

(ii) if the current conviction is for a violation of subdivision 1a, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(e) (4) Third offense in less than five years: not less than one year, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

(d) (5) Fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

(b) If the person convicted of violating this section is under the age of 18 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges until the offender reaches the age of 18 years or for a period of six months or for the appropriate period of time under paragraph (a), clauses ~~(a)~~ (1) to (d) (5) for the offense committed, whichever is the greatest period.

(c) For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

(d) Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

(e) Any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is ~~not~~ subject to the mandatory revocation provisions of clause paragraph (a) or (b), clause (1) or (2) in lieu of the mandatory revocation provisions of section 169.123.

Sec. 12. Minnesota Statutes 1990, section 169.121, subdivision 5, is amended to read:

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

Sec. 13. Minnesota Statutes 1991 Supplement, section 169.121, subdivision 5a, is amended to read:

Subd. 5a. [CHEMICAL DEPENDENCY ASSESSMENT CHARGE, SURCHARGE.] When a court sentences a person convicted of an offense enumerated in section 169.126, subdivision 1, it shall impose a chemical dependency assessment charge of ~~\$76~~ \$120. A person shall pay an additional surcharge of \$5 if the person is convicted of (i) a violation of section 169.129, or (ii) a violation of this section within five years of a prior impaired driving conviction, as defined in subdivision 3, or a prior conviction for an offense arising out of an arrest for a violation of section 169.121 or 169.129. This section applies when the sentence is executed, stayed, or suspended. The court may not waive payment or authorize payment of the assessment charge and surcharge in installments unless it makes written findings on the record that the convicted person is indigent or that the assessment charge and surcharge would create undue hardship for the convicted person or that person's immediate family.

~~The court~~ the county shall collect and forward to the commissioner of finance ~~the total amount~~ \$20 of the chemical dependency assessment charge and the ~~\$5~~ surcharge, if imposed, within 60 days after sentencing or explain to the commissioner in writing why the money was not forwarded within this time period. The commissioner shall credit the money to the general fund. The county shall collect and keep \$100 of the chemical dependency assessment charge and use it to pay for the chemical dependency assessment and report.

The chemical dependency assessment charge and surcharge required under this section are in addition to the surcharge required by section 609.101.

Sec. 14. [169.1216] [IMPOUNDMENT OF MOTOR VEHICLES UNDER LOCAL ORDINANCE; PREREQUISITES TO REDEMPTION.]

Subdivision 1. [DEFINITION.] As used in this section, "impoundment" means the removal of a motor vehicle, as defined in section 169.121, subdivision 11, to a storage facility or impound lot as authorized by a local ordinance.

Subd. 2. [REDEMPTION; PREREQUISITES.] If a motor vehicle is impounded by a peace officer following the arrest or taking into custody of a driver for a violation of section 169.121, an ordinance in conformity with it, or 169.129, the impounded vehicle shall only be released from impoundment:

(1) to the registered owner, a person authorized by the registered owner, a lienholder of record, or a person who has purchased the vehicle from the registered owner, who provides both proof of ownership of the vehicle and proof of insurance required by law to cover the vehicle; or

(2) if the vehicle is subject to a rental or lease agreement, to a

renter or lessee who provides a copy of the rental or lease agreement and proof of insurance required by law to cover the vehicle.

Subd. 3. [TO WHOM INFORMATION PROVIDED.] The proof of ownership and insurance or, where applicable, the copy of the rental or lease agreement required by subdivision 2 shall be provided to the law enforcement agency impounding the vehicle or to a person or entity designated by the law enforcement agency to receive the information.

Subd. 4. [LIABILITY FOR STORAGE COSTS.] No law enforcement agency, local unit of government, or state agency is responsible or financially liable for any storage fees incurred due to an impoundment under this section.

Sec. 15. [169.1217] [FORFEITURE OF MOTOR VEHICLES USED TO COMMIT CERTAIN TRAFFIC OFFENSES.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate authority" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(b) "Designated offense" includes a violation of section 169.121, an ordinance in conformity with it, or 169.129:

(1) within five years of three prior driving under the influence convictions or three prior license revocations based on separate incidents;

(2) within 15 years of the first of four or more prior driving under the influence convictions or the first of four or more prior license revocations based on separate incidents;

(3) by a person whose driver's license or driving privileges have been canceled under section 171.04, clause (8); or

(4) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(c) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(d) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes



a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(e) "Prior driving under the influence conviction" has the meaning given the phrase in section 169.121, subdivision 3.

(f) "Prior license revocation" has the meaning given the phrase in section 169.121, subdivision 3.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Subd. 2. [SEIZURE.] A motor vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle. Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle. If property is seized without process under this clause, the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible.

Subd. 3. [RIGHT TO POSSESSION VESTS IMMEDIATELY; CUSTODY OF SEIZED VEHICLE.] All right, title, and interest in a vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the designated offense giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When a vehicle is so seized, the appropriate agency may:

(1) place the vehicle under seal;

(2) remove the vehicle to a place designated by it; and

(3) take other steps reasonable and necessary to secure the vehicle and prevent waste.

Subd. 4. [BOND BY OWNER FOR POSSESSION.] If the owner of a vehicle that has been seized under this section seeks possession of

the vehicle before the forfeiture action is determined, the owner may, subject to the approval of the appropriate agency, give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle must be returned to the owner and the forfeiture action shall proceed against the security as if it were the seized vehicle.

Subd. 5. [FORFEITURE; A CIVIL PROCEDURE.] (a) An action for forfeiture is a civil in rem action and is independent of any criminal prosecution, except as provided in this subdivision. The appropriate agency handling the forfeiture has the benefit of the evidentiary presumption of subdivision 9, but otherwise bears the burden of proving the act or omission giving rise to the forfeiture by clear and convincing evidence. Certified copies of motor vehicle records concerning prior license revocations are admissible as substantive evidence where necessary to prove the commission of a designated offense.

(b) A court may not issue an order of forfeiture under this section while the alleged owner of the property is in custody and related criminal proceedings are pending against the alleged owner.

Subd. 6. [MOTOR VEHICLES SUBJECT TO FORFEITURE.] A motor vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense.

Subd. 7. [LIMITATIONS ON FORFEITURE OF MOTOR VEHICLES.] (a) A vehicle is subject to forfeiture under this section only if the owner committed the designated offense upon which the forfeiture is based, or the owner was a passenger in the vehicle at the time the designated offense was committed.

(b) A vehicle encumbered by a bona fide security interest or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based.

(c) Notwithstanding paragraph (b), a vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or omission upon which the forfeiture is based if the secured party or lessor took reasonable steps to terminate use of the vehicle by the offender.

Subd. 8. [FORFEITURE BY JUDICIAL ACTION; PROCEDURE.] The forfeiture of a vehicle by judicial action is governed by this subdivision. A separate complaint must be filed against the vehicle stating the act giving rise to the forfeiture and the date and place of the act. The prosecuting authority shall notify the owner or possessor of the vehicle of the action, if known or readily ascertainable.

The action must be captioned in the name of the prosecuting authority or the authority's designee as plaintiff and the vehicle as defendant.

Subd. 9. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) When an appropriate authority makes an arrest or issues a citation for a designated offense, the motor vehicle used to commit the offense is presumed to be subject to forfeiture under this subdivision if the owner is the person alleged to have committed the offense or was a passenger in the vehicle at the time of the offense. The appropriate authority may seize the motor vehicle and give the offender a notice of intent to forfeit the vehicle. The appropriate authority shall also give the notice within ten days to all persons known to have an ownership or possessory interest in the vehicle. Notice mailed by certified mail to the address shown in department of public safety records is deemed sufficient notice to the registered owner of the vehicle.

(b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially, the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169.1217, SUBDIVISION 9, PARAGRAPH (C), YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED VEHICLE. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF IT IS DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. YOU DO NOT HAVE TO PAY THE FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500 AND YOU FILE YOUR CLAIM IN CONCILIATION COURT."

(c) Within 30 days following service of a notice of intent to forfeit under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized vehicle is less than \$500, the claimant may file an action in conciliation court for recovery of the seized vehicle without paying

the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The proceedings are governed by the rules of civil procedure.

(d) The complaint must be captioned in the name of the claimant as plaintiff, the seized vehicle as defendant, must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, and must state the plaintiff's interest in the vehicle seized. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(e) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 8.

(f) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized vehicle, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the appropriate authority to pay reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2.

Subd. 10. [DISPOSITION OF FORFEITED VEHICLES.] (a) If the court finds under subdivision 8 or 9 that the vehicle is subject to forfeiture, it shall order the appropriate agency to:

(1) sell the vehicle and distribute the proceeds under paragraph (c); or

(2) keep the vehicle for official use.

(b) If property is forfeited administratively under subdivision 9 and no demand for judicial determination is made, the appropriate agency may dispose of the property as provided in paragraph (a) without a court order.

(c) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the prosecuting authority responsible for the forfeiture for use in enforcing and prosecuting violations of the driving while under the influence laws.

Sec. 16. Minnesota Statutes 1991 Supplement, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section 169.121, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it;

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or

(4) the screening test was administered and ~~recorded~~ indicated an alcohol concentration of 0.10 or more.

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance or, if the motor vehicle was a commercial motor vehicle, that Minnesota law requires the person to take a test to determine the presence of alcohol;

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for a period of one year or until the person reaches the age of 18 years, whichever is greater and, if the vehicle was a commercial motor vehicle, that the person will be disqualified from operating a commercial motor vehicle for a minimum period of one year;

(3) that if a test is taken and the results indicate an alcohol concentration of 0.10 or more, the person's right to drive will be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater, and, if the vehicle

was a commercial motor vehicle, that if the test results indicate the presence of any alcohol, the person will be prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order, and if the results indicate an alcohol concentration of 0.04 or more, the person will be disqualified from operating a commercial motor vehicle for a minimum period of one year;

(4) that whether a test is taken or refused, the person may be subject to criminal prosecution for an alcohol or controlled substance related driving offense;

(5) (3) that if testing is refused and the person's right to drive has been revoked once within the past five years or two or more times within the past ten years for an alcohol or controlled substance related driving offense, the person may be subject to criminal prosecution because the person refused testing;

(6) (4) that after submitting to testing, the person has the right to have additional tests made by someone of the person's own choosing;

(5) if the peace officer has probable cause to believe the person has violated section 609.21, that a test will be taken with or without the person's consent; and

(6) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by someone of the person's own choosing; and

(7) that if the person refuses to take a test, the refusal may be offered into evidence against the person at trial, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 17. Minnesota Statutes 1990, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL; REVOCATION OF LICENSE.] If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite

the person's refusal. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence. If a person submits to a test and the test results indicate an alcohol concentration of 0.10 or more, or if a person was driving, operating, or in physical control of a commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year. If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for:

- (1) a period of 90 days; or,
- (2) if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater; or
- (3) if the person's driver's license or driving privileges have been revoked within the past five years under this section or section 169.121, for a period of 180 days.

On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in

physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 171.165.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 18. Minnesota Statutes 1990, section 169.126, subdivision 1, is amended to read:

Subdivision 1. [CHEMICAL USE ASSESSMENT.] A chemical use assessment shall be conducted and an assessment report submitted to the court and to the department of public safety by the county agency administering the alcohol safety program when:

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

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

Sec. 19. Minnesota Statutes 1991 Supplement, section 169.126, subdivision 2, is amended to read:

Subd. 2. [REPORT.] (a) The assessment report shall be on a form prescribed by the commissioner of public safety and shall contain an evaluation of the convicted defendant concerning the defendant's prior traffic record, characteristics and history of alcohol and chemical use problems, and amenability to rehabilitation through the alcohol safety program. The report shall be classified as private data on individuals as defined in section 13.02, subdivision 12.

(b) The assessment report must include:

(1) a recommended level of care for the offender in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3;

(2) recommendations for other appropriate remedial action or care, that may consist of educational programs, one-on-one counseling, a program or type of treatment that addresses mental health concerns, or a combination of them; or



(3) a specific explanation why no level of care or action was recommended.

Sec. 20. Minnesota Statutes 1990, section 169.126, subdivision 4c, is amended to read:

Subd. 4c. [REIMBURSEMENT FOR INDIGENTS AND CASES OF UNDUE HARDSHIP.] The commissioner of public safety shall reimburse the county for the cost of each assessment and report at a rate established by the commissioner for cases where the court has determined according to section 169.121, subdivision 5a, that the county may not impose a chemical dependency assessment charge and surcharge because the convicted person is indigent or because the assessment charge and surcharge would create undue hardship. The county may not be reimbursed for the cost of any assessment or report not completed within the time limit provided in subdivision 4. Reimbursement to the county must be made from the general fund. The commissioner of public safety shall adopt rules under chapter 14 providing for the reimbursement of counties for assessments conducted under this section subdivision.

Sec. 21. Minnesota Statutes 1991 Supplement, section 169.1265, subdivision 3, is amended to read:

Subd. 3. [PROGRAM ELEMENTS.] To be considered for a grant under this section, a county program must contain the following elements:

(1) an initial assessment of the offender's chemical dependency, with recommended treatment and aftercare;

(2) several stages of probation supervision, including:

(i) a period of ~~at least 30 days'~~ incarceration in a local or regional detention facility;

(ii) a period during which an offender is, at all times, either working, on home detention, being supervised at a program facility, or traveling between two of these locations;

(iii) a period of home detention; and

(iv) a period of gradually decreasing involvement with the program;

(3) decreasing levels of intensity and contact with probation officials based on the offender's successful participation in the program and compliance with its rules;

(4) a provision for increasing the severity of the program's requirements when an offender offends again or violates the program's rules;

(5) a provision for offenders to continue or seek employment during their period of intensive probation;

(6) a requirement that offenders abstain from alcohol and controlled substances during the probation period; and

(7) a requirement that all or a substantial part of the costs of the program be paid by the offenders.

Sec. 22. Minnesota Statutes 1990, section 169.129, is amended to read:

**169.129 [AGGRAVATED VIOLATIONS; PENALTY.]**

Subdivision 1. [CRIME.] It is a crime for any person is guilty of a gross misdemeanor who drives, operates, or is to drive, operate, or be in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before the person's driver's license or driver's privilege has been reinstated following its cancellation, suspension, revocation, or denial under any of the following: section 169.121 or 169.123; section 171.04, 171.14, 171.16, 171.17, or 171.18 because of an alcohol-related incident; section 609.21, subdivision 1, clause clauses (2) or (3) to (4); 609.21, subdivision 2, clause clauses (2) or (3) to (4); 609.21, subdivision 2a, clauses (2) to (4); 3, clause clauses (2) or (3) to (4); or 609.21, subdivision 4, clause clauses (2) or (3) to (4). Jurisdiction over prosecutions under this section is in the county court.

Subd. 2. [PENALTIES.] (a) Except as otherwise provided in paragraph (b), a person who violates subdivision 1 is guilty of a gross misdemeanor.

(b) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(1) the person violates subdivision 1; and

(2) the person's driver's license or driving privilege has been canceled, suspended, revoked, or denied four times within the past five years or more than four times within the past 15 years under any of the statutes listed in subdivision 1.

Sec. 23. [169.1291] [COMMISSIONER OF PUBLIC SAFETY;  
REPORT TO THE LEGISLATURE.]

The commissioner of public safety shall annually report statistical information from the preceding year on alcohol-related driving incidents in Minnesota to the house and senate judiciary committees. The report shall also contain information relating to the enforcement of the driving while under the influence laws that the commissioner deems relevant including, where feasible, comparison of current statistics with the statistics from previous years.

The commissioner may file this report separately or may include the information within any other annual report to the legislature that the commissioner is otherwise required to file.

Sec. 24. Minnesota Statutes 1990, section 171.04, subdivision 1, is amended to read:

Subdivision 1. [PERSONS NOT ELIGIBLE.] The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. Every driver education course offered by a public school or private commercial driver training school or institute must provide at least two hours of classroom instruction in the effects of the abuse of alcohol or a controlled substance on driving skills and highway safety. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(10) To a child for whom a court has ordered denial of driving privileges under section 260.195, subdivision 3a, until the period of denial is completed; or

(11) To any person whose license has been canceled, during the period of cancellation.

Sec. 25. Minnesota Statutes 1991 Supplement, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the person's drivers license is reinstated.

(b) A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a ~~\$250~~ \$300 fee before the person's drivers license is reinstated to be credited as follows:

(1) ~~20~~ 17 percent shall be credited to the trunk highway fund;

(2) ~~55~~ 62 percent shall be credited to the general fund;

(3) ~~eight~~ seven percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and shall be divided as follows: ~~eight~~ six percent for laboratory costs; ~~two~~ one percent for carrying out the provisions of section 299C.065;

(4) ~~12~~ ten percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account may be appropriated to the commissioner of education for grants to develop alcohol-impaired driver education and chemical abuse prevention programs in elementary and secondary schools. The state board of education shall establish guidelines for the distribution of the grants. At least \$70,000 must be awarded in grants to local school districts; and

(5) ~~five~~ four percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. \$100,000 is annually appropriated from the account to the commissioner of human services for traumatic brain injury case management services. The remaining money in the account is annually appropriated to the commissioner of health to establish and maintain the traumatic brain injury and spinal cord injury registry created in section 144.662 and to reimburse the commissioner of jobs and training for the reasonable cost of services provided under section 268A.03, clause (o).

Sec. 26. Minnesota Statutes 1991 Supplement, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. [~~180-DAY WAITING PERIOD PERIODS.~~] Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a violation of section 169.121 or 169.123;

(2) 90 days, to a person who submitted to testing under section 169.123 if the person's license or privilege has been revoked or suspended for a second or subsequent violation of section 169.121 or 169.123; and

(3) 180 days, to ~~an individual whose~~ a person who refused testing under section 169.123 if the person's license or privilege has been revoked or suspended for a second or subsequent violation of section 169.121 or 169.123; or to a person whose license or privilege has been revoked or suspended for commission of the offense of manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21.

Sec. 27. [SENTENCING GUIDELINES MODIFICATION.]

The sentencing guidelines commission shall modify sentencing guideline II.B.3 to provide that the criminal history score of any person convicted of violating section 609.21 shall include one-half of one criminal history point for each previous violation of section 169.121, 169.1211, or 169.129.

Sec. 28. [SENTENCING GUIDELINES MODIFICATION; CRIMINAL VEHICULAR HOMICIDE.]

The sentencing guidelines commission shall modify the sentencing guidelines by ranking violations of section 609.21, subdivisions 1, clauses (3) and (4), and 3, clauses (3) and (4), in severity level VII of the sentencing guidelines grid.

Sec. 29. [DEPARTMENT OF PUBLIC SAFETY; NOTICE CONCERNING CERTAIN PERSONS UNDER DRIVER'S LICENSE CANCELLATION.]

The commissioner of public safety shall develop a program under which the commissioner monthly notifies local law enforcement agencies of the names and addresses of persons residing within the local agency's jurisdiction whose driver's licenses or driving privileges have been canceled under Minnesota Statutes, section 171.04, clause (8). At the commissioner's discretion, the commissioner may adopt necessary procedures, including periodic updates, so that the information is current and accurate. This list is available only to law enforcement agencies.

Sec. 30. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of public safety for the fiscal year ending June 30, 1993, for the purpose of funding grant applications under Minnesota Statutes, section 169.1265.

## Sec. 31. [EFFECTIVE DATE.]

Sections 1 to 29 are effective January 1, 1993, and apply to crimes committed on or after that date.

ARTICLE 2  
OPERATING A SNOWMOBILE  
OR ALL-TERRAIN VEHICLE  
WHILE INTOXICATED

Section 1. Minnesota Statutes 1990, section 84.91, is amended to read:

84.91 [OPERATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES BY PERSONS UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES.]

Subdivision 1. [ACTS PROHIBITED.] (a) No person shall operate or be in physical control of any snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state ~~while under the influence of:~~

(1) when the person is under the influence of alcohol, as provided in section 169.121, subdivision 1, clauses (a) and (d);

(2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4; or

(3) when the person is under the influence of a combination of any two or more of the elements named in clauses (1) and, (2), and (6);

(4) when the person's alcohol concentration is 0.10 or more;

(5) when the person's alcohol concentration, as measured within two hours of the time of operating, is 0.10 or more; or

(6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate the snowmobile or all-terrain vehicle.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance, as provided under paragraph (a), to operate the snowmobile or all-

terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

Subd. 2. [ARREST.] Conservation officers of the department of natural resources, sheriffs, sheriff's deputies, and other peace officers may arrest a person for a violation under subdivision 1 without a warrant upon probable cause, if without regard to whether the violation was committed in the officer's presence. If the violation did not occur in the officer's presence, the officer may arrest the person if the person was involved in a snowmobile or all-terrain vehicle accident resulting in death, personal injury, or property damage.

Subd. 3. [PRELIMINARY SCREENING TEST.] When an officer authorized under subdivision 2 to make arrests has reason to believe from the manner in which a person is operating, controlling, or acting upon departure from a snowmobile or all-terrain vehicle, or has operated or been in control of the vehicle, that the operator may be violating or has violated subdivision 1, paragraph (a), the officer may require the operator to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test shall be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 84.911, but may not be used in any court action except:

(1) to prove that a test was properly required of an operator under section 84.911; or

(2) in a civil action arising out of the operation or use of a snowmobile or all-terrain vehicle.

Following the preliminary screening test, additional tests may be required of the operator as provided under section 84.911. An operator who refuses a breath sample is subject to the provisions of section 84.911 unless, in compliance with that section, the operator submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. [EVIDENCE.] In a prosecution for a violation of subdivision 1, paragraph (a), or an ordinance in conformity with it, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine, is governed by section 86B.331, subdivision 4.



Subd. 5. [PENALTIES.] (a) A person who violates any prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor.

(b) A person who violates any prohibition contained in subdivision 1 within five years of a prior impaired operating conviction under that subdivision or civil liability under section 84.911, subdivision 2, or an ordinance in conformity with it, or within ten years of the first of two or more prior impaired operating convictions under that subdivision or civil liability under section 84.911, subdivision 2, or an ordinance in conformity with it, is guilty of a gross misdemeanor.

~~(b)~~ For purposes of this section, a prior impaired operating conviction is a prior conviction under this section; section 86B.331, subdivision 1, paragraph (a); 169.121; 169.129; 360.0752; or 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired operating conviction includes a prior juvenile adjudication that would have been a prior impaired operating conviction if committed by an adult.

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecuting misdemeanor violations of this section is also responsible for prosecuting gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired operating convictions from a court, the court must furnish the information without charge.

(d) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle under subdivision 6 is guilty of a misdemeanor.

Subd. 5a. [NOTICE OF ENHANCED PENALTIES.] When a court sentences a person for a misdemeanor violation of this section, it shall inform the defendant of the statutory provisions that provide for enhancement of criminal penalties for repeat violators. The failure of a court to provide this information to a defendant does not affect the future applicability of these enhanced penalties to that defendant.

Subd. 6. [OPERATING PRIVILEGES SUSPENDED.] Upon conviction under this section, or an ordinance in conformity with it, and in addition to any penalty imposed under subdivision 5, the person is prohibited for one year from operating a snowmobile or all-terrain vehicle, whichever was involved in the violation.

Subd. 7. [DUTIES OF COMMISSIONER.] The court shall promptly forward to the commissioner copies of all convictions and criminal and civil penalties imposed under subdivision 5 and section

84.911, subdivision 2. The commissioner shall notify the convicted person of the period during which the person is prohibited from operating a snowmobile or all-terrain vehicle under subdivision 6 or section 84.911, subdivision 2. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from operating a snowmobile or all-terrain vehicle under subdivision 6 or section 84.911, subdivision 2.

Subd. 8. [IMMUNITY FROM LIABILITY.] The state or political subdivision that employs an officer who is authorized under subdivision 2 to make an arrest for violations of subdivision 1 is immune from any liability, civil or criminal, for the care or custody of the snowmobile or all-terrain vehicle being operated by or in the physical control of the person arrested if the officer acts in good faith and exercises due care.

Sec. 2. Minnesota Statutes 1990, section 84.911, is amended to read:

84.911 [CHEMICAL TESTING.]

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 84.91, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was operating or in physical control of a snowmobile or all-terrain vehicle in violation of section 84.91, subdivision 1, paragraph (a), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 84.91, subdivision 1, paragraph (a);

(2) the person has been involved while operating a snowmobile or all-terrain vehicle in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 84.91, subdivision 3; or

(4) the screening test was administered and ~~recorded~~ indicated an alcohol concentration of 0.10 or more.

Subd. 2. [PENALTIES; REFUSAL; REVOCATION OF SNOWMOBILE OR ALL-TERRAIN VEHICLE OPERATING PRIVILEGE.] (a)

If a person refuses to take a test required under subdivision 1, none must be given, but the officer authorized to make arrests under section 84.91, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal.

On certification by the officer that probable cause existed to believe the person had been operating or in physical control of a snowmobile or all-terrain vehicle while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall impose a civil penalty of \$500 and shall prohibit the person from operating a snowmobile or all-terrain vehicle, whichever was involved in the violation, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.

On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to prohibit the operation of a snowmobile or all-terrain vehicle, and to impose the civil penalty set forth in this subdivision. If the officer fails to serve a notice of intent to suspend operating privileges, the commissioner may notify the person by mail, and the notice is deemed received three days after mailing. The notice must advise the person of the right to obtain administrative and judicial review as provided in this section. The prohibition imposed by the commissioner takes effect ten days after receipt of the notice. The civil penalty is imposed on receipt of the notice and must be paid within 30 days of imposition.

(b) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle as provided under paragraph (a) is guilty of a misdemeanor.

Subd. 3. [RIGHTS AND OBLIGATIONS.] At the time a test is requested, the person must be informed:

(1) that Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if the person refuses to take the test, the a person is subject to a civil penalty of \$500 for refusing to take the test and, in addition, is prohibited for a one-year period from operating a snowmobile or an all-terrain vehicle, as provided under subdivision 2;

(3) that if testing is refused it will not affect the person's motor vehicle driver's license;

(4) that if the test is taken and the results indicate ~~that the person is under the influence of an~~ alcohol or a controlled substance concentration of 0.10 or more, the person ~~will~~ may be subject to criminal penalties and in addition to any other penalties the court may impose, the person's operating privileges will be suspended as provided under section 84.91, subdivision 6;

(5) that, after submitting to testing, the person has the right to have additional tests made by someone of the person's own choosing; and

(6) if the peace officer has probable cause to believe the person has violated section 609.21, that a test will be taken with or without the person's consent;

(7) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and

(8) that a refusal to take a test will may be offered into evidence against the person at trial.

Subd. 4. [REQUIREMENT OF URINE TEST.] Notwithstanding subdivision 1, if there is probable cause to believe there is impairment by a controlled substance that is not subject to testing by a breath test, a blood or urine test may be required even after a breath test has been administered.

Subd. 5. [CHEMICAL TESTS.] Chemical tests administered under this section are governed by section 86B.335, subdivisions 8, 9, and 10.

Subd. 6. [JUDICIAL AND ADMINISTRATIVE REVIEW; ENFORCEMENT.] Judicial and administrative review of sanctions imposed under this section is governed by section 86B.335, subdivisions 3, 4, and 5. Payment and enforcement of the civil penalty imposed under this section is governed by section 86B.335, subdivisions 11 and 12.

### Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1992, and apply to crimes committed on or after that date.

ARTICLE 3  
BOATING WHILE INTOXICATED

Section 1. Minnesota Statutes 1990, section 86B.331, is amended to read:

86B.331 [OPERATION WHILE USING ALCOHOL OR DRUGS  
OR WITH A PHYSICAL OR MENTAL DISABILITY.]

Subdivision 1. [ACTS PROHIBITED.] (a) A person may not operate or be in physical control of a motorboat in operation on the waters of this state ~~while under the influence of:~~

(1) when the person is under the influence of alcohol, as provided in section 169.121, subdivision 1, paragraphs (a) and (d);

(2) when the person is under the influence of a controlled or other substance, as provided defined in section 169.121 152.01, subdivision 1 4; or

(3) when the person is under the influence of a combination of any two or more of the elements named in clauses (1) and, (2), and (6);

(4) when the person's alcohol concentration is 0.10 or more;

(5) when the person's alcohol concentration, as measured within two hours of the time of operating, is 0.10 or more; or

(6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate the motorboat.

(b) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance, as provided under paragraph (a), to operate the motorboat in operation on the waters of this state.

(c) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(d) For purposes of this subdivision, a motorboat "in operation"

does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring.

Subd. 2. [ARREST.] Conservation officers of the department of natural resources, sheriffs, sheriff's deputies, and other peace officers may arrest a person for a violation under subdivision 1 without a warrant upon probable cause if, without regard to whether the violation was committed in the officer's presence. If the violation did not occur in the officer's presence, the officer may arrest the person if the person was involved in a motorboat accident resulting in death, personal injury, or property damage.

Subd. 3. [PRELIMINARY SCREENING TEST.] (a) If an officer authorized under subdivision 2 to make arrests has reason to believe from the manner in which a person is operating, controlling, or acting upon departure from a motorboat, or has operated or been in control of a motorboat, that the operator may be violating or has violated subdivision 1, paragraph (a), the officer may require the operator to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose.

(b) The results of the preliminary screening test shall be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 86B.335, but may not be used in a court action except:

(1) to prove that a test was properly required of an operator pursuant to section 86B.335; or

(2) in a civil action arising out of the operation or use of the motorboat.

(c) Following the preliminary screening test, additional tests may be required of the operator as provided under section 86B.335.

(d) An operator who refuses a breath sample is subject to the provisions of section 86B.335 unless, in compliance with that section, the operator submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. [EVIDENCE.] (a) Upon the trial of a prosecution arising out of acts alleged to have been committed by a person arrested for operating or being in physical control of a motorboat in violation of subdivision 1, paragraph (a), or an ordinance in conformity with it, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision:

(1) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol; and

(2) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a preliminary screening test required under subdivision 3 or a chemical test required under section 86B.335 is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

(d) This subdivision does not limit the introduction of other competent evidence bearing upon the question of whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample. A sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(e) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, paragraph (a), clause (5), that the defendant consumed a sufficient quantity of alcohol after the time of operating or physical control of a motorboat and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10; provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

Subd. 5. [PENALTIES.] (a) A person who violates a prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor; ~~except that.~~

(b) A person who violates a prohibition contained in subdivision 1 within five years of a prior ~~impaired operating conviction under that subdivision~~ or civil liability under section 86B.335, subdivision 2, or an ordinance in conformity with it, or within ten years of the first of two or more prior ~~impaired operating convictions under that subdivision~~ or civil liability under section 86B.335, subdivision 2, or an ordinance in conformity with it, is guilty of a gross misdemeanor.

For purposes of this section, a prior impaired operating conviction is a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 169.121; 169.129; 360.0752; or 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired operating conviction including a prior

juvenile adjudication that would have been a prior impaired operating conviction if committed by an adult.

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired operating convictions from a court, the court must furnish the information without charge.

(b) (d) A person who operates a motorboat on the waters of this state during the period the person is prohibited from operating any motorboat or after the person's ~~motorboat~~ watercraft operator's permit has been revoked, as provided under subdivision 6, is guilty of a misdemeanor.

Subd. 5a. [NOTICE OF ENHANCED PENALTIES.] When a court sentences a person for a misdemeanor violation of this section, it shall inform the defendant of the statutory provisions that provide for enhancement of criminal penalties for repeat violators. The failure of a court to provide this information to a defendant does not affect the future applicability of these enhanced penalties to that defendant.

Subd. 6. [SUSPENSION AND REVOCATION OF OPERATING PRIVILEGES.] (a) Upon conviction under this section, or an ordinance in conformity with it, and in addition to any penalty imposed under subdivision 5, the person is prohibited from operating any motorboat on the waters of this state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary.

(b) A person with a ~~motorboat~~ watercraft operator's permit 13 years of age or older but less than 18 years of age and who violates any prohibition contained in subdivision 1 shall have the permit revoked by the commissioner as required by section 86B.811, subdivision 2, in addition to any other penalty imposed by the court.

Subd. 7. [DUTIES OF COMMISSIONER.] The court shall promptly forward copies of all convictions and criminal and civil penalties imposed under subdivision 5 and section 86B.335, subdivision 2, to the commissioner. The commissioner shall notify the convicted person of the period when the person is prohibited from operating a motorboat as provided under subdivision 6 or section 86B.335, subdivision 2. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from operating any motorboat or have had their ~~motorboat~~ watercraft operator's permits revoked pursuant to subdivision 6 or section 86B.335, subdivision 2.



Subd. 8. [GOVERNMENT IMMUNITY FROM LIABILITY FOR BOAT CARE.] The state or political subdivision that is the employer of an officer authorized under subdivision 2 to make an arrest for violations of subdivision 1 is immune from any liability, civil or criminal, for the care or custody of the motorboat being operated by or in the physical control of the person arrested if the officer acts in good faith and exercises due care.

Sec. 2. Minnesota Statutes 1990, section 86B.335, subdivision 1, is amended to read:

Subdivision 1. [CHEMICAL TESTING.] A person who operates or is in physical control of a motorboat in operation on the waters of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. A motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring. The test shall be administered at the direction of an officer authorized to make arrests under section 86B.331, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was operating or in physical control of a motorboat in violation of section 86B.331, subdivision 1, paragraph (a), and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violating section 86B.331, subdivision 1, paragraph (a);

(2) the person has been involved in a motorboat accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 86B.331, subdivision 3; or

(4) the screening test was administered and ~~recorded~~ indicated an alcohol concentration of 0.10 or more.

Sec. 3. Minnesota Statutes 1990, section 86B.335, subdivision 2, is amended to read:

Subd. 2. [REFUSAL TO TAKE TEST.] (a) If a person refuses to take a test required under subdivision 1, a test is not to be given, but the officer authorized to make arrests under section 86B.331, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction where the incident occurred that gave rise to the test demand and refusal. However, if a peace officer has probable cause to believe that the person has

violated section 609.21, a test may be required and obtained despite the person's refusal.

(b) On certification by the officer that probable cause existed to believe the person had been operating or in physical control of a motorboat while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall impose a civil penalty of \$500 and shall prohibit the person from operating any motorboat on the waters of this state for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing. If the person refusing to submit to testing is under the age of 18 years at the time of the refusal, the person's watercraft operator's permit shall be revoked by the commissioner as set forth in this subdivision and a new permit after the revocation must be issued only after the person successfully completes a watercraft safety course.

(c) On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to impose the civil penalty set forth in this subdivision, to prohibit the operation of motorboats, and to revoke a watercraft operator's permit. The officer shall take a watercraft operator's permit held by the person, and shall send the permit to the commissioner along with the certification provided for in this subdivision. If the officer fails to serve a notice of intent to revoke, the commissioner may notify the person by mail and the notice is deemed received three days after mailing. The notice must advise the person of the right to obtain administrative and judicial review as provided in this section. The prohibition and revocation, if any, shall take effect ten days after receipt of the notice. The civil penalty is imposed on receipt of the notice and shall be paid within 30 days of imposition.

(d) A person who operates a motorboat on the waters of this state during the period the person is prohibited from operating a motorboat as provided under paragraph (b) or (c) is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1990, section 86B.335, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL REVIEW.] (a) Within 30 days following receipt of a notice and order imposing sanctions under this section, a person may petition the court for review. The petition must be filed with the district court administrator of the county, municipal, or unified trial court in the county where the incident occurred which gave rise to the test demand and refusal, together with proof of service of a copy on the commissioner and the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred. A responsive pleading is not required of the commissioner

of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the order imposing sanctions.

(c) The filing of the petition does not stay the revocation or prohibition against operation of a motorboat. However, the filing of a petition stays imposition of the civil penalty. The judicial review shall be conducted according to the rules of civil procedure.

Sec. 5. Minnesota Statutes 1990, section 86B.335, subdivision 5, is amended to read:

Subd. 5. [HEARING.] (a) A hearing under this section must be before a ~~municipal, county, or unified~~ district court judge in the county where the incident occurred which gave rise to the test demand and refusal. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in the criminal prosecution under section 86B.331. The hearing must be recorded. The commissioner must be represented by the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred which gave rise to the test demand and refusal.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The reviewing court may order a temporary stay of the balance of the prohibition or revocation if the hearing has not been conducted within 60 days after filing of the petition, upon the application of the petitioner and upon terms the court deems proper.

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

(1) whether the officer had probable cause to believe that the person was operating or in physical control of a motorboat in violation of section 86B.331;

(2) whether one of the conditions in subdivision 1 existed;

(3) whether the person was informed as prescribed in subdivision 6; and

(4) whether the person refused to submit to testing.

(d) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(e) The court shall order that the prohibition or revocation be either sustained or rescinded and shall either sustain or rescind the civil penalty. The court shall forward a copy of the order to the commissioner.

Sec. 6. Minnesota Statutes 1990, section 86B.335, subdivision 6, is amended to read:

Subd. 6. [RIGHTS AND OBLIGATIONS.] At the time a test is requested, the person must be informed:

(1) that Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that a person is subject to a civil penalty of \$500 for refusing to take the test and, in addition, the person is prohibited from operating any motorboat, as provided under subdivision 2, for refusing to take the test;

(3) that if testing is refused it will not affect the person's motor vehicle driver's license;

(4) that if the test is taken and the results indicate ~~that the person is under the influence of alcohol or a controlled substance~~ an alcohol concentration of 0.10 or more, the person ~~will~~ may be subject to criminal penalties and, in addition to any other penalties the court may impose, the person's operating privileges will be suspended as provided under section 86B.331, subdivision 6, paragraph (a);

(5) that, after submitting to testing, the person has the right to have additional tests made by someone of the person's own choosing; ~~and~~

(6) if the peace officer has probable cause to believe the person has violated section 609.21, that a test will be taken with or without the person's consent;

(7) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and

(8) that a refusal to take a test ~~will~~ may be offered into evidence against the person at trial.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective June 1, 1992, and apply to crimes committed on or after that date.

## ARTICLE 4

## AIRCRAFT OPERATION WHILE INTOXICATED

Section 1. Minnesota Statutes 1990, section 360.0752, is amended by adding a subdivision to read:

Subd. 2a. [REFUSAL TO SUBMIT TO TESTING; CRIME.] It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 360.0753.

Sec. 2. Minnesota Statutes 1990, section 360.0752, subdivision 6, is amended to read:

Subd. 6. [CRIMINAL PENALTIES.] (a) A person who violates subdivision 2, clause (g); or 3, is guilty of a misdemeanor.

(b) A person who violates subdivision 2, clauses (a) to (f), or 2a, is guilty of a gross misdemeanor.

(c) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 3. Minnesota Statutes 1990, section 360.0753, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who operates or attempts to operate an aircraft in or over this state or over any boundary water of this state consents, subject to the provisions of this section and section 360.0752, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was operating or attempting to operate an aircraft in violation of section 360.0752 and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violation of section 360.0752;

(2) the person has been involved in an aircraft accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 360.0752;

(4) the screening test was administered and recorded an alcohol concentration of 0.04 or more; or

(5) the officer had probable cause to believe that the person was operating or attempting to operate an aircraft with any amount of alcohol present in the person's body.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine the presence of alcohol or to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if testing is refused, the person will be disqualified from operating an aircraft for a minimum period of one year;

(3) that if a test is taken and the results indicate an alcohol concentration of 0.04 or more or that the person is under the influence of a controlled substance, the person will be subject to criminal penalties and the person may be prohibited from operating an aircraft in this state for up to one year;

(4) whether a test is taken or refused, the person may be subject to criminal prosecution for an alcohol- or controlled substance-related offense relating to the operation of an aircraft;

(3) that if testing is refused, the person may be subject to criminal prosecution because the person refused testing and the person will be disqualified from operating an aircraft for a minimum period of one year;

(4) if the peace officer has probable cause to believe the person has violated section 609.21, that a test will be taken with or without the person's consent;

(5) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test;

(6) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by someone of the person's own choosing; and

(5) (7) that if the person refuses to take a test, the a refusal will to take a test may be offered into evidence against the person at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered, and action may be taken

against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 4. Minnesota Statutes 1990, section 360.0753, subdivision 7, is amended to read:

Subd. 7. [REFUSAL TO PERMIT TEST; CEASE AND DESIST ORDER.] If a person under arrest refuses to permit chemical testing, none shall be given, but the commissioner of transportation, upon the receipt of a certificate of the peace officer that the officer had reasonable and probable grounds to believe the arrested person had been operating or attempting to operate an aircraft in violation of section 360.0752 and that the person had refused to permit the test, shall issue a cease and desist order prohibiting the operation of an aircraft for a period of one year. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal. When a test is obtained pursuant to this section, after the person refused to submit to testing, the commissioner of transportation shall issue a cease and desist order under this section based on the person's refusal.

Sec. 5. Minnesota Statutes 1990, section 360.0753, subdivision 9, is amended to read:

Subd. 9. [HEARING.] The hearing shall be before a district court in the county where the arrest occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be recorded and proceed as in a criminal matter, without the right of trial by jury, and its scope shall cover the issues of whether the peace officer had reasonable and probable grounds to believe the person was operating or attempting to operate an aircraft in violation of section 360.0752; whether the person was lawfully placed under arrest; whether the person refused to permit the test, and if the person refused whether the person had reasonable grounds for refusing to permit the test; and whether at the time of request for the test the peace officer informed the person that the right to fly might will be denied if the person refused to permit the test and of the right to have additional tests made by someone of the person's own choosing. The court shall order either that the denial be rescinded or sustained and refer the order to the commissioner of transportation for further action.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 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 driving while intoxicated; providing felony penalties for certain repeat DWI violators; making it a crime to refuse to submit to testing under the implied consent law; expanding the scope of the administrative plate impoundment law; authorizing the forfeiture of vehicles used to commit certain repeat DWI offenses; increasing certain license revocation periods; revising the implied consent advisory; imposing waiting periods on the issuance of limited licenses; increasing certain fees; providing for certain sentencing guidelines modifications; updating laws relating to operating a snowmobile, all-terrain vehicle, aircraft, or motorboat while intoxicated; appropriating money; amending Minnesota Statutes 1990, sections 84.91; 84.911; 86B.331; 86B.335, subdivisions 1, 2, 4, 5, and 6; 168.042, subdivisions 1, 2, 4, 10, and 11; 169.121, subdivisions 1a, 3, 3a, 3b, 3c, 4, and 5; 169.123, subdivision 4; 169.126, subdivisions 1 and 4c; 169.129; 171.04, subdivision 1; 360.0752, subdivision 6, and by adding a subdivision; and 360.0753, subdivisions 2, 7, and 9; Minnesota Statutes 1991 Supplement, sections 169.121, subdivision 5a; 169.123, subdivision 2; 169.126, subdivision 2; 169.1265, subdivision 3; 171.29, subdivision 2; and 171.30, subdivision 2a; 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.

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

H. F. No. 2579, A bill for an act relating to occupations and professions; modifying disciplinary requirements of the board of social work; allowing the issuance of practice permits; clarifying requirements for changes in licensure level; providing penalties; amending Minnesota Statutes 1990, sections 148B.04, by adding a subdivision; 148B.15; 148B.18, subdivisions 9 and 12; 148B.21, subdivision 2, and by adding subdivisions; 148B.22, subdivision 2; 148B.27, subdivision 3; 148B.28, subdivision 2; Minnesota Statutes 1991 Supplement, sections 148B.04, subdivision 3; 148B.05, subdivision 1; 148B.07, subdivision 3; 148B.08, subdivision 1, and by adding a subdivision; and 148B.175, subdivisions 3, 4, 5, and 8; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 1990, section 148B.05, subdivision 2.

Reported the same back with the following amendments:

Page 3, delete sections 5 and 6

Page 7, line 5, before "special" insert "state government"



Page 8, delete section 19

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "148B.27,"

Page 1, line 10, delete "subdivision 3;"

Page 1, line 13, delete everything after the semicolon

Page 1, line 14, delete "subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 2585, A bill for an act relating to elections; special school district No. 1; allowing special school district No. 1 to change the years of its elections; amending Laws 1959, chapter 462, section 3, as amended.

Reported the same back with the following amendments:

Page 1, line 23, before the period insert ", and election of three of its directors in 1996 and subsequent years for four-year terms"

Page 1, line 25, before the period insert ", and that the terms of office for directors to be elected in 1993 will expire January 1, 1997"

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. 2587, A bill for an act relating to state government; imposing certain requirements on state contracts for advertising, public relations, and marketing services; imposing requirements on

certain recipients of state grants, aids, and appropriations; requiring a study; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [16B.176] [ADVERTISING SPACE PROVIDED BY RECIPIENTS OF STATE GRANTS.]**

A nonprofit organization, governmental entity, or business that receives an appropriation, grant, or aid from the state shall provide programs of state agencies and political subdivisions free advertising or publicity space in one or more of the organization's publications exceeding eight pages. This requirement does not apply to publications distributed only to employees or shareholders of the organization, or to other publications where this publicity or advertising would be inappropriate. The organization providing the space may decide how much to provide. The free advertising or publicity must be provided during the state fiscal year that the grant, aid, or appropriation is received.

**Sec. 2. [16B.177] [RECIPIENTS OF SERVICES; ADVERTISING.]**

The commissioner shall notify state agencies and political subdivisions of services available under this section and section 1. The commissioner shall maintain a file of advertising or publicity that state agencies and political subdivisions would like to place or develop under section 1. The commissioner shall coordinate requests and space with organizations offering space. State agencies and political subdivisions that receive a legislative appropriation for marketing, publicity, or advertising may not receive space under this section.

**Sec. 3. [EFFECTIVE DATE.]**

Sections 1 and 2 are effective July 1, 1992, and apply only to contracts entered into and grants, aid, and appropriations received on or after that date."

Amend the title as follows:

Page 1, line 2, delete "certain"

Page 1, line 3, delete "on state contracts"

Page 1, line 4, delete "; imposing"

Page 1, line 5, delete "requirements"

Page 1, line 6, delete "requiring a study;"

With the recommendation that when so amended 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. 2596, A bill for an act relating to the world trade center; authorizing and establishing procedures for the privatization of the world trade corporation; appropriating money; amending Minnesota Statutes 1990, section 44A.0311; proposing coding for new law in Minnesota Statutes, chapter 44A.

Reported the same back with the following amendments:

Page 2, lines 18 and 19, delete "in its sole discretion" and insert "in conjunction with the commissioner of the department of administration"

Page 2, after line 30, insert:

"Subd. 6. [APPROVAL OF THE STATE.] The board of the world trade center and the commissioner of the department of administration shall both approve the final agreement for the sale."

With the recommendation that when so amended 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. 2634, A bill for an act relating to economic development; changing the name of the export finance authority to Minnesota trading company; increasing the size of the board of directors and changing the composition; changing the financing terms; amending Minnesota Statutes 1990, section 116J.9763, subdivisions 2, 6, and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 116J.9673, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS.] The governor shall appoint ~~six~~ seven members to the authority's board of directors. ~~The Six~~ members shall be knowledgeable in international finance, exporting, or international law and one member shall represent a company specializing in agricultural trade. ~~The commissioner of the department of trade and economic development shall be chair of the board.~~ Membership, terms, compensation and removals are governed by section 15.0575. Board members shall perform their duties in a non-self-serving manner and in compliance with section 10A.07.

Sec. 2. Minnesota Statutes 1990, section 116J.9673, subdivision 7, is amended to read:

Subd. 7. [INSURANCE AND GUARANTEES.] The finance authority may provide insurance and guarantees to the following extent:

(1) The finance authority may ~~not~~ provide to any one person insurance or guarantees ~~in excess of \$250,000 for preexport transactions and \$250,000 or for postexport transactions.~~ When insuring, coinsuring, or guaranteeing the postexport portion of transactions, the finance authority shall retain not more than ten percent of the commercial risk, or alternatively, the normal and standard deductible of the insurance policy.

(2) The policy of the finance authority is to provide insurance and guarantees for export credits that would otherwise not be made and that the chair and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment.

(3) The finance authority shall contract with, among others, the Foreign Credit Insurance Association, the United States Export-Import Bank, and private insurers to secure insurance or reinsurance for country and commercial risks for the finance authority's insurance program. The finance authority may purchase insurance policies using money from the finance authority's appropriations.

(4) Losses incurred by the finance authority that relate to its insurance or guarantee activities shall be solely borne by the finance authority to the extent of its capital and reserves.

Sec. 3. [APPROPRIATION.]

\$..... is appropriated to the commissioner of trade and economic development for the export finance authority working capital account. The sum is available until expended."

Delete the title and insert:

"A bill for an act relating to economic development; increasing the size of the board of directors of the export finance authority and changing the composition; changing the financing terms; appropriating money; amending Minnesota Statutes 1990, section 116J.9763, subdivisions 2 and 7."

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. 2647, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 11A.23, subdivision 2; 13.791; 82B.20, subdivision 2; 86B.115; 86B.601, subdivision 1; 88.45; 103I.112; 115A.63, subdivision 3; 115A.82; 116J.70, subdivision 2a; 176.1041, subdivision 1; 176.361, subdivision 2; 177.23, subdivision 7; 183.38, subdivision 1; 214.01, subdivision 2; 268A.09, subdivision 7; 290.10; 297A.15, subdivision 5; 298.402; 298.405, subdivision 1; 326.405; 326.43; 348.13; 352.116, subdivision 3b; 352B.10, subdivision 5; 352B.105; 356.24; 356.82; 466.131; 504.02; 514.53; 517.08, subdivision 1c; and 609.0331; Minnesota Statutes 1991 Supplement, sections 3.873, subdivision 6; 16B.122, subdivision 2; 60D.20, subdivision 1; 60G.01, subdivision 2; 116.072, subdivision 1; 116J.693, subdivision 2; 124.19, subdivision 1; 124.479; 169.983; 171.06, subdivision 3; 179A.10, subdivision 2; 256.969, subdivisions 2 and 3a; 256B.74, subdivision 2; 256H.03, subdivision 5; 272.01, subdivision 2; 272.02, subdivision 1; 275.50, subdivision 5; 340A.4055; 457A.01, subdivision 5; 473.845, subdivision 3; and 611A.02, subdivision 2; reenacting Minnesota Statutes 1991 Supplement, section 256B.431, subdivision 3f; repealing Minnesota Statutes 1990, section 326.01, subdivision 20; Laws 1989, chapter 282, article 2, section 188; Laws 1991, chapters 182, section 1; and 305, section 10.

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. 2664, A bill for an act relating to game and fish; granting preference to elderly applicants for licenses or permits to take deer within a refuge; amending Minnesota Statutes 1990, section 97A.091, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 25, delete "shall" and insert "may"

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. 2683, A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

Reported the same back with the following amendments:

Page 2, line 19, strike everything after the first comma

Page 2, strike line 20

Amend the title as follows:

Page 1, line 4, after the semicolon insert "repealing a surviving spouse remarriage penalty;"

With the recommendation that when so amended 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. 2694, A bill for an act relating to health; appropriating money to the commissioner of health to review proposals from occupations and professions seeking to be licensed or regulated.

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. 2696, A bill for an act relating to nursing homes; defining a residential hospice facility; modifying hospice program conditions; amending Minnesota Statutes 1990, section 144A.48, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 34, delete "or"

Page 3, delete line 4, and insert:

"(ii) for purposes of the state building code and state uniform fire code, the facility meets Group R, Division 3 occupancy requirements for six or less persons and Group R, Division 1 occupancy requirements for seven to eight persons; or

(3) in compliance with the fire protection provisions of chapter 21 of the 1988 Life Safety Code, NFPA 101, for facilities housing persons with impractical evacuation capabilities, as a minimum."

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. 2709, A bill for an act relating to alcoholic beverages; authorizing the sale of liqueur-filled candy in confectionery stores; amending Minnesota Statutes 1990, section 31.121.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 168.012, subdivision 1, is amended to read:

Subdivision 1. (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) vehicles owned and used by honorary consul or consul general of foreign governments; and

(6) ambulances owned by ambulance services licensed under section 144.802, the general appearance of which is unmistakable.

(b) Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

(c) Unmarked vehicles used in general police work and, arson investigations, and liquor investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections shall be registered and shall display appropriate license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form



prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the department of revenue in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates which shall be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) All other motor vehicles shall be registered and display tax-exempt number plates which shall be furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates shall have the name of the state department or political subdivision, or the nonpublic high school operating a driver education program, on the vehicle plainly displayed on both sides thereof in letters not less than 2-1/2 inches high and one-half inch wide; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle. Such identification shall be in a color giving contrast with that of the part of the vehicle on which it is placed and shall endure throughout the term of the registration. The identification must not be on a removable plate or placard and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 2. Minnesota Statutes 1990, section 340A.101, subdivision 15, is amended to read:

Subd. 15. [LICENSED PREMISES.] "Licensed premises" is the premises described in the approved license application. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

Sec. 3. Minnesota Statutes 1990, section 340A.602, is amended to read:

#### 340A.602 [CONTINUATION.]

In any city in which the report of the operations of a municipal liquor store has shown in any two of three consecutive years both (1) a net loss in any two of three consecutive years or has shown and (2) that no contribution to other municipal funds has been made from the net income of the operation in any two of three consecutive years,

the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election.

Sec. 4. [DULUTH LICENSE.]

Notwithstanding any law to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to a restaurant located at 109 North Second Avenue West in the city of Duluth. The license authorized by this section is in addition to any other licenses authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized by this section.

Sec. 5. [ON-SALE LICENSE; BLUE EARTH COUNTY.]

The Blue Earth county board may issue an on-sale intoxicating liquor license to a billiard hall located within South Bend township in the county, without regard to whether the licensed establishment meets the definition of "restaurant" in Minnesota Statutes, section 340A.101, subdivision 25. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 6. [LAKE TOWNSHIP; OPERATION OF LIQUOR STORE.]

Notwithstanding any other provision of law: (1) the Roseau county board may issue an off-sale retail intoxicating liquor license to the town board of Lake township in the county, and may set the fee for the license, and (2) the town board of Lake township may by majority vote establish, own, and operate an exclusive liquor store within the township for the off-sale of intoxicating liquor if the exclusive liquor store is operated under a license issued by Roseau county. The authority granted under this section does not include the authority for the town board to issue retail alcoholic beverage licenses. All provisions of Minnesota Statutes, chapter 340A that apply to the off-sale intoxicating liquor licenses, not inconsistent with this section, apply to the establishment, ownership, and operation of an exclusive liquor store under this section.

Sec. 7. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; exempting liquor investigation vehicles from taxes and registration fees; defining certain terms; clarifying certain language; authorizing issuance of certain liquor licenses and operation of a liquor store; amending Minnesota Statutes 1990, sections 168.012, subdivision 1; 340A.101, subdivision 15; and 340A.602."

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. 2723, A bill for an act relating to motor fuels; weights and measures; regulating octane and oxygenated fuels; amending Minnesota Statutes 1990, sections 41A.09, subdivision 2, and by adding a subdivision; 239.06; 239.75; 239.79; 239.80; 296.01, subdivisions 1, 2, 3, 4, 4a, 4b, 15, 24, and by adding subdivisions; 296.02, subdivisions 1, 2, and 7; Minnesota Statutes 1991 Supplement, section 239.05, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 239; repealing Minnesota Statutes 1990, sections 239.75, subdivisions 3 and 4; 239.76, as amended; 239.79, subdivisions 1 and 2; 296.01, subdivision 2a; and 325E.09.

Reported the same back with the following amendments:

Page 5, delete section 22

Page 8, line 29, delete "petroleum" and insert "gasoline"

Page 9, line 4, delete "or"

Page 9, line 6, delete "and" and insert "or"

Page 9, after line 6, insert:

"(iii) a dye to distinguish heating fuel from low sulfur diesel fuel; and"

Page 10, after line 20, insert:

"Subd. 4. [USE OF TERM "PREMIUM."] The term "premium" may be used only to advertise, or to identify a dispenser used to dispense, gasoline with an octane rating of 91 or greater."

Renumber the remaining subdivisions in sequence

Page 15, line 28, delete "minimum" and insert "average"

Page 19, line 1, delete "(a)"

Page 19, line 2, strike "or"

Page 19, line 3, before "is" insert ", 239.791, or 239.792"

Page 19, delete lines 4 to 16

Page 26, after line 31, insert:

"Sec. 53. [APPROPRIATION; COMPLEMENT.]

\$722,000 is appropriated from the general fund to the commissioner of the department of public service to be available until June 30, 1993, for octane and oxygenated fuels enforcement. The complement of the department of public service is increased by seven positions."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 3, after the semicolon insert "appropriating money;"

Page 1, line 5, delete "239.06;"

With the recommendation that when so amended 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. 2727, A bill for an act relating to the bureau of mediation services; eliminating the Minnesota public employment relations board; modifying arbitration procedures; amending Minnesota Stat-

utes 1990, sections 14.03, subdivision 2; 43A.06, subdivision 2; 179A.03, subdivisions 3, 5, and 17; 179A.10, subdivisions 1 and 3; 179A.12, subdivision 3; 179A.13, subdivision 3; 179A.16, subdivisions 3, 5, and 8; 179A.17; 179A.18, subdivision 1; 179A.20, subdivision 1; 179A.21, subdivisions 2 and 3; 179A.22, subdivision 4; and 179A.25; Minnesota Statutes 1991 Supplement, sections 179A.04, subdivision 3; 179A.13, subdivision 2; and 179A.16, subdivisions 4, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 179A; repealing Minnesota Statutes 1990, section 179A.05, as amended.

Reported the same back with the following amendments:

Page 5, line 8, delete "The petition"

Page 5, delete lines 9 to 13 and insert "A petition for a writ of certiorari shall be filed and served on the other party or parties and the commissioner within 30 days from the date of the mailing of the commissioner's decision. The petition shall be served on the other party or parties at their last known address."

Page 13, line 13, delete the new language

Page 13, line 14, reinstate the stricken language

Page 13, line 15, reinstate everything before the stricken "chair"

Page 13, delete line 16 and insert "board commissioner. The board commissioner shall adopt rules establishing criteria to be"

Page 13, line 17, reinstate the stricken language

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. 2732, A bill for an act relating to public utilities; removing the public service member from the telecommunications access for communication-impaired persons board; amending Minnesota Statutes 1990, section 237.51, subdivisions 2 and 6.

Reported the same back with the following amendments:

Page 1, line 10, reinstate the stricken language and delete "11"

Page 1, line 14, reinstate everything before the stricken "public" and after the stricken "service" insert "administration" and reinstate the stricken "or"

Page 1, line 15, reinstate the stricken language

Page 1, line 16, reinstate the stricken "(3)"

Page 1, lines 18, 20, 23, and 26, reinstate the stricken language and delete the new language

Page 2, line 3, reinstate the stricken language and delete the new language

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. 2756, A bill for an act relating to the city of Virginia; authorizing annual increases in survivor benefits payable by the Virginia firefighters relief association.

Reported the same back with the following amendments:

Page 1, line 11, after "percentage" insert "salary"

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. 2784, A bill for an act relating to retirement; Minneapolis police relief association; recodifying the local laws applicable to the local relief association; amending Laws 1980, chapter 607, article XV, sections 8, 9, as amended, and 10; Laws 1989, chapter 319, article 19, sections 6 and 7, subdivisions 1 and 4, as amended; and Laws 1990, chapter 589, article 1, section 6; repealing Minnesota Statutes 1957, sections 423.71; 423.715; 423.72; 423.725; 423.73; 423.735; 423.74; 423.745; 423.75; 423.755; 423.76; 423.765; 423.77; 423.775; Special Laws 1891, chapter 143; Laws 1943, chapter

280; Laws 1949, chapter 406; Laws 1953, chapter 127; Laws 1957, chapters 721 and 939; Laws 1959, chapters 428 and 662; Laws 1961, chapter 532; Laws 1963, chapter 315; Laws 1965, chapters 493, 520, and 534; Laws 1967, chapters 820 and 825; Laws 1969, chapters 258 and 560; Laws 1973, chapters 272 and 309; Laws 1975, chapter 428; Laws 1980, chapter 607, article XV, section 21; Laws 1983, chapter 88; Laws 1987, chapters 322, sections 2, 3, 4, 5, 6, 7, and 8; and 372, article 2, sections 2, 3, 4, 6, and 15; Laws 1988, chapters 572, sections 3, 5, and 6; and 574, sections 2, 4, and 5; Laws 1990, chapter 589, article 1, section 4; and Laws 1991, chapter 90.

Reported the same back with the following amendments:

Page 9, line 18, before the first "the" insert "notwithstanding a contrary provision of Minnesota Statutes, section 69.80,"

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. 2791, A bill for an act relating to state government; revising procedures governing state contracts for professional and technical services; amending Minnesota Statutes 1990, sections 15.061; 16B.17; and 16B.19, subdivisions 2 and 10.

Reported the same back with the following amendments:

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 1990, section 16B.07, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF NOTICE; EXPENDITURES OVER ~~\$15,000~~ \$25,000 AND REQUESTS FOR PROPOSAL.] If the amount of an expenditure or sale is estimated to exceed ~~\$15,000~~ \$25,000, sealed bids or requests for proposal as provided in section 16B.08, subdivision 4, clause (b), must be solicited by public notice inserted at least once in a newspaper or trade journal not less than seven days before the final date of submitting bids. The commissioner shall designate the newspaper or trade journal for that publication, and may designate different newspapers or journals according to the nature of the purchase or contract. The commissioner shall also solicit sealed bids by sending notices by mail to all prospective bidders known to the commissioner, and by posting

notice on a public bulletin board in the commissioner's office at least five days before the final date of submitting bids. All bids must be sealed when they are received and must be opened in public at the hour stated in the notice. All original bids and all documents pertaining to the award of a contract must be retained and made a part of a permanent file or record and remain open to public inspection.

Sec. 3. Minnesota Statutes 1990, section 16B.07, subdivision 4, is amended to read:

Subd. 4. [PURCHASES, SALES, OR RENTALS; ~~\$15,000~~ \$25,000 OR LESS.] All purchases or sales the amount of which is estimated to be ~~\$15,000~~ \$25,000 or less may be made either upon competitive bids or in the open market, in the discretion of the commissioner. So far as practicable, however, they must be based on at least three competitive bids which must be permanently recorded.

Sec. 4. Minnesota Statutes 1990, section 16B.08, subdivision 4, is amended to read:

Subd. 4. [NEGOTIATED CONTRACTS.] (a) In lieu of any of the other requirements of this chapter, the commissioner may negotiate a contract for public work to be performed at a state-owned institution or installation if the cost does not exceed ~~\$15,000~~ \$25,000 and if the head of the affected state agency requests the commissioner to do so. The commissioner shall have prepared whatever plans and specifications for the public work deemed necessary by the commissioner to protect the public interest. Contractor's bonds or security pursuant to chapter 574 are not required for contracts entered into pursuant to this subdivision.

(b) In lieu of the requirement for competitive bidding in section 16B.07, subdivision 1, purchases and contracts may be negotiated in those circumstances determined by the commissioner, and in any of those circumstances the commissioner shall advertise for a request for proposal as a basis for negotiation."

Page 4, after line 24, insert:

"Sec. 8. Minnesota Statutes 1990, section 473.523, is amended to read:

473.523 [CONTRACTS FOR CONSTRUCTION MATERIALS, SUPPLIES, AND EQUIPMENT.]

Subdivision 1. No contract for any construction work, or for the purchase of materials, supplies, or equipment, costing more than ~~\$15,000~~ \$25,000 shall be made by the commission without publishing once in a legal newspaper or trade paper published in a city of



the first class not less than two weeks before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, and a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. The commission shall have the right to set qualifications and specifications and to require bids to meet all such qualifications and specifications before being accepted. If the commission by an affirmative vote of two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of ~~\$15,000~~ \$25,000 or in making emergency repairs, it shall not be necessary to advertise for bids.

Subd. 2. The administrator may, without prior approval of the commission and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of ~~\$15,000~~ \$25,000."

Page 4, delete lines 26 and 27 and insert:

"Sections 2, 3, and 8 are effective July 1, 1992. Sections 1 and 4 to 7 are effective January 1, 1993. Sections 1 to 8 apply to contracts entered into after the effective date of each section."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to state government; revising procedures governing state contracts for professional and technical services; increasing the contract amount for certain requirements to apply; amending Minnesota Statutes 1990, sections 15.061; 16B.07, subdivisions 3 and 4; 16B.08, subdivision 4; 16B.17; 16B.19, subdivisions 2 and 10; and 473.523."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 2822, A bill for an act relating to commerce; defining the

responsibilities of ski area operators and skiers; defining the rights and liabilities between skiers and between a skier and a ski area operator; proposing coding for new law as Minnesota Statutes, chapter 86C.

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

The report was adopted.

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

H. F. No. 2827, A bill for an act relating to public safety officers; defining firefighters for purposes of the public safety officer's survivor benefits law; providing education benefits under the survivor law to eligible dependents attending technical colleges; amending Minnesota Statutes 1990, section 299A.41, subdivision 4; Minnesota Statutes 1991 Supplement, section 299A.45, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 2, delete "disposal" and insert "responder"

Page 2, delete lines 20 to 36

Amend the title as follows:

Page 1, line 4, delete "providing education"

Page 1, delete line 5

Page 1, line 6, delete everything before "amending"

Page 1, line 7, delete the semicolon and insert a period

Page 1, delete lines 8 and 9

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. 2854, A bill for an act relating to the city of Hibbing; providing for membership terms for the Hibbing public safety commission; providing for the size of the public utilities commission; providing for its compensation; amending Laws 1949, chapter 422, section 2, as amended.

Reported the same back with the following amendments:

Page 2, after line 20, insert:

"Sec. 3. Minnesota Statutes 1990, section 375.18, is amended by adding a subdivision to read:

Subd. 15. [COUNTY NEWSLETTER.] Each county board may prepare, publish, and distribute a county newsletter that reports on timely issues and presents other information useful to county residents and governmental agencies. The newsletter may be published at intervals determined by the county board and may be distributed by direct mailing or by other means."

Page 2, line 21, delete "3" and insert "4"

Page 2, line 22, delete "This act takes" and insert "Sections 1 and 2 take"

Amend the title as follows:

Page 1, line 2, delete "the city of Hibbing" and insert "local government"

Page 1, line 3, before "Hibbing" insert "city of"

Page 1, line 4, before "public" insert "Hibbing"

Page 1, line 5, after the second semicolon insert "authorizing boards of counties to publish newsletters;"

Page 1, line 6, after "amending" insert "Minnesota Statutes 1990, section 375.18, by adding a subdivision;"

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

The report was adopted.

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

H. F. No. 2910, A bill for an act relating to the environment; providing that a public information meeting must be held before a sanitary district may be created; providing for a hearing; amending Minnesota Statutes 1990, sections 115.19; and 115.20, subdivisions 1, 2, 3, 4, 5, and 6.

Reported the same back with the following amendments:

Page 5, line 12, delete everything after the period and insert "The mailed copy must state the date that the notice will appear in the State Register. Copies need not be sent by registered mail."

Page 5, line 13, delete "not required."

Page 5, after line 13, insert:

"(1) describe the petition for creation of the district;"

Page 5, line 19, delete "or"

Page 5, line 20, delete everything before the semicolon

Renumber the clauses in sequence

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. 2913, A bill for an act relating to human services; providing for HIV minimum standards; providing for HIV training in chemical dependency treatment programs; expanding exclusion from licensure; providing for integration of residential programs; delegating authority to enforce uniform fire code; setting adult foster care license capacity; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; 245A.07, subdivisions 2 and 3; 245A.11; and 299F011, subdivision 4a; Minnesota Statutes 1991 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivision 3; and 245A.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1990, sections 245A.11, subdivision 5; 245A.14, subdivision 5; and 245A.17.

Reported the same back with the following amendments:

Page 12, line 5, delete everything after the period

Page 12, delete lines 6 to 8

Page 13, after line 27, insert:

"Sec. 9. Minnesota Statutes 1990, section 256C.28, subdivision 2, is amended to read:

Subd. 2. [REMOVAL; VACANCIES; ~~EXPIRATION.~~] The compensation, removal of members, and filling of vacancies on the council are as provided in section 15.0575. ~~The council expires as provided in section 15.059, subdivision 5.~~

Sec. 10. Minnesota Statutes 1990, section 256C.28, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The council shall:

(1) advise ~~the commissioner~~, the governor, ~~and the legislature~~, and the commissioners of the departments of human services, education, jobs and training, and health on the nature of the issues and disabilities confronting hearing impaired persons in Minnesota;

(2) advise ~~the commissioner~~, the governor, ~~and the legislature~~, and the commissioners of the departments of human services, education, jobs and training, and health on the development of policies, programs, and services affecting hearing impaired persons, and on the use of appropriate federal and state money;

(3) create a public awareness of the special needs and potential of hearing impaired persons;

(4) provide ~~the commissioner~~, the governor, ~~and the legislature~~, and the commissioners of the departments of human services, education, jobs and training, and health with a review of ongoing services, programs, and proposed legislation affecting hearing impaired persons;

(5) advise ~~the commissioner~~, the governor, ~~and the legislature~~, and the commissioners of the departments of human services, education, jobs and training, and health on statutes or rules necessary to ensure that hearing impaired persons have access to benefits and services provided to individuals in Minnesota;

(6) recommend to ~~the commissioner~~, the governor, ~~and the legislature~~, and the commissioners of the departments of human services, education, jobs and training, and health legislation designed

to improve the economic and social conditions of hearing impaired persons in Minnesota;

(7) propose solutions to problems of hearing impaired persons in the areas of education, employment, human rights, human services, health, housing, and other related programs;

(8) recommend to the governor and the legislature any needed revisions in the state's affirmative action program and any other steps necessary to eliminate the underemployment or unemployment of hearing impaired persons in the state's work force;

(9) work with other state and federal agencies and organizations to promote economic development for hearing impaired Minnesotans; and

(10) coordinate its efforts with other state and local agencies serving hearing impaired persons."

Page 14, line 19, delete "licensed" and insert "subject to licensure"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon insert "eliminating expiration of the council for the hearing impaired; changing duties of the council for the hearing impaired;"

Page 1, line 10, after the second semicolon insert "256C.28, subdivisions 2 and 3;"

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 699, 905, 1133, 1817, 1996, 1997, 2060, 2063, 2135, 2152, 2180, 2198, 2251, 2280, 2286, 2346, 2426, 2541, 2544, 2579, 2585, 2587, 2647, 2664, 2683, 2696, 2709, 2727, 2732, 2756, 2784, 2791, 2827, 2854 and 2910 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 1689 and 2210 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Rest introduced:

H. F. No. 2965, A bill for an act relating to public finance; providing conditions and requirements for issuance of debt and for the financial obligations of authorities; exempting certain securities from registration requirements; defining acceptable securities for use by self-insurers for workers' compensation; amending Minnesota Statutes 1990, sections 80A.15, subdivision 1; 176.181, subdivision 2, and by adding subdivisions; 429.091, subdivision 2; and 469.015, subdivision 4; Minnesota Statutes 1991 Supplement, sections 469.155, subdivision 12; and 475.66, subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jaros introduced:

H. F. No. 2966, A bill for an act relating to Duluth; authorizing the Spirit Mountain recreation area authority to engage in business activities outside the Spirit Mountain recreation area; amending Laws 1973, chapter 327, section 5, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Clark and Greenfield introduced:

H. F. No. 2967, A bill for an act relating to human services; modifying requirements for earned income savings accounts for residents of residential facilities; requiring the signature of a representative of the residential facility before money may be withdrawn; amending Minnesota Statutes 1991 Supplement, section 256D.06, subdivision 1b.

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

Bertram, Kalis and Simoneau introduced:

H. F. No. 2968, A bill for an act relating to appropriations; validating certain appropriations for volunteer firefighters' supplemental benefits; limiting appropriations; appropriating money; amending Minnesota Statutes 1990, section 424A.10, by adding a subdivision.

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. 2969, 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.

Runbeck; Leppik; Nelson, K.; Weaver and McEachern introduced:

H. F. No. 2970, A bill for an act relating to education; appropriating money to match a grant from the National Science Foundation for a systemic initiative in science and math education.

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

O'Connor, Sarna and Anderson, I., introduced:

H. F. No. 2971, A bill for an act relating to commerce; restraint of trade; providing an evidentiary presumption in resale price maintenance cases; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Jaros introduced:

H. F. No. 2972, A bill for an act relating to taxation; income and franchise; providing that certain sales are made without the state; amending Minnesota Statutes 1990, section 290.191, subdivision 5.

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



Johnson, A.; Rest; Simoneau; Carlson and Leppik introduced:

H. F. No. 2973, A bill for an act relating to education; converting the tax capacity rate on existing referendums; amending Minnesota Statutes 1991 Supplement, section 124A.03, by adding a subdivision.

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

Smith, Begich, McEachern, Jaros and Dempsey introduced:

H. F. No. 2974, A bill for an act relating to taxation; property; exempting property owned by nonprofit associations used as ice arenas; amending Minnesota Statutes 1991 Supplement, section 272.02, subdivision 1.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Osthoff and Abrams introduced:

H. A. No. 40, A proposal to study the issue of legislative oversight of gambling activities conducted on Indian Reservations.

The advisory was referred to the Committee on General Legislation, Veterans Affairs and Gaming.

#### 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 Files, herewith returned:

H. F. No. 917, A bill for an act relating to commerce; requiring additional license for motor vehicle lessor, wholesaler, or auctioneer when establishing additional place of doing business in a second class city outside of the metropolitan area; amending Minnesota Statutes 1990, section 168.27, subdivision 10.

H. F. No. 2044, A bill for an act relating to water; creating an exemption from certain requirements relating to once-through water use permits; amending Minnesota Statutes 1990, section 103G.271, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

H. F. No. 2259, A bill for an act relating to retirement; setting an earlier accrual date for a certain retired member of the state retirement system.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

S. F. Nos. 2307, 2385, 2011, 2227, 1919, 1638 and 1773.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2307, A bill for an act relating to elections; changing deadlines for certain statutory cities to abolish the ward system; amending Minnesota Statutes 1990, section 412.023, subdivision 4.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

S. F. No. 2385, A bill for an act relating to elections; special school district No. 1; allowing special school district No. 1 to change the years of its elections; amending Laws 1959, chapter 462, section 3, as amended.

The bill was read for the first time.

Jefferson moved that S. F. No. 2385 and H. F. No. 2585, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2011, A bill for an act relating to waters; granting sheriffs power to bar vehicles from unsafe ice; eliminating the appeal to the commissioner of natural resources from a sheriff's decision; amending Minnesota Statutes 1990, section 86B.121; 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.

S. F. No. 2227, A bill for an act relating to landlords and tenants; changing the interest rate required on a rental deposit; amending Minnesota Statutes 1990, section 504.20, subdivision 2.

The bill was read for the first time.

Jennings moved that S. F. No. 2227 and H. F. No. 2475, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1919, 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.

The bill was read for the first time.

Olsen, S., moved that S. F. No. 1919 and H. F. No. 1751, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1638, A bill for an act relating to counties; permitting county offices to be filled by special election; amending Minnesota Statutes 1990, sections 375.08; and 375.101, subdivision 1.

The bill was read for the first time.

Wenzel moved that S. F. No. 1638 and H. F. No. 1860, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1773, A bill for an act relating to cities and counties; permitting the appointment of citizen budget advisory committees; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

## CONSENT CALENDAR

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.

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

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

H. F. No. 2082, A bill for an act relating to utilities; requiring rules for tracing calls made to a household that has received harassing calls; proposing coding for new law in Minnesota Statutes, chapter 237.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Brown	Frerichs	Hufnagle	Knickerbocker
Anderson, I.	Carlson	Garcia	Hugoson	Koppendrayner
Anderson, R.	Carruthers	Girard	Jacobs	Krambeer
Anderson, R. H.	Clark	Goodno	Janezich	Krinkie
Battaglia	Cooper	Greenfield	Jaros	Krueger
Bauerly	Dauner	Gruenes	Jefferson	Lasley
Beard	Davids	Gutknecht	Jennings	Leppik
Begich	Dawkins	Hanson	Johnson, A.	Lieder
Bertram	Dempsey	Hartle	Johnson, R.	Limmer
Bettermann	Dille	Hasskamp	Johnson, V.	Lourey
Bishop	Dorn	Haukoos	Kahn	Lynch
Blatz	Erhardt	Hausman	Kalis	Macklin
Bodahl	Farrell	Heir	Kelso	Mariani
Boo	Frederick	Henry	Kinkel	Marsh

McEachern	Olson, E.	Pugh	Skoglund	Valento
McGuire	Olson, K.	Reding	Smith	Vanasek
McPherson	Omann	Rest	Solberg	Vellenga
Milbert	Onnen	Rice	Sparby	Wagenius
Morrison	Orenstein	Rodosovich	Stanis	Waltman
Munger	Orfield	Rukavina	Steensma	Weaver
Murphy	Osthoff	Runbeck	Sviggum	Wejman
Nelson, K.	Ostrom	Sarna	Swenson	Welker
Nelson, S.	Ozment	Schafer	Thompson	Welle
Newinski	Pauly	Schreiber	Tompkins	Wenzel
O'Connor	Pellow	Seaberg	Trimble	Winter
Ogren	Pelowski	Segal	Tunheim	Spk. Long
Olsen, S.	Peterson	Simoneau	Uphus	

The bill was passed and its title agreed to.

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.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

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.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R.	Battaglia	Beard	Bertram
Anderson, I.	Anderson, R. H.	Bauerly	Begich	Bettermann

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

The bill was passed and its title agreed to.

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.

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	Clark	Hanson	Kahn	Marsh
Anderson, I.	Cooper	Hartle	Kalis	McEachern
Anderson, R.	Dauner	Hasskamp	Kelso	McGuire
Anderson, R. H.	Davids	Haukoos	Kinkel	McPherson
Battaglia	Dawkins	Hausman	Knickerbocker	Milbert
Bauerly	Dille	Heir	Koppendrayner	Morrison
Beard	Dorn	Henry	Krambeer	Munger
Begich	Erhardt	Hufnagle	Krinkie	Murphy
Bertram	Farrell	Hugoson	Krueger	Nelson, K.
Bettermann	Frederick	Jacobs	Lasley	Nelson, S.
Bishop	Frerichs	Janezich	Leppik	Newinski
Blatz	Garcia	Jaros	Lieder	O'Connor
Bodahl	Girard	Jefferson	Limmer	Ogren
Boo	Goodno	Jennings	Lourey	Olsen, S.
Brown	Greenfield	Johnson, A.	Lynch	Olson, E.
Carlson	Gruenes	Johnson, R.	Macklin	Omann
Carruthers	Gutknecht	Johnson, V.	Mariani	Onnen



Orenstein	Reding	Segal	Thompson	Weaver
Orfield	Rest	Simoneau	Tompkins	Wejcman
Osthoff	Rice	Skoglund	Trimble	Welker
Ostrom	Rodosovich	Smith	Tunheim	Welle
Ozment	Rukavina	Solberg	Uphus	Wenzel
Pauly	Runbeck	Sparby	Valento	Winter
Pellow	Sarna	Stanis	Vanasek	Spk. Long
Pelowski	Schafer	Steensma	Vellenga	
Peterson	Schreiber	Sviggum	Wagenius	
Pugh	Seaberg	Swenson	Waltman	

The bill was passed and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Smith
Anderson, I.	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, R.	Girard	Koppendrayner	Omann	Sparby
Anderson, R. H.	Goodno	Krambeer	Onnen	Stanis
Battaglia	Greenfield	Krinkie	Orenstein	Steensma
Bauerly	Gruenes	Krueger	Orfield	Sviggum
Beard	Gutknecht	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
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	
Frederick	Kelso	Ogren	Skoglund	

The bill was passed and its title agreed to.

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.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2792, A bill for an act relating to retirement; providing level benefits for members of the Minneapolis fire department relief association.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R.	Battaglia	Beard	Bertram
Anderson, I.	Anderson, R. H.	Bauerly	Begich	Bettermann

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

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

Mariani moved that the names of Kalis and Garcia be added as authors on H. F. No. 2375. The motion prevailed.

Greenfield moved that the name of Gutknecht be added as an author on H. F. No. 2696. The motion prevailed.

Heir moved that the name of Peterson be added as an author on H. F. No. 2723. The motion prevailed.

Erhardt moved that the name of Olsen, S., be added as an author on H. F. No. 2935. The motion prevailed.

Bauerly moved that the name of Gruenes be added as an author on H. F. No. 2961. The motion prevailed.

Trimble moved that H. F. No. 117 be recalled from the Committee on Health and Human Services and be re-referred to the Committee

on General Legislation, Veterans Affairs and Gaming. The motion prevailed.

Bodahl moved that H. F. No. 2451 be recalled from the Committee on Ways and Means and be re-referred to the Committee on Appropriations. The motion prevailed.

Hasskamp moved that H. F. No. 2350 be returned to its author. The motion prevailed.

Uphus moved that H. F. No. 1737 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, March 19, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, March 19, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives