

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION -- 1993

TWENTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 8, 1993

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

Prayer was offered by Dr. Dale Wordelman, Golden Valley United Methodist Church, Golden Valley, Minnesota.

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

The roll was called and the following members were present:

Abrams	Dauner	Haukoos	Koppendrayner	Mosel	Perlt	Sviggum
Anderson, I.	Davids	Hausman	Krinkie	Munger	Peterson	Swenson
Anderson, R.	Dawkins	Holsten	Krueger	Murphy	Pugh	Tomassoni
Asch	Dehler	Hugoson	Lasley	Neary	Reding	Tompkins
Battaglia	Delmont	Huntley	Leppik	Nelson	Rest	Trimble
Bauerly	Dempsey	Jacobs	Lieder	Ness	Rhodes	Tunheim
Beard	Dorn	Jaros	Limmer	Olson, E.	Rice	Van Dellen
Bergson	Erhardt	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Bertram	Evans	Jennings	Lourey	Olson, M.	Rukavina	Vickerman
Bettermann	Farrell	Johnson, A.	Luther	Ommen	Sarna	Wagenius
Bishop	Frerichs	Johnson, R.	Lynch	Opatz	Seagren	Waltman
Blatz	Garcia	Johnson, V.	Macklin	Orenstein	Sekhon	Weaver
Brown, C.	Girard	Kahn	Mahon	Orfield	Simoneau	Wejcman
Brown, K.	Goodno	Kalis	Mariani	Osthoff	Skoglund	Wenzel
Carlson	Greenfield	Kelley	McCollum	Ostrom	Smith	Winter
Carruthers	Greiling	Kelso	McGuire	Ozment	Solberg	Wolf
Clark	Gruenes	Kinkel	Milbert	Pauly	Sparby	Worke
Commers	Gutknecht	Klinzing	Molnau	Pawlenty	Stanius	Workman
Cooper	Hasskamp	Knickerbocker	Morrison	Pelowski	Steensma	Spk. Long

A quorum was present.

Welle was excused.

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

REPORTS OF CHIEF CLERK

S. F. No. 40 and H. F. No. 45, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bishop moved that the rules be so far suspended that S. F. No. 40 be substituted for H. F. No. 45 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 5, 1993

The Honorable Dee Long
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Long:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1, relating to legislative committees; providing for the designation of successor legislative committees; updating statutory references to names of committees.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1993 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 1993</i>	<i>Date Filed 1993</i>
	1	4	11:48 a.m. March 5	March 5

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Rest from the Committee on Taxes to which was referred:

H. F. No. 117, A bill for an act relating to taxation; providing for purchase of certain tax-forfeited lands; providing a refund; amending Minnesota Statutes 1992, sections 282.01, subdivision 7; and 282.241.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 282.01, subdivision 7, is amended to read:

Subd. 7. [COUNTY SALES; NOTICE, PURCHASE PRICE, DISPOSITION.] The sale herein provided for shall commence at such time as the county board of the county wherein such parcels lie, shall direct. The county auditor shall offer the parcels of land in order in which they appear in the notice of sale, and shall sell them to the highest bidder, but not for a less sum than the appraised value, until all of the parcels of land shall have been offered, and thereafter shall sell any remaining parcels to anyone offering to pay the appraised value thereof, except that if the person could have repurchased a parcel of property under section 282.012 or 282.241, that person shall not be allowed to purchase that same parcel of property at the sale under this subdivision unless approved by the county board for a purchase price less than the sum of all delinquent taxes and assessments computed under section 282.251, together with penalties, interest, and costs that accrued or would have accrued if the parcel had not forfeited to the state. Said sale shall continue until all such parcels are sold or until the county board shall order a reappraisal or shall withdraw any or all such parcels from sale. Such list of lands may be added to and the added lands may be sold at any time by publishing the descriptions and appraised values of such parcels of land as shall have become forfeited and classified as nonconservation since the commencement of any prior sale or such parcels as shall have been reappraised, or such parcels as shall have been reclassified as nonconservation or such other parcels as are subject to sale but were omitted from the existing list for any reason in the same manner as hereinafter provided for the publication of the original list, provided that any parcels added to such list shall first be offered for sale to the highest bidder before they are sold at appraised value. All parcels of land not offered for immediate sale, as well as parcels of such lands as are offered and not immediately sold shall continue to be held in trust by the state for the taxing districts interested in each of said parcels, under the supervision of the county board, and such parcels may be used for public purposes until sold, as the county board may direct.

Sec. 2. Minnesota Statutes 1992, section 282.241, is amended to read:

282.241 [REPURCHASE AFTER FORFEITURE.]

The owner at the time of forfeiture, or the owner's heirs, devisees, or representatives, or any person to whom the right to pay taxes was given by statute, mortgage, or other agreement, may repurchase any parcel of land claimed by the state to be forfeited to the state for taxes unless before the time repurchase is made the parcel is sold under installment payments, or otherwise, by the state as provided by law, or is under mineral prospecting permit or lease, or proceedings have been commenced by the state or any of its political subdivisions or by the United States to condemn such parcel of land. The parcel of land may be repurchased. ~~The repurchase price is the greater of (1) the appraised value of the parcel, or (2) for~~ for the sum of all delinquent taxes and assessments computed under section 282.251, together with penalties, interest, and costs, that accrued or would have accrued if the parcel of land had not forfeited to the state. Except for property which was homesteaded on the date of forfeiture, such repurchase shall be permitted during one year only from the date of forfeiture, and in any case only after the adoption of a resolution by the board of county commissioners determining that thereby undue hardship or injustice resulting from the forfeiture will be corrected, or that permitting such repurchase will promote the use of such lands that will best serve the public interest. If the county board has good cause to believe that a repurchase installment payment plan for a particular parcel is unnecessary and not in the public interest, the county board may require as a condition of repurchase that the entire repurchase price be paid at the time of repurchase. A repurchase shall be subject to any easement, lease, or other encumbrance granted by the state prior thereto, and if said land is located within a restricted area established by any county under Laws 1939, chapter 340, such repurchase shall not be permitted unless said resolution with respect thereto is adopted by the unanimous vote of the board of county commissioners.

Sec. 3. [EXTENSION OF TIME FOR REPURCHASE.]

Property eligible for repurchase on or after April 25, 1992, but before the date of final enactment of this act, may be repurchased as provided in section 2 for an additional period of one year, beginning on the date of final enactment of this act. Any right of repurchase under this section is subject to (1) sale or conveyance of the property; (2) commencement of condemnation proceedings by the state or any of its political subdivisions or by the United States; or (3) the issuance of a mineral prospecting permit or lease.

Sec. 4. [EFFECTIVE DATE; REFUND; REPURCHASE PRICE REDUCTION.]

(a) Sections 1 and 3 are effective the day following final enactment.

(b) Section 2 is effective retroactive to April 25, 1992. Upon application to the county auditor, a person who repurchased property under the provisions of Minnesota Statutes, section 282.241, as amended by Laws 1992, chapter 511, article 2, section 29, shall receive a refund, if the person paid the total repurchase price, or, if the person is paying the repurchase price in installments, shall receive a reduction in the repurchase price. The refund or reduction in repurchase price is equal to the amount of the property's appraised value at the time of the repurchase in excess of the sum of all delinquent taxes and assessments computed under Minnesota Statutes, section 282.251, together with penalties, interest, and costs that accrued or would have accrued if the parcel of land had not forfeited to the state. The refund shall be paid without interest.

(c) If the repurchase price is being paid in installments, the auditor and the repurchaser shall negotiate a new installment payment plan to reflect the repurchase price under section 2, or the repurchaser may pay any remaining balance in full; or, if the amount already paid exceeds the repurchase price under section 2, the repurchaser shall receive a refund, without interest, equal to the excess.

(d) The refund shall be paid by the county treasurer from the forfeited tax sale fund. Taxing districts that received distributions from the forfeited tax sale fund in regard to a parcel for which a person is receiving a refund under this section must reimburse the fund. The reimbursement shall be determined by the county auditor as part of the next settlement, except that if the forfeited tax sale fund does not contain the funds necessary to make the refund, the taxing districts shall each pay the reimbursement within five business days after notification by the county auditor. The amount of the reimbursement is equal to the ratio of the total distributions from the fund to the total deposits in the fund multiplied by the taxing district's statutory distribution percentage under Minnesota Statutes, section 282.08, multiplied by the total refund. In addition, the county must reimburse the fund in an amount equal to: (1) the percentage of the total deposits retained in the fund or set aside for (i) county costs, (ii) timber development under Minnesota Statutes, section 282.08, clause (4), paragraph (a), and (iii) county parks or recreational areas under Minnesota Statutes, section 282.08, clause (4), paragraph (b); multiplied by (2) the total refund. The reimbursement shall be paid without interest."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 203, A bill for an act relating to occupations and professions; board of medical practice; modifying requirements for licensing United States, Canadian, and foreign medical school graduates; providing for temporary permits; providing for residency permits; adding a requirement for students exempt from penalties for practicing without a license; adding to licensed professionals subject to reporting obligations; indemnifying board members, consultants, and persons employed by the board; amending Minnesota Statutes 1992, sections 62A.46, subdivision 7; 147.02, subdivision 1, and by adding a subdivision; 147.03; 147.037, subdivision 1, and by adding a subdivision; 147.09; 147.111, subdivision 4; 147.121, subdivision 2; and 148.91, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 147.

Reported the same back with the following amendments:

Page 5, after line 6, insert:

"Subd. 3. [EXCEPTION.] Notwithstanding subdivision 2, the board may issue a temporary permit to practice medicine to an applicant who has not satisfied the requirements of subdivision 1, paragraph (c), clause 2, item (i) or (ii), but has satisfied all other requirements for licensure under this section, and has paid a nonrefundable fee set by the board. The permit remains valid for six months."

Page 7, line 11, after the period insert "Upon issuance of a license by the board, the board will terminate a residency permit."

Page 7, line 14, delete "a nonrefundable fee set by the board" and insert "a \$20 nonrefundable fee upon initial application and upon a change in residency program a lesser nonrefundable fee set by the board in such amount that is necessary to cover administrative costs incurred by the board"

Page 7, line 25, before "A" insert "Upon a change in residency programs,"

Page 7, line 27, before the period insert "being terminated"

Page 7, line 28, before the period insert "until licensure is obtained"

Page 7, line 31, after the period insert "The intent of this subdivision is not to replace routine academic corrective action undertaken by a residency training program."

Page 9, line 32, delete the comma before "person" and insert "or"

Page 9, line 33, delete ", or faculty of a residency"

Page 9, line 34, delete "program"

Page 10, line 4, delete the comma before "person" and insert "or"

Page 10, line 5, delete "or faculty of a residency program,"

Page 10, line 12, delete the new language, and strike "and" and insert a comma

Page 10, line 13, strike "or engaged in the" and insert ", and consultants retained by the board for the purpose of" and strike "and"

Page 10, line 14, strike "in" and insert "or"

Page 10, delete lines 22 to 26 and insert:

"Sec. 11. Minnesota Statutes 1992, section 148.71, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PERMIT.] (a) The board may, upon payment of a fee set by the board, issue a temporary permit to practice physical therapy under supervision to a physical therapist who is a graduate of an approved school of physical therapy and qualified for admission to examination for registration as a physical therapist. A temporary permit to practice physical therapy under supervision may be issued only once and cannot be renewed. It expires 90 days after the next examination for registration given by the board or on the date on which the board, after examination of the applicant, grants or denies the applicant a registration to practice, whichever occurs first. A temporary permit expires on the first day the board begins its next examination for registration after the permit is issued if the holder does not submit to examination on that date. The holder of a temporary permit to practice physical therapy under supervision may practice physical therapy as defined in section 148.65 if the entire practice is under the supervision of a person holding a valid registration to practice physical therapy in this state. The supervision shall be direct, immediate, and on premises.

(b) A physical therapist from another state who is licensed or otherwise registered in good standing as a physical therapist by that state and meets the requirements for registration under section 148.72 does not require supervision

to practice physical therapy while holding a temporary permit in this state. The temporary permit remains valid only until the meeting of the board at which the application for registration is considered.

Sec. 12. Minnesota Statutes 1992, section 148.71, is amended by adding a subdivision to read:

Subd. 3. [FOREIGN-TRAINED PHYSICAL THERAPISTS; TEMPORARY PERMITS.] (a) The board of medical practice may issue a temporary permit to a foreign-trained physical therapist who:

- (1) is enrolled in a supervised physical therapy traineeship that meets the requirements under paragraph (b);
- (2) has completed a physical therapy education program equivalent to that under section 148.705 and Minnesota Rules, part 5601.0800, subpart 2;
- (3) has achieved a score of at least 550 on the test of English as a foreign language or a score of at least 85 on the Minnesota battery test; and
- (4) has paid a nonrefundable fee set by the board.

A foreign-trained physical therapist must have the temporary permit before beginning a traineeship.

(b) A supervised physical therapy traineeship must:

- (1) be at least six months;
- (2) be at a board-approved facility;
- (3) provide a broad base of clinical experience to the foreign-trained physical therapist including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient diagnoses;
- (4) be supervised by a physical therapist who has at least three years of clinical experience and is registered under subdivision 1; and
- (5) be approved by the board before the foreign-trained physical therapist begins the traineeship.

(c) A temporary permit is effective on the first day of a traineeship and expires 90 days after the next examination for registration given by the board following successful completion of the traineeship or on the date on which the board, after examination of the applicant, grants or denies the applicant a registration to practice, whichever occurs first.

(d) A foreign-trained physical therapist must successfully complete a traineeship to be registered as a physical therapist under subdivision 1. The traineeship may be waived for a foreign-trained physical therapist who is licensed or otherwise registered in good standing in another state and has successfully practiced physical therapy in that state under the supervision of a licensed or registered physical therapist for at least six months at a facility that meets the requirements under paragraph (b), clauses (2) and (3).

(e) A temporary permit will not be issued to a foreign-trained applicant who has been issued a temporary permit for longer than six months in any other state."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 10, after the semicolon insert "adding registration requirements for physical therapists from other states and foreign-trained physical therapists;"

Page 1, line 15, delete "148.91, subdivision 3" and insert "148.71, subdivision 2, and by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 269, 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 1992, sections 85.045, subdivision 2; 86A.04; 86A.05, subdivisions 2 and 3; and 86A.08, subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 26, insert:

"(d) The advisory committee shall serve as volunteers and accept no per diem."

Page 3, lines 34 and 35, delete "Soo Line Railroad" and insert "railroad"

Page 4, after line 36, insert:

"Subject to easements of record for the following state roads, all Trunk Highway 6 and Trunk Highway 210 rights-of-way, in fee or easement, in the described land are exempted."

Page 5, line 1, delete "AND RULE EXEMPTION" and delete "(a)"

Page 5, line 3, delete "1994" and insert "1995"

Page 5, delete lines 4 and 5

Page 7, line 10, delete "1992" and insert "1993"

Page 9, line 8, delete "and"

Page 9, delete line 9

Page 9, line 10, delete "subdivision 5" and insert "of the recreation area"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 272, A bill for an act relating to state departments; abolishing department of public safety and transferring certain responsibilities and personnel to other agencies; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 13.99, subdivision 82; 15.01; 15A.081, subdivision 1; 16B.14; 16B.54, subdivision 2; 43A.05, subdivision 4; 43A.34, subdivision 4; 65B.28, subdivision 2; 161.125, subdivision 3; 161.20, subdivision 4; 161.465; 168.011, by adding subdivisions; 168.126, subdivision 3; 168.325; 169.751; 169.783, subdivision 1; 170.23; 170.24; 171.015; 216C.19, subdivision 1; 218.031, subdivision 2; 270.73, subdivision 1; 297B.01, subdivision 3; 297C.03, subdivision 1; 297C.10, subdivisions 1 and 2; 297C.12; 297C.13, subdivision 1; 299A.02; 299A.30, subdivision 1; 299A.31, subdivision 1; 299A.331, subdivision 1; 299A.38, subdivision 1; 299C.01, subdivisions 2 and 4; 299C.06; 299C.13; 299C.50; 299F.01, subdivision 2; 299L.01, subdivision 1; 340A.201; 347.51, subdivision 2a; 349.151, subdivision 2; 352B.01, subdivision 2; 360.0752, subdivision 7; 360.0753, subdivision 6; 611A.20, subdivision 2; 624.7151; 626.5531, subdivision 2; 626.562, subdivision 1; and 634.16; repealing Minnesota Statutes 1992, sections 168.325, subdivision 4; 171.015, subdivisions

1 and 5; 270B.12, subdivision 4; 299A.01; 299C.01, subdivision 1; and 299F.01, subdivisions 1 and 3; Laws 1987, chapter 315, section 4, subdivision 2; Laws 1990, chapters 571, section 39; and 594, article 3, sections 6 and 7.

Reported the same back with the following amendments:

Page 2, line 25, after "positions" insert "not specifically transferred to the office of attorney general or the department of commerce"

Page 2, line 28, delete "and (9)," and insert ", (9), and (11),"

Page 2, lines 31 and 34, delete "and (9)," and insert ", (9), and (11),"

Page 3, line 4, delete "division and"

Page 3, line 8, after the semicolon insert "and"

Page 3, line 9, delete "; and" and insert a period

Page 3, delete line 10

Page 3, line 27, delete "and"

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

(5) five positions from the liquor control enforcement activity of the liquor control division."

Page 4, line 16, delete "REVENUE" and insert "COMMERCE"

Page 4, line 17, delete "control" and insert "licensing"

Page 4, delete line 18 and insert "commerce. Four positions from the liquor control licensing activity of the liquor control division are transferred to the department of commerce."

Page 17, line 34, reinstate the stricken language

Page 17, line 35, before "a" insert "attorney general"

Page 18, line 7, reinstate the stricken "notifying the" and delete the new language and insert "attorney general"

Page 18, line 14, reinstate the stricken language

Page 18, line 15, after the stricken "safety" insert "attorney general" and reinstate the stricken "within two business days" and delete "note in"

Page 18, line 16, delete the new language

Pages 18 and 19, delete section 27 and insert:

"Sec. 27. Minnesota Statutes 1992, section 297C.09, is amended to read:

297C.09 [IMPORTATION BY INDIVIDUALS.]

A person, other than a person under the age of 21 years, entering Minnesota from another state may have in possession one liter of intoxicating liquor or 288 ounces of malt liquor and a person entering Minnesota from a foreign country may have in possession four liters of intoxicating liquor or ten quarts (320 ounces) of malt liquor without the required payment of the Minnesota excise tax. A collector of commemorative bottles, other than a person under the age of 21 years, entering Minnesota from another state may have in possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. A person who imports or has in possession untaxed intoxicating liquor or malt liquor in excess of the quantities provided for in this section is guilty of a misdemeanor.

This section does not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers when licensed by the commissioner of public safety commerce or to common carriers with licenses to sell intoxicating liquor in more than one state. A peace officer, the commissioner attorney general, or their authorized agents, may seize untaxed liquor."

Page 19, line 20, after "commissioner" insert "of revenue and the attorney general"

Pages 19 to 24, delete sections 29 to 32 and insert:

"Sec. 29. Minnesota Statutes 1992, section 299A.02, is amended to read:

299A.02 [COMMISSIONERS OF PUBLIC SAFETY ATTORNEY GENERAL AND COMMISSIONER OF REVENUE; LIQUOR CONTROL FUNCTIONS.]

Subdivision 1. [DIRECTOR OF DIVISION OF LIQUOR CONTROL CONFLICT OF INTEREST.] No employee of the department of public safety attorney general or the department of revenue having any responsibility for the administration or enforcement of Laws 1985, chapter 305, articles 2 to 11 this section and chapters 297C and 340A shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety attorney general or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision in Laws 1985, chapter 305, articles 2 to 11 this section and chapters 297C and 340A. Intentional violation of the preceding sections by a classified employee of one of the attorney general or the departments department of revenue may be grounds for removal of that employee pursuant to section 43A.33.

Subd. 2. [GENERAL POWERS.] The commissioner attorney general shall administer and enforce the provisions of Laws 1985, chapter 305, articles 2 to 11 this section and chapters 297C and 340A except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Subd. 3. [REPORTS; RULES.] The commissioner attorney general shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11 this section and chapters 297C and 340A. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

Subd. 4. [SUBPOENAS.] In all matters relating to official duties, the commissioner attorney general shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of the commissioner's duties."

Page 29, line 9, before "The" insert "Effective July 1, 1993," and delete "revenue" and insert "commerce"

Page 29, lines 12 and 16, delete "July 1," and insert "June 30,"

Page 29, line 18, delete "commissioner of" and strike "revenue" and before "as" insert "commissioner of commerce or attorney general,"

Page 30, line 3, strike everything after "(a)"

Page 30, strike lines 4 to 6

Page 30, line 7, strike "(b)"

Page 30, line 15, strike "(c)" and insert "(b)"

Page 30, line 17, strike "(d)" and insert "(c)"

Page 30, line 19, strike "(e)" and insert "(d)"

Page 31, line 13, strike "public safety" and after "employees" insert "of the office of the attorney general"

Page 34, after line 36, insert:

"Sec. 52. [WORKER PARTICIPATION.]

Subdivision 1. [RESTRUCTURING PROVISIONS.] The restructuring of agencies required by this act shall be conducted under Minnesota Statutes, section 43A.045.

Subd. 2. [WORKER PARTICIPATION COMMITTEES.] (a) Before the restructuring of executive branch agencies under this act, a committee including representatives of employees and employers within each affected agency must be established and be given adequate time to perform the functions prescribed by paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members representing bargaining units.

(b) A committee established under paragraph (a) shall:

(1) identify tasks related to agency reorganization and adopt plans for addressing those tasks;

(2) identify other employer and employee issues related to reorganization and adopt plans for addressing those issues;

(3) adopt plans for implementing this act, including detailed plans for providing retraining for affected employees; and

(4) guide the implementation of the reorganization."

Page 37, line 24, after "214.04;" insert "297C.03; 297C.10, subdivision 2; 297C.12; 297C.13, subdivision 1;"

Page 37, line 30, delete "REVENUE" and insert "COMMERCE"

Page 37, line 36, delete "revenue" and insert "commerce"

Page 38, line 1, delete "revenue" and insert "commerce" in both places

Page 38, line 2, delete "revenue" and insert "commerce"

Page 38, line 5, delete "297C.09;" and delete "383.28;" and insert "383C.28;"

Page 39, line 32, delete the second "1." and insert "2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 15 and insert "297C.09; 297C.10, subdivision 1;"

Page 1, line 16, delete "297C.12; 297C.13, subdivision 1;"

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

The report was adopted.

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

H. F. No. 316, A bill for an act relating to natural resources; requiring that iron mines and production facilities be maintained in salable operating condition; proposing coding for new law in Minnesota Statutes, chapter 93.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 442, A bill for an act relating to education; appropriating money for a deficiency in HECB appropriations.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 117, 203 and 442 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 40 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Ostrom, Swenson, Lasley, Vellenga and Lourey introduced:

H. F. No. 846, A bill for an act relating to civil commitment; authorizing new procedures for return of certain patients who are absent from treatment facilities without authorization; amending Minnesota Statutes 1992, section 253B.23, subdivision 1a.

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

Tompkins, Bettermann, Wenzel, Steensma and Gutknecht introduced:

H. F. No. 847, A bill for an act relating to health; providing a woman considering abortion the right to certain information before giving consent; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius, Dehler, Holsten, Worke and Gutknecht introduced:

H. F. No. 848, A resolution memorializing Congress to propose an amendment to the United States Constitution to authorize Congress and the states to prohibit physical damage to the flag of the United States.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Osthoff, Goodno, Kahn, Pugh and Carruthers introduced:

H. F. No. 849, A bill for an act relating to the municipal board; providing for the composition of the board; amending Minnesota Statutes 1992, section 414.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Osthoff, Goodno, Kahn, Pugh and Carruthers introduced:

H. F. No. 850, A bill for an act relating to local government; transferring authority for incorporations, detachments, and annexations to the office of administrative hearings and the office of strategic and long-range planning; providing a single annexation procedure; amending Minnesota Statutes 1992, sections 414.01, subdivisions 1, 14, 15, 16, and by adding a subdivision; 414.011, subdivisions 7 and 8; 414.012; 414.02; 414.031; 414.035; 414.041; 414.051; 414.06; 414.061; 414.063; 414.067; 414.07; 414.08; and 414.09; repealing Minnesota Statutes 1992, sections 414.01, subdivisions 2, 3, 3a, 4, 5, 6a, 7a, 8, 10, 11, and 12; 414.0325; 414.033; and 414.036.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Delmont, Perlit and Swenson introduced:

H. F. No. 851, A bill for an act relating to controlled substances; modifying the definitions of cocaine and marijuana; providing that marijuana penalties in sale and possession crimes may be based on number of marijuana plants; clarifying evidentiary use of partial tests of breath alcohol concentration in DWI cases; allowing results of certain tests to be used in evidence; amending Minnesota Statutes 1992, sections 152.01, subdivisions 3a and 9; 152.021, subdivisions 1 and 2; 152.022, subdivisions 1 and 2; 152.023, subdivisions 1 and 2; 169.01, by adding a subdivision; 169.121, subdivision 2; 169.123, subdivision 2b; and 169.1217, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 634.

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

Dawkins introduced:

H. F. No. 852, A bill for an act relating to education; appropriating money for matching grants for "male responsibility" pilot programs.

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

Opatz, Bertram, Bauerly and Gruenes introduced:

H. F. No. 853, A bill for an act relating to capital improvements; appropriating money and authorizing the sale of state bonds to develop architectural drawings for remodeling at St. Cloud Technical College.

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

Wejcman, Osthoff and Pauly introduced:

H. F. No. 854, A bill for an act relating to drivers' licenses; clarifying requirement of endorsement for special transportation service drivers within the metropolitan area; abolishing examination requirement and certain fees for special transportation service drivers; providing for criminal records checks of special transportation service drivers; amending Minnesota Statutes 1992, sections 171.01, subdivision 24; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivision 5; and 171.323.

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

Jefferson, Carruthers, Morrison, Dawkins and Dauner introduced:

H. F. No. 855, A bill for an act relating to tax increment financing; exempting housing districts from certain reductions in aid; changing procedures for determination of tax capacity; providing an option for receiving first increment; changing certain limits on expenditures for housing districts; changing the time period tax increments may be used for interest reduction programs; changing the maximum duration of housing districts; providing for consultation with the county commissioner of the proposed district; amending Minnesota Statutes 1992, sections 273.1399, subdivision 1; 469.174, subdivision 4; 469.175, subdivision 1, and by adding a subdivision; 469.176, subdivisions 1 and 4f; 469.1763, subdivision 2; and 469.177, subdivisions 1 and 2.

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

Kelso, Greiling, Weaver, Hugoson and Cooper introduced:

H. F. No. 856, A bill for an act relating to education; providing for regional bargaining; establishing regional boards and defining their powers and duties; amending Minnesota Statutes 1992, sections 179A.03, subdivisions 2 and 15; 179A.04, subdivision 2; and 179A.20, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 122; and 179A.

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

Krueger, Perl, Kahn and Bishop introduced:

H. F. No. 857, A bill for an act relating to state government; department of public safety; providing for the appointment of the superintendent of criminal apprehension, the chief supervisor of the state patrol, and the state fire marshal to fixed terms from lists of candidates submitted by advisory committees; establishing the composition of the advisory committees; amending Minnesota Statutes 1992, sections 299C.01, subdivision 2; 299D.01, subdivision 1; and 299F.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Osthoff, Hugoson, Ostrom, Frerichs and Lieder introduced:

H. F. No. 858, A bill for an act relating to motor carriers; providing for expiration of certificates and permits used by any carrier for the purpose of armored carriage, and for their conversion to newly created "armored carrier" permits; amending Minnesota Statutes 1992, sections 221.011, by adding a subdivision; 221.111; and 221.121, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 221.

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

Wolf, Munger and Leppik introduced:

H. F. No. 859, A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge significant contributions and sell incidental advertising; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pauly, Workman, Seagren and Wolf introduced:

H. F. No. 860, A bill for an act relating to retirement; Eden Prairie volunteer firefighters relief association; defining "disability" and "deferred retiree"; modifying the vesting requirement for service pensions; authorizing an increase in the service pension amount.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Seagren, Workman, Wolf, Goodno and Davids introduced:

H. F. No. 861, A bill for an act relating to crime prevention; providing that the home address of a driver's license or motor vehicle registration applicant is private data; clarifying and expanding the scope of harassment and stalking crimes; increasing to a gross misdemeanor the penalty for harassment and stalking; increasing to a felony the penalty for subsequent offenses; increasing to a gross misdemeanor the penalty for subsequent violations of orders for protection issued because of harassment; requiring training for judges and peace officers concerning harassment and stalking; amending Minnesota Statutes 1992, sections 13.69, by adding a subdivision; 480.30; 609.605; 609.748, subdivisions 6 and 8; 611A.0311; 626.8451, subdivision 1a; 629.342; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1992, sections 168.346; 171.12, subdivision 7; 609.02, subdivisions 12 and 13; 609.605, subdivision 3; 609.746, subdivisions 2 and 3; 609.747; 609.79, subdivision 1a; and 609.795, subdivision 2.

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

Bauerly, Swenson, Lieder and Opatz introduced:

H. F. No. 862, A bill for an act relating to state government; changing the name of the council on affairs of Spanish-speaking people to the council on affairs of Mexicano/Chicano and Latino people; making related changes in definitions and duties; amending Minnesota Statutes 1992, section 3.9223, subdivisions 1, 2, 3, 5, 7, and by adding a subdivision; repealing Minnesota Statutes 1992, section 3.9223, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Dempsey, Trimble, Dehler, Molnau and Waltman introduced:

H. F. No. 863, A bill for an act relating to pollution control; modifying eligibility area for state financial assistance program for combined sewer overflow; amending Minnesota Statutes 1992, section 116.162, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jennings, Skoglund, Munger, Ozment and Abrams introduced:

H. F. No. 864, A bill for an act relating to waters; inspection of watercraft for exotic harmful species; closing of access points; gasoline tax distribution; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a, and by adding a subdivision;

84.968, subdivision 1; and 296.421, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanius and Sparby introduced:

H. F. No. 865, A bill for an act relating to watercraft; lowering the minimum age for operators; amending Minnesota Statutes 1992, section 86B.101, subdivision 2; 86B.305, subdivisions 1 and 2; and 86B.313, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Swenson, Carruthers, Skoglund, Smith and Limmer introduced:

H. F. No. 866, A bill for an act relating to crimes; juveniles; establishing misdemeanor offense for juvenile with alcohol concentration greater than 0.02 to operate motor vehicle; providing for implied consent to test juvenile's blood, breath, or urine and making refusal to take test a crime; imposing penalties; amending Minnesota Statutes 1992, sections 169.121, subdivision 6; 169.123, subdivisions 2, 4, and 6; and 169.129; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Cooper and Jennings introduced:

H. F. No. 867, A bill for an act relating to health; regulating ionization radiation; exempting practitioners of veterinary medicine from certain quality assurance tests; amending Minnesota Statutes 1992, section 144.121, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Milbert, Pugh, Knickerbocker, Kahn and Osthoff introduced:

H. F. No. 868, A bill for an act relating to horse racing; permitting two class A licenses within the seven-county metropolitan area; permitting the state fair to apply for a pari-mutuel horse racing license; permitting distributions from the breeders' fund for Minnesota-bred horses racing in other racing jurisdictions; amending Minnesota Statutes 1992, sections 240.06, subdivisions 5 and 5a; 240.09, subdivision 1; and 240.18, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Simoneau, Cooper, Gruenes, Solberg and Gutknecht introduced:

H. F. No. 869, A bill for an act relating to medical assistance; requiring the commissioner of human services to contract for a claims adjudication system for pharmacy providers.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bauerly, Wenzel, Rest and Welle introduced:

H. F. No. 870, A bill for an act relating to tax increment financing; authorizing the establishment of manufacturing districts; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Farrell, Pugh, Skoglund, Swenson and McGuire introduced:

H. F. No. 871, A bill for an act relating to privacy; recognizing a cause of action for public disclosure of private facts; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Blatz, Jefferson, Wolf, Luther and Delmont introduced:

H. F. No. 872, A bill for an act relating to criminal procedure; authorizing the presence of a supportive person during certain criminal proceedings in which a minor is testifying as a prosecuting witness; amending Minnesota Statutes 1992, section 631.046, subdivision 1.

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

Klinzing, Olson, M., and McGuire introduced:

H. F. No. 873, A bill for an act relating to crime; clarifying certain provisions of criminal sexual conduct in the third and fourth degree; expanding prohibitions against criminal sexual conduct by a psychotherapist or a health care professional; amending Minnesota Statutes 1992, sections 609.341, subdivisions 10, 11, 17, 18, and 19; 609.344, subdivision 1; and 609.345, subdivision 1.

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

Seagren, Neary, Greiling, Pauly and Opatz introduced:

H. F. No. 874, A bill for an act relating to traffic regulations; authorizing cities of the second class to establish programs for citizen enforcement of laws governing parking spaces for persons with disabilities; amending Minnesota Statutes 1992, section 169.346, subdivision 4.

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

Seagren, Kelso, Leppik, Weaver and Lasley introduced:

H. F. No. 875, A bill for an act relating to education; authorizing school districts to levy for replacement and restoration of certain facilities; amending Minnesota Statutes 1992, section 124.91, by adding a subdivision.

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

Kinkel, Solberg and Anderson, I., introduced:

H. F. No. 876, A bill for an act relating to game and fish; authorizing seven-day fish house licenses for nonresidents; amending Minnesota Statutes 1992, section 97A.475, subdivision 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Beard, Munger, Trimble and Milbert introduced:

H. F. No. 877, A bill for an act relating to the environment; increasing and extending the motor vehicle transfer fee; establishing a grant program for the purpose of examining management alternatives for motor vehicle shredder residue; requiring the pollution control agency to address management of shredder residue; appropriating money;

amending Minnesota Statutes 1992, sections 115A.90, by adding a subdivision; and 115A.908; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Olson, E., and Lieder introduced:

H. F. No. 878, A bill for an act relating to human services; creating an exception to the moratorium on the development of group residential housing beds; amending Minnesota Statutes 1992, section 256I.04, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Tomassoni, Kahn, Bauerly, Holsten and Battaglia introduced:

H. F. No. 879, A bill for an act relating to education; restricting eligibility for athletic participation for some students for one year following interdistrict transfer under open enrollment; amending Minnesota Statutes 1992, section 120.062, by adding a subdivision.

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

Evans, Peterson, McGuire, Kalis and Sparby introduced:

H. F. No. 880, A bill for an act relating to education; providing for fund transfers; amending Laws 1991, chapter 256, article 8, section 14, as amended.

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

Trimble, Orenstein and Osthoff introduced:

H. F. No. 881, A bill for an act relating to St. Paul; authorizing the city to require employees to reside in the city.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Lourey, Munger, Kahn, Battaglia and Ozment introduced:

H. F. No. 882, A bill for an act relating to outdoor recreation; creating the Lake Superior water trail; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Girard, Sviggum and Hugoson introduced:

H. F. No. 883, A bill for an act relating to agriculture; ownership of farm land; modifying the definition of authorized farm corporation; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

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

Carruthers, Luther and Bergson introduced:

H. F. No. 884, A bill for an act relating to housing; appropriating money for multiunit blighted rental property removal.

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

Dehler; Bertram; Anderson, I.; Pauly and Perlit introduced:

H. F. No. 885, A bill for an act relating to intoxicating liquor; removing prohibition against the keeping of dice on licensed premises; authorizing the keeping and use of dice on licensed premises under certain circumstances; amending Minnesota Statutes 1992, section 340A.410, subdivision 5.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Hausman, Huntley, Skoglund, Vellenga and Wagenius introduced:

H. F. No. 886, A bill for an act relating to education; modifying pupil transportation funding; increasing compensatory revenue; increasing funding for limited English proficiency programs; increasing desegregation grants; creating an additional special education formula; including lease purchase amount in the debt service equalization aid program; increasing funding for the learning readiness program; appropriating money; amending Minnesota Statutes 1992, sections 124.17, subdivision 1d; 124.223, subdivision 3; 124.225, subdivisions 1, 7b, and 7d; 124.226, by adding a subdivision; 124.2615, subdivision 2; 124.273, subdivision 1b; 124.32, subdivisions 1b and 5; 124.91, subdivisions 1 and 3; 124.912, subdivision 3, and by adding a subdivision; 124.95, subdivision 1; Laws 1991, chapter 265, article 2, section 19, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 124C; repealing Minnesota Statutes 1992, sections 124.321; and 124.912, subdivision 2.

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

Hasskamp; Welle; Kinkel; Anderson, I., and Holsten introduced:

H. F. No. 887, A bill for an act relating to civil actions; specifying the responsibility of participants in recreational activities; proposing coding for new law as Minnesota Statutes, chapter 87A.

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

Evans introduced:

H. F. No. 888, A bill for an act relating to public safety; extending existence of Minnesota advisory council on fire protection systems; amending Minnesota Statutes 1992, section 299M.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Krueger, Kahn, Haukoos and Sarna introduced:

H. F. No. 889, A bill for an act relating to economic development; clarifying provisions relating to the department of trade and economic development; clarifying the duties of the commissioner; amending Minnesota Statutes 1992, sections 17.49, subdivision 1; 18.024, subdivision 1; 86.72, subdivision 3; 86A.06; 86A.09, subdivisions 1, 2, 3, and 4; 92.35; 92.36; 103F.135, subdivision 1; 116J.01, by adding a subdivision; 116J.402; 116J.58, subdivision 1; 116J.61; 116J.68, subdivision 2; 116J.873, subdivisions 3 and 4; 116J.966, subdivision 1; 116J.980, subdivisions 1 and 2; 137.31, subdivision 6; 138.93, subdivision 4; 144.95, subdivision 7; 173.17; 216B.242; 216C.37, subdivision 1; 299A.01, subdivision 2; 446A.03, subdivision 1; 446A.10, subdivision 2; 473.857, subdivision 2; 473H.06, subdivision 5; and 641.24; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1992, sections 84.54; 86A.10; 116J.01, subdivision 3; 116J.615, subdivision 2; 116J.645; 116J.661; 116J.982; 116J.983; 116J.984; 301A.01; 301A.02; 301A.03; 301A.04; 301A.05; 301A.06; 301A.07; 301A.08; 301A.09; 301A.10; 301A.11; 301A.12; 301A.13; and 301A.14.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Stanius introduced:

H. F. No. 890, A bill for an act relating to state government; reorganizing, consolidating, and restructuring state agencies and departments; creating the department of environmental management; transferring all powers and duties of the department of natural resources, the board of water and soil resources, and the office of waste management; transferring certain powers and duties of the departments of health and trade and economic development; amending Minnesota Statutes 1992, section 15A.081, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 100A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gruenes introduced:

H. F. No. 891, A bill for an act relating to human services; making changes to medical assistance payments for home care services; requiring a preadmission screening for Medicaid certified nursing homes or boarding homes; allowing residential care services under alternate care funding; defining assisted living services; implementing a one-time adjustment for alternative care services; amending Minnesota Statutes 1992, sections 256B.0625, subdivision 19a; 256B.0627, subdivisions 4 and 5; 256B.0628, subdivision 2; 256B.0911, subdivisions 2, 3, 4, 6, and 7; 256B.0913, subdivisions 4, 5, 9, 12, and 14; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 11, and 12; 256B.093, subdivisions 1 and 3; and 256B.49, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Munger, Sekhon, Wagenius, Weaver and Orfield introduced:

H. F. No. 892, A bill for an act relating to the environment; regulating toxic air emissions; increasing reporting requirements; establishing a toxic air contaminant program; providing for rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 115D.07; 115D.08, subdivision 1; 299K.08, subdivision 2; and 438.08; proposing coding for new law in Minnesota Statutes, chapter 115D.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bertram; Dauner; Anderson, I.; Johnson, V., and Krueger introduced:

H. F. No. 893, A bill for an act relating to local government; specifying the prosecuting attorney for certain offenses; amending Minnesota Statutes 1992, section 487.25, subdivision 10.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Bertram and Bauerly introduced:

H. F. No. 894, A bill for an act relating to education; allowing the Rocori Middle School to retain its name.

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

Stanius, Reding, Pugh and Osthoff introduced:

H. F. No. 895, A bill for an act relating to game and fish; authorizing designation of trophy northern pike waters; repealing certain restrictions on winter fishing; amending Minnesota Statutes 1992, section 97C.011; repealing Minnesota Statutes 1992, section 97C.385.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanisus, Sparby, Osthoff, Weaver and Milbert introduced:

H. F. No. 896, A bill for an act relating to game and fish; requiring establishment of a sportfishing zone in Lake Superior; prohibiting certain gill nets; proposing coding for new law in Minnesota Statutes, chapter 97C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanisus, Sparby, Milbert, Pugh and Osthoff introduced:

H. F. No. 897, A bill for an act relating to game and fish; requiring fishing tournament stamps for organized events; directing use of revenue; amending Minnesota Statutes 1992, sections 97A.075, by adding a subdivision; and 97A.475, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Weaver; Johnson, V.; Munger; Johnson, R., and Reding introduced:

H. F. No. 898, A bill for an act relating to natural resources; clarifying, modifying, and expanding rulemaking authority and other powers and duties of the commissioner of natural resources relating to game and fish, wild rice, stromatolites, and cross-country ski passes; clarifying, modifying, and expanding provisions relating to the taking, purchase, sale, possession, and transportation of wild animals; regulating entry and uses on certain public lands and waters; providing for the expiration of certain commissioner's orders; providing an exemption from rulemaking requirements; authorizing emergency rules; providing penalties; amending Minnesota Statutes 1992, sections 84.14, subdivision 3; 84.1525, subdivision 2; 85.41, subdivision 2; 85.45; 97A.045, subdivision 4; 97A.055, by adding a subdivision; 97A.091, subdivisions 1 and 2; 97A.095, subdivision 2; 97A.105, subdivision 1, and by adding a subdivision; 97A.137; 97A.255, subdivision 2; 97A.401, subdivision 4; 97A.415, subdivision 2; 97A.431, subdivisions 1 and 4; 97A.433, subdivisions 1 and 4; 97A.435, subdivision 4; 97A.441, by adding a subdivision; 97A.451, by adding a subdivision; 97A.475, by adding a subdivision; 97A.485, subdivision 6, and by adding a subdivision; 97A.505, subdivision 5, and by adding a subdivision; 97A.535, subdivision 2; 97A.545, subdivisions 1, 2, 4, and by adding a subdivision; 97A.551, by adding a subdivision; 97B.425; 97B.671, subdivisions 1 and 2; 97B.711, subdivision 2, and by adding a subdivision; 97B.721; 97B.811, by adding a subdivision; 97C.025; 97C.051, subdivision 1; 97C.081, subdivisions 2, 3, and by adding a subdivision; 97C.205; 97C.311; 97C.331; 97C.345, subdivision 4, and by adding a subdivision; 97C.391, subdivision 1; 97C.405; 97C.505, subdivision 1; 97C.601, subdivision 6; 97C.805, subdivisions 1, 2, and 4; and 97C.865; Laws 1991, chapter 259, section 24; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; and 97C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanisus, Koppendraye, Sparby and Battaglia introduced:

H. F. No. 899, A bill for an act relating to game and fish; allowing possession of a handgun while hunting bear with bow and arrow; amending Minnesota Statutes 1992, section 97B.211, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carruthers, Wejcman, Bishop and Swenson introduced:

H. F. No. 900, A bill for an act relating to drivers' licenses; allowing use of results of preliminary screening test of driver's breath to be used in actions for driver's license reinstatement; clarifying administrative revocation penalties; amending Minnesota Statutes 1992, sections 169.121, subdivisions 4 and 6; and 171.166, subdivision 3.

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

Krueger; Bettermann; Anderson, R.; Nelson and Hasskamp introduced:

H. F. No. 901, A bill for an act relating to education; changing the structure of the higher education merger by removing the technical colleges from the merger; amending Minnesota Statutes 1992, sections 136E.03; 136E.04, subdivisions 1 and 4; and 179A.10, subdivision 2; Laws 1991, chapter 356, article 9, sections 8, subdivisions 1 and 4; 9; and 14; repealing Minnesota Statutes 1992, section 136E.04, subdivision 4; and Laws 1991, chapter 356, article 9, sections 8, subdivision 6; and 11.

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

Tunheim; Macklin; Olson, K., and Johnson, A., introduced:

H. F. No. 902, A bill for an act relating to education; making the state board of education the governing body for the center for arts education except for purposes of statewide resource and outreach programs and services; amending Minnesota Statutes 1992, sections 129C.10, subdivisions 1, 2, and by adding a subdivision; and 129C.15.

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

Tunheim, Lieder, Davids, Kalis and Johnson, V., introduced:

H. F. No. 903, A bill for an act relating to transportation; amending the definition of highway and defining highway purpose; increasing municipal state-aid system mileage; revising the basis for determining population; changing composition of municipal screening board; creating Minnesota mobility trust fund and surface transportation fund; increasing gasoline tax rate and requiring annual rate adjustment; appropriating money; amending Minnesota Statutes 1992, sections 160.02, subdivision 7, and by adding a subdivision; 162.09, subdivisions 1 and 4; 162.13, subdivision 3; 174.32, subdivision 2; and 296.02, subdivision 1b, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 161 and 174; repealing Minnesota Statutes 1992, section 161.041.

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

Greenfield, Clark, Mariani, Pelowski and Orenstein introduced:

H. F. No. 904, A bill for an act relating to human services; providing a cost-of-living adjustment for personal care assistants; amending Minnesota Statutes 1992, section 256B.0625, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Mariani, McGuire, Delmont and Leppik introduced:

H. F. No. 905, A bill for an act relating to crime; defining prior conviction for the purpose of sentencing penalty enhancement for assault in the fifth degree; amending Minnesota Statutes 1992, section 609.224, subdivision 2.

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

Limmer, Jefferson, Carlson, Garcia and Abrams introduced:

H. F. No. 906, A bill for an act relating to education; making the Minnesota state high school league responsible for certain discriminatory communication; amending Minnesota Statutes 1992, section 128C.02, by adding a subdivision.

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

Pauly, Vellenga, Kahn and Long introduced:

H. F. No. 907, A bill for an act relating to watercraft; exempting rowing shells or sculls from titling; amending Minnesota Statutes 1992, section 86B.820, subdivision 14.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Luther, Welle, Garcia, Kahn and Simoneau introduced:

H. F. No. 908, A bill for an act relating to occupations and professions; requiring radiologic technologists to be licensed by the state; creating a radiologic technology board of examiners; adopting licensure requirements; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 116J.70, subdivision 2a; 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 148D.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rice; Huntley; Solberg; Olson, E., and Johnson, V., introduced:

H. F. No. 909, A bill for an act relating to transportation; ports and waterways; appropriating money for port development assistance program.

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

Brown, C.; Peterson and Welle introduced:

H. F. No. 910, A bill for an act relating to corrections; authorizing the issuance of state bonds to purchase the Prairie correctional facility in Appleton; appropriating money.

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

Wenzel, Jennings, Bettermann, Trimble and Onnen introduced:

H. F. No. 911, A bill for an act relating to agriculture; regulating dairy trade practices; providing for fees; changing enforcement procedures; amending Minnesota Statutes 1992, sections 32A.01; 32A.02; 32A.04; 32A.05, subdivisions 1, 4, and by adding subdivisions; 32A.07; 32A.071; 32A.08; and 32A.09, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 32A; repealing Minnesota Statutes 1992, sections 32A.03; 32A.05, subdivision 3; and 32A.09, subdivisions 5 and 6.

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

Wenzel, Winter, Steensma, Molnau and Gutknecht introduced:

H. F. No. 912, A bill for an act relating to agriculture; regulating dairy trade practices; providing for fees; changing enforcement procedures; amending Minnesota Statutes 1992, sections 32A.01; 32A.02; 32A.04; 32A.05, subdivisions 1, 4, and by adding subdivisions; 32A.07; 32A.071; 32A.08; and 32A.09, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 32A; repealing Minnesota Statutes 1992, sections 32A.03; 32A.05, subdivision 3; and 32A.09, subdivisions 5 and 6.

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

Orenstein, Mariani, Dawkins and Osthoff introduced:

H. F. No. 913, A bill for an act relating to the city of St. Paul; validating an approval of special laws.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Luther, Blatz, Swenson, Skoglund and Delmont introduced:

H. F. No. 914, A bill for an act relating to crime; increasing penalties for driving while intoxicated with a child under 16 in the vehicle; amending Minnesota Statutes 1992, sections 168.042, subdivision 2; 169.121, subdivision 3; and 169.1217, subdivision 1.

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

Wejcman, Skoglund and Swenson introduced:

H. F. No. 915, A bill for an act relating to corrections; requiring the ombudsman to make biennial reports to the governor; amending Minnesota Statutes 1992, section 241.45, subdivision 2.

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

Kelley, Asch, Kahn, Orenstein and Greenfield introduced:

H. F. No. 916, A bill for an act relating to occupations and professions; health-related boards; changing the names of certain boards; changing disciplinary procedures; imposing penalties; amending Minnesota Statutes 1992, sections 144A.19, subdivision 1; 147.21; 148.02; 148B.30, subdivision 4; 214.01, subdivision 2; and by adding subdivisions; 214.03; 214.04, subdivisions 1, 2, and 3; 214.06, by adding a subdivision; 214.07, subdivisions 1, 2, and by adding a subdivision; 214.09, subdivisions 1, 3, and 4; 214.10, subdivision 9; and 214.11; proposing coding for new law in Minnesota Statutes, chapter 214; repealing Minnesota Statutes 1992, sections 146.01; 146.13; 146.14; 146.15; 146.18; 146.19; 146.20; 148B.72; and 214.10, subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Smith; Olson, M., and Onnen introduced:

H. F. No. 917, A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to Article IV; requiring referendums on tax increases.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Pawlenty, Kahn, Jacobs, Tompkins and Anderson, I., introduced:

H. F. No. 918, A bill for an act relating to liquor; authorizing the city of Apple Valley to issue on-sale licenses on zoological gardens property and to allow an on-sale license to dispense liquor on county-owned property within the city.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Carlson; Vellenga; Ozment; Johnson, A., and Kelso introduced:

H. F. No. 919, A bill for an act relating to education; directing the education department to provide materials, training, and assistance under the comprehensive arts planning program; appropriating money; amending Minnesota Statutes 1992, section 124C.08, subdivision 1.

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

Wagenius, Rest, Winter and Olson, E., introduced:

H. F. No. 920, A bill for an act relating to taxation; updating references to the Internal Revenue Code; providing for authorization to make taxable sales; changing and providing sales and use tax exemptions; changing certain payment dates; providing for tax compliance, collection, and enforcement; changing or adding powers and duties of the commissioner of revenue; providing for taxation of liquefied petroleum gas sales; providing for income and franchise tax treatment of certain Indian tribal obligations; providing for reimbursement of certain costs; changing definitions; providing for exchange or disclosure of data; providing for interest; changing or imposing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivisions 2a, 9a, and by adding a subdivision; 60A.198, subdivision 3; 60A.199, subdivision 4, and by adding a subdivision; 115B.22, subdivision 7; 239.785; 270.06; 270.07, subdivision 3; 270.70, subdivision 1; 270B.01, subdivision 8; 270B.08, subdivisions 1 and 2; 270B.12, by adding a subdivision; 270B.14, subdivision 8; 289A.11, subdivision 1; 289A.18, subdivision 4; 289A.20, subdivisions 2 and 4; 289A.26, subdivision 7; 289A.36, subdivisions 3 and 7; 289A.56, subdivision 3; 289A.60, subdivisions 1, 2, 15, and by adding subdivisions; 289A.63, subdivision 3, and by adding a subdivision; 290.01, subdivisions 7, 19, 19a, and 19c; 290.0921, subdivision 3; 290.92, subdivision 23; 290A.03, subdivisions 3, 7, and 8; 294.03, subdivisions 1, 2, and by adding a subdivision; 296.14, subdivision 1; 297.03, subdivision 6; 297.07, subdivisions 1 and 4; 297.35, subdivisions 1 and 5; 297.43, subdivisions 1, 2, and by adding a subdivision; 297A.01, subdivisions 6 and 16; 297A.04; 297A.041; 297A.06; 297A.065; 297A.07, subdivisions 1, 2, and 3; 297A.10; 297A.11; 297A.14, subdivision 1; 297A.15, subdivisions 1 and 4; 297A.21, subdivisions 3, 4, 5, and 6; 297A.25, subdivision 41, and by adding a subdivision; 297A.255, subdivisions 2 and 3; 297B.10; 297C.03, subdivision 1; 297C.04; 297C.05, subdivision 2; 297C.14, subdivisions 1, 2, and by adding a subdivision; 299F.21, subdivision 2; 299F.23, subdivision 2, and by adding a subdivision; 349.212, subdivision 4; 349.217, subdivisions 1, 2, and by adding a subdivision; and 473.843, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1992, section 115B.24, subdivision 10.

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

Neary, Kelley, Simoneau, Kahn and Osthoff introduced:

H. F. No. 921, A bill for an act relating to financing and operation of government in Minnesota; changing property tax classifications and class rates; modifying the property tax refund for homeowners and renters; restructuring various state aids; changing the local government aid formula; providing state financing of court administrators; providing for three property tax installment payments; allowing cities to impose certain service charges on certain tax exempt property; eliminating the local government trust fund; appropriating money; amending Minnesota Statutes 1992, sections 43A.02, subdivision 25; 43A.24, subdivision 2; 97A.065, subdivision 2; 124.226, subdivision 1; 124A.23, subdivision 1; 145A.13, subdivision 2; 256E.06, subdivisions 5 and 12; 273.1316, subdivisions 1, 6, and 7; 273.1381; 273.1392; 274.19, subdivision 3; 275.065, subdivision 3; 275.07, subdivision 1; 275.08, subdivision 1b; 276.04, subdivision 3; 276.09; 276.10; 276.11; 276.111; 278.03; 278.05, subdivision 5; 279.01, by adding subdivisions; 289A.18, subdivision 5; 289A.56, subdivision 6; 290A.01; 290A.03, subdivisions 6 and 13; 290A.04, subdivision 2; 290A.07; 290A.23; 297A.44, subdivision 1; 299D.03, subdivision 5; 466.01, subdivision 6; 477A.011, subdivisions 1a, 20, 25, and by adding subdivisions; 477A.012, by adding a subdivision; 477A.013, subdivisions 1 and 2; 477A.014, subdivisions 1 and 3; 477A.03, subdivision 1; 480.181, subdivision 1; 485.01; 485.018, subdivisions 2a, 5, and 6; 485.021; 487.31, subdivision 1; 487.32, subdivision 3; and 574.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 257; 273; 275; 429; and 477A; repealing Minnesota Statutes 1992, sections 16A.711; 16A.712; 256E.06, subdivision 2; 273.124; 273.13; 273.1398; 275.07, subdivision 3; 275.08, subdivisions 1c and 1d; 279.01, subdivisions 1 and 3; 290A.04, subdivisions 2a, 2b, 2h, and 2i; 290A.23, subdivision 2; 297A.44, subdivision 4; 297B.09, subdivision 3; 477A.011, subdivisions 1b, 15, 16, 17, 18, 19, 22, 23, 28, and 29; 477A.012; 477A.013, subdivisions 3, 5, and 6; 477A.0132, subdivisions 1, 2, and 3; 477A.014, subdivision 1a; 485.018, subdivisions 1, 2, 4, and 8; 485.03; 485.05; and 485.11.

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

Clark; Johnson, R.; Kinkel; Solberg and Skoglund introduced:

H. F. No. 922, A bill for an act relating to burial grounds; providing criminal penalties for the disturbance of human burial grounds; creating civil remedies for the destruction or disturbance of human burial grounds; creating a council of traditional Indian practitioners to make recommendations regarding the management, treatment, and protection of Indian burial grounds and of human remains or artifacts contained in or removed from those grounds; amending Minnesota Statutes 1992, section 307.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 307.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Anderson, I.; Solberg; Rukavina; Tomassoni and Battaglia introduced:

H. A. No. 1, A proposal to study the Arrowhead Regional Development Commission.

The advisory was referred to the Committee on Local Government and Metropolitan Affairs.

Johnson, V., and Battaglia introduced:

H. A. No. 2, A proposal to study payments in lieu made by the Department of Natural Resources.

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

CONSENT CALENDAR

H. F. No. 185, A bill for an act relating to utilities; prohibiting state permits for construction of certain hydropower facilities on the bluffs of the Mississippi river; proposing coding for new law in Minnesota Statutes, chapter 216B.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson	Evans	Holsten	Kelso	Lynch	Olson, E.
Anderson, I.	Carruthers	Farrell	Hugoson	Kinkel	Macklin	Olson, K.
Anderson, R.	Clark	Frerichs	Huntley	Klinzing	Mahon	Olson, M.
Asch	Commers	Garcia	Jacobs	Knickerbocker	McCollum	Onnen
Battaglia	Cooper	Girard	Jaros	Koppendrayner	McGuire	Opatz
Bauerly	Dauner	Goodno	Jefferson	Krueger	Molnau	Orenstein
Beard	Davids	Greenfield	Jennings	Lasley	Morrison	Osthoft
Bergson	Dawkins	Greiling	Johnson, A.	Leppik	Mosel	Ostrom
Bertram	Dehler	Gruenes	Johnson, R.	Lieder	Munger	Ozment
Bettermann	Delmont	Gutknecht	Johnson, V.	Limmer	Murphy	Pauly
Bishop	Dempsey	Hasskamp	Kahn	Lindner	Neary	Pawlenty
Blatz	Dorn	Haukoos	Kalis	Lourey	Nelson	Pelowski
Brown, K.	Erhardt	Hausman	Kelley	Luther	Ness	Perlt

Peterson	Rodosovich	Skoglund	Sviggun	Van Dellen	Wejcman	Spk. Long
Pugh	Rukavina	Smith	Swenson	Vellenga	Wenzel	
Reding	Sarna	Solberg	Tomassoni	Vickerman	Winter	
Rest	Seagren	Sparby	Tompkins	Wagenius	Wolf	
Rhodes	Sekhon	Stanius	Trimble	Waltman	Worke	
Rice	Simoneau	Steensma	Tunheim	Weaver	Workman	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 29, A bill for an act relating to child care; extending the prohibition on smoking to family day care providers; updating the reference to the rule governing child care centers; amending Minnesota Statutes 1992, section 144.414, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Davids	Hausman	Krueger	Murphy	Reding	Trimble
Anderson, I.	Dawkins	Holsten	Lasley	Neary	Rest	Tunheim
Anderson, R.	Dehler	Hugoson	Leppik	Nelson	Rhodes	Van Dellen
Asch	Delmont	Huntley	Lieder	Ness	Rice	Vellenga
Battaglia	Dempsey	Jacobs	Limmer	Olson, E.	Rodosovich	Vickerman
Bauerly	Dorn	Jaros	Lindner	Olson, K.	Rukavina	Wagenius
Beard	Erhardt	Jefferson	Lourey	Olson, M.	Sarna	Waltman
Bergson	Evans	Jennings	Luther	Onnen	Seagren	Weaver
Bertram	Farrell	Johnson, A.	Lynch	Opatz	Sekhon	Wejcman
Bettermann	Frerichs	Johnson, R.	Macklin	Orenstein	Simoneau	Wenzel
Bishop	Garcia	Johnson, V.	Mahon	Osthoff	Skoglund	Winter
Blatz	Girard	Kahn	Mariani	Ostrom	Smith	Wolf
Brown, K.	Goodno	Kalis	McCollum	Ozment	Solberg	Worke
Carlson	Greenfield	Kelley	McGuire	Pauly	Sparby	Workman
Carruthers	Greiling	Kelso	Milbert	Pawlenty	Stanius	Spk. Long
Clark	Gruenes	Kinkel	Molnau	Pelowski	Steensma	
Commers	Gutknecht	Klinzing	Morrison	Perlt	Swenson	
Cooper	Hasskamp	Knickerböcker	Mosel	Peterson	Tomassoni	
Dauner	Haukoos	Koppendrayner	Munger	Pugh	Tompkins	

Those who voted in the negative were:

Sviggun

The bill was passed and its title agreed to.

H. F. No. 31, A bill for an act relating to state government; providing for gender balance in multimember agencies; amending Minnesota Statutes 1992, section 15.0597, by adding subdivisions.

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 77 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abrams	Carruthers	Hasskamp	Kinkel	Mosel	Pugh	Solberg
Anderson, I.	Clark	Hausman	Krueger	Munger	Reding	Sparby
Anderson, R.	Cooper	Jacobs	Lasley	Murphy	Rest	Stanius
Asch	Dawkins	Jefferson	Leppik	Neary	Rhodes	Tomassoni
Battaglia	Delmont	Jennings	Lourey	Olson, K.	Rice	Trimble
Bauerly	Erhardt	Johnson, A.	Luther	Opatz	Rodosovich	Tunheim
Beard	Evans	Johnson, R.	Mahon	Orenstein	Rukavina	Vellenga
Bergson	Farrell	Kahn	Mariani	Orfield	Sarna	Wagenius
Bertram	Garcia	Kalis	McCollum	Osthoff	Sekhon	Wejcman
Brown, K.	Goodno	Kelley	McGuire	Perlt	Simoneau	Wenzel
Carlson	Greiling	Kelso	Milbert	Peterson	Skoglund	Spk. Long

Those who voted in the negative were:

Bettermann	Dorn	Huntley	Limmer	Olson, E.	Seagren	Waltman
Bishop	Frerichs	Jaros	Lindner	Olson, M.	Smith	Weaver
Blatz	Girard	Johnson, V.	Lynch	Onnen	Steensma	Winter
Commers	Gruenes	Klinzing	Macklin	Ostrom	Sviggum	Wolf
Dauner	Gutknecht	Knickerbocker	Molnau	Ozment	Swenson	Worke
Davids	Haukoos	Koppendrayer	Morrison	Pauly	Tompkins	Workman
Dehler	Holsten	Krinkie	Nelson	Pawlenty	Van Dellen	
Dempsey	Hugoson	Lieder	Ness	Pelowski	Vickerman	

The bill was passed and its title agreed to.

H. F. No. 159, A bill for an act relating to education; extending the time for school districts that have received capital loans to enter into construction contracts; amending Minnesota Statutes 1992, section 124.431, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Haukoos	Koppendrayer	Mosel	Perlt	Sviggum
Anderson, I.	Davids	Hausman	Krinkie	Munger	Peterson	Swenson
Anderson, R.	Dawkins	Holsten	Krueger	Murphy	Pugh	Tomassoni
Asch	Dehler	Hugoson	Lasley	Neary	Reding	Tompkins
Battaglia	Delmont	Huntley	Leppik	Nelson	Rest	Trimble
Bauerly	Dempsey	Jacobs	Lieder	Ness	Rhodes	Tunheim
Beard	Dorn	Jaros	Limmer	Olson, E.	Rice	Van Dellen
Bergson	Erhardt	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Bertram	Evans	Jennings	Lourey	Olson, M.	Rukavina	Vickerman
Bettermann	Farrell	Johnson, A.	Luther	Onnen	Sarna	Wagenius
Bishop	Frerichs	Johnson, R.	Lynch	Opatz	Seagren	Waltman
Blatz	Garcia	Johnson, V.	Macklin	Orenstein	Sekhon	Weaver
Brown, C.	Girard	Kahn	Mahon	Orfield	Simoneau	Wejcman
Brown, K.	Goodno	Kalis	Mariani	Osthoff	Skoglund	Wenzel
Carlson	Greenfield	Kelley	McCollum	Ostrom	Smith	Winter
Carruthers	Greiling	Kelso	McGuire	Ozment	Solberg	Wolf
Clark	Gruenes	Kinkel	Milbert	Pauly	Sparby	Worke
Commers	Gutknecht	Klinzing	Molnau	Pawlenty	Stanius	Workman
Cooper	Hasskamp	Knickerbocker	Morrison	Pelowski	Steensma	Spk. Long

The bill was passed and its title agreed to.

H. F. No. 168, A bill for an act relating to state government; authorizing state agencies to enter into contracts with regional organizations; proposing coding for new law in Minnesota Statutes, chapter 15.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Haukoos	Koppendraye	Mosel	Perlt	Sviggum
Anderson, I.	Dauids	Hausman	Krinkie	Munger	Peterson	Swenson
Anderson, R.	Dawkins	Holsten	Krueger	Murphy	Pugh	Tomassoni
Asch	Dehler	Hugoson	Lasley	Neary	Reding	Tompkins
Battaglia	Delmont	Huntley	Leppik	Nelson	Rest	Trimble
Bauerly	Dempsey	Jacobs	Lieder	Ness	Rhodes	Tunheim
Beard	Dorn	Jaros	Limmer	Olson, E.	Rice	Van Dellen
Bergson	Erhardt	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Bertram	Evans	Jennings	Lourey	Olson, M.	Rukavina	Vickerman
Bettermann	Farrell	Johnson, A.	Luther	Ornen	Sarna	Wagenius
Bishop	Frerichs	Johnson, R.	Lynch	Opatz	Seagren	Waltman
Blatz	Garcia	Johnson, V.	Macklin	Orenstein	Sekhon	Weaver
Brown, C.	Girard	Kahn	Mahon	Orfield	Simoneau	Wejcman
Brown, K.	Goodno	Kalis	Mariani	Osthoff	Skoglund	Wenzel
Carlson	Greenfield	Kelley	McCollum	Ostrom	Smith	Winter
Carruthers	Greiling	Kelso	McGuire	Ozment	Solberg	Wolf
Clark	Gruenes	Kinkel	Milbert	Pauly	Sparby	Worke
Commers	Gutknecht	Klinzing	Molnau	Pawlenty	Stanis	Workman
Cooper	Hasskamp	Knickerbocker	Morrison	Pelowski	Steensma	Spk. Long

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Long in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 341, 421 and 522 were recommended to pass.

H. F. Nos. 296, 132 and 181 were recommended for progress.

H. F. No. 74 was recommended for progress until Monday, March 22, 1993.

H. F. No. 134 was recommended for progress until Monday, March 15, 1993.

S. F. No. 40 which it recommended to pass with the following amendment offered by Bishop:

Delete everything after the enacting clause and insert:

"Section 1. [145B.105] [PENALTIES.]

Subdivision 1. [GROSS MISDEMEANOR OFFENSES.] Whoever commits any of the following acts is guilty of a gross misdemeanor:

- (1) willfully conceals, cancels, defaces, or obliterates a living will of a declarant without the consent of the declarant;
- (2) willfully conceals or withholds personal knowledge of a revocation of a living will;
- (3) falsifies or forges a living will or a revocation of a living will;
- (4) coerces or fraudulently induces another to execute a living will; or
- (5) requires or prohibits the execution of a living will as a condition for being insured for or receiving all or some health care services.

Subd. 2. [FELONY OFFENSES.] Whoever commits an act prohibited under subdivision 1 is guilty of a felony if the act results in bodily harm to the declarant or to the person who would have been a declarant but for the unlawful act.

Sec. 2. [145C.01] [DEFINITIONS.]

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

Subd. 2. [AGENT.] "Agent" means an individual age 18 or older who is designated by a principal in a durable power of attorney for health care to make health care decisions on behalf of a principal and has consented to act in that capacity. An agent may also be referred to as "attorney in fact."

Subd. 3. [DURABLE POWER OF ATTORNEY FOR HEALTH CARE.] "Durable power of attorney for health care" means an instrument authorizing an agent to make health care decisions for the principal if the principal is unable, in the judgment of the attending physician, to make or communicate health care decisions.

Subd. 4. [HEALTH CARE.] "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat a person's physical or mental condition. Health care includes the provision of nutrition or hydration parenterally or through intubation. "Health care" does not include intrusive mental health treatment as defined in section 253B.03, subdivision 6b, unless the durable power of attorney for health care specifically applies to decisions relating to intrusive mental health treatment.

Subd. 5. [HEALTH CARE DECISION.] "Health care decision" means the consent, refusal of consent, or withdrawal of consent to health care.

Subd. 6. [HEALTH CARE PROVIDER.] "Health care provider" means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care directly or through an arrangement with other health care providers, including health maintenance organizations licensed under chapter 62D.

Subd. 7. [HEALTH CARE FACILITY.] "Health care facility" means a hospital or other entity licensed under sections 144.50 to 144.58, a nursing home licensed to serve adults under section 144A.02, or a home care provider licensed under sections 144A.43 to 144A.49.

Subd. 8. [PRINCIPAL.] "Principal" means an individual age 18 or older who has executed a durable power of attorney for health care.

Sec. 3. [145C.02] [DURABLE POWER OF ATTORNEY FOR HEALTH CARE.]

A durable power of attorney for health care under this chapter authorizes the agent to make health care decisions for the principal, when the principal is unable, in the judgment of the principal's attending physician, to make or communicate health care decisions. The durable power of attorney for health care shall substantially comply with the requirements of section 4. An instrument executed prior to the effective date of this chapter purporting to create

a durable power of attorney for health care is valid if the document specifically authorizes the agent to make health care decisions and is executed in compliance with section 4.

Sec. 4. [145C.03] [REQUIREMENTS.]

Subdivision 1. [EXECUTION.] A durable power of attorney for health care must be signed by the principal or, if the principal is physically unable to sign, it may be signed in the principal's name by some other person acting in the principal's presence and by the principal's direction. A durable power of attorney for health care must contain the date of its execution and be witnessed or acknowledged by one of the following methods:

(1) signed by at least two individuals age 18 or older each of whom witnessed either the signing of the instrument by the principal or the principal's acknowledgment of the signature; or

(2) acknowledged by the principal before a notary public who is not the agent.

Subd. 2. [INDIVIDUALS INELIGIBLE TO ACT AS AGENT.] The following individuals are not eligible to act as the agent in a durable power of attorney for health care, unless the individual designated is related to the principal by blood, marriage, registered domestic partnership, or adoption:

(1) a health care provider attending the principal; or

(2) an employee of a health care provider attending the principal.

Subd. 3. [INDIVIDUALS INELIGIBLE TO ACT AS WITNESSES.] The agent designated in the durable power of attorney for health care may not act as a witness for the execution of the durable power of attorney for health care.

At least one witness to the execution of the durable power of attorney for health care may not be a health care provider providing direct care to the principal or an employee of a health care provider providing direct care to the principal on the date of execution.

Sec. 5. [145C.04] [EXECUTED IN ANOTHER STATE.]

A durable power of attorney for health care or similar document executed in another state or jurisdiction in compliance with the law of that state or jurisdiction is valid and enforceable in this state, to the extent the document is consistent with the laws of this state.

Sec. 6. [145C.05] [SUGGESTED FORM.]

Subdivision 1. [CONTENT.] A durable power of attorney for health care executed pursuant to this chapter may, but need not, be in the following form:

"I appoint as my agent (my attorney in fact) to make any health care decision for me when, in the judgment of my attending physician, I am unable to make or communicate a decision myself.

My agent has the power to make any health care decision for me. This power includes the power to give consent, to refuse consent, or to withdraw consent to any care, treatment, service, or procedure to maintain, diagnose, or treat my physical or mental condition, including giving me food or water by artificial means. My agent has the power, where consistent with the laws of this state, to make a health care decision to withhold or stop health care necessary to keep me alive.

My agent and any alternative agents have consented to act as my agents. My agent and any alternative agents have been notified that they will be nominated as a guardian or conservator for me.

My agent must act consistently with my desires as stated in this document or as otherwise made known by me to my agent.

My agent has the same right as I would have to receive, review, and obtain copies of my medical records and to consent to disclosure of those records."

Subd. 2. [ADDITIONAL PROVISIONS.] The durable power of attorney for health care may include additional provisions consistent with this chapter, including:

(1) the designation of one or more alternative agents to act if the named agent is unable, unavailable, or unwilling to serve;

(2) specific instructions to the agent or any alternative agents;

(3) limitations, if any, on the right of the agent or any alternative agents to receive, review, obtain copies of, and consent to the disclosure of the principal's medical records; and

(4) limitations, if any, on the nomination of the agent as guardian or conservator for purposes of section 525.544.

Sec. 7. [145C.06] [WHEN EFFECTIVE.]

(a) A durable power of attorney for health care is effective:

(1) when it has been executed in accordance with section 4 and received and accepted by the agent; and

(2) the principal is unable, in the determination of the principal's attending physician, to make a health care decision.

(b) If the principal states in the durable power of attorney that the principal does not have an attending physician because the principal in good faith generally selects and depends upon spiritual means or prayer for the treatment or care of disease or remedial care, the principal may designate an individual in the durable power of attorney for health care who may certify in a writing acknowledged before a notary public that the principal is unable to make a health care decision. The requirements of section 4, subdivisions 2 and 3, relating to the eligibility of a health care provider attending the principal or the provider's employee to act as an agent or witness apply to an individual designated under this paragraph.

Sec. 8. [145C.07] [AUTHORITY AND DUTIES OF AGENT.]

Subdivision 1. [AUTHORITY.] The agent has authority to make any particular health care decision only if the principal is unable, in the determination of the attending physician, to make or communicate that health care decision. The agent does not have authority to consent to a voluntary commitment under chapter 253B. The physician or health care provider shall continue to obtain the principal's informed consent to all health care decisions for which the principal is capable of informed consent.

Subd. 2. [AGENT AS GUARDIAN.] Except as otherwise provided in the durable power of attorney for health care, appointment of the agent in a durable power of attorney for health care is nomination of a guardian or conservator of the person for purposes of section 525.544.

Subd. 3. [DUTIES.] In exercising the authority under the durable power of attorney for health care, the agent has a duty to act in accordance with the desires of the principal as expressed in the durable power of attorney for health care, as expressed in a living will under chapter 145B or in a declaration regarding intrusive mental health treatment under section 253B.03, subdivision 6d, or as otherwise made known by the principal to the agent at any time. If the principal's desires are not known or cannot be determined from information known to the agent, the agent has a duty to act in the best interests of the principal taking into account the principal's overall medical condition and prognosis.

Subd. 4. [INCONSISTENCIES AMONG DOCUMENTS.] In the event of inconsistency between the designation of a proxy under chapter 145B or section 253B.03, subdivision 6d, or of an agent under this chapter, the most recent designation takes precedence. In the event of other inconsistencies among documents executed under this chapter or chapter 145B, or under section 253B.03, subdivision 6d, or 525.544, the provisions of the most recently executed document take precedence only to the extent of the inconsistency.

Sec. 9. [145C.08] [AUTHORITY TO REVIEW MEDICAL RECORDS.]

An agent acting pursuant to a durable power of attorney for health care has the same right as the principal to receive, review, and obtain copies of medical records of the principal, and to consent to the disclosure of medical records of the principal, unless the durable power of attorney for health care expressly provides otherwise.

Sec. 10. [145C.10] [DUTIES OF HEALTH CARE PROVIDERS TO PROVIDE LIFE-SUSTAINING HEALTH CARE.]

(a) If the proxy acting under chapter 145B or the agent acting under this chapter directs the provision of health care, nutrition, or hydration which, in reasonable medical judgment, has a significant possibility of sustaining the principal's life, a health care provider must take all reasonable steps to ensure provision of the directed health care, nutrition, or hydration if it has the legal and actual capability of providing it, either itself or through prompt transfer, and if necessary to preserve the principal's life, by emergency transfer, of the principal to a health care provider which itself has that capability. A health care provider unwilling to provide directed health care which it has the legal and actual capability of providing may instead transfer the patient to another health care provider willing to provide the directed health care but must take all reasonable steps to ensure provision of the directed health care until the transfer is effectuated. This paragraph does not apply if a living will under chapter 145B or a durable power of attorney for health care indicates an intention to the contrary.

(b) Nothing in this section alters any legal obligation or lack of legal obligation of a health care provider to provide health care to a patient who refuses, has refused, or is unable to pay for it.

Sec. 11. [145C.11] [REVOCATION OF DURABLE POWER OF ATTORNEY.]

Subdivision 1. [REVOCATION.] The principal may revoke a durable power of attorney for health care at any time by doing any of the following:

(a) canceling, defacing, obliterating, burning, tearing, or otherwise destroying the durable power of attorney for health care instrument or directing another in the presence of the principal to destroy the durable power of attorney for health care instrument;

(b) executing a statement, in writing and dated, expressing the principal's intent to revoke the durable power of attorney for health care;

(c) verbally expressing the principal's intent to revoke the durable power of attorney for health care in the presence of two witnesses who do not have to be present at the same time; or

(d) executing a subsequent durable power of attorney for health care instrument, to the extent the subsequent instrument is inconsistent with any prior instrument.

Subd. 2. [EFFECT OF DISSOLUTION OR ANNULMENT OF MARRIAGE OR TERMINATION OF DOMESTIC PARTNERSHIP ON APPOINTMENT OF AGENT.] Unless the durable power of attorney for health care expressly provides otherwise, the appointment by the principal of the principal's spouse or domestic partner as agent under a durable power of attorney for health care is revoked by the commencement of proceedings for dissolution, annulment, or legal separation or commencement of proceedings for termination of the principal's registered domestic partnership.

Sec. 12. [145C.12] [PRESUMPTIONS.]

The principal is presumed to have capacity to appoint an agent to make health care decisions and to revoke a durable power of attorney for health care. A health care provider or agent may presume that a durable power of attorney for health care is valid absent actual knowledge to the contrary.

It is presumed that an agent, and a health care provider acting pursuant to the direction of an agent, are acting in good faith and in the best interests of the principal, absent clear and convincing evidence to the contrary.

This chapter does not create a presumption concerning the intention of a person who has not executed a durable power of attorney for health care and does not impair or supersede any right or responsibility of a person to consent, refuse to consent, or withdraw consent to health care on behalf of another in the absence of a durable power of attorney for health care.

For purposes of this chapter, acting in good faith means acting consistently with the desires of the principal as expressed in the durable power of attorney for health care, in a living will under chapter 145B, or in a declaration regarding intrusive mental health treatment under section 253B.03, subdivision 6d, or otherwise made known by the principal to the agent. If the principal's desires are not known or are impossible to determine from information

known to the agent, acting in good faith means acting in the best interests of the principal, taking into account the principal's overall medical condition and prognosis.

Sec. 13. [145C.13] [IMMUNITIES.]

Subdivision 1. [AGENT.] An agent is not subject to criminal prosecution or civil liability for any health care decision made in good faith pursuant to a durable power of attorney for health care, unless the agent has actual knowledge of the revocation of the durable power of attorney for health care.

Subd. 2. [HEALTH CARE PROVIDER.] (a) A health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary action if the health care provider relies on a health care decision made by the agent and the following requirements are satisfied:

(1) the health care provider believes in good faith that the decision was made by an agent authorized to make the decision and has no actual knowledge that the durable power of attorney for health care has been revoked; and

(2) the health care provider believes in good faith that the decision is consistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known by the principal to the agent.

(b) A health care provider who administers health care necessary to keep the principal alive, despite a health care decision of the agent to withhold or withdraw health care, is not subject to criminal prosecution, civil liability, or professional disciplinary action if that health care provider promptly took all reasonable steps to transfer care of the principal to another health care provider willing to comply with the decision of the agent.

Sec. 14. [145C.14] [PROHIBITED PRACTICES.]

Subdivision 1. [HEALTH CARE PROVIDER.] A health care provider, health care service plan, insurer, self-insured employee welfare benefit plan, or nonprofit hospital plan may not condition admission to a facility, or the providing of treatment or insurance, on the requirement that a person execute a durable power of attorney for health care.

Subd. 2. [INSURANCE.] A policy of life insurance is not legally impaired or invalidated in any manner by the withholding or withdrawing of health care pursuant to the direction of an agent appointed pursuant to this chapter.

Sec. 15. [145C.15] [CERTAIN PRACTICES NOT CONDONED.]

Nothing in this chapter may be construed to condone, authorize, or approve mercy killing or euthanasia.

Sec. 16. [145C.16] [PENALTIES.]

Subdivision 1. [GROSS MISDEMEANOR OFFENSES.] Whoever commits any of the following acts is guilty of a gross misdemeanor:

(1) willfully conceals, cancels, defaces, or obliterates a durable power of attorney for health care of a principal without the consent of the principal;

(2) willfully conceals or withholds personal knowledge of a revocation of a durable power of attorney for health care;

(3) falsifies or forges a durable power of attorney for health care or a revocation of the instrument;

(4) coerces or fraudulently induces another to execute a durable power of attorney for health care; or

(5) requires or prohibits the execution of a durable power of attorney for health care as a condition for being insured for or receiving all or some health care services.

Subd. 2. [FELONY OFFENSES.] Whoever commits an act prohibited under subdivision 1 is guilty of a felony if the act results in bodily harm to the principal or to the person who would have been a principal but for the unlawful act.

Sec. 17. [REPEALER.]

Minnesota Statutes 1992, section 145B.10, is repealed.

Sec. 18. [EFFECTIVE DATES.]

Sections 2 to 15 are effective the day following final enactment. Sections 1 and 16 are effective August 1, 1993, and apply to offenses committed on or after that date.

Delete the title and insert:

" A bill for an act relating to health; modifying provisions relating to living wills and establishing a durable power of attorney for health care; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145B; proposing coding for new law as Minnesota Statutes, chapter 145C; repealing Minnesota Statutes 1992, section 145B.10."

On the motion of Bauerly the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Tunheim moved that the name of Welle be added as an author on H. F. No. 159. The motion prevailed.

Simoneau moved that the name of Morrison be added as an author on H. F. No. 335. The motion prevailed.

Kelso moved that the name of Greiling be added as an author on H. F. No. 495. The motion prevailed.

Waltman moved that the name of Johnson, V., be added as an author on H. F. No. 546. The motion prevailed.

Hausman moved that the name of Lourey be added as an author on H. F. No. 745. The motion prevailed.

Hasskamp moved that the name of Krueger be added as an author on H. F. No. 750. The motion prevailed.

Lourey moved that H. F. No. 670 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Hasskamp moved that H. F. No. 887 be recalled from the Committee on Judiciary and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

ADJOURNMENT

Bauerly moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, March 11, 1993. The motion prevailed.

Bauerly moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, March 11, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives