

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION -- 1993

THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 14, 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 Peg Chamberlin, Minnesota Food Share, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Carruthers, Pawlenty and Welle were excused.

Munger was excused until 2:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Wolf 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.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 13, 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. 233, relating to the military; clarifying the use by the governor of the military forces.

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 Acts of the 1993 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1993	Date Filed 1993
313		23	5:02 p.m. April 13	April 14
99		24	5:05 p.m. April 13	April 14
98		25	5:08 p.m. April 13	April 14
434		26	5:10 p.m. April 13	April 14
	233	27	5:12 p.m. April 13	April 14

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 167, A bill for an act relating to economic development; creating Minnesota Business Finance, Inc. to provide capital for commercial borrowers through the Small Business Administration; providing for powers and duties of a board of directors and employees; transferring funds from the certified development company established under the department of trade and economic development to the new corporation; proposing coding for new law as Minnesota Statutes, chapter 116S; repealing Minnesota Statutes 1992, sections 41A.065 and 116J.985.

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

The report was adopted.

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

H. F. No. 726, A bill for an act relating to health; asbestos abatement; modifying provisions relating to asbestos-related work, licenses, and fees; providing penalties; amending Minnesota Statutes 1992, sections 326.71, subdivisions 3, 4, 5, 6, 8, and by adding subdivisions; 326.72; 326.73; 326.74; 326.75; 326.76; 326.78; 326.785; 326.79; 326.80; and 326.81; repealing Minnesota Statutes 1992, sections 326.71, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

ASBESTOS ABATEMENT

Section 1. Minnesota Statutes 1992, section 144.876, is amended by adding a subdivision to read:

Subd. 4. [LICENSE BOND REQUIRED.] A person applying for an initial license as a lead abatement contractor must submit to the commissioner, at the time of license application, a corporate surety bond for \$10,000 or an irrevocable letter of credit for \$10,000 approved by the commissioner. The license bond or irrevocable letter of credit must be conditioned to pay the commissioner on unlawful performance of work in the state under sections 144.871 to 144.879. The license bond or irrevocable letter of credit must be for the benefit of persons injured or suffering financial loss by reason of failure of performance. The term of the license bond or irrevocable letter of credit must be concurrent with the term of the license. The license bond must be in lieu of all other license bonds required by any local unit of government. The license bond must be written by a corporate surety licensed to do business in the state and must include the name of the person and the lead abatement contractor who is responsible for all the work performed by the person. The commissioner may charge a \$40 fee for filing a license bond or irrevocable letter of credit.

Sec. 2. Minnesota Statutes 1992, section 326.71, subdivision 3, is amended to read:

Subd. 3. [ASBESTOS-CONTAINING MATERIAL.] "Asbestos-containing material" means material that contains more than one percent asbestos by weight microscopic visual estimation by area.

Sec. 3. Minnesota Statutes 1992, section 326.71, subdivision 4, is amended to read:

Subd. 4. [ASBESTOS-RELATED WORK.] "Asbestos-related work" means the enclosure, repair, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds the United States Environmental Protection Agency's requirement of 260 lineal feet of friable asbestos asbestos-containing material on pipes or, 160 square feet of friable asbestos asbestos-containing material on other facility components, or a total of 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, repair, removal, or encapsulation of greater than ten but

less than 260 lineal feet of friable asbestos-containing material on pipes or ducts or greater than six but less than 160 square feet of friable asbestos-containing material on other facility components. This provision excludes asbestos-containing vinyl floor tiles and sheeting under 160 square feet. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, encapsulation, or repair operations; and an air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

Sec. 4. Minnesota Statutes 1992, section 326.71, is amended by adding a subdivision to read:

Subd. 4a. [ASBESTOS INSPECTOR.] "Asbestos inspector" means an individual who inspects a site for the presence and condition of asbestos-containing material, or who reinspects a site to assess the condition of previously identified asbestos-containing material or the presence of other asbestos-containing material.

Sec. 5. Minnesota Statutes 1992, section 326.71, is amended by adding a subdivision to read:

Subd. 4b. [ASBESTOS MANAGEMENT ACTIVITY.] "Asbestos management activity" means the performance of periodic inspections to determine the existence and condition of asbestos-containing material, the development of site specific written programs for the maintenance of asbestos-containing material in a condition which prevents the release of asbestos fibers, the development of site specific written programs governing response procedures in the event of an asbestos fiber release episode, and the development of project specifications for asbestos-related work projects.

Sec. 6. Minnesota Statutes 1992, section 326.71, is amended by adding a subdivision to read:

Subd. 4c. [ASBESTOS MANAGEMENT PLANNER.] "Asbestos management planner" means an individual who develops a written site specific asbestos-containing material maintenance plan and a written site specific asbestos fiber release episode response plan addressing asbestos-containing material at the site.

Sec. 7. Minnesota Statutes 1992, section 326.71, is amended by adding a subdivision to read:

Subd. 4d. [ASBESTOS PROJECT DESIGNER.] "Asbestos project designer" means an individual who designs the asbestos-related work project specifications.

Sec. 8. Minnesota Statutes 1992, section 326.71, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of health and the commissioner's authorized delegates.

Sec. 9. Minnesota Statutes 1992, section 326.71, subdivision 6, is amended to read:

Subd. 6. [CONTRACTING ENTITY.] "Contracting entity" means a public or private body, board, natural person, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity that contracts with an employer or a person to do asbestos-related work for the benefit of the contracting entity.

Sec. 10. Minnesota Statutes 1992, section 326.71, subdivision 8, is amended to read:

Subd. 8. [EMPLOYER PERSON.] "Employer Person" means an individual, body, board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity directly or indirectly employing an employee. This term also applies to private employers and to the state, its political subdivisions, and any boards, commissions, schools, institutions, or authorities created or recognized by them.

Sec. 11. Minnesota Statutes 1992, section 326.72, is amended to read:

326.72 [ASBESTOS LICENSE.]

Subdivision 1. [WHEN LICENSE REQUIRED.] ~~An employer or other~~ A person within the state intending to directly perform or cause to be performed through subcontracting or similar delegation any asbestos-related work either for financial gain or with respect to the employer's or person's own property shall first apply for and obtain a license from the commissioner. The license shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and give the name and address of the employer or person to whom it is issued.

The domiciled owner of a single family residence is not required to hold a license or pay a project permit fee to conduct asbestos-related work in the domiciled residence.

Subd. 2. [DISPLAY OF LICENSE.] Licensees shall post a sign with the words, in letters four or more inches high, "licensed by the state of Minnesota for asbestos work" project permit, obtained from the commissioner after compliance with the provisions of section 326.74 and rules promulgated under section 326.78, in a conspicuous place outside of the asbestos abatement work area. The actual license or a copy certified by the commissioner shall be readily available at the work site for inspection by the commissioner, other public officials charged with the health, safety, and welfare of the state's citizens, and the contracting entity.

Sec. 12. Minnesota Statutes 1992, section 326.73, is amended to read:

326.73 [EMPLOYEE ASBESTOS CERTIFICATIONS.]

Subdivision 1. [ASBESTOS-RELATED WORK CERTIFICATION.] Before an employee individual performs asbestos-related work, the employee individual shall first obtain a certificate from the commissioner certifying that the employee individual is qualified to perform the work. No certificate shall be issued unless the employee individual has shown evidence of training or experience in the general commercial building construction trades, has taken a course of training in asbestos control and removal, passed an examination in those subjects, and demonstrated to the commissioner the ability to perform asbestos-related work safely in accordance with the current state-of-the-art technology. The commissioner shall specify the course of training necessary. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the employee individual to whom it is issued. The certificate shall be carried by the employee individual and be readily available for inspection by the commissioner, other public officials charged with the health, safety, and welfare of the state's citizens, and the contracting entity.

Subd. 2. [ASBESTOS INSPECTOR CERTIFICATION.] Before an individual performs an asbestos inspection, the individual shall first obtain a certificate from the commissioner. The commissioner shall issue an asbestos inspector certificate to an individual who has shown evidence of completion of training on asbestos inspection specified by the commissioner in rule, passed an examination in that subject, and has shown evidence of experience as required by rule. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued.

Subd. 3. [ASBESTOS MANAGEMENT PLANNER CERTIFICATION.] Before an individual develops an asbestos management plan, the individual shall first obtain a certificate from the commissioner. The commissioner shall issue an asbestos management planner certificate to an individual who has shown evidence of completion of training on asbestos management plan development specified by the commissioner in rule, passed an examination in that subject, and has shown evidence of experience as required by rule. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued.

Subd. 4. [ASBESTOS PROJECT DESIGNER CERTIFICATION.] Before an individual designs an asbestos-related work project, the individual shall first obtain a certificate from the commissioner. The commissioner shall issue an asbestos project designer certificate to an individual who has shown evidence of completion of training on asbestos project design specified by the commissioner in rule, passed an examination in that subject, and has shown evidence of experience as required by rule. The certificate issued by the commissioner shall be in writing, be dated when issued, contain an expiration date, be signed by the commissioner, and contain the name and address of the individual to whom it is issued.

Sec. 13. Minnesota Statutes 1992, section 326.74, is amended to read:

326.74 [REPORTING ASBESTOS WORK.]

An employer. At least five calendar days before engaging in beginning any asbestos-related work, shall give written notice shall be given to the commissioner of the project by the person holding the license issued under section 326.72, subdivision 1. The notice shall contain the following information:

- (1) a brief description of the work to be performed;
- (2) the name of the contracting entity;

- (3) the location and address of the project work site;
- (4) the approximate duration of the project;
- (5) the approximate amount of the asbestos involved in the project;
- (6) the name of any project manager; and
- (7) other information required by the commissioner.

Sec. 14. Minnesota Statutes 1992, section 326.75, is amended to read:

326.75 [FEES.]

Subdivision 1. [LICENSING FEE.] ~~An employer or other~~ A person required to be licensed under section 326.72 shall, before receipt of the license and before causing asbestos-related work to be performed, pay the commissioner an annual license fee of \$100.

Subd. 2. [CERTIFICATION FEE.] ~~Employees~~ An individual required to be certified under section ~~326.72~~ 326.73, subdivision 1, shall, ~~before performing asbestos-related work,~~ pay the commissioner a certification fee of \$50 ~~before the issuance of the certificate.~~ The commissioner may establish by rule fees required before the issuance of asbestos inspector, asbestos management planner, and asbestos project designer certificates required under section 326.73, subdivisions 2, 3, and 4.

Subd. 3. [PERMIT FEE.] One calendar day before beginning asbestos-related work, an employer a person shall pay a project permit fee to the commissioner equal to one percent of the total costs of the asbestos-related work. For asbestos-related work performed in single or multifamily residences, of greater than ten but less than 260 linear feet of asbestos-containing material on pipes, or greater than six but less than 160 square feet of asbestos-containing material on other facility components, a person shall pay a project permit fee of \$35 to the commissioner.

Subd. 3a. [ASBESTOS-RELATED TRAINING COURSE FEE.] The commissioner shall establish by rule a fee to be paid by a training course provider upon application for approval or renewal of approval of each asbestos-related training course required for certification or registration.

Subd. 4. [DEPOSIT OF FEES.] Fees collected under this section shall be deposited in the general fund.

Sec. 15. Minnesota Statutes 1992, section 326.76, is amended to read:

326.76 [DUTIES OF CONTRACTING ENTITIES.]

A contracting entity intending to have asbestos-related work or asbestos management activity performed for its benefit shall include in the specifications and contracts for the work a requirement that the work be performed by contractors and subcontractors licensed or certified by the commissioner under sections 326.70 to 326.81 and in accordance with rules prescribed by the commissioner related to asbestos abatement and asbestos management activity. No contracting entity shall allow asbestos-related work or asbestos management activity to be performed for its benefit unless it has seen that the ~~employer person~~ person has a valid license or certificate. A contracting entity's failure to comply with this section does not relieve ~~an employer a person~~ a person from any of its responsibilities under sections 326.70 to 326.81.

Sec. 16. Minnesota Statutes 1992, section 326.78, is amended to read:

326.78 [DUTIES OF THE COMMISSIONER.]

Subdivision 1. [RULEMAKING.] The commissioner shall adopt and begin enforcement of rules necessary to implement sections 326.70 to 326.81. The rules adopted shall not be duplicative of rules adopted by the commissioner of the department of labor and industry. The rules shall include rules in the following areas:

- (1) application, enclosure, removal, and encapsulation procedures;
- (2) license and certificate qualification requirements;

- (3) examinations for obtaining a license and certificate;
- (4) training necessary for employee individual certification;
- (5) qualifications for managers of asbestos abatement projects;
- (6) abatement and asbestos management activity specifications;
- (7) any contractor bonding and insurance requirements deemed necessary by the commissioner;
- (8) license and certificate issuance and revocation procedures;
- (9) suspension or revocation of licenses or certificates;
- (10) license and certificate suspension and revocation criteria;
- (11) cleanup standards;
- (12) continuing education requirements; and
- (13) other rules necessary to implement sections 326.70 to 326.81.

Subd. 2. [ISSUANCE OF LICENSES AND CERTIFICATES.] The commissioner may issue licenses to employers persons and certificates to individuals who meet the criteria in sections 326.70 to 326.82 and the commissioner's rules. Licenses and certificates shall be valid for at least 12 months, except that the initial certificate will be issued to expire one year after the completion date on the approved training course diploma.

Subd. 3. [DELEGATION.] The commissioner may, in writing, delegate the inspection and enforcement authority granted in sections 326.70 to 326.82 to other state agencies regulating asbestos.

Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.] (a) Any person who the commissioner has reason to believe is engaged in asbestos-related work or asbestos management activity, or who is the owner of real property where the asbestos-related work or asbestos management activity is being undertaken, when requested by the commissioner, or any member, employee, or agent thereof who is authorized by the commissioner, shall furnish the commissioner any information that the person may have or may reasonably obtain that is relevant to the asbestos-related work or asbestos management activity within five working days of the request.

(b) The commissioner or any person authorized by the commissioner, upon presentation of credentials, and with reason to believe that violation of sections 326.70 to 326.82 may be occurring, may:

(1) examine and copy any books, papers, records, memoranda, or data related to the asbestos-related project of any person who has a duty to provide information to the department commissioner under paragraph (a); and

(2) enter upon any public or private property to take action authorized by this section including obtaining information from any person who has a duty to provide the information under paragraph (a), and conducting surveys or investigations.

Subd. 5. [SUBPOENAS.] In matters under investigation by or pending before the commissioner under sections 326.70 to 326.82, the commissioner may issue subpoenas and compel the attendance of witnesses and the production of papers, books, records, documents, and other relevant evidentiary material. A person failing or refusing to comply with the subpoena or order may, upon application by the commissioner to the district court in any district, be ordered by the court to comply with the order or subpoena. The commissioner may also administer oaths and affirmations to witnesses. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person anywhere within the state by an officer authorized to serve subpoenas in civil actions, with the same fees and mileage costs paid, and in the manner as prescribed by law, for process of the state district courts. Fees and mileage and other costs of persons subpoenaed by the commissioner shall be paid in the manner prescribed for proceedings in district court.

Subd. 6. [CEASE AND DESIST ORDER.] (a) The commissioner may issue an order requiring an employer a person to cease asbestos-related work or asbestos management activity if the commissioner determines that a condition exists that poses an immediate danger to the public health. For purposes of this subdivision, an immediate danger to the public health exists if the commissioner determines that:

- (1) air quality standards are being exceeded;
- (2) asbestos-related work or asbestos management activity is being undertaken in a manner violative of applicable state or federal law;
- (3) the employer person or an employee individual working at the project site is not licensed or certified, or in possession of a current license or certificate, as the case may be; or
- (4) ~~the employer asbestos-related work has not been reported the project under section 5 to the commissioner as required under section 326.74 and rules prescribed by the commissioner.~~

(b) The order is effective for a maximum of 60 days. Following issuance of the order, the commissioner shall provide the contractor or individual with an opportunity for a hearing under the contested case provisions of chapter 14. At the hearing, the commissioner shall decide whether to rescind, modify, or reissue the previously made order. A modified or reissued order is effective for a maximum of 60 days from the date of modification or reissuance.

Subd. 7. [ORDER FOR CORRECTIVE ACTION.] ~~After notice and opportunity for hearing under the contested case provisions of chapter 14, the~~ (a) Commissioner may issue an order requiring anyone violating sections 326.70 to 326.82 or a rule of the commissioner to take corrective action as the commissioner determines will accomplish the purpose of the project and prevent future violation. The order for corrective action shall contain a date state the conditions that constitute the violation, the specific law or rule violated, and the time by which the violation must be corrected.

(b) If the person believes that the information contained in the commissioner's order for corrective action is in error, the person may ask the commissioner to reconsider the parts of the order that are alleged to be in error. The request must be in writing, delivered to the commissioner by certified mail within seven calendar days of receipt of the order and:

- (1) specify which parts of the order for corrective action are alleged to be in error;
- (2) explain why they are in error; and
- (3) provide documentation to support the allegation of error.

The commissioner shall respond to requests made under this provision within 15 calendar days after receipt of the request. A request for reconsideration does not stay the order for corrective action. After reviewing the request for reconsideration, the commissioner may provide additional time to comply with the order if necessary. The commissioner's disposition of a request for reconsideration is final.

Subd. 8. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, the commissioner may bring an action for injunctive relief in the district court in Ramsey county or, at the commissioner's discretion, in the district court in the county in which ~~an~~ asbestos-related work or asbestos management activity is being undertaken to halt the work or an activity connected with it. A temporary restraining order or other injunctive relief may be granted by the court in the proceeding if continuation of the work or an activity connected with it would result in an imminent risk of harm to any person.

Subd. 9. [PENALTIES.] (a) A person who violates any of the requirements of sections 326.70 to 326.81 or any requirement, rule, or order issued under those sections is subject to a civil penalty of not more than \$10,000 per day of violation. Penalties may be recovered in a civil action in the name of the state brought by the attorney general.

(b) The commissioner may issue an order assessing a penalty of not more than \$10,000 per violation to any person who violates any of the requirements of sections 326.70 to 326.81 or any requirement, rule, or order issued under those sections. A person subject to an administrative penalty order may request a contested case hearing under chapter 14 within 20 days from date of receipt of the penalty order. If the penalty order is not contested within 20 days of receipt, it becomes final and may not be contested.

(c) The amount of the penalty shall be based on the past history of same or similar violations, the severity of violation, the culpability of the person, and other relevant factors. The history of past violations shall include previous violations received by the person licensed as a different entity.

(d) Penalties assessed under sections 326.70 to 326.81 shall be paid to the commissioner for deposit in the general fund. Unpaid penalties shall be increased to 125 percent of the original assessed amount if not paid within 60 days after the penalty order becomes final. After 60 days interest shall accrue on the unpaid penalty balance at the rate established in section 549.09.

Sec. 17. Minnesota Statutes 1992, section 326.785, is amended to read:

326.785 [ASBESTOS CONTAINMENT BARRIERS.]

Notwithstanding Minnesota Rules, part ~~7005.1616~~ 4620.3500, subpart 4, item B, subitem (5), containment barriers, in the case of tunnel abatement enclosures, are limited to double critical barriers.

Sec. 18. Minnesota Statutes 1992, section 326.79, is amended to read:

326.79 [MISDEMEANOR PENALTY.]

A person who:

- (1) hinders or delays the commissioner or the commissioner's authorized representative in the performance of the duty to enforce sections 326.70 to 326.81;
- (2) undertakes asbestos-related work without a license or with a revoked, expired, or suspended license;
- (3) refuses to make a license or certificate accessible to either the commissioner or the commissioner's authorized representative;
- (4) uses an employee who does not have a certificate to do asbestos-related work;
- (5) fails to report asbestos-related work as required by section 326.74;
- (6) undertakes asbestos-related work or asbestos management activity for which the person is not qualified under department rules prescribed by the commissioner; ~~or~~
- (7) makes a material false statement related to a license, certificate, report, or other document required under sections 326.70 to 326.81; or

(8) knowingly uses or possesses a false license or certificate, or makes, alters, or forges a license or certificate is guilty of a misdemeanor and may be sentenced to payment of a fine of not more than \$700, imprisonment for not more than 30 days, or both, for each violation.

Sec. 19. Minnesota Statutes 1992, section 326.80, is amended to read:

326.80 [SUSPENSIONS; REVOCATIONS; DENIALS.]

As an alternative, or in addition to, the criminal or any other penalties provided in ~~section 326.79~~ sections 326.70 to 326.81, the commissioner or the commissioner's designee may refuse to grant an initial license or certificate, or may suspend or revoke a license or certificate for repeated or serious violations of sections 326.70 to 326.81; violations of any requirement, rule, or order issued under those sections; violations of state or federal laws or regulations related to enclosure, repair, removal, encapsulation, or disposal of asbestos or asbestos management activity; violations of other Minnesota laws that indicate that the person is not fit to conduct asbestos-related work or asbestos management activity; where final agency action has been taken against a person in connection with asbestos-related work or asbestos management activity in another state or jurisdiction; or where the person has been convicted of a criminal violation in connection with asbestos-related work or asbestos management activity in another state or jurisdiction. Any proceeding conducted under this section must be in accordance with procedures adopted by rule by the commissioner and the contested case procedures of chapter 14.

Sec. 20. Minnesota Statutes 1992, section 326.81, is amended to read:

326.81 [DISCRIMINATION; SANCTIONS.]

~~An employer~~ A person who discriminates against or otherwise sanctions an employee who complains to or cooperates with the commissioner in administering sections 326.70 to 326.81 is guilty of a misdemeanor.

Sec. 21. [REPEALER.]

Minnesota Statutes 1992, section 326.71, subdivision 7, is repealed.

ARTICLE 2

HEALTH ENFORCEMENT CONSOLIDATION

Section 1. Minnesota Statutes 1992, section 103I.345, subdivision 1, is amended to read:

Subdivision 1. [REVENUE SOURCES.] Revenue from the following sources must be deposited in the state treasury and credited to a special account:

- (1) all money recovered by the commissioner under section 103I.341;
- (2) all money paid under section ~~103I.705~~ 144.99 or under any agreement, stipulation, or settlement resolving an enforcement action brought by the commissioner;
- (3) all interest attributable to investment of money credited to the account; and
- (4) all money received in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purposes of the account.

Sec. 2. Minnesota Statutes 1992, section 116.75, is amended to read:

116.75 [CITATION.]

Sections 116.76 to ~~116.83~~ 116.82 may be cited as the "infectious waste control act."

Sec. 3. Minnesota Statutes 1992, section 116.76, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 116.76 to ~~116.83~~ 116.82.

Sec. 4. Minnesota Statutes 1992, section 116.77, is amended to read:

116.77 [COVERAGE.]

Sections 116.75 to ~~116.83~~ 116.82 and 609.671, subdivision 10, cover any person, including a veterinarian, who generates, treats, stores, transports, or disposes of infectious or pathological waste but not including infectious or pathological waste generated by households, farm operations, or agricultural businesses. Except as specifically provided, sections 116.75 to 116.83 do not limit or alter treatment or disposal methods for infectious or pathological waste.

Sec. 5. Minnesota Statutes 1992, section 116.82, subdivision 3, is amended to read:

Subd. 3. [LOCAL ENFORCEMENT.] Sections 116.76 to 116.81 may be enforced by a county by delegation of enforcement authority granted to the commissioner of health and the agency in section ~~116.83~~ 144.99. Separate enforcement actions may not be brought by a state agency and a county for the same violations. The state or county may not bring an action that is being enforced by the federal Office of Safety and Health Administration.

Sec. 6. Minnesota Statutes 1992, section 144.71, subdivision 1, is amended to read:

Subdivision 1. [HEALTH AND SAFETY.] The purpose of sections 144.71 to ~~144.76~~ 144.74 is to protect the health and safety of children in attendance at children's camps.

Sec. 7. [144.989] [TITLE; CITATION.]

Sections 144.989 to 144.993 may be cited as the "health enforcement consolidation act of 1993."

Sec. 8. [144.99] [ENFORCEMENT.]

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of chapters 103I and 157 and sections 115.71 to 115.82; 116.76 to 116.81; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.121; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.491; 144.495; 144.71 to 144.76; 144.871 to 144.878; 144.992; 326.37 to 326.45; 326.57 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Subd. 2. [ACCESS TO INFORMATION AND PROPERTY.] The commissioner or an employee or agent authorized by the commissioner, upon presentation of credentials, may:

(a) examine and copy any books, papers, records, memoranda, or data of any person subject to regulation under the statutes listed in subdivision 1; and

(b) enter upon any property, public or private, for the purpose of taking any action authorized under statutes, rules, or other actions listed in subdivision 1 including obtaining information from a person who has a duty to provide information under the statutes listed in subdivision 1, taking steps to remedy violations, or conducting surveys or investigations.

Subd. 3. [CORRECTION ORDERS.] (a) The commissioner may issue correction orders that require a person to correct a violation of the statutes, rules, and other actions listed in subdivision 1. The correction order must state the deficiencies that constitute the violation; the specific statute, rule, or other action violated; and the time by which the violation must be corrected.

(b) If the person believes that the information contained in the commissioner's correction order is in error, the person may ask the commissioner to reconsider the parts of the order that are alleged to be in error. The request must be in writing, delivered to the commissioner by certified mail within seven calendar days after receipt of the order, and:

(1) specify which parts of the order for corrective action are alleged to be in error;

(2) explain why they are in error; and

(3) provide documentation to support the allegation of error.

The commissioner must respond to requests made under this paragraph within 15 calendar days after receiving request. A request for reconsideration does not stay the correction order; however, after reviewing the request for reconsideration, the commissioner may provide additional time to comply with the order if necessary. The commissioner's disposition of a request for reconsideration is final.

Subd. 4. [ADMINISTRATIVE PENALTY ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of the statutes, rules, and other actions listed in subdivision 1. The procedures in section 144.991 must be followed when issuing administrative penalty orders. Except in the case of repeated or serious violations, the penalty assessed in the order must be forgiven, other than the costs associated with reinspection if the person who is subject to the order demonstrates in writing to the commissioner before the 31st day after receiving the order that the person has corrected the violation or has developed a corrective plan acceptable to the commissioner. The maximum amount of administrative penalty orders is \$10,000 for all violations identified in an inspection or review of compliance.

Subd. 5. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, the commissioner may bring an action for injunctive relief in the district court in Ramsey county or, at the commissioner's discretion, in the district court in the county in which a violation of the statutes, rules, or other actions listed in subdivision 1 has occurred to enjoin the violation.

Subd. 6. [CEASE AND DESIST.] The commissioner, or an employee of the department designated by the commissioner, may issue an order to cease an activity covered by subdivision 1 if continuation of the activity would result in an immediate risk to public health. An order issued under this paragraph is effective for a maximum of 72 hours. The commissioner must seek an injunction or take other administrative action authorized by law to restrain activities for a period beyond 72 hours. The issuance of a cease and desist order does not preclude the commissioner from pursuing any other enforcement action available to the commissioner.

Subd. 7. [PLAN FOR USE OF ADMINISTRATIVE PENALTIES AND CEASE AND DESIST AUTHORITY.] The commissioner of health shall prepare a plan for using the administrative penalty and cease and desist authority in this section. The commissioner shall provide a 30-day period for public comment on the plan. The plan must be finalized by December 1, 1993, and be reviewed every two years with a 30-day period for public comment. The plan is not subject to chapter 14.

Subd. 8. [DENIAL OR REFUSAL TO REISSUE PERMITS, LICENSES, REGISTRATIONS, OR CERTIFICATES.] (a) The commissioner may deny or refuse to renew an application for a permit, license, registration, or certificate required under the statutes or rules cited in subdivision 1, if the applicant has any unresolved violations related to the activity for which the permit, license, registration, or certificate was issued.

(b) The commissioner may also deny or refuse to renew a permit, license, registration, or certificate required under the statutes or rules cited in subdivision 1 if the applicant has a persistent pattern of violations related to the permit, license, registration, or certificate, or if the applicant submitted false material information to the department in connection with the application.

(c) The commissioner may condition the grant or renewal of a permit, license, registration, or certificate on a demonstration by the applicant that actions needed to assure compliance with the requirements of the statutes listed in subdivision 1 have been taken, or may place conditions on or issue a limited permit, license, registration, or certificate as a result of previous violations by the applicant.

Subd. 9. [SUSPENSION OR REVOCATION OF PERMITS, LICENSES, REGISTRATIONS, OR CERTIFICATES.] The commissioner may suspend, place conditions on, or revoke a permit, license, registration, or certificate issued under the statutes or rules cited in subdivision 1 for serious or repeated violations of the requirements in the statutes, rules, or other actions listed in subdivision 1 that apply to the permit, license, registration, or certificate, or if the applicant submitted false material information to the department in connection with the permit, license, registration, or certificate.

Subd. 10. [HEARINGS RELATED TO DENIAL, REFUSAL TO RENEW, SUSPENSION, OR REVOCATION OF A PERMIT, LICENSE, REGISTRATION, OR CERTIFICATE.] If the commissioner proposes to deny, refuses to renew, places conditions on, suspends, or revokes a permit, license, registration, or certificate under subdivision 8 or 9, the commissioner must first notify the person against whom the action is proposed to be taken and provide the person an opportunity to request a hearing under the contested case provisions of chapter 14. If the person does not request a hearing by notifying the commissioner within 20 days after receipt of the notice of proposed action, the commissioner may proceed with the action without a hearing.

Subd. 11. [MISDEMEANOR PENALTIES.] A person convicted of violating a statute or rule listed in subdivision 1 is guilty of a misdemeanor.

Sec. 9. [144.991] [ADMINISTRATIVE PENALTY ORDER PROCEDURE.]

Subdivision 1. [AMOUNT OF PENALTY; CONSIDERATIONS.] (a) In determining the amount of a penalty under section 144.99, subdivision 4, the commissioner may consider:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
- (3) the history of past violations;
- (4) the number of violations;
- (5) the economic benefit gained by the person by allowing or committing the violation; and
- (6) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(b) For a violation after an initial violation, the commissioner shall, in determining the amount of a penalty, consider the factors in paragraph (a) and the:

- (1) similarity of the most recent previous violation and the violation to be penalized;
- (2) time elapsed since the last violation; and
- (3) number of previous violations.

Subd. 2. [CONTENTS OF ORDER.] An order assessing an administrative penalty under section 144.99, subdivision 4, must include:

- (1) a concise statement of the facts alleged to constitute a violation;
- (2) a reference to the section of the statute, rule, variance, order, stipulation agreement, or term or condition of a permit that has been violated;
- (3) a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and
- (4) a statement of the person's right to review of the order.

Subd. 3. [CORRECTIVE ORDER.] (a) The commissioner may issue an order assessing a penalty and requiring the violations cited in the order to be corrected within 30 calendar days from the date the order is received.

(b) The person to whom the order was issued shall provide information to the commissioner before the 31st day after the order was received demonstrating that the violation has been corrected or developed a corrective plan acceptable to the commissioner. The commissioner shall determine whether the violation has been corrected and notify the person subject to the order of the commissioner's determination.

Subd. 4. [PENALTY.] (a) Except as provided in paragraph (b), if the commissioner determines that the violation has been corrected or developed a corrective plan acceptable to the commissioner, the penalty must be forgiven other than the costs associated with reinspection. Unless the person requests review of the order under subdivision 5 before the penalty is due, the penalty in the order is due and payable:

(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or

(2) on the 20th day after the person receives the commissioner's determination under paragraph (b), if the person subject to the order has provided information to the commissioner that the commissioner determines is not sufficient to show the violation has been corrected or that appropriate steps have been taken toward correcting the violation.

(b) For repeated or serious violations, the commissioner may issue an order with a penalty that will not be forgiven after the corrective action is taken. The penalty is due by 31 days after the order was received unless review of the order under subdivision 5 has been sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received.

Subd. 5. [EXPEDITED ADMINISTRATIVE HEARING.] (a) Within 30 days after receiving an order or within 20 days after receiving notice that the commissioner has determined that a violation has not been corrected or appropriate steps have not been taken, the person subject to an order under this section may request an expedited hearing, utilizing the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the commissioner's action. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order is directed and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order is directed of the time and place of the hearing at least 20 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision. The office of administrative hearings may, in consultation with the agency, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the commissioner's action to the commissioner within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty unless the administrative law judge determines that, based on the factors in subdivision 2, the amount of the penalty is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the agency by the office of administrative hearings for the hearing.

(e) If a hearing has been held, the commissioner may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person to whom an order is issued may, within those five days, comment to the commissioner on the recommendations and the commissioner will consider the comments. The final order may be appealed in the manner provided in sections 14.63 to 14.69.

(f) If a hearing has been held and a final order issued by the commissioner, the penalty shall be paid by 30 days after the date the final order is received unless review of the final order is requested under sections 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from the date the order is final at the rate established in section 549.09.

Subd. 6. [MEDIATION.] In addition to review under subdivision 5, the commissioner is authorized to enter into mediation concerning an order issued under this section if the commissioner and the person to whom the order is issued both agree to mediation.

Subd. 7. [ENFORCEMENT.] (a) The attorney general may proceed on behalf of the state to enforce penalties that are due and payable under this section in any manner provided by law for the collection of debts.

(b) The attorney general may petition the district court to file the administrative order as an order of the court. At any court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.

(c) If a person fails to pay the penalty, the attorney general may bring a civil action in district court seeking payment of the penalties, injunctive, or other appropriate relief including monetary damages, attorneys' fees, costs, and interest.

Subd. 8. [REVOCATION AND SUSPENSION OF PERMIT, LICENSE, REGISTRATION, OR CERTIFICATE.] If a person fails to pay a penalty owed under this section, the agency has grounds to revoke or refuse to reissue or renew a permit, license, registration, or certificate issued by the department.

Subd. 9. [CUMULATIVE REMEDY.] The authority of the agency to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 10. [144.992] [FALSE INFORMATION.]

A person subject to any of the requirements listed in section 144.99, subdivision 1, may not make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, or other document required under the statutes, rules, or other actions listed in section 144.99, subdivision 1.

Sec. 11. [144.993] [RECOVERY OF LITIGATION COSTS AND EXPENSES.]

In any judicial action brought by the attorney general for civil penalties, injunctive relief, or an action to compel performance pursuant to the authority cited in section 144.99, subdivision 1, if the state finally prevails, and if the

proven violation was willful, the state, in addition to other penalties provided by law, may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses incurred by the state. In determining the amount of the litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Sec. 12. Minnesota Statutes 1992, section 145A.07, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENTS TO PERFORM DUTIES OF COMMISSIONER.] (a) The commissioner of health may enter into an agreement with any board of health to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under sections 144.12; 144.381 to 144.387; 144.411 to 144.417; 144.71 to 144.76 ~~144.74~~; 145A.04, subdivision 6; provisions of chapter 156A pertaining to construction, repair, and abandonment of water wells; chapter 157; and sections 327.14 to 327.28.

(b) Agreements are subject to subdivision 3.

(c) This subdivision does not affect agreements entered into under Minnesota Statutes 1986, section 145.031, 145.55, or 145.918, subdivision 2.

Sec. 13. Minnesota Statutes 1992, section 326.37, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The state commissioner of health may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. ~~Violation of the rules shall be a misdemeanor.~~

The commissioner shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 14. Minnesota Statutes 1992, section 327.16, subdivision 6, is amended to read:

Subd. 6. [DENIAL OF CONSTRUCTION.] If the application to construct or make alterations upon a manufactured home park or recreational camping area and the appurtenances thereto or a primary license to operate and maintain the same is denied by the state commissioner of health, the commissioner shall so state in writing giving the reason or reasons for denying the application. If the objections can be corrected the applicant may amend the application and resubmit it for approval, and if denied the applicant may appeal from the decision of the state commissioner of health as provided in section ~~327.18~~ 144.99, subdivision 10.

Sec. 15. Minnesota Statutes 1992, section 327.20, subdivision 2, is amended to read:

Subd. 2. [HEALTH AND SAFETY.] The state department of health may prescribe such rules for the operation and maintenance of manufactured home parks or recreational camping areas and for safeguarding the health and safety of persons occupying licensed manufactured home parks and recreational camping areas as the department shall deem to be necessary and expedient. Such rules pertaining to health and safety shall have the force and effect of law, ~~and any violation thereof shall constitute a misdemeanor, and upon conviction therefor the offender may be punished as otherwise provided by law.~~

Sec. 16. [MODEL ORDINANCE.]

The department of health, in consultation with the attorney general, must by August 1, 1994, develop and make available to local governments who manage delegated environmental health programs a model ordinance for an administrative penalty order process similar to the process established in sections 144.99 and 144.991.

Sec. 17. [REPEALER.]

Minnesota Statutes 1992, sections 1031.701; 1031.705; 116.83; 144.1211; 144.386, subdivision 4; 144.73, subdivisions 2, 3, and 4; 144.76; 157.081; 326.43; 326.53, subdivision 2; 326.63; 326.78, subdivisions 4, 6, 7, and 8; 326.79; 326.80; 327.18; and 327.24, subdivisions 1 and 2, are repealed.

Delete the title and insert:

"A bill for an act relating to health; modifying provisions relating to asbestos abatement, licenses, and fees; consolidating and modifying enforcement remedies; providing penalties; amending Minnesota Statutes 1992, sections 103I.345, subdivision 1; 116.75; 116.76, subdivision 1; 116.77; 116.82, subdivision 3; 144.71, subdivision 1; 144.876, by adding a subdivision; 145A.07, subdivision 1; 326.37, subdivision 1; 326.71, subdivisions 3, 4, 5, 6, 8, and by adding subdivisions; 326.72; 326.73; 326.74; 326.75; 326.76; 326.78; 326.785; 326.79; 326.80; 326.81; 327.16, subdivision 6; and 327.20, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1992, sections 103I.701; 103I.705; 116.83; 144.1211; 144.386, subdivision 4; 144.73, subdivisions 2, 3, and 4; 144.76; 157.081; 326.43; 326.53, subdivision 2; 326.63; 326.71, subdivision 7; 326.78, subdivisions 4, 6, 7, and 8; 326.79; 326.80; 327.18; and 327.24, subdivisions 1 and 2."

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

The report was adopted.

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

H. F. No. 952, A bill for an act relating to game and fish; color of outer clothing required in firearms deer zones; amending Minnesota Statutes 1992, section 97B.071.

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

The report was adopted.

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

H. F. No. 980, A bill for an act relating to local government; enabling local government units to obtain waivers of state rules and laws; providing grants to local government units to encourage cooperation, achieve specified outcomes, and design service budget management models; creating a board of local government innovation and cooperation; appropriating money; amending Minnesota Statutes 1992, sections 465.80, subdivisions 1, 2, 4, and 5; 465.81, subdivision 2; 465.82, subdivision 1; 465.83; and 465.87, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 465.

Reported the same back with the following amendments:

Page 2, line 5, delete "one member" and insert "two members"

Page 2, line 7, delete "one member" and insert "two members"

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

The report was adopted.

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

H. F. No. 1072, A bill for an act relating to health; modifying provisions relating to unlicensed mental health practitioners and sellers of hearing instruments; establishing enforcement provisions; providing penalties; amending Minnesota Statutes 1992, sections 148B.66, by adding a subdivision; 148B.70, subdivision 3; 153A.14, by adding a subdivision; 153A.15, subdivision 1; and 153A.19, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 214.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, line 27, delete "after July 1," and insert "under this section after October 1,"

Page 4, line 9, delete "less" and insert "only."

Page 4, delete lines 10 and 11

Page 6, after line 16, insert:

"Sec. 6. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 5 are effective October 1, 1993, and apply to crimes committed on or after that date."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 6, delete everything after "sections"

Page 1, line 7, delete "subdivision;"

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

The report was adopted.

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

H. F. No. 1180, A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary commitments by health plans and providers to limit the rate of growth in total revenues; permitting expedited rulemaking; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 60A.02, subdivision 1a; 62A.021, subdivision 1; 62A.65; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.09, subdivisions 2, 5, and 8; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, and 7; 62J.33; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.09, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2 and 5; 136A.1357, subdivisions 1 and 4; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 144.335, by adding a subdivision; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9353, subdivisions 2, 3, 5, and 6; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, 7, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivision 1; 295.55, subdivision 4; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 16B; 62J; 62N; 62O; 256; and 295; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; and Laws 1992, chapter 549, article 9, section 19, subdivision 2.

Reported the same back with the following amendments:

Page 41, line 35, delete "20" and insert "21"

Page 42, line 17, delete "three" and insert "four"

Page 42, line 19, after the comma insert "one member representing the department of commerce,"

Page 42, after line 23, insert:

"No more than 11 members of the board of directors may be of one gender. Appointing authorities must consult with each other to assure compliance with this requirement. Appointing authorities shall consult with each other to attempt to assure geographical balance."

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

The report was adopted.

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

H. F. No. 1199, A bill for an act relating to state government; the legislative commission on employee relations; modifying provisions relating to certain plans; ratifying certain salaries and a bargaining agreement; requiring certain reports and documents; amending Minnesota Statutes 1992, sections 15A.083, subdivision 4; and 43A.18, subdivision 4; repealing Minnesota Statutes 1992, section 43A.24, subdivision 3.

Reported the same back with the following amendments:

Page 3, after line 18, insert:

"Subd. 3. [CHANCELLOR; TECHNICAL COLLEGE BOARD.] The salary of \$92,800 for the chancellor of the technical college system, approved by the legislative commission on employee relations on December 22, 1992, is ratified."

Subd. 4. [DIRECTOR; HIGHER EDUCATION COORDINATING BOARD.] The salary of \$93,350 for the director of the higher education coordinating board, approved by the legislative commission on employee relations on December 22, 1992, is ratified."

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. 1225, A bill for an act relating to agriculture; authorizing use of money in the agricultural chemical response and reimbursement account for administrative costs; exempting certain pesticides from the ACRRRA surcharge; appropriating money; repealing the hazardous substance labeling act; amending Minnesota Statutes 1992, sections 18B.01, by adding subdivisions; 18B.135; 18B.14, subdivision 2; 18B.31, subdivision 1; 18B.36, subdivision 2; 18B.37, subdivision 2; 18C.005, subdivisions 13 and 35; 18C.115, subdivision 2; 18C.211, subdivision 1; 18C.215, subdivision 2; 18C.305, subdivision 2; 18D.103, by adding a subdivision; 18D.105, by adding a subdivision; 18E.03, subdivisions 2 and 5; 21.85, subdivision 10; 325F.19, subdivision 7; repealing Minnesota Statutes 1992, sections 18B.07, subdivision 3; 18C.211, subdivision 3; 18C.215, subdivision 3; 24.32; 24.33; 24.34; 24.35; 24.36; 24.37; 24.38; 24.39; 24.40; 24.41; 24.42; 25.46; and 25.47.

Reported the same back with the following amendments:

Pages 9 and 10, delete sections 14 and 15

Page 12, line 11, after "a" insert "\$25"

Page 13, after line 16, insert:

"Sec. 19. [REPORT ON AGRICULTURAL PESTICIDE CONTAINERS AND WASTE AGRICULTURAL PESTICIDES.]

The commissioner shall prepare a report with recommendations to the legislature by January 1, 1995, and a second report by January 1, 1997, on the handling of empty pesticide containers and unused portions of agricultural pesticides used for the production of food, feed, or fiber crop use using the following criteria:

(1) the minimization of the disposal of agricultural pesticide containers and waste agricultural pesticides;

(2) the collection and recycling of agricultural pesticide containers;

(3) the collection and disposal of waste agricultural pesticides; and

(4) recommendations for the internalization of the management costs for waste agricultural pesticides and agricultural pesticide containers amongst agricultural pesticide manufacturers, distributors, and retailers."

Renummer the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "requiring a report;"

Page 1, delete line 13

Page 1, line 14, delete "subdivision;"

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.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1286, A bill for an act relating to commerce; regulating prize notices; requiring certain disclosures by solicitors; providing for reimbursement in certain cases; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325F.755] [PRIZE NOTICES AND SOLICITATIONS.]

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

(a) "Prize" means a gift, award, or other item or service of value that is offered or awarded to a participant in a real or purported contest, competition, sweepstakes, puzzle, drawing, scheme, plan, or other selection process.

(b) "Retail value" of a prize means:

(1) a price at which the sponsor can substantiate that a substantial number of the prizes have been sold to the public in Minnesota in the preceding year; or

(2) if the sponsor is unable to satisfy the requirement in clause (1), then no more than 1.5 times the amount the sponsor paid for the prize in a bona fide purchase from an unaffiliated seller.

(c) "Sponsor" means a corporation, partnership, limited liability company, sole proprietorship, or natural person that requires a person in Minnesota to pay the sponsor money as a condition of awarding the person a prize, or as a condition of allowing the person to receive, use, compete for, or obtain information about a prize, or that creates the reasonable impression that such a payment is required.

Subd. 2. [DISCLOSURES REQUIRED.] (a) No sponsor shall require a person in Minnesota to pay the sponsor money as a condition of awarding the person a prize, or as a condition of allowing the person to receive, use, compete for, or obtain information about a prize, nor shall a sponsor use any solicitation that creates the reasonable impression that a payment is required, unless the person has first received a written prize notice containing the information required in paragraphs (b) and (c).

(b) A written prize notice must contain each of the following:

(1) the true name or names of the sponsor and the address of the sponsor's actual principal place of business;

(2) the retail value of each prize the person receiving the notice has been selected to receive or may be eligible to receive;

(3) a statement of the person's odds of receiving each prize identified in the notice;

(4) any requirement that the person pay shipping or handling fees or any other charges to obtain or use a prize, including the nature and amount of the charges;

(5) if receipt of the prize is subject to a restriction, a statement that a restriction applies, and a description of the restriction;

(6) any limitations on eligibility; and

(7) if a sponsor represents that the person is a "winner," is a "finalist," has been "specially selected," is in "first place," or is otherwise among a limited group of persons with an enhanced likelihood of receiving a prize, the written prize notice must contain a statement of the maximum number of persons in the group or purported group with this enhanced likelihood of receiving a prize.

(c) The information required by paragraph (b) must be presented in the following form:

(1) the retail value and the statement of odds required under paragraph (b), clauses (2) and (3), must be stated in immediate proximity to each identification of a prize on the written notice, and must be in the same size and boldness of type as the reference to the prize;

(2) the statement of odds must include, for each prize, the total number of prizes to be given away and the total number of written prize notices to be distributed. The number of prizes and written prize notices must be stated in Arabic numerals. The statement of odds must be in the following form: "..... (number of prizes) out of notices distributed.";

(3) if a person is required to pay shipping or handling fees or any other charges to obtain a prize, to be eligible to obtain a prize, or participate in a contest, the following statement must appear in immediate proximity to each listing of the prize in the written prize notice, in not less than ten-point boldface type: "YOU MUST PAY \$..... TO RECEIVE THIS ITEM" or: "YOU MUST PAY \$..... TO COMPETE FOR THIS ITEM," whichever is applicable; and

(4) a statement required under paragraph (b), clause (7), must appear in immediate proximity to each representation that the person is among a group of persons with an enhanced likelihood of receiving a prize, and must be in the same size and boldness of type as the representation.

Subd. 3. [PRIZE AWARD REQUIRED.] A sponsor who represents to a person that the person has been awarded a prize shall, not later than 30 days after making the representation, provide the person with the prize, or with a voucher, certificate, or other document giving the person the unconditional right to receive the prize, or shall provide the person with either of the following items selected by the person:

- (1) any other prize listed in the written prize notice that is available and that is of equal or greater value; or
- (2) the retail value of the prize, as stated in the written notice, in the form of cash, a money order, or a certified check.

Subd. 4. [ADVERTISING MEDIA EXEMPT.] Nothing in this section creates liability for acts by the publisher, owner, agent, or employee of a newspaper, periodical, radio station, television station, cable television system, or other advertising medium arising out of the publication or dissemination of a solicitation, notice, or promotion governed by this section, unless the publisher, owner, agent, or employee had knowledge that the solicitation, notice, or promotion violated the requirements of this section, or had a financial interest in the solicitation, notice, or promotion.

Subd. 5. [EXEMPTIONS.] This section does not apply to solicitations or representations in connection with: (1) the sale or purchase of books, recordings, videocassettes, periodicals, and similar goods through a membership group or club which is regulated by the Federal Trade Commission pursuant to Code of Federal Regulations, title 16, part 425.1, concerning use of negative option plans by sellers in commerce; (2) the sale or purchase of goods ordered through a contractual plan or arrangement such as a continuity plan, subscription management, or a single sale or purchase series arrangement under which the seller ships goods to a consumer who has consented in advance to receive the goods and after the receipt of the goods is given the opportunity to examine the goods and to receive a full refund of charges for the goods upon return of the goods undamaged; or (3) sales by a catalog seller. For purposes of this section "catalog seller" shall mean any entity, and its subsidiaries, or a person at least 50 percent of whose annual revenues are derived from the sale of products sold in connection with the distribution of catalogs of at least 24 pages, which contain written descriptions or illustrations and sales prices for each item of merchandise and which are distributed in more than one state with a total annual distribution of at least 250,000.

Subd. 6. [EXEMPTIONS FOR REGULATED ACTIVITIES.] This section does not apply to advertising permitted and regulated under chapter 82A, concerning membership camping practices; advertising permitted and regulated under chapter 83, concerning subdivided lands and interests in subdivided lands; pari-mutuel betting on horse racing permitted and regulated under chapter 240; lawful gambling permitted and regulated under chapter 349; or the state lottery created and regulated under chapter 349A.

Subd. 7. [VIOLATIONS.] (a) Nothing in this section shall be construed to permit an activity otherwise prohibited by law.

(b) A violation of this section is also a violation of sections 325F.68 to 325F.71, and is subject to section 8.31.

(c) Whoever intentionally violates this section may be fined not more than \$10,000 or imprisoned for not more than two years or both. It is evidence of intent if the violation occurs after the office of the attorney general has notified a person by certified mail that the person is in violation of this section.

(d) A person suffering pecuniary loss because of an intentional violation of this section may bring an action in any court of competent jurisdiction and shall recover costs, reasonable attorney's fees, and the greater of: (1) \$500; or (2) twice the amount of the pecuniary loss.

(e) The relief provided in this section is in addition to remedies or penalties otherwise available against the same conduct under common law or other statutes of this state.

Sec. 2. [EFFECTIVE DATE.]

This act is effective October 1, 1993, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; regulating prize notices; requiring certain disclosures by solicitors; providing for reimbursement in certain cases; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325F."

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

The report was adopted.

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

H. F. No. 1317, A bill for an act relating to health-related occupations; requiring hearing instrument dispensers to be certified by the commissioner of health; requiring holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers; authorizing cease and desist orders; providing for penalties; amending Minnesota Statutes 1992, sections 153A.13, subdivisions 4 and 5; 153A.14; 153A.15; and 153A.17; proposing coding for new law in Minnesota Statutes, chapter 214.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 153A.13, subdivision 4, is amended to read:

Subd. 4. [HEARING INSTRUMENT SELLING DISPENSING.] "Hearing instrument selling dispensing" means fitting and selling hearing instruments, assisting the consumer in instrument selection, selling hearing instruments at retail, or testing human hearing in connection with these activities.

Sec. 2. Minnesota Statutes 1992, section 153A.13, subdivision 5, is amended to read:

Subd. 5. [SELLER DISPENSER OF HEARING INSTRUMENTS.] "Seller Dispenser of hearing instruments" means a natural person who engages in hearing instrument selling dispensing whether or not registered by the commissioner of health or licensed by an existing health-related board.

Sec. 3. Minnesota Statutes 1992, section 153A.14, is amended to read:

153A.14 [REGULATION.]

Subdivision 1. [APPLICATION FOR PERMIT CERTIFICATE.] A seller dispenser of hearing instruments shall apply to the commissioner for a permit certificate to sell dispense hearing instruments. The commissioner shall provide applications for permits certificates. At a minimum, the information that an applicant must provide includes the seller's dispenser's name, social security number, business address and phone number, employer, and information about the seller's dispenser's education, training, and experience in testing human hearing and fitting hearing instruments. The commissioner may reject an application for a permit certificate if there is evidence of a violation or failure to comply with sections 153A.13 to 153A.15 this chapter.

Subd. 2. [ISSUANCE OF PERMIT CERTIFICATE.] The commissioner shall issue a permit certificate to each seller dispenser of hearing instruments who applies under subdivision 1 if the commissioner determines that the applicant is in compliance with sections 153A.13 to 153A.15 this chapter, has passed an examination administered by the commissioner, and has paid the fee set by the commissioner. A certificate must be renewed by November 1 of each year.

Subd. 3. [NONTRANSFERABILITY OF PERMIT CERTIFICATE.] ~~The permit cannot~~ A certificate may not be transferred.

Subd. 4. [SALE DISPENSING OF HEARING INSTRUMENTS WITHOUT PERMIT CERTIFICATE.] Except as provided in subdivision 4a, it is unlawful for any person not holding a valid permit certificate to sell dispense a hearing instrument as defined in section 153A.13, subdivision 3. A person who sells dispenses a hearing instrument without the permit certificate required by this section is guilty of a gross misdemeanor. For purposes of this chapter, a person is dispensing a hearing instrument if the person does, or offers to do, any of the activities described in section 153A.13, subdivision 4, or if the person advertises, holds out to the public, or otherwise represents that the person is authorized to dispense hearing instruments.

Subd. 4a. [TRAINEES.] (a) A person who is not certified under this section may dispense hearing instruments as a trainee for a period not to exceed nine months if the person:

(1) is employed by and under the supervision or sponsorship of a certified dispenser meeting the requirements of this subdivision; and

(2) meets all requirements for certification except completion of the person's training and passage of the examination required by this section.

(b) A certified hearing instrument dispenser may not employ, sponsor, and supervise more than two trainees at the same time. The certified dispenser is responsible for all actions or omissions of a trainee in connection with the dispensing of hearing instruments. A certified dispenser may not employ, sponsor, or supervise a trainee if there are any commissioner, court, or other orders, currently in effect or issued within the last five years, that were issued with respect to an action or omission of a certified dispenser or a trainee under the certified dispenser's supervision.

Subd. 5. [RULEMAKING AUTHORITY.] The commissioner shall adopt rules under chapter 14 to implement sections 153A.13 to 153A.18 this chapter. The rules must prescribe the form and content of the examination required by this section and must establish and prescribe the duties of a hearing instrument dispenser advisory council. The commissioner may adopt rules requiring continuing education of certified hearing instrument dispensers.

Subd. 6. [HEARING INSTRUMENTS TO COMPLY WITH FEDERAL AND STATE REQUIREMENTS.] The commissioner shall ensure that hearing instruments are sold dispensed in compliance with state requirements and the requirements of the United States Food and Drug Administration. Failure to comply with state or federal regulations may be grounds for enforcement actions under section 153A.15, subdivision 2.

Subd. 7. [CONTESTED CASES.] The commissioner shall comply with the contested case procedures in chapter 14 when suspending, revoking, or refusing to issue a permit certificate under this section.

Subd. 8. [CONTENT OF CONTRACTS.] Oral statements made by a hearing instrument dispenser regarding the provision of warranties, refunds, and service on the hearing instrument or instruments dispensed must be written on, and become part of, the contract of sale, specify the item or items covered, and indicate the person or business entity obligated to provide the warranty, refund, or service.

Subd. 8a. [CONSUMER RIGHTS INFORMATION.] A hearing instrument dispenser shall give a consumer rights brochure, prepared by the commissioner and containing information about legal requirements pertaining to sales of hearing instruments, to each potential buyer of a hearing instrument. A sales contract for a hearing instrument must note the receipt of the brochure by the buyer.

Subd. 9. [LIABILITY FOR CONTRACTS.] Owners of entities in the business of dispensing hearing instruments, employers of persons who dispense hearing instruments, and sponsors and supervisors of trainees are liable for satisfying all terms of contracts, written or oral, made by their agents, employees, assignees, affiliates, or trainees, including terms relating to products, repairs, warranties, service, and refunds. The commissioner may enforce the terms of hearing instrument sales contracts against the principal, employer, sponsor, or supervisor of an agent, employee, or trainee and may impose any remedy provided for in this chapter.

Sec. 4. Minnesota Statutes 1992, section 153A.15, is amended to read:

153A.15 [PROHIBITED ACTS; ENFORCEMENT; AND PENALTY.]

Subdivision 1. [PROHIBITED ACTS.] The commissioner may reject an application for a permit certificate or may act under subdivision 2 against a seller dispenser of hearing instruments for failure to comply with sections 153A.13 to 153A.15 this chapter. Failure to apply to the commissioner for a permit certificate, or supplying false or misleading information on the application for a permit certificate, is a ground for action under subdivision 2. The following acts and conduct are also grounds for action under subdivision 2:

(1) prescribing or otherwise recommending to a consumer or potential consumer the use of a hearing instrument, unless the prescription from a physician or recommendation from a hearing instrument seller dispenser or audiologist is in writing, is delivered to the consumer or potential consumer, and bears the following information in all capital letters of 12-point or larger bold-face type: "THIS PRESCRIPTION OR RECOMMENDATION MAY BE FILLED BY, AND HEARING INSTRUMENTS MAY BE PURCHASED FROM, THE DISPENSER, AUDIOLOGIST, OR PHYSICIAN OF YOUR CHOICE." A and unless the prescription or written recommendation must include includes, upon the authorization of the consumer or potential consumer, the audiogram upon which the prescription or recommendation is based if there has been a charge for the audiogram;

(2) representing through any advertising or communication to a consumer or potential consumer that a person's permit certification to sell dispense hearing instruments indicates state approval, or endorsement, or satisfaction of standards of training or skill;

(3) being disciplined through a revocation, suspension, restriction, or limitation by another state for conduct subject to action under subdivision 2 this chapter;

(4) presenting advertising that is false or misleading;

(5) providing the commissioner with false or misleading statements of credentials, training, or experience;

(6) engaging in conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a consumer;

(7) splitting fees or promising to pay a portion of a fee to any other professional other than a fee for services rendered by the other professional to the client;

(8) engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

(9) obtaining money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud; or

(10) failing to comply with restrictions on sales of hearing aids in section 153A.19;

(11) performing the services of a certified hearing instrument dispenser in an incompetent or negligent manner; or

(12) failing to comply with the requirements of this chapter as an employer, supervisor, sponsor, or trainee.

Subd. 2. [ENFORCEMENT ACTIONS.] When the commissioner finds that a seller dispenser of hearing instruments has violated one or more provisions of sections 153A.13 to 153A.15 this chapter, the commissioner may do one or more of the following:

(1) deny or reject the application for a permit certificate;

(2) revoke the permit certificate;

(3) suspend the permit certificate;

(4) impose, for each violation, a civil penalty that deprives the seller dispenser of any economic advantage gained by the violation and that reimburses the department of health for costs of the investigation and proceeding resulting in disciplinary action, including the amount paid for services of the office of administrative hearings, the amount paid for services of the office of the attorney general, attorney fees, court reporters, witnesses, reproduction of records, advisory council members' per diem compensation, department staff time, and expenses incurred by advisory council members and department staff; and

(5) censure or reprimand the dispenser;

(6) revoke or suspend the right to sponsor trainees;

(7) impose a civil penalty not to exceed \$10,000 for each separate violation; or

(8) any other action reasonably justified by the individual case.

Subd. 3. [PROCEDURES.] The commissioner shall establish, in writing, internal operating procedures for receiving and investigating complaints and imposing enforcement actions. The written internal operating procedures may include procedures for sharing complaint information with government agencies in this and other states. Establishment of the operating procedures are not subject to rulemaking procedures under chapter 14. Procedures for sharing complaint information shall must be consistent with the requirements for handling government data under chapter 13.

Subd. 3a. [DISCOVERY.] In all matters relating to the lawful regulation activities under this chapter, the commissioner may issue subpoenas to require the attendance and testimony of witnesses and production of books, records, correspondence, and other information relevant to any matter involved in the investigation. The commissioner or the commissioner's designee may administer oaths to witnesses or take their affirmation. ~~The subpoenas~~ A subpoena may be served upon any person ~~named therein~~ it names anywhere in the state by any person authorized to serve subpoenas or other processes in civil actions of the district courts. If a person to whom a subpoena is issued does not comply with the subpoena, the commissioner may apply to the district court in any district and the court shall order the person to comply with the subpoena. Failure to obey the order of the court may be punished by the court as contempt of court. All information pertaining to individual medical records obtained under this section ~~shall be considered~~ is health data under section 13.38.

Subd. 4. [PENALTIES.] Except as provided in section 153A.14, subdivision 4, a person violating sections 153A.13 to 153A.15 this chapter is guilty of a misdemeanor. The commissioner may impose an automatic civil penalty equal to one-fourth the renewal fee on each hearing instrument seller who fails to renew the permit certificate required in section 153A.14 by the renewal deadline ~~established by the commissioner in rule.~~

Sec. 5. Minnesota Statutes 1992, section 153A.17, is amended to read:

153A.17 [EXPENSES.]

The expenses for administering the permit certification requirements including the complaint handling system for hearing aid ~~sellers~~ dispensers in sections 153A.14 and 153A.15 and the consumer information center under section 153A.18 must be paid from initial permit application and examination fees and, renewal fees, penalties, and fines. ~~The total fees collected must as closely as possible equal anticipated expenditures during the fiscal biennium as provided for in section 16A.128. The commissioner shall by rule, with the approval of the commissioner of finance, adjust any fee the commissioner is empowered to assess as provided for in section 16A.128. The fee established must include a~~ The certificate application fee is \$255, the examination fee is \$200, and the trainee application fee is \$100, except that the certification application fee for a registered audiologist is \$255 minus the audiologist registration fee of \$101. In addition, both certification and examination fees are subject to a surcharge amount necessary of \$60 to recover, over a five-year period, the commissioner's accumulated direct expenditures for adoption of the rules administering the requirements of this chapter, but not registration of hearing instrument dispensers under section 214.13, before November 1, 1994. All fees, penalties, and fines received must be deposited in the state government special revenue fund.

Sec. 6. [214.131] [COMMISSIONER CEASE AND DESIST AUTHORITY AND PENALTY FOR VIOLATION.]

Subdivision 1. [CEASE AND DESIST ORDER.] The commissioner of health may issue a cease and desist order to stop a person from engaging in an unauthorized practice or violating or threatening to violate a statute, rule, or order that the commissioner of health has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If, within 15 days after service of the order, the subject of the order fails to request a hearing in writing, the cease and desist order becomes final.

A hearing must be initiated by the commissioner of health not later than 30 days after the date the commissioner receives a written hearing request. Within 30 days after receiving the administrative law judge's report, the commissioner of health shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the commissioner of health.

When a request for a stay accompanies a timely hearing request, the commissioner of health may grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the office of administrative hearings within three work days after receiving the request. Within ten days after receiving the request from the commissioner of health, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner of health shall grant or deny the stay within five work days after receiving the administrative law judge's recommendation.

In the event of noncompliance with a cease and desist order, the commissioner of health may institute a proceeding in a district court to obtain injunctive relief or other appropriate relief, including a civil penalty payable to the commissioner of health not exceeding \$10,000 for each separate violation.

Subd. 2. [CIVIL PENALTY.] When the commissioner of health finds that a person has violated one or more provisions of any statute, rule, or order that the commissioner of health is empowered to regulate, enforce, or issue, the commissioner of health may impose, for each violation, a civil penalty that deprives the person of any economic advantage gained by the violation, or that reimburses the department of health for costs of the investigation and proceeding, or both.

Subd. 3. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, the commissioner of health may bring an action in district court for injunctive relief to restrain any unauthorized practice or violation of any statute, rule, or order that the commissioner of health is empowered to regulate, enforce, or issue. A temporary restraining order may be granted in the proceeding if continued activity by a person would create a serious risk of harm to others.

Subd. 4. [ADDITIONAL POWERS.] The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a person from criminal prosecution by any competent authority or from disciplinary action by the commissioner of health. Any violation of any order of the commissioner is a misdemeanor.

Sec. 7. [RULES.]

Until the commissioner adopts rules required by this act for the administration of the hearing instrument dispenser certification program, the commissioner shall apply Minnesota Rules, chapter 4692, to govern commissioner action on permits; Minnesota Rules, part 4745.0025, to govern requirements for certification, examination of applicants, and certification by reciprocity; Minnesota Rules, chapter 4745, to govern commissioner action on certificates and additional grounds for disciplinary action; and Minnesota Rules, part 4745.0060, to establish the membership and responsibilities of the hearing instrument dispenser advisory council.

Sec. 8. [TRANSFER OF POWERS AND DUTIES.]

Actions prohibited under Minnesota Statutes, section 153A.15, occurring before the effective date of this act may be investigated by the commissioner and enforcement actions taken under the continuing authority of Minnesota Statutes, chapter 153A. Disciplinary actions and other orders of the commissioner issued before the effective date of this act to govern the conduct of persons or entities subject to Minnesota Statutes, chapter 153A, continue in effect after the effective date of this act.

Sec. 9. [TRANSITION PERIOD.]

Notwithstanding section 3, subdivision 2, a person who, by examination or reciprocity, is a registered hearing instrument dispenser on the effective date of this act is entitled to certification without examination or payment of a fee. Between the effective date of this act and November 1, 1994, no current registrations of hearing instrument dispensers may be renewed and no new registrations issued, but hearing instrument dispenser permits must be renewed to applicants for renewal who meet the requirements in effect at the time their previous permit was issued. During that period, the fee for a permit and the fee for a certificate is the amount set for a certificate application in section 5, except that the commissioner shall prorate the fee for first-time applicants for certification according to the number of months that have elapsed since the date the applicant's permit was issued and the date certification must be renewed under section 3. Notwithstanding section 3, subdivision 4, a person holding a valid hearing instrument dispenser permit may continue to dispense hearing instruments without a certificate until November 1, 1994, but may not use the title "certified hearing instrument dispenser" or in any other way hold to the public that the person is certified.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective July 1, 1993."

Delete the title and insert:

"A bill for an act relating to health-related occupations; requiring hearing instrument dispensers to be certified by the commissioner of health; requiring holders of temporary hearing instrument dispensing permits to be supervised by certified hearing instrument dispensers; authorizing rulemaking; authorizing cease and desist orders; providing for penalties; amending Minnesota Statutes 1992, sections 153A.13, subdivisions 4 and 5; 153A.14; 153A.15; 153A.17; proposing coding for new law in Minnesota Statutes, chapter 214."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1402, A bill for an act relating to natural resources; amending requirements to mitigate wetlands; adding exemptions; extending interim rules; amending Minnesota Statutes 1992, sections 103G.222; 103G.2241; 103G.2242, subdivisions 1 and 2; 103G.2369, subdivision 2; and Laws 1991, chapter 354, article 7, section 2.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1407, A bill for an act relating to occupations and professions; board of architecture, engineering, land surveying, landscape architecture, and certified interior designer; establishing a procedure for issuance, denial, revocation, and suspension of licenses; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 5, line 19, delete "have" and insert "has"

Page 5, line 20, delete "result" and insert "resulted"

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1445, A bill for an act relating to industrial development; authorizing a grant to a nonprofit organization to promote expanding flexible collaborative manufacturing networks statewide; appropriating money.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1582, A bill for an act relating to economic development; providing for creation of enterprise zones; providing incentives for business to locate within an enterprise zone; proposing coding for new law in Minnesota Statutes, chapter 469.

Reported the same back with the following amendments:

Page 1, line 16, delete "Minneapolis or Saint Paul" and insert "a city of the first class and a city of the second class designated as an economically depressed area by the United States Department of Commerce"

Page 1, line 22, delete "an individual" and insert "a resident"

Page 3, line 17, delete "ten" and insert "five"

Page 5, line 24, delete "the" and insert "city" and delete "of Minneapolis and Saint Paul"

Page 5, line 27, delete "measurable" and insert "ten percent"

Page 5, line 31, delete "as provided by 1993 S.F. No. ..., if enacted,"

Page 6, delete lines 1 to 4

Page 6, line 5, delete "3" and insert "2"

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

The report was adopted.

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

S. F. No. 5, A bill for an act relating to game and fish; extending the permissible period for the open season on raccoon; amending Minnesota Statutes 1992, section 97B.621, subdivision 1.

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

The report was adopted.

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

S. F. No. 229, A bill for an act relating to watercraft; mirror requirements for watercraft towing persons on various devices; amending Minnesota Statutes 1992, section 86B.313, subdivision 1.

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

The report was adopted.

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

S. F. No. 394, A bill for an act relating to financial institutions; permitting contracts between financial institutions to accept deposits and honor withdrawals; proposing coding for new law in Minnesota Statutes, chapter 47.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 167, 952 and 1199 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 5, 229 and 394 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McGuire, Rest and Vellenga introduced:

H. F. No. 1721, A bill for an act relating to adoption; providing for release of birth information to adopted persons; amending Minnesota Statutes 1992, sections 259.49, subdivisions 1, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1992, section 259.49, subdivisions 2 and 3.

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

Tomassoni and Beard introduced:

H. F. No. 1722, A bill for an act relating to human services; requiring inflationary salary adjustments for personnel at day activity centers and intermediate care facilities for mentally retarded; appropriating money; amending Minnesota Statutes 1992, sections 252.24, subdivision 5; and 256B.501, subdivision 3c.

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

Lieder and Olson, E., introduced:

H. F. No. 1723, A bill for an act relating to capital improvements; appropriating money for the Agassiz environmental learning center in Polk county; authorizing the sale of state bonds.

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

Davids introduced:

H. F. No. 1724, A bill for an act relating to taxation; lodging; extending the tax to private campgrounds; amending Minnesota Statutes 1992, section 469.190, subdivision 1.

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

Waltman introduced:

H. F. No. 1725, A bill for an act relating to appropriations; appropriating money for an eagle interpretive center in Wabasha.

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

Brown, C., introduced:

H. F. No. 1726, A bill for an act relating to agricultural promotion; transferring agricultural marketing and promotion duties from the department of trade and economic development to the department of agriculture; appropriating money; amending Minnesota Statutes 1992, section 17.03, subdivision 6; repealing Minnesota Statutes 1992, section 116J.966, subdivision 2.

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

Rodosovich, for the Higher Education Finance Division, introduced:

H. F. No. 1727, A bill for an act relating to public administration; appropriating money for education and related purposes to the higher education coordinating board, state board of technical colleges, state board for community colleges, state university board, University of Minnesota, higher education board, and the Mayo medical foundation, with certain conditions; amending Minnesota Statutes 1992, sections 3.9741; 16A.127, subdivision 8; 126.56, subdivision 5; 135A.03, subdivision 7; 135A.06, subdivision 1; 135A.061; 136A.02, subdivisions 5, 6, and 7; 136A.04, subdivision 1; 136A.0411; 136A.08; 136A.101, subdivision 7; 136A.121, subdivisions 6 and 9; 136A.125, subdivision 3; 136A.1352, subdivisions 1 and 2; 136A.1353, subdivision 4; 136A.1354, subdivision 4; 136A.1701, subdivision 4, and by adding a subdivision; 136A.233; 136A.653, subdivision 1; 136A.69; 136A.87; 136C.15; 136C.61, subdivision 7; 136E.04, subdivision 3; 137.022, subdivision 3, and by adding a subdivision; 141.25, subdivision 8; 141.26, subdivisions 1 and 5; Laws 1990, chapter 591, article 3, section 10, as amended; Laws 1991, chapter 356, articles 6, section 4, as amended; and 9, section 8, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136A; and 137; repealing Minnesota Statutes 1992, sections 135A.06, subdivisions 2, 3, 4, 5, and 6; 136A.121, subdivision 10; 136A.134; 136A.1352, subdivision 3; 136A.234; 136A.70; 136A.85; 136A.86; 136A.88; Laws 1991, chapter 356, article 8, section 23.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Murphy, Pugh, McGuire, Orenstein and Delmont introduced:

H. A. No. 10, A proposal to study the Judicial Standards Board.

The advisory was referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

H. F. No. 552, A bill for an act relating to real estate; modifying provisions for voluntary foreclosure of mortgages; amending Minnesota Statutes 1992, sections 580.23, subdivision 1; and 582.32, subdivisions 1, 2, 3, 5, 6, 9, and by adding a subdivision; repealing Minnesota Statutes 1992, section 582.32, subdivisions 4, 7, and 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Pugh moved that the House concur in the Senate amendments to H. F. No. 552 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 552, A bill for an act relating to real estate; modifying provisions for voluntary foreclosure of mortgages; modifying criminal liability for defeating security on realty; amending Minnesota Statutes 1992, sections 580.032, subdivision 1, as amended; 580.23, subdivision 1; 582.32, subdivisions 1, 2, 3, 5, 6, 9, and by adding a subdivision; and 609.615; repealing Minnesota Statutes 1992, section 582.32, subdivisions 4, 7, and 8.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rice

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

CONSENT CALENDAR

H. F. No. 1528 was reported to the House.

Lasley moved that H. F. No. 1528 be placed at the bottom of General Orders. The motion prevailed.

H. F. No. 520, A bill for an act relating to retirement; authorizing a second chance Medicare coverage referendum for certain public pension plan members.

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

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

Those who voted in the affirmative were:

Abrams	Bergson	Carlson	Delmont	Garcia	Hasskamp	Jaros
Anderson, I.	Bertram	Clark	Dempsey	Girard	Haukoos	Jennings
Anderson, R.	Bettermann	Commers	Dorn	Goodno	Hausman	Johnson, A.
Asch	Bishop	Cooper	Erhardt	Greenfield	Holsten	Johnson, R.
Battaglia	Blatz	Dauner	Evans	Greiling	Hugoson	Johnson, V.
Bauerly	Brown, C.	Davids	Farrell	Gruenes	Huntley	Kahn
Beard	Brown, K.	Dehler	Frerichs	Gutknecht	Jacobs	Kalis

Kelley	Lindner	Mosel	Orfield	Rhodes	Stanis	Waltman
Kelso	Lourey	Murphy	Osthoff	Rice	Steensma	Weaver
Kinkel	Luther	Neary	Ostrom	Rodosovich	Sviggum	Wejzman
Klinzing	Lynch	Nelson	Ozment	Rukavina	Swenson	Wenzel
Knickerbocker	Macklin	Ness	Pauly	Sarna	Tomassoni	Winter
Koppendrayner	Mahon	Olson, E.	Pelowski	Seagren	Tompkins	Wolf
Krinkie	McCollum	Olson, K.	Perlt	Sekhon	Trimble	Worke
Krueger	McGuire	Olson, M.	Peterson	Simoneau	Van Dellen	Workman
Lasley	Milbert	Onnen	Pugh	Skoglund	Vellenga	Spk. Long
Lieder	Molnau	Opatz	Reding	Smith	Vickerman	
Limmer	Morrison	Orenstein	Rest	Solberg	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 783, A bill for an act relating to the city of Albert Lea; actuarial assumptions for the Albert Lea fire department relief association.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1424 was reported to the House.

Trimble moved that H. F. No. 1424 be continued on the Consent Calendar. The motion prevailed.

SPECIAL ORDERS

H. F. No. 824, A bill for an act relating to public safety; modifying excavation; modifying the notice requirement; amending Minnesota Statutes 1992, sections 1161.07, subdivision 2; 216D.01, subdivision 5; and 216D.04, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 454 was reported to the House.

Smith moved to amend H. F. No. 454, the first engrossment, as follows:

Page 3, after line 20, insert:

"(15) in conjunction with the secretary of state, prepare an annual report to the legislature estimating, and to the extent possible, describing the number of Minnesota companies which have left the state or moved to surrounding states or other countries. The report should include an estimate of the number of jobs lost by these moves, an estimate of the total employment payroll, average hourly wage of those jobs lost and those created in the new location, and to the extent possible, the reason for each company moving out of state, if known;"

Page 3, line 21, strike "(15)" and insert "(16)"

Page 3, line 25, strike "(16)" and insert "(17)"

Page 3, line 30, delete "(17)" and insert "(18)"

The motion prevailed and the amendment was adopted.

H. F. No. 454, A bill for an act relating to economic development; requiring a summary of performance measures for business loan or grant programs from the department of trade and economic development; amending Minnesota Statutes 1992, section 116J.58, subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 592 was reported to the House.

Pugh moved that H. F. No. 592 be continued on Special Orders. The motion prevailed.

H. F. No. 667, A bill for an act relating to volunteer firefighter relief associations; modifying the corporate registration requirement for relief associations complying with fire state aid financial reporting requirements; amending Minnesota Statutes 1992, sections 69.051, by adding a subdivision; and 317A.823, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Blatz	Dehler	Goodno	Huntley	Kelley	Lieder
Anderson, I.	Brown, C.	Delmont	Greenfield	Jacobs	Kelso	Limmer
Anderson, R.	Brown, K.	Dempsey	Greiling	Jaros	Kinkel	Lindner
Battaglia	Carlson	Dorn	Gruenes	Jefferson	Klinzing	Lourey
Bauerly	Clark	Erhardt	Gutknecht	Jennings	Knickerbocker	Luther
Beard	Commers	Evans	Hasskamp	Johnson, A.	Koppendraye	Lynch
Bergson	Cooper	Farrell	Haukoos	Johnson, R.	Krinkie	Macklin
Bertram	Dauner	Frerichs	Hausman	Johnson, V.	Krueger	Mahon
Bettermann	Davids	Garcia	Holsten	Kahn	Lasley	Mariani
Bishop	Dawkins	Girard	Hugoson	Kalis	Leppik	McCollum

McGuire	Ness	Ostrom	Rhodes	Smith	Trimble	Wenzel
Milbert	Olson, E.	Ozment	Rice	Solberg	Tunheim	Winter
Molnau	Olson, K.	Pauly	Rodosovich	Sparby	Van Dellen	Wolf
Morrison	Olson, M.	Pelowski	Rukavina	Stanis	Vellenga	Worke
Mosel	Onnen	Perl	Sarna	Steensma	Vickerman	Workman
Munger	Opatz	Peterson	Seagren	Sviggum	Wagenius	Spk. Long
Murphy	Orenstein	Pugh	Sekhon	Swenson	Waltman	
Neary	Orfield	Reding	Simoneau	Tomassoni	Weaver	
Nelson	Osthoff	Rest	Skoglund	Tompkins	Wejman	

The bill was passed and its title agreed to.

H. F. No. 806 was reported to the House.

Rodosovich moved to amend H. F. No. 806, the first engrossment, as follows:

Page 1, line 14, delete "an innkeeper" and insert "the court"

The motion prevailed and the amendment was adopted.

H. F. No. 806, A bill for an act relating to commerce; prohibiting smoking in designated nonsmoking hotel rooms; allowing reimbursement to innkeepers for actual costs resulting from violation; prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 327.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frerichs	Nelson	Olson, M.	Vickerman
Krinkie	Olson, K.	Tompkins	Worke

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

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 477, A bill for an act relating to traffic regulations; increasing the fine for child passenger restraint system violations; amending Minnesota Statutes 1992, section 169.685, subdivision 5.

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

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

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Brown, C.	Commers	Dawkins	Erhardt
Anderson, I.	Bauerly	Bettermann	Brown, K.	Cooper	Dehler	Evans
Anderson, R.	Beard	Bishop	Carlson	Dauner	Delmont	Farrell
Asch	Bergson	Blatz	Clark	Davids	Dorn	Garcia

Girard	Johnson, A.	Lieder	Munger	Pelowski	Skoglund	Wagenius
Goodno	Johnson, R.	Limmer	Murphy	Perlt	Smith	Waltman
Greenfield	Johnson, V.	Lindner	Neary	Peterson	Solberg	Weaver
Greiling	Kahn	Lourey	Nelson	Pugh	Sparby	Wejcman
Gruenes	Kalis	Luther	Ness	Reding	Stanius	Wenzel
Gutknecht	Kelley	Lynch	Olson, E.	Rest	Steensma	Winter
Hasskamp	Kelso	Macklin	Olson, K.	Rhodes	Swiggum	Wolf
Haukoos	Kinkel	Mahon	Olson, M.	Rice	Swenson	Worke
Holsten	Klinzing	McCollum	Opatz	Rodosovich	Tomassoni	Workman
Hugoson	Knickerbocker	McGuire	Orenstein	Rukavina	Trimble	Spk. Long
Jacobs	Koppendraye	Milbert	Orfield	Sarna	Tunheim	
Jaros	Krueger	Molnau	Osthoff	Seagren	Van Dellen	
Jefferson	Lasley	Morrison	Ostrom	Sekhon	Vellenga	
Jennings	Leppik	Mosel	Pauly	Simoneau	Vickerman	

Those who voted in the negative were:

Krinkie Onnen

The bill was passed and its title agreed to.

H. F. No. 504, A bill for an act relating to housing; allowing a county authority to operate certain public housing projects without a city resolution; providing that a housing and redevelopment authority may make down payment assistance loans; changing minimum amounts for certain contract letting procedures; changing requirements for general obligation revenue bonds; amending Minnesota Statutes 1992, sections 469.005, subdivision 1; 469.012, by adding a subdivision; 469.015, subdivisions 1 and 2; and 469.034, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 622 was reported to the House.

Orfield moved to amend H. F. No. 622, the first engrossment, as follows:

Page 2, line 4, delete "solely" and insert "primarily"

The motion prevailed and the amendment was adopted.

H. F. No. 622, A bill for an act relating to metropolitan government; providing long-term protection of agricultural land in the metropolitan area; amending Minnesota Statutes 1992, sections 473H.11; and 473H.12.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Erhardt	Krinkie	Macklin	Stanius	Wolf
Bishop	Goodno	Limmer	Morrison	Tompkins	Workman
Dehler	Knickerbocker	Lindner	Pauly	Van Dellen	

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

H. F. No. 1523 was reported to the House.

Reding moved that H. F. No. 1523 be continued on Special Orders. The motion prevailed.

H. F. No. 994 was reported to the House.

Blatz moved that H. F. No. 994 be continued on Special Orders. The motion prevailed.

H. F. No. 1095 was reported to the House.

Stanius moved that H. F. No. 1095 be continued on Special Orders. The motion prevailed.

H. F. No. 1153, A bill for an act relating to civil actions; clarifying the limits on recovery for economic loss caused by components of manufactured goods; amending Minnesota Statutes 1992, section 604.10.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 157, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees police and fire fund by two employees of the city of Minneapolis.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Greiling	Kahn	Luther	Olson, E.	Rest
Anderson, I.	Dauner	Gruenes	Kalis	Lynch	Olson, M.	Rhodes
Anderson, R.	Dawkins	Gutknecht	Kelley	Macklin	Olson, M.	Rice
Asch	Dehler	Hasskamp	Kelso	Mahon	Onnen	Rodosovich
Battaglia	Delmont	Haukoos	Kinkel	Mariani	Opatz	Rukavina
Bauerly	Dempsey	Hausman	Klinzing	McCollum	Orenstein	Sarna
Beard	Dorn	Holsten	Knickerbocker	McGuire	Orfield	Seagren
Bergson	Erhardt	Hugoson	Koppendraye	Milbert	Osthoft	Sekhon
Bertram	Evans	Huntley	Krinkie	Molnau	Ostrom	Simoneau
Bettermann	Farrell	Jacobs	Krueger	Morrison	Ozment	Skoglund
Bishop	Frerichs	Jaros	Lasley	Mosel	Pauly	Smith
Blatz	Garcia	Jefferson	Leppik	Munger	Pelowski	Solberg
Brown, K.	Girard	Jennings	Lieder	Murphy	Perlt	Sparby
Carlson	Goodno	Johnson, A.	Limmer	Neary	Peterson	Stanis
Clark	Greenfield	Johnson, R.	Lindner	Nelson	Pugh	Stensma
Commers		Johnson, V.	Lourey	Ness	Reding	Sviggum

Swenson	Trimble	Vellenga	Waltman	Wenzel	Worke
Tomassoni	Tunheim	Vickerman	Weaver	Winter	Workman
Tompkins	Van Dellen	Wagenius	Wejcman	Wolf	Spk. Long

The bill was passed and its title agreed to.

H. F. No. 945, A bill for an act relating to occupations and professions; modifying the membership of the board of nursing; requiring a certain examination for licensure of graduates from nursing programs in other countries; modifying requirements for a temporary permit; adding grounds for disciplinary action; amending Minnesota Statutes 1992, sections 148.181, subdivisions 1 and 3; 148.211, subdivision 1; 148.212; and 148.261, 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1428 was reported to the House.

Evans moved that H. F. No. 1428 be continued on Special Orders. The motion prevailed.

H. F. No. 104, A bill for an act relating to Otter Tail county; allowing use of certain land in Otter Tail county.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Asch	Beard	Bettermann	Brown, C.	Clark	Dauner
Anderson, I.	Battaglia	Bergson	Bishop	Brown, K.	Commers	Dauids
Anderson, R.	Bauerly	Bertram	Blatz	Carlson	Cooper	Dawkins

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

The bill was passed and its title agreed to.

H. F. No. 1404, A bill for an act relating to the city of New Brighton; permitting the city to acquire granular carbon without a bond.

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 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 129 was reported to the House.

Anderson, I., moved that H. F. No. 129 be continued on Special Orders. The motion prevailed.

H. F. No. 670, A bill for an act relating to insurance; health; regulating benefits for outpatient mental or nervous disorder treatment; amending Minnesota Statutes 1992, section 62A.152, subdivisions 2 and 3.

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 104 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Cooper	Huntley	Lasley	Murphy	Pugh	Stanius
Anderson, R.	Dauner	Jacobs	Lieder	Neary	Reding	Steensma
Asch	Davids	Jaros	Lourey	Nelson	Rest	Swenson
Battaglia	Dawkins	Jefferson	Luther	Olson, E.	Rhodes	Tomassoni
Bauerly	Delmont	Jennings	Lynch	Olson, K.	Rice	Trimble
Beard	Dempsey	Johnson, A.	Macklin	Opatz	Rodosovich	Tunheim
Bergson	Dorn	Johnson, R.	Mahon	Orenstein	Rukavina	Van Dellen
Bertram	Evans	Johnson, V.	Mariani	Orfield	Sarna	Vellenga
Bettermann	Farrell	Kahn	McCollum	Osthoff	Seagren	Wagenius
Blatz	Garcia	Kelley	McGuire	Ostrom	Sekhon	Wejcman
Brown, C.	Greenfield	Kelso	Milbert	Ozment	Simoneau	Wenzel
Brown, K.	Greiling	Kinkel	Molnau	Pauly	Skoglund	Winter
Carlson	Hasskamp	Klinzing	Morrison	Pelowski	Smith	Wolf
Clark	Hausman	Knickerbocker	Mosel	Perl	Solberg	Spk. Long
Commers	Hoisten	Krueger	Munger	Peterson	Sparby	

Those who voted in the negative were:

Abrams	Goodno	Hugoson	Leppik	Olson, M.	Vickerman	Workman
Dehler	Gruenes	Kalis	Limmer	Ornen	Waltman	
Erhardt	Gutknecht	Koppendrayner	Lindner	Sviggum	Weaver	
Girard	Haukoos	Krinkie	Ness	Tompkins	Worke	

The bill was passed and its title agreed to.

GENERAL ORDERS

Anderson, I., moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Farrell moved that his name be stricken as an author on H. F. No. 30. The motion prevailed.

Farrell moved that his name be stricken as an author on H. F. No. 155. The motion prevailed.

Limmer moved that the name of Osthoff be added as an author on H. F. No. 1408. The motion prevailed.

Luther moved that H. F. No. 835 be recalled from the Committee on Governmental Operations and Gambling and be re-referred to the Committee on Health and Human Services. The motion prevailed.

Klinzing moved that H. F. No. 290 be returned to its author. The motion prevailed.

Solberg moved that H. F. No. 1701 be returned to its author. The motion prevailed.

Carlson, Rodosovich and Morrison introduced:

House Concurrent Resolution No. 2, A house concurrent resolution providing for a Joint Convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

The concurrent resolution was referred to the Committee on Education.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, April 15, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives