

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

SEVENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 24, 1994

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

Prayer was offered by Monsignor James Lavin, Office of Alumni Relations, University of St. Thomas, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Delmont and Knickerbocker were excused.

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

March 22, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Anderson:

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. 2213, relating to the city of St. Cloud; exempting a tax increment financing district from certain restrictions; providing expanded eminent domain authority.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 22, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Anderson:

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. 1863, relating to ethics in government; requiring lobbyists to report gifts of \$5 or more; prohibiting gifts by lobbyists and interested persons to certain officials under certain conditions; regulating certain solicitations by political party units; revising procedure for advisory opinions.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Irv Anderson
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 1994 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 1994	Date Filed 1994
	2213	376	11:43 a.m. March 22	March 22
	1863	377	11:41 a.m. March 22	March 22

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 662, A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

Reported the same back with the following amendments:

Page 1, line 8, delete "[354A.42]" and insert "[354A.105]" and delete "PUBLIC EMPLOYMENT" and insert "MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; PURCHASE OF ALLOWABLE SERVICE CREDIT FOR TEACHING SERVICE"

Page 1, line 10, delete "Subdivision 1. [ELIGIBILITY.]"

Page 1, line 13, delete "or retired" and after "other" insert "elementary or secondary" and after "school" insert "teaching"

Page 1, line 14, after "Minnesota" insert ", but rendered in the United States," and delete "in" and insert "for"

Page 1, line 18, after "qualified" insert "prior"

Page 1, line 19, delete "another" and insert "other elementary or secondary" and after "school" insert "teaching"

Page 1, line 23, after "other" insert "elementary or secondary" and after "school" insert "teaching"

Page 1, line 24, after "years" insert "of"

Page 2, line 1, after "leaving" insert "the person's" and after "accumulated" insert "member"

Page 2, line 2, before "retirement" insert "applicable"

Page 2, line 4, after "other" insert "elementary or secondary" after "school" insert "teaching" and after "employment" insert "rendered in the United States" and delete "shall qualify" and insert "qualifies"

Page 2, line 16, after "system" insert ", as certified by the chief administrative officer of the applicable retirement system"

Page 2, line 17, after "not" insert "available"

Page 2, line 32, before "rate" insert "applicable"

Page 2, line 33, after the period, insert "The present value computation must be made either by the actuary retained by the legislative commission on pensions and retirement or by the association executive director using a calculation procedure specified by the commission-retained actuary. The payment must be made in a lump sum. The prospective purchaser must pay the administrative expense of performing the present value calculation. The purchase payment must be made by the member, but special school district No. 1, at its discretion and if done according to a policy that treats all comparably situated teachers equitably, may pay all or any portion of the purchase payment amount that exceeds an amount equal to the member contribution rates in effect during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of 8.5 percent a year compounded annually from the date on which the member contributions would otherwise have been made to the date on which the payment is made."

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. 892, A bill for an act relating to pollution; regulating toxic air emissions; appropriating money; amending Minnesota Statutes 1992, sections 115D.07, subdivisions 1 and 2; 115D.08, subdivision 1; 115D.10; 115D.12, subdivision 2; 299K.08, by adding subdivisions; and 438.08; proposing coding for new law in Minnesota Statutes, chapter 115D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 115D.07, as amended by Laws 1993, chapter 172, section 72, is amended to read:

115D.07 [TOXIC POLLUTION PREVENTION PLAN.]

Subdivision 1. [REQUIREMENT TO PREPARE AND MAINTAIN A PLAN.] (a) Persons who operate a facility required by United States Code, title 42, section 11023, or section 299K.08, subdivision 3, to submit a toxic chemical release form shall prepare a toxic pollution prevention plan for that facility. The plan must contain the information listed in subdivision 2.

(b) Except as provided in paragraphs (d) and (e), for facilities that release a total of 10,000 pounds or more of toxic pollutants annually, the plan must be completed as follows:

(1) on or before July 1, 1991, for facilities having a two-digit standard industrial classification of 35 to 39;

(2) by January 1, 1992, for facilities having a two-digit standard industrial classification of 28 to 34; and

(3) by July 1, 1992, for all other persons required to prepare a plan under this subdivision.

(c) Except as provided in paragraphs (d) and (e), facilities that release less than a total of 10,000 pounds of toxic pollutants annually must complete their plans by July 1, 1992.

(d) For the following facilities, the plan must be completed as follows:

(1) by January 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 01 to 50; and

(2) by July 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 51 to 99.

(e) For facilities that become subject to this subdivision after July 1, 1993, the plan must be completed by six months after the first submittal for the facility under United States Code, title 42, section 11023, or section 299K.08, subdivision 3.

(f) Before a plan is finalized by a facility, the planning process must include an opportunity for participation by workers in the facility.

(g) Each plan must be updated every two years and must be maintained at the facility to which it pertains.

Subd. 2. [CONTENTS OF PLAN.] (a) Each toxic pollution prevention plan must establish a program identifying the specific technically and economically practicable steps that could be taken during at least the three years following the date the plan is due, to eliminate or reduce the generation or release of toxic pollutants reported by the facility. Toxic pollutants resulting solely from research and development activities need not be included in the plan.

(b) At a minimum, each plan must include:

(1) the total quantity of each toxic pollutant brought into the facility during the preceding year in an amount subject to reporting under United States Code, title 42, section 11023;

(2) a policy statement articulating upper management support for eliminating or reducing the generation or release of toxic pollutants at the facility;

(3) a description of the current processes generating or releasing toxic pollutants that specifically describes the types, sources, and quantities of toxic pollutants currently being generated or released by the facility;

(4) a description of the current and past practices used to eliminate or reduce the generation or release of toxic pollutants at the facility and an evaluation of the effectiveness of these practices;

(5) an assessment of technically and economically practicable options available to eliminate or reduce the generation or release of toxic pollutants at the facility, including options such as changing the raw materials, operating techniques, equipment and technology, personnel training, and other practices used at the facility. The assessment may include a cost benefit analysis of the available options;

(6) a statement of objectives based on the assessment in clause (4) (5) and a schedule for achieving those objectives. Wherever technically and economically practicable, the objectives for eliminating or reducing the generation or release of each toxic pollutant at the facility must be expressed in numeric terms. Otherwise, the objectives must include a clearly stated list of actions designed to lead to the establishment of numeric objectives as soon as practicable;

(7) an explanation of the rationale for each objective established for the facility;

(8) a listing of options that were considered not to be economically and technically practicable; and

(9) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting to the accuracy of the information in the plan.

Sec. 2. [115D.075] [NOTICE OF PLAN COMPLETION.]

Subdivision 1. [REQUIREMENT TO SUBMIT NOTICE OF PLAN COMPLETION.] (a) All persons required to prepare a toxic pollution prevention plan under section 115D.07 shall submit to the commissioner a notice of plan completion.

(b) The notice is due within 30 days of completion of the toxic pollution prevention plan as required under section 115D.07, subdivision 1.

(c) The notice must be made on a form provided by the commissioner and must include:

(1) certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements of section 115D.07 has been completed;

(2) the facility's standard industrial classification (SIC) code;

(3) the facility's EPA toxic release inventory (TRI) identification number; and

(4) the time period covered by the plan.

Subd. 2. [REVIEW OF NOTICE OF PLAN COMPLETION.] (a) The commissioner shall review all notices within 60 days of their required submittal dates to determine if they meet the requirements of subdivision 1. If the commissioner determines that a notice does not meet the requirements, the commissioner shall notify the facility in writing, identifying specific deficiencies and specifying a time period of not more than 30 days for the facility to submit a complete notice.

(b) The commissioner shall publish a list in a newspaper of general circulation in the county of all facilities not filing complete notice at the end of this time period.

Subd. 3. [RANDOM REVIEW OF PLAN COMPLETION.] (a) For each calendar year, starting January 1, 1995, the commissioner shall randomly review no fewer than ten percent of the pollution prevention plans to determine whether they meet the requirements of section 115D.07, subdivision 2. The commissioner shall develop procedures for randomly generating a list of the plans to be reviewed and for assessing plan completion by October 1, 1994. As of January 1, 1995, and for each calendar year thereafter, the assessment must be concluded and its results reported to the pollution prevention task force by July 1.

(b) If the commissioner determines that a plan is incomplete, the commissioner shall notify the facility in writing, identifying specific deficiencies and specifying a reasonable time period within 90 days for the facility to modify the plan.

(c) The commissioner shall publish a list in a newspaper of general circulation in the county of all of the facilities determined by the random review to have incomplete plans.

(d) The commissioner shall make available to the public a list of all facilities reviewed, including any deficiencies found.

Subd. 4. [FINE FOR INCOMPLETE NOTICE OR INCOMPLETE PLAN.] (a) Facilities not filing a complete notice within 30 days of notification by the commissioner must be fined no more than \$500 per day and no less than \$50 per day.

(b) If the commissioner determines that a plan does not meet the requirements of section 115D.07, subdivision 2, after the time specified in subdivision 3, paragraph (b), the facility must be fined no more than \$1,000 per day and no less than \$100 per day.

Sec. 3. Minnesota Statutes 1992, section 115D.08, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT TO SUBMIT PROGRESS REPORT.] (a) All persons required to prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual progress report to the commissioner that may be drafted in a manner that does not disclose proprietary information. Progress reports are due on October 1 of each year. The first progress reports are due in 1992.

(b) At a minimum, each progress report must include:

(1) the total quantity of each toxic pollutant brought into the facility during the reporting period in an amount subject to reporting under United States Code, title 42, section 11023;

(2) a summary of each objective established in the plan including the schedule for meeting the objective;

(2) (3) a summary of progress made during the past year, if any, toward meeting each objective established in the plan including the quantity of each toxic pollutant eliminated or reduced;

(3) (4) a statement of the methods through which elimination or reduction has been achieved;

(4) (5) if necessary, an explanation of the reasons objectives were not achieved during the previous year, including identification of any technological, economic, or other impediments the facility faced in its efforts to achieve its objectives; and

(5) (6) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements of section 115D.07 has been prepared and also attesting to the accuracy of the information in the progress report.

(c) The commissioner shall provide the information in paragraph (b), clause (1), to the emergency response commission, which shall include the information in the annual toxic release inventory report.

Sec. 4. [115D.16] [TOXIC AIR CONTAMINANT PROGRAM.]

Subdivision 1. [EVALUATION AND REPORT.] By November 1, 1994, the commissioner of the pollution control agency shall report to the legislature on the agency's strategy for the most appropriate method and procedures for conducting health and environmental impact analysis for sources and source categories emitting toxic air contaminants. The agency shall conduct this evaluation and prepare this strategy in consultation with the department of health.

Subd. 2. [HEALTH AND ENVIRONMENTAL IMPACT ANALYSIS FOR SOURCES AND SOURCE CATEGORIES EMITTING TOXIC AIR CONTAMINANTS.] (a) The pollution control agency shall ensure that maximum achievable control technology (MACT) standards as required by Title III of the 1990 Clean Air Act Amendments, United States Code, title 42, section 7411, are adequately protective of public health and the environment. This shall include standards promulgated by the Environmental Protection Agency under section 112(d) of the Clean Air Act and case-by-case standards required under sections 112(g) and 112(j). In ensuring health protectiveness of technology-based standards, the agency shall use reliable and current scientific data including, but not limited to, data required in subdivision 1 and according to the schedule in paragraphs (b) to (f).

(b) For all sources subject to federal MACT standards pursuant to regulations promulgated in accordance with the federal Clean Air Act Amendments, the agency shall, within six months of a final promulgation of a source category MACT standard, complete a health and environmental impact analysis to determine whether the application of the MACT standard is protective of public health and the environment. If, upon completion of the analysis, the agency determines that the application of a MACT standard to a source category will not provide an adequate level of health and environmental protection, the agency shall establish by rule an alternative standard for that source category.

(c) For new sources and existing sources seeking modifications for which a federal MACT standard has not yet been promulgated, the agency shall determine MACT standards on a case-by-case basis and must complete a health and environmental impact analysis to ensure the MACT standard established by the agency is protective of public health and the environment. The agency must complete its health and environmental analysis to determine a MACT standard within six months of the date of receipt of a completed air emission permit application. The agency must include conditions within permits issued to sources under this category to protect public health and the environment.

(d) For all sources for which the Environmental Protection Agency has failed to promulgate a federal MACT standard, the agency shall, pursuant to section 112(j) of the Clean Air Act, determine MACT standards on a case-by-case basis and must complete a health and environmental impact analysis within six months of determining a MACT standard to ensure the MACT standard established by the agency is protective of public health and the environment.

(e) For new sources and existing sources seeking modifications not subject to the application of the federal MACT standards, but required to obtain an air emissions permit under Minnesota Rules or subject to review under section 116D.04, the agency must conduct a health and environmental impact analysis. The agency shall, based on its analysis, include conditions within permits issued to sources in the category when necessary to protect the public health and the environment.

(f) For existing sources not subject to the application of the federal MACT standards, but required to obtain an air emissions permit under Minnesota Rules, the agency shall conduct a health and environmental analysis for those sources the agency determines are a priority based on the rate of toxic emissions and a screening analysis of potential impacts to public health and the environment.

Subd. 3. [REPORT ON SOURCES NOT SUBJECT TO FEDERAL MACT STANDARDS.] By January 1, 1997, the agency shall report, as part of the report required under subdivision 2, to the legislature a list identifying potential sources not subject to the federal MACT standards nor required to obtain a state air emissions permit, but that emit toxic air contaminants and thereby may contribute to adverse impacts to the public health and environment.

Subd. 4. [REPORT ON ENVIRONMENTAL IMPACTS.] By January 1, 1995, the agency shall report, as part of the report required under subdivision 1, to the legislature on the possibility of controlling emissions of toxic air contaminants that may endanger animals, fish, or plants or otherwise pose a significant threat to the integrity of the aquatic or terrestrial ecosystem in the state. The report also must include an identification of the cost to control toxic air emissions that have a significant environmental impact.

Sec. 5. Minnesota Statutes 1992, section 438.08, is amended to read:

438.08 [MUNICIPALITIES TO FIGHT FIRES OUTSIDE OF LIMITS.]

The council or any other body of any municipality having control of its fire department may by resolution adopted by a five-sevenths vote authorize its fire department, or any portion thereof, to attend and serve at fires or hazardous substance or petroleum releases outside of the limits of the municipality either within or without the state. In case the fire department is controlled by an individual this authorization shall be by written notice posted at the headquarters of the fire department. For purposes of this section, "hazardous substance" and "release" have the meanings given in section 115B.02, subdivisions 8 and 15.

Sec. 6. [RAILROAD TRACK EVALUATION.]

Subdivision 1. [LIST OF POTENTIAL HAZARDS.] The commissioner of public safety, in conjunction with the commissioner of transportation, shall establish a list of railroad track segments that constitute potential safety hazards, based on a derailment frequency analysis, site-specific operational and environmental characteristics, and any other concerns of the commissioners.

Subd. 2. [REPORT REQUIRED.] By February 1, 1995, the commissioners in subdivision 1 shall submit to the appropriate legislative committees a report that contains the list prepared under subdivision 1 and describes appropriate actions for the state to take to mitigate or eliminate the potential hazards and a schedule for taking these actions.

Sec. 7. [PROGRESS REPORT ON HEALTH-BASED STANDARDS.]

By January 1, 1995, the commissioner of the pollution control agency shall report to the legislative committees on environment and natural resources on the progress of rulemaking under Minnesota Statutes, section 115D.16, subdivision 2.

Sec. 8. [APPROPRIATION.]

\$..... is appropriated to the commissioner of the pollution control agency for the purposes of this act."

Delete the title and insert:

"A bill for an act relating to pollution; regulating toxic air emissions; appropriating money; amending Minnesota Statutes 1992, sections 115D.07, as amended; 115D.08, subdivision 1; and 438.08; proposing coding for new law in Minnesota Statutes, chapter 115D."

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

The report was adopted.

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

H. F. No. 985, A bill for an act relating to retirement; public employees police and fire fund; modifying the disability benefit limitation for reemployed disabilitants; amending Minnesota Statutes 1992, section 353.656, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 17, strike "less" and insert "greater"

Page 2, line 2, delete "original" and insert "current"

Page 2, line 12, after "enactment" insert a period

Page 2, delete lines 13 and 14

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

The report was adopted.

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

H. F. No. 1363, A bill for an act relating to 911 emergency telephone service; requiring automatic location identification and two dedicated circuits in each 911 emergency telephone service system; authorizing fee to fund enhanced 911 service; establishing 911 trust fund; amending Minnesota Statutes 1992, sections 403.01, by adding a subdivision; and 403.11; proposing coding for new law in Minnesota Statutes, chapter 403.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 403.02, is amended by adding a subdivision to read:

Subd. 9. [ENHANCED 911 SERVICE.] "Enhanced 911 Service" means the use of selective routing, automatic location identification, or local location identification as part of local 911 service.

Sec. 2. Minnesota Statutes 1992, section 403.11, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY TELEPHONE SERVICE FEE.] (a) Each customer of a ~~local-exchange telephone~~ company or communications carrier that provides service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program. Recurring charges by a public utility providing telephone service for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner for information if the utility is included in an approved 911 plan and the charges have been certified and approved under subdivision 3.

(b) The fee may not be less than eight cents nor more than 30 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The fee must be collected by each ~~utility providing local-exchange telephone service company or carrier providing service subject to the fee~~. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telephone service account in the special revenue fund. The money in the account may only be used for 911 telephone services as provided in paragraph (a).

(d) The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the utilities companies and carriers of the amount to be collected. Utilities Companies and carriers must be given a minimum of 45 days notice of fee changes.

Sec. 3. Minnesota Statutes 1992, section 403.11, subdivision 4, is amended to read:

Subd. 4. [LOCAL RECURRING COSTS.] Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service not otherwise addressed under section 403.113 shall be borne by the governmental unit requesting the elective service.

Sec. 4. [403.113] [ENHANCED 911 SERVICE COSTS.]

Subdivision 1. [ENHANCED 911 SERVICE FEE.] (a) In addition to the actual fee assessed under section 403.11, each customer receiving local telephone service, excluding cellular or other nonwire service, is assessed a fee to fund implementation and maintenance of enhanced 911 service, including acquisition of necessary equipment and the costs of the department of administration to administer the program. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (b).

(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner of the department of administration, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee and inform telephone companies of the total amount of the 911 service fees in the same manner as provided in section 403.11.

Subd. 2. [ENHANCED 911 SERVICE; DISTRIBUTION OF MONEY.] (a) After payment of the costs of the department of administration to administer the program, the commissioner shall distribute the money collected under this section as follows:

(1) one-half of the amount equally to all qualified counties; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city shall deposit money received under this subdivision in an interest-bearing fund or account separate from the county's or city's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) For the purposes of this subdivision, a county or city is qualified to share in the distribution of money for enhanced 911 service if the county auditor certifies to the commissioner of administration the amount of the county's or city's levy for the cost of providing enhanced 911 service for taxes payable in the year in which money for enhanced 911 service will be distributed. The commissioner may not distribute money to a county or city in an amount greater than twice the amount of the county's or city's certified levy. After December 31, 1998, a county or city is qualified to share in the distribution of money for enhanced 911 service if, in addition to the levy required under this paragraph, it has implemented enhanced 911 service.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

Subd. 3. [LOCAL EXPENDITURES.] (a) Money distributed to counties or an existing city system for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, paragraph (a). In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced 911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for data base provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location

identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; and the equipment necessary within the public safety answering point to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

Subd. 4. [AUDITS.] Each county and city shall conduct an annual audit on the use of funds distributed to it for enhanced 911 service. A copy of each audit report must be submitted to the commissioner of administration.

Subd. 5. [FEE REVIEW.] By January 1, 1999, the commissioner of administration, in consultation with counties and 911 service users, shall review funding requirements for enhanced 911 system costs.

Sec. 5. [INTERIM FEE AND DISTRIBUTION.]

Until July 1, 1995, the enhanced 911 service fee is ten cents per month in addition to the fee actually collected under Minnesota Statutes 1992, section 403.11, subdivision 1. The additional fee is imposed effective July 1, 1994. Distribution of the revenue from the fee under section 4, subdivision 2, must begin September 1, 1994. The commissioner of the department of administration shall determine the amount of the additional enhanced 911 service fee to be in effect beginning July 1, 1995, under section 4."

Delete the title and insert:

"A bill for an act relating to 911 emergency telephone service; authorizing a fee to fund enhanced 911 service; amending Minnesota Statutes 1992, sections 403.02, by adding a subdivision; and 403.11, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 403."

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.

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

H. F. No. 1416, A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance coverage for spouses of certain retired firefighters; excluding Austin part-time on-call firefighters from the application of certain laws; permitting the reinstatement of certain survivor benefits; amending Laws 1992, chapter 455, section 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1992, chapter 455, section 2, is amended to read:

Sec. 2. [AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; HEALTH OR MEDICAL INSURANCE PREMIUM BENEFIT.]

(a) Notwithstanding any provision of general law, special law, articles of incorporation, or bylaws to the contrary, if its articles of incorporation or bylaws so permit, the Austin fire department relief association may pay a health or medical insurance premium benefit to eligible pension recipients and their spouses, if the spouse would be eligible for a surviving spouse benefit upon the death of the pension recipient.

(b) The health or medical insurance premium benefit is an amount equal to the amount that the city of Austin would pay under the applicable collective bargaining agreement for medical or health insurance coverage for a firefighter who is employed by the city, who has a spouse, and who has no other dependents,

(c) An eligible pension recipient is a person who receives a service pension or a disability pension from the relief association and who is under age 65 or who is not yet eligible for the receipt of federal Medicare benefits, whichever occurs first.

(d) The health or medical insurance premium benefit is payable monthly, is in addition to any other pension amount received by the eligible pension recipient, and is not subject to any postretirement adjustments applicable to service pensions or disability pensions.

Sec. 2. [AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; SURVIVOR COVERAGE FOR SPOUSES OF CERTAIN RETIRED FIREFIGHTERS.]

(a) Notwithstanding any provision to the contrary of the general or special laws governing the Austin fire department relief association, the articles of incorporation of the relief association, or the bylaws of the relief association, a person described in paragraph (b) is entitled to a surviving spouse benefit as provided in paragraph (c).

(b) A person entitled under paragraph (a) is a person who:

(1) was the legally married spouse of a deceased retired or disabled member of the Austin fire department relief association at the time of the deceased member's death;

(2) married the retired or disabled member after the date on which the member terminated active employment as a firefighter by the Austin fire department and was married for at least three years before the date of the death of the member; and

(3) was married to a retired or disabled member whose prior spouse, if any, predeceased the member.

(c) The surviving spouse benefit is an amount equal to the amount of a surviving spouse benefit payable by the Austin fire department relief association to the surviving spouse of a deceased active member of the relief association under Laws 1949, chapter 87, section 26, subdivision 4, as amended by Laws 1965, chapter 418, section 5, reduced by any amount awarded or payable to a former spouse of the deceased active member by virtue of the legal dissolution of the member's marriage to the former spouse.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on the day following compliance with Minnesota Statutes, section 69.77, subdivision 2i, approval by majority vote of the city council of the city of Austin, and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2."

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

The report was adopted.

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

H. F. No. 1899, A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; making various technical changes; amending Minnesota Statutes 1992, sections 14.05, subdivision 1; 14.12; 14.38, subdivisions 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50;

14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, subdivision 4; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

ADMINISTRATIVE RULES ADOPTION AND REVIEW

Section 1. Minnesota Statutes 1993 Supplement, section 3.841, is amended to read:

3.841 [LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES; COMPOSITION; MEETINGS.]

A legislative commission to review administrative rules, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed. Its members must include the chair or ~~vice-chair~~ the chair's designee of the committees in each body having jurisdiction over administrative rules. The commission shall meet at the call of its chair or upon a call signed by two of its members or signed by five members of the legislature. The office of chair of the legislative commission shall alternate between the two houses of the legislature every two years.

Sec. 2. [3.8415] [POWERS AND DUTIES OF THE COMMISSION.]

Subdivision 1. [RULES REVIEW.] The legislative commission to review administrative rules shall selectively review possible, proposed, or adopted rules and prescribe appropriate commission procedures for that purpose. The commission may receive and investigate complaints from members of the public with respect to possible, proposed, or adopted rules and hold public proceedings on those complaints.

Subd. 2. [CONDUCT OF MEETINGS.] Commission meetings must be open to the public. Subject to procedures established by the commission, persons may present oral argument, data, or views at those meetings. The commission may require a representative of an agency whose possible, proposed, or adopted rule is under examination to attend a commission meeting and answer relevant questions. The commission may also communicate to the agency its comments on any possible, proposed, or adopted rule and require the agency to respond to them in writing.

Subd. 3. [COMMISSION POWERS.] (a) The commission may recommend enactment of a statute to improve the operation of an agency. The commission may also recommend that a particular rule be superseded in whole or in part by statute. The speaker of the house and the president of the senate shall refer those recommendations to the appropriate standing committees. This paragraph does not preclude any committee of the legislature from reviewing a rule on its own motion or recommending that it be superseded in whole or in part by statute.

(b) The commission may object to all or some portion of a rule under section 14.224, or request the governor to suspend a rule or terminate a proceeding to adopt a rule under section 14.223.

(c) By a vote of a majority of its members, the commission may request any agency to adopt, amend, or repeal rules pursuant to recommendations made by the commission, including recommendations to promote adequate and proper rules by that agency. Upon this request, the agency shall give notice of the proposed rule adoption under section 14.206. The notice of proposed rule adoption must be published within 60 days of receipt of the request, unless the request from the commission specifies a longer time. This paragraph applies only if the agency has authority to adopt, amend, or repeal these rules.

Subd. 4. [ANNUAL REPORT.] The commission shall file an annual report with the legislature and the governor.

Subd. 5. [REPORTS ON RULEMAKING GRANTS.] Beginning with a report submitted to the legislature on February 1, 2000, and every five years after that date, the commission shall compile a list of all general and specific grants of rulemaking of all agencies. The report should include a brief description of each grant and a citation to the authorizing statute.

Subd. 6. [PUBLICATION OF RULES BULLETIN.] The commission shall periodically publish a bulletin highlighting controversial proposed rules and other developments of interest in rulemaking. The bulletin shall be available to legislators and to the general public.

Subd. 7. [EXEMPT RULES.] By January 15 of each odd-numbered year, the commission shall report to the legislature on rules that are specifically exempted from chapter 14 by other law. The commission shall recommend repealing any exemption that it believes is no longer justified.

Sec. 3. [3.985] [RULE NOTES.]

The administrative rules advisor or the chair of a standing committee to which a bill delegating rulemaking authority has been referred may require an agency to which the rulemaking authority is granted under a bill to prepare a rulemaking note on the proposed delegation of authority. The rulemaking note shall contain any of the following information requested by the administrative rules advisor or the chair of the standing committee: the reasons for the grant of authority; the person or groups the rules would impact; estimated cost of the rule for affected persons; estimated cost to the agency of adopting the rules; and any areas of controversy anticipated by the agency. The rulemaking note must be delivered to the administrative rules advisor and to the chair of the standing committee to which the bill delegating the rulemaking authority has been referred.

Sec. 4. Minnesota Statutes 1992, section 10A.02, is amended by adding a subdivision to read:

Subd. 12a. [RULES.] If the board intends to apply principles of law or policy announced in an advisory opinion issued under subdivision 12 more broadly than to the individual or association to whom the opinion was issued, the board must adopt these principles or policies as rules under chapter 14.

Sec. 5. Minnesota Statutes 1992, section 14.05, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ADOPT ORIGINAL RULES RESTRICTED.] Each agency shall adopt, amend, suspend, or repeal its rules in accordance with the procedures specified in sections 14.001 to 14.69 this chapter, and only pursuant to authority delegated by law and in full compliance with its duties and obligations. If a law authorizing rules is repealed, the rules adopted pursuant to that law are automatically repealed on the effective date of the law's repeal unless there is another law authorizing the rules. Except as provided in section 14.06, sections 14.001 to 14.69 shall not be authority for an agency to adopt, amend, suspend, or repeal rules.

Sec. 6. Minnesota Statutes 1992, section 14.12, is amended to read:

14.12 [DEADLINE TO PUBLISH NOTICE REPORT ON DELAY IN ADOPTION.]

The agency shall, within 180 days after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish an appropriate notice of intent to adopt a rule in accordance with sections 14.05 to 14.36. If an agency has not given this notice, it shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to do so, and the reasons for that failure. If an agency has not finally adopted a rule within 12 months of the effective date of a law requiring rules to be adopted, the agency must report to the legislative commission to review administrative rules, the appropriate policy committees of the legislature, and the governor. The report must include:

(1) the current status of the proposed rules;

(2) a summary of procedural requirements that have prevented the agency from finally adopting the rules;

(3) a discussion of unresolved policy issues in dispute between the agency and persons interested in the rules;

(4) the text of proposed legislation, if any is needed, that would give the agency further policy guidance needed to complete rulemaking or that would make changes in statute necessary to implement the affected law in accordance with legislative intent without rulemaking.

Sec. 7. [14.201] [SUSPENSION OF ACT'S PROVISIONS WHEN NECESSARY TO AVOID LOSS OF FEDERAL FUNDS OR SERVICES.]

(a) To the extent necessary to avoid a denial of funds or services from the United States which would otherwise be available to the state, the governor by executive order may suspend, in whole or in part, one or more provisions of sections 14.202 to 14.218. The governor by executive order shall declare the termination of a suspension as soon as it is no longer necessary to prevent the loss of funds or services from the United States.

(b) If any provision of sections 14.202 to 14.218 is suspended pursuant to this section, the governor shall promptly report the suspension to the legislature. The report must include recommendations concerning any desirable legislation that may be necessary to conform to federal law.

Sec. 8. [14.202] [REQUIRED RULEMAKING; DOCUMENTS.]

Subdivision 1. [RULES OF PRACTICE.] Each agency shall make available to the public a brochure, guidebook, or other document setting forth the nature and requirements of all formal and informal procedures.

Subd. 2. [ADMINISTRATIVE STANDARDS AND SAFEGUARDS.] As soon as feasible and to the extent practicable, each agency shall adopt rules, in addition to those otherwise required by this chapter, embodying appropriate standards, principles, and procedural safeguards that the agency will apply to the law it administers.

Subd. 3. [RULES TO SUPERSEDE PRINCIPLES ESTABLISHED IN PARTICULAR CASES.] Upon request of any person, as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases. This subdivision does not apply to an agency defined expressly by law as having quasi-judicial powers or functions.

Sec. 9. [14.203] [ADVICE ON POSSIBLE RULES BEFORE NOTICE OF PROPOSED RULE ADOPTION.]

Subdivision 1. [PUBLISHED NOTICE OF SOLICITATION OF COMMENTS.] In addition to seeking information by other methods, an agency, before publication of a notice of proposed rule adoption under section 14.206, may solicit comments from the public on a subject matter of possible rulemaking under active consideration within the agency by causing notice to be published in the State Register of the subject matter and indicating where, when, and how persons may comment.

Subd. 2. [APPOINTMENT OF COMMITTEES.] Each agency may also appoint committees to comment, before publication of a notice of proposed rule adoption under section 14.206, on the subject matter of a possible rulemaking under active consideration within the agency. Upon request of any person, the agency must send the person a membership list for its committees.

Sec. 10. [14.204] [PUBLIC RULEMAKING DOCKET.]

Subdivision 1. [REQUIREMENT.] Each agency shall maintain a current, public rulemaking docket.

Subd. 2. [GENERAL RULEMAKING INFORMATION.] The rulemaking docket must contain a listing of the precise subject matter of each possible rule currently under active consideration within the agency for proposal under section 14.206, the name and address of agency personnel with whom persons may communicate with respect to the matter, and an indication of the present status within the agency of that possible rule.

Subd. 3. [SPECIFIC INFORMATION ON PENDING PROCEEDINGS.] The rulemaking docket must list each pending rulemaking proceeding. A rulemaking proceeding is pending from the time it is commenced, by publication of a notice of proposed rule adoption, to the time it is terminated, by publication of a notice of termination or the rule becoming effective. For each rulemaking proceeding, the docket must indicate:

- (1) the subject matter of the proposed rule;
- (2) a citation to all published notices relating to the proceeding;
- (3) where written submissions on the proposed rule may be inspected;
- (4) the time during which written submissions may be made;
- (5) whether a written request for the issuance of a regulatory analysis of the proposed rule has been filed, whether that analysis has been issued, and where the written request and analysis may be inspected;
- (6) the current status of the proposed rule and any agency determinations with respect to it;
- (7) the date of any report made under section 14.12;
- (8) any known timetable for agency decisions or other action in the proceeding;

(9) the date of the rule's adoption;

(10) when the rule will become effective.

Subd. 4. [ADMINISTRATIVE RULES ADVISOR'S SUBJECT MATTER INDEX.] The administrative rules advisor shall maintain a subject matter index of rules that are under active consideration or are pending and that are referenced in agency rulemaking dockets. The purpose of this subject matter index is to allow the administrative rules advisor to direct persons interested in regulatory activity to the proper agency for more detailed information.

Sec. 11. [14.205] [MODEL RULES.]

Upon request of the administrative rules advisor, the legislative commission to review administrative rules, or more than one agency, the attorney general, in consultation with the administrative rules advisor and the revisor of statutes, shall adopt model rules relating to rulemaking topics specified in the request appropriate for use by as many agencies as possible. The model rules must include forms for required rulemaking notices. The model rules apply to each agency, unless the agency adopts a different rule. Any agency adopting a different rule must state, in the statement required by section 14.214, why it differed from the model rules.

Sec. 12. [14.206] [NOTICE OF PROPOSED RULE ADOPTION.]

Subdivision 1. [LIST OF PERSONS REGISTERED TO RECEIVE NOTICE.] Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of proposed rule adoptions.

Subd. 2. [TIMING AND CONTENT.] (a) At least 30 days before the adoption of a rule an agency shall publish notice of its contemplated action in the State Register. The notice of proposed rule adoption must include:

(1) a short explanation of the purpose of the proposed rule and a notice that the explanatory statement prepared under paragraph (b) is available from the agency;

(2) the specific legal authority authorizing the proposed rule;

(3) subject to subdivision 8, the text of the proposed rule;

(4) where, when, and how persons may present their views on the proposed rule;

(5) where, when, and how persons may demand an oral proceeding on the proposed rule if the notice does not already provide for one; and

(6) an explanation of how a regulatory analysis may be requested under section 14.208.

(b) At the time an agency publishes notice of proposed rule adoption it must make available a concise explanatory statement containing the reasons for the proposed rule. The statement must include a citation to the statutory authority to adopt the rule. The agency must make this statement available for review at the agency's office and shall provide a copy of the statement on request. The insufficiency or inaccuracy of this explanation is not grounds for invalidating the rule if the agency has made a good faith effort to comply with this paragraph.

Subd. 3. [FORM APPROVAL OF RULE.] Before publishing notice of proposed rule adoption in the State Register, the agency shall submit the proposed rule to the revisor of statutes for approval of form.

Subd. 4. [DUAL NOTICE.] The notice of proposed rule adoption may give notice of an oral proceeding, and of the agency's intention to cancel the oral proceeding if an oral proceeding is not required. The agency may not schedule the oral proceeding earlier than ten days after the end of the comment period under section 14.207, subdivision 1.

Subd. 5. [EXTENSION OF ORAL PROCEEDING DEADLINE.] The notice of proposed rule adoption must state that if a regulatory analysis has not been done and is later required, another notice may be published extending the deadline for requesting an oral proceeding, rescheduling any previously scheduled oral hearing, or extending the deadline for presenting views to the agency.

Subd. 6. [REQUIRED MAILING.] Within three days after its publication in the State Register, the agency shall mail a copy of the notice of proposed rule adoption to each person on the list established under subdivision 1, and to any other person who has made a timely request to the agency for a mailed copy of the notice. An agency may not charge persons for the mailed copies.

Subd. 7. [NOTICE TO LCRAR.] At the time the agency sends the notice of proposed rule adoption to the State Register for publication, it must send the same notice and the concise explanatory statement prepared under subdivision 2, paragraph (b), to the legislative commission to review administrative rules.

Subd. 8. [OMISSION OF RULE TEXT.] (a) The administrative rules advisor may authorize an agency to omit from the notice of proposed rule adoption the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

- (1) knowledge of the rule is likely to be important to only a small class of persons;
 - (2) the notice of proposed rule adoption states that a free copy of the entire rule is available upon request to the agency; and
 - (3) the notice of proposed rule adoption states in detail the specific subject matter of the omitted rule.
- (b) An agency may incorporate text by reference as permitted by section 14.07.

Sec. 13. [14.207] [PUBLIC PARTICIPATION.]

Subdivision 1. [COMMENT PERIOD.] For at least 30 days after publication of the notice of proposed rule adoption, an agency shall afford persons the opportunity to submit in writing, argument, data, and views on the proposed rule.

Subd. 2. [ORAL PROCEEDINGS.] (a) An agency shall schedule an oral proceeding on a proposed rule if, within 30 days after the published notice of proposed rule adoption, a written request for an oral proceeding is submitted to the agency by the legislative commission to review administrative rules, the administrative rules advisor, a political subdivision, or 25 persons. At that proceeding, persons may present oral argument, data, and views on the proposed rule. To be counted as one of 25 persons requesting an oral proceeding, a written request must include the requester's name and address.

(b) An oral proceeding on a proposed rule, if required, may not be held earlier than 30 days after notice of its location and time is published in the State Register.

(c) If requested by the agency, the governor, the administrative rules advisor, 300 persons submitting a written request to the agency, or the legislative commission to review administrative rules, an administrative law judge assigned by the chief administrative law judge shall preside at the oral proceeding. Otherwise, the agency, a member of the agency, or another presiding officer designated by the agency, shall preside at a required oral proceeding on a proposed rule. If the agency does not preside, upon request of the agency the presiding official shall prepare a memorandum for consideration by the agency summarizing the contents of the presentations made at the oral proceeding. Upon request of the agency, an administrative law judge or other presiding officer shall prepare a report that includes findings, conclusions, and recommendations. Oral proceedings must be open to the public and be recorded by stenographic or other means.

(d) Upon request, the agency shall provide the names of persons who have made written requests for an opportunity to make oral presentations on the proposed rule, where those requests may be inspected, and where and when oral presentations may be made.

Sec. 14. [14.2075] [SMALL BUSINESS ECONOMIC IMPACT STATEMENT.]

Before publishing notice of a proposed rule, the agency shall make a written determination as to whether or not the rule will have an economic impact on small businesses. The agency must send a copy of this written determination to the legislative commission to review administrative rules, and must make it available to the public. If the agency or the legislative commission to review administrative rules determines that the proposed rule will have an economic impact on small businesses, the agency shall complete a small business economic impact statement. The agency must make the small business economic impact statement available to the public and must file the statement with the legislative commission to review administrative rules before publishing notice of a proposed rule. The statement must contain the following:

(1) a description of the nature of any reports and the estimated cost of their preparation by small businesses that would be required to comply with the proposed rules;

(2) an analysis of the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs;

(3) a description of the nature and estimated cost of any legal, consulting, and accounting services that small businesses would incur in complying with the proposed rules;

(4) a statement regarding whether the proposed rules will have a disproportionate impact on small businesses because of the size of those businesses;

(5) an analysis of the ability of small businesses to absorb the costs estimated under clauses (1) to (3) without suffering economic harm and without adversely affecting competition in the marketplace;

(6) the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small business;

(7) the impact on the public interest of exempting or setting lesser standards of compliance for small business; and

(8) a statement regarding whether and how the agency has involved small businesses in the development of the rule.

Sec. 15. [14.208] [REGULATORY ANALYSIS.]

Subdivision 1. [GENERAL REQUIREMENT.] An agency shall issue a regulatory analysis of a proposed rule if, within 30 days after the published notice of proposed rule adoption, a written request for the analysis is filed with the agency by the legislative commission to review administrative rules, the governor, a political subdivision, or 300 persons signing the request. To be counted as one of 300 persons requesting a regulatory analysis, a written request must include the requester's name and address.

Subd. 2. [CONTENTS.] Except to the extent that the written request expressly waives one or more of the following, the regulatory analysis must contain:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule; and

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

Subd. 3. [AVAILABILITY OF SUMMARY.] A concise summary of the regulatory analysis must be available to the public at least ten days before the earliest of:

(1) the end of the period during which persons may make written submissions on the proposed rule;

(2) the end of the period during which an oral proceeding may be requested; or

(3) the date of any required oral proceeding on the proposed rule.

Subd. 4. [NOTICE OF RESCHEDULING.] If the period for written submissions, the period for requesting an oral proceeding, or the date of the oral proceeding must be rescheduled in order to make the regulatory analysis available at the times requested by subdivision 3, the agency must publish notice to that effect in the State Register and mail notice as required under section 14.206, subdivision 6. This notice is subject to all the public participation requirements contained in section 14.207.

Subd. 5. [EFFECT OF GOOD FAITH COMPLIANCE.] If the agency has made a good faith effort to comply with the requirements of this section, the rule may not be invalidated on the grounds that the contents of the regulatory analysis are insufficient or inaccurate.

Sec. 16. [14.209] [TIME AND MANNER OF RULE ADOPTION.]

Subdivision 1. [GENERAL REQUIREMENT.] (a) An agency may not adopt a rule until the period for making written submissions and oral presentations has expired.

(b) Before the adoption of a rule, an agency shall consider the written submissions, presentations made at oral proceedings, any memorandum summarizing oral proceedings, and any regulatory analysis, provided for by sections 14.202 to 14.218.

(c) Within the scope of its delegated authority, an agency may use its own experience, technical competence, specialized knowledge, and judgment in the adoption of a rule.

(d) Before adoption of a rule, an agency shall submit the rule to the revisor of statutes for approval of form.

Subd. 2. [MANNER OF RULE ADOPTION.] (a) An agency shall adopt a rule by publishing notice of adoption in the State Register and by filing a copy of the adopted rule with the secretary of state.

(b) If the adopted rule is the same as the proposed rule, the notice of adoption shall state that the rule has been adopted as proposed, and cite the prior State Register publication of the proposed rule.

(c) If the adopted rule differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption, together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule. Modifications made solely to comply with form requirements imposed by the revisor of statutes need not be published in the State Register.

(d) If the agency omitted from the notice of proposed rule adoption the text of the proposed rule, as permitted by section 14.206, subdivision 8, paragraph (a), the administrative rules advisor may provide that the notice of the adopted rule need not include the text of any changes from the proposed rule. However, the notice of adoption must state in detail the substance of the changes made from the proposed rule, and must state that a free copy of that portion of the adopted rule that was the subject of the rulemaking proceeding, not including any material adopted by reference as permitted by section 14.07, is available upon request to the agency.

Sec. 17. [14.211] [VARIANCE BETWEEN ADOPTED RULE AND PUBLISHED NOTICE OF PROPOSED RULE ADOPTION.]

(a) An agency may not adopt a rule that is substantially different from the proposed rule contained in the published notice of proposed rule adoption. A modification does not make a proposed rule substantially different if:

(1) the differences are within the scope of the matter announced in the notice of proposed rule adoption and are in character with the issues raised in that notice;

(2) the differences are a logical outgrowth of the contents of that notice of intent to adopt and the comments submitted in response to the notice; and

(3) the notice of intent to adopt provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(b) In determining whether the notice of intent to adopt provided fair warning that the outcome of that rulemaking proceeding could be the rule in question, the following factors must be considered:

(1) the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt; and

(3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt.

Sec. 18. [14.212] [GENERAL EXEMPTION FROM PUBLIC RULEMAKING PROCEDURES.]

Subdivision 1. [AUTHORITY.] To the extent an agency for good cause, and with approval of the governor, finds that any requirements of sections 14.206 to 14.211 are unnecessary, impracticable, or contrary to the public interest in the process of adopting a particular rule, those requirements do not apply. The agency shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subdivision. A rule adopted under this authority must be submitted to the revisor of statutes for approval of form and must be filed with the secretary of state under section 14.217.

Subd. 2. [AGENCY EVIDENTIARY BURDEN.] In an action contesting a rule adopted under subdivision 1, the burden is upon the agency to demonstrate that any omitted requirements of sections 14.206 to 14.211 were impracticable, unnecessary, or contrary to the public interest in the particular circumstances involved.

Subd. 3. [SUBSEQUENT RULEMAKING PROCEEDING.] Within two years after the effective date of a rule adopted under subdivision 1, the legislative commission to review administrative rules or the governor may request the agency to hold a rulemaking proceeding on the rule according to the requirements of sections 14.206 to 14.211. The request must be in writing and filed in the office of the secretary of state. The secretary of state shall immediately forward a certified copy of the request to the agency and to the revisor of statutes. The entity making the request must publish the notice as soon as possible in the State Register. The rule in question ceases to be effective 180 days after the request is filed. However, an agency, after the filing of the request, may subsequently adopt an identical rule in a rulemaking proceeding conducted pursuant to the requirements of sections 14.206 to 14.211.

Sec. 19. [14.213] [EXEMPTION FOR CERTAIN RULES.]

Subdivision 1. [SCOPE AND PROCEDURE.] An agency need not follow sections 14.206 to 14.211 in the adoption of a rule that only defines the meaning of a statute or other provision of law or precedent. A rule adopted under this section is not binding on a court. A rule adopted under this section must include a statement that it was adopted under this section when it is published in the State Register, and there must be an indication to that effect adjacent to the rule when it is published in Minnesota Rules. A rule adopted under this section must be submitted to the revisor of statutes for approval of form and must be filed with the secretary of state under section 14.217.

Subd. 2. [SCOPE OF JUDICIAL REVIEW.] A reviewing court is not bound by a rule adopted under subdivision 1 that is adopted without complying with sections 14.206 to 14.210, but may give appropriate consideration to the interpretation of the agency.

Subd. 3. [VALIDITY OF INTERPRETATIONS.] An agency interpretation of a statute or rule it is responsible for enforcing or administering is not invalid solely because the interpretation was not adopted as a rule. This subdivision does not authorize an agency to impose requirements that are not contained in a statute or rule, either on its face or determined by accepted means of construction, without following statutory rulemaking procedures.

Sec. 20. [14.214] [CONCISE EXPLANATORY STATEMENT.]

Subdivision 1. [TIMING AND CONTENT.] At the time it adopts a rule, an agency shall issue a concise explanatory statement containing:

(1) an indication of any change between the text of the proposed rule contained in the published notice of proposed rule adoption and the text of the rule as finally adopted, with the reasons for any change; and

(2) a statement of how the agency has responded to major areas of comments on the proposed rule, provided that the insufficiency or inaccuracy of this explanation is not grounds for invalidating the rule if the agency has made a good faith effort to comply with this clause.

Subd. 2. [RULE CHALLENGES.] If, in a judicial challenge to the validity of a rule, an agency or other person asserts a reason in support of the rule which is not contained in the agency's explanatory statements issued in the rulemaking proceeding, the court shall remand the matter to the agency to consider whether the agency's explanatory statement should be supplemented. After the agency completes its consideration and issues any supplement to the explanatory statement, the court shall consider only the reasons contained in the agency's explanatory statements.

Sec. 21. [14.215] [AGENCY RULEMAKING RECORD.]

Subdivision 1. [GENERAL REQUIREMENT.] An agency shall maintain an official rulemaking record for each rule it: (1) proposes by publication in the State Register of a notice of proposed rule adoption; or (2) adopts. The record and materials incorporated by reference must be available for public inspection.

Subd. 2. [CONTENTS.] The agency rulemaking record must contain:

(1) copies of all publications in the State Register with respect to the rule or the proceeding upon which the rule is based;

(2) copies of any portions of the agency's public rulemaking docket containing entries relating to the rule or the proceeding upon which the rule is based;

(3) all written petitions, requests, submissions, and comments received by the agency and all other written materials considered by the agency in connection with the formulation, proposal, or adoption of the rule or the proceeding upon which the rule is based;

(4) any official transcript of oral presentations made in the proceeding upon which the rule is based or, if not transcribed, any tape recording or stenographic record of those presentations, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(5) a copy of any regulatory analysis prepared for the proceeding upon which the rule is based;

(6) a copy of the rule and explanatory statement filed in the office of the secretary of state;

(7) all petitions for exceptions to, amendments of, or repeal or suspension of, the rule;

(8) a copy of any request filed pursuant to section 14.212, subdivision 3;

(9) a copy of any objection to the rule filed by the legislative commission to review administrative rules pursuant to section 14.224 and the agency's response; and

(10) a copy of any filed executive order with respect to the rule.

Subd. 3. [USE IN JUDICIAL REVIEW OF RULE.] Upon judicial review, the record required by this section constitutes the official agency rulemaking record with respect to a rule. Except as provided in section 14.214, subdivision 2, or otherwise required by a provision of law, the agency rulemaking record need not constitute the exclusive basis for agency action on that rule or for judicial review of it.

Sec. 22. [14.216] [RULES NOT ADOPTED ACCORDING TO ACT.]

Subdivision 1. [INVALIDITY OF CERTAIN RULES.] A rule adopted after a rulemaking proceeding commenced after June 30, 1995, is invalid unless adopted in substantial compliance with sections 14.206 to 14.211 and 14.214 and 14.215. However, inadvertent failure to mail a notice of proposed rule adoption to any person as required by section 14.206, subdivision 6, does not invalidate a rule.

Subd. 2. [LIMITATIONS ON ACTIONS.] An action to contest the validity of a rule on the grounds of its noncompliance with any provision of sections 14.206 to 14.211 or 14.214 and 14.215 must be commenced within two years after the effective date of the rule.

Sec. 23. [14.217] [FILING OF RULES WITH SECRETARY OF STATE.]

An agency shall file in the office of the secretary of state each rule it adopts. The filing must be done as soon after adoption of the rule as is practicable. At the time of filing, each rule adopted must have attached to it the explanatory statement required by section 14.214. The secretary of state shall affix to each rule and statement a certification of the time and date of filing and keep a permanent register open to public inspection of all filed rules and attached explanatory statements. In filing a rule, each agency shall use a standard form prescribed by the secretary of state.

The secretary of state shall transmit to the revisor of statutes, the administrative rules counsel, and to the legislative commission to review administrative rules a certified copy of each filed rule as soon after its filing as is practicable.

Sec. 24. [14.218] [EFFECTIVE DATE OF RULES.]

Subdivision 1. [GENERALLY.] Except to the extent subdivision 2 or 3 provides otherwise, each rule adopted after the effective date of this chapter becomes effective five working days after the later of:

- (1) its filing in the office of the secretary of state; or
- (2) its publication in the State Register.

Subd. 2. [EXCEPTIONS.] A rule becomes effective on a date later than that established by subdivision 1 if a later date is required by another statute or specified in the rule.

Subd. 3. [EFFECT ON OTHER LAWS.] This section does not relieve an agency from compliance with any provision of law requiring that some or all of its rules be approved by other designated officials or bodies before they become effective.

Sec. 25. [14.219] [SPECIAL PROVISION FOR CERTAIN CLASSES OF RULES.]

Except to the extent otherwise provided by law, sections 14.202 to 14.218 are inapplicable to:

(1) a rule concerning only the internal management of an agency which does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public;

(2) a rule that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, settling commercial disputes, negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases;

(3) a rule that only establishes specific prices to be charged for particular goods or services sold by an agency;

(4) a rule concerning only the physical servicing, maintenance, or care of agency owned or operated facilities or property;

(5) a rule relating only to the use of a particular facility or property owned, operated, or maintained by the state or any of its subdivisions, if the substance of the rule is adequately indicated by means of signs or signals to persons who use the facility or property;

(6) a rule concerning only inmates of a correctional or detention facility, students enrolled in a state educational institution, or patients admitted to a hospital, if adopted by that facility, institution, or hospital;

(7) an agency budget;

(8) an opinion of the attorney general;

(9) the terms of a collective bargaining agreement;

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

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

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

(13) the occupational safety and health standards provided by section 182.655;

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

(15) agencies in the legislative or judicial branches;

(16) emergency powers in sections 12.31 to 12.37;

- (17) the department of military affairs;
- (18) the comprehensive health association in section 62E.10;
- (19) the tax court in section 271.06; and
- (20) the regents of the University of Minnesota.

Sec. 26. [14.221] [PETITION FOR ADOPTION OF RULE.]

Any person may petition an agency requesting the adoption of a rule. The attorney general shall prescribe by rule the form of the petition and the procedure for its submission, consideration, and disposition. Within 60 days after submission of a petition, the agency shall either:

- (1) deny the petition in writing, stating its reasons;
- (2) initiate rulemaking proceedings in accordance with sections 14.203 to 14.218; or
- (3) if otherwise lawful, adopt a rule.

REVIEW OF AGENCY RULES

Sec. 27. [14.222] [REVIEW BY AGENCY.]

At least every four years, each agency shall review all of its rules to determine whether any rule should be adopted or repealed. In conducting that review, each agency shall prepare a written report summarizing its findings, its supporting reasons, and any proposed course of action. For each rule, the report must include, at least once every ten years, a concise statement of:

- (1) the rule's effectiveness in achieving its objectives, including a summary of any available data supporting the conclusions reached;
- (2) criticisms of the rule received during the previous ten years, including a summary of any petitions for waiver of the rule tendered to the agency or granted by it; and
- (3) alternative solutions to the criticisms and the reasons they were rejected or the changes made in the rule in response to those criticisms and the reasons for the changes. A copy of the report must be sent to the legislative commission to review administrative rules and the administrative rules advisor and be available for public inspection.

Sec. 28. [14.223] [REVIEW BY GOVERNOR; ADMINISTRATIVE RULES ADVISOR.]

Subdivision 1. [SUSPENSION OF ADOPTED RULES.] Upon request of the legislative commission to review administrative rules, the governor may suspend all or a severable portion of a rule of an agency by publishing notice of the suspension in the State Register. This authority applies only to the extent that the agency itself would have authority, through rulemaking, to take such action. If the governor suspends a rule or portion of a rule under this section, the governor shall place before the next regular session of the legislature a bill to repeal the suspended rule or portion of the rule. If the bill is not enacted in that year's regular session, the rule or portion of the rule is effective again upon adjournment of the session, unless the agency has repealed it.

Subd. 2. [TERMINATION OF RULE PROCEEDINGS.] Upon request of the legislative commission to review administrative rules, the governor may summarily terminate any pending rulemaking proceeding by an executive order to that effect, stating in the order the reasons for the action. The executive order must be filed in the office of the secretary of state, which shall promptly forward a certified copy to the agency and the revisor of statutes. An executive order terminating a rulemaking proceeding becomes effective on the date it is filed and must be published in the next issue of the State Register.

Subd. 3. [ADMINISTRATIVE RULES ADVISOR.] There is created, within the office of the governor, an administrative rules advisor to advise the governor in the execution of the authority vested under this section. The governor shall appoint the administrative rules advisor who shall serve at the pleasure of the governor. The administrative rules advisor, in cooperation with the department of employee relations and the revisor of statutes, shall provide or arrange training for agency staff in rulemaking procedures.

Sec. 29. [14.224] [LEGISLATIVE OBJECTION.]

Subdivision 1. [GROUNDS.] The legislative commission to review administrative rules or a standing committee of the house of representatives or the senate with jurisdiction over the subject matter of the rule may object to all or some portion of a rule because the commission or committee considers it to be beyond the procedural or substantive authority delegated to the adopting agency.

Subd. 2. [FILING OF OBJECTION.] The commission or committee must file an objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's or committee's reasons for its action.

Subd. 3. [DUTIES OF SECRETARY OF STATE.] The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon as practicable shall transmit a certified copy of it to the agency issuing the rule in question, the revisor of statutes, and the administrative rules counsel. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission.

Subd. 4. [PUBLICATION OF OBJECTION.] The legislative commission to review administrative rules or the standing committee objecting to the rule shall publish an objection filed pursuant to this section in the next issue of the State Register. The revisor of statutes shall indicate its existence adjacent to the rule in question when that rule is published in Minnesota Rules.

Subd. 5. [AGENCY RESPONSE.] Within 14 days after receiving a copy of the filed objection, the issuing agency shall respond in writing to the commission or objecting committee. After receipt of the response, the commission or objecting committee may withdraw or modify its objection.

Subd. 6. [EFFECT OF OBJECTION UPON JUDICIAL REVIEW OF RULE.] After the filing of an objection by the commission or committee that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is within the procedural and substantive authority delegated to the agency.

Subd. 7. [EFFECT OF FAILURE TO OBJECT.] The failure of the commission or a committee to object to a rule is not an implied legislative authorization of its procedural or substantive validity.

Sec. 30. Minnesota Statutes 1992, section 14.38, subdivision 1, is amended to read:

Subdivision 1. [ORIGINAL RULES.] Every rule, regardless of whether it might be known as a substantive, procedural, or interpretive rule, which is filed in the office of the secretary of state as provided in sections 14.05 to 14.36, or which is adopted under sections 14.206 to 14.211 after the effective date of this section, shall have the force and effect of law five working days after its notice of adoption is published in the State Register unless a different date is required by statute or a later date is specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection. A rule adopted under authority of section 14.213 does not have the force and effect of law.

Sec. 31. Minnesota Statutes 1992, section 14.38, subdivision 7, is amended to read:

Subd. 7. [PROCEDURE FOR EXEMPT AGENCIES AND EXEMPT RULES.] ~~The subdivision 5 and 6 rules have~~ Subdivisions 7 to 9 apply to agency rules that are specifically exempted from chapter 14 by other law. Subdivisions 7 and 8 apply to rules adopted under section 14.212. Subdivisions 7 to 9 do not apply to rules listed in section 14.219. A rule has the force and effect of law if:

- (1) the revisor of statutes approves the form of the rules by certificate;
- (2) two copies of the rules with the revisor's certificate are filed in the office of the secretary of state; and,
- (3) a copy is published in the State Register.

Sec. 32. Minnesota Statutes 1992, section 14.38, subdivision 8, is amended to read:

Subd. 8. [EFFECTIVE DATE OF EXEMPT AGENCY RULES AND EXEMPT RULES.] ~~The rules become~~ A rule subject to subdivisions 7 to 9 becomes effective five working days after publication in the State Register. The secretary of state shall forward one copy of each rule to the revisor of statutes. Rules filed in accordance with subdivisions 5 to 9, ~~as they were in effect on the date the rules were filed,~~ shall be included in Minnesota Rules.

Sec. 33. Minnesota Statutes 1992, section 14.38, subdivision 9, is amended to read:

Subd. 9. [STATUS OF FUTURE EXEMPTIONS.] Any law exempting an agency or rule from ~~sections 14.001 to 14.69~~ chapter 14 shall not be construed as preventing an agency from complying with subdivisions 5 7 to 9, unless the law specifically provides to the contrary.

Sec. 34. [14.435] [LEGISLATIVE COMMITTEE STANDING.]

A standing committee of the legislature that has oversight responsibility for an agency may petition for judicial review of a rule of that agency or intervene in litigation arising from rulemaking action of that agency.

Sec. 35. Minnesota Statutes 1992, section 14.46, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] The commissioner of administration shall publish a State Register containing all notices for ~~hearings concerning proposed adoption of~~ rules, giving time, place and purpose of the hearing and, ~~except as provided in section 14.206, subdivision 8,~~ the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective 15 days after publication except as provided in section 4.035, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests to be published. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form, excluding the form of the rules, and manner in which agencies submit any material for publication in the State Register and may withhold publication of any material not submitted according to the form or procedures prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 36. Minnesota Statutes 1992, section 14.46, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF ITEMS FOR PUBLICATION.] Any state agency which desires to publish a notice of ~~hearing, rule or change thereof proposed rule adoption or of an adopted rule~~ shall submit a copy of the ~~entire document material to be published,~~ including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

The revisor of statutes shall provide assistance to the commissioner if requested. Alternatively, the commissioner may designate a contract compositor to whom the assistance is to be supplied. The assistance, in either case, shall consist of furnishing a machine readable computer tape, or similar services, for rules which are available in the revisor's computer data base and for which a written copy has been submitted by an agency to the commissioner for publication in the State Register.

Sec. 37. Minnesota Statutes 1992, section 14.47, subdivision 1, is amended to read:

Subdivision 1. [PLAN OF PUBLICATION AND SUPPLEMENTATION.] The revisor of statutes shall:

(1) formulate a plan for the compilation of all permanent agency rules ~~and, to the extent practicable, emergency agency rules,~~ adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 14.38, subdivisions 5 to 9 which were in effect at the time the rules were filed or subdivision 11, including their order, classification, arrangement, form, and indexing, and any appropriate tables, annotations, cross references, citations to applicable statutes, explanatory notes, and other appropriate material to facilitate use of the rules by the public, and for the compilation's composition, printing, binding and distribution;

(2) publish the compilation of permanent agency rules ~~and, if practicable, emergency rules,~~ adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 14.38, subdivisions 5 to 9 which were in effect at the time the rules were filed or subdivision 11, which shall be called "Minnesota Rules";

(3) periodically either publish a supplement or a new compilation, which includes all rules adopted since the last supplement or compilation was published and removes rules incorporated in prior compilations or supplements which are no longer effective;

(4) include in Minnesota Rules a consolidated list of publications and other documents incorporated by reference into the rules after June 30, 1981, and found conveniently available by the revisor under section 14.07, subdivision 4, indicating where the publications or documents are conveniently available to the public; and

(5) copyright any compilations and or supplements in the name of the state of Minnesota.

Sec. 38. Minnesota Statutes 1992, section 14.47, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS ON COMPILATION.] The revisor of statutes shall not:

(1) alter the sense, meaning, or effect of any rule in the course of compiling or publishing it; and

(2) ~~aid an agency in the preparation of any statement concerning the need for or reasonableness of a rule except as provided by section 14.07, subdivision 6;~~

(3) act as legal counsel for an agency before ~~an administrative law judge~~ a presiding officer except as provided by section 14.07, subdivision 6.

Sec. 39. Minnesota Statutes 1992, section 14.47, subdivision 6, is amended to read:

Subd. 6. [OMISSION OF TEXT.] (a) For purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any extraneous descriptive or informative text which is not an operative portion of the rule. The revisor may also omit effective date provisions, statements that a rule is repealed, prefaces, appendices, guidelines, organizational descriptions, explanations of federal or state law, and similar material. The revisor shall consult with the agency, the attorney general, and the legislative commission to review administrative rules, ~~and with the chief administrative law judge before omitting any text from publication.~~

(b) For the purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any rules that, by their own terms, are no longer effective or have been repealed directly by the agency, repealed by the legislature, or declared unconstitutional or otherwise void by a court of last resort. The revisor shall not remove a rule which is suspended and not fully repealed, but shall, if practicable, note the fact of suspension in Minnesota Rules. The revisor shall consult the agency involved, the attorney general, ~~the chief administrative law judge,~~ and the legislative commission to review administrative rules before omitting a rule from publication.

Sec. 40. Minnesota Statutes 1992, section 14.50, is amended to read:

14.50 [HEARINGS BEFORE ADMINISTRATIVE LAW JUDGE.]

All hearings of state agencies required to be conducted under this chapter other than rulemaking oral proceedings conducted by an agency or an officer designated by the agency, shall be conducted by an administrative law judge assigned by the chief administrative law judge. All hearings required to be conducted under chapter 176 shall be conducted by a compensation judge assigned by the chief administrative law judge. In assigning administrative law judges or compensation judges to conduct such hearings, the chief administrative law judge shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. Only administrative law judges learned in the law shall be assigned to contested case hearings. Only compensation judges shall be assigned to workers' compensation matters. It shall be the duty of the administrative law judge to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests, provided that this authority does not apply to rulemaking oral proceedings; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a fair and impartial manner. Except in the case of rulemaking oral proceedings and workers' compensation hearings involving claims for compensation it shall also be the duty of the administrative law judge to make a report on each proposed agency action in which the administrative law judge functioned in an official capacity, stating findings of fact and conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, and (ii) fulfilled all relevant substantive and procedural requirements of law or rule, ~~and (iii) in rulemaking proceedings, demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.~~

Sec. 41. Minnesota Statutes 1992, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern the procedural conduct of all ~~hearings relating to both rule adoption, amendment, suspension or repeal hearings,~~ contested case hearings, and workers' compensation hearings, and to govern the conduct of voluntary mediation sessions for ~~rulemaking and~~ contested cases other than

those within the jurisdiction of the bureau of mediation services. Temporary rulemaking authority is granted to the chief administrative law judge for the purpose of implementing Laws 1981, chapter 346, sections 2 to 6, 103 to 122, 127 to 135, and 141. The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of sections 14.131 to 14.18. Upon the chief administrative law judge's own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 42. Minnesota Statutes 1992, section 17.84, is amended to read:

17.84 [DUTIES OF THE COMMISSIONER.]

Within 30 days of the receipt of the notices notice provided in section 17.82 or 17.83, the commissioner shall review the agency's proposed action, shall negotiate with the agency, and shall recommend to the agency in writing the implementation either of the action as proposed or an alternative. In making recommendations, the commissioner shall follow the statement of policy contained in section 17.80. If the proposed agency action is the adoption of a rule, the recommendation of the commissioner shall be made a part of the record in the rule hearing. If the agency receives no response from the commissioner within 30 days, it shall be deemed a recommendation that the agency take the action as proposed.

Sec. 43. Minnesota Statutes 1992, section 84.027, is amended by adding a subdivision to read:

Subd. 12. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with sections 14.206 to 14.211, the commissioner may adopt a rule under this subdivision by publishing notice in the State Register and filing a copy of the rules with the secretary of state and with the legislative commission to review administrative rules.

(c) Notwithstanding any contrary provision of section 14.218, rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b) if:

(1) the commissioner of natural resources determines that an emergency exists; and

(2) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (2), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (2), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

Sec. 44. Minnesota Statutes 1992, section 128C.02, is amended by adding a subdivision to read:

Subd. 4a. [RULES.] This subdivision applies to rules of the league adopted or amended after July 1, 1994. At least 30 days before a rule takes effect, the league must mail a free copy of the proposed rule to each person on a list maintained by the league of persons interested in receiving copies of proposed league rules and to any other person who requests a copy of the proposed rule. The league must maintain a rulemaking docket, as required by section 14.204, and must send information in the docket to the governor's administrative rules advisor.

Sec. 45. [RECODIFICATION OF MSHSL RULES.]

By January 1, 1996, the Minnesota state high school league, in consultation with the revisor of statutes, shall review and attempt to improve the form of rules in effect before that time. Contest rules of the league are not subject to this section.

Sec. 46. [REVISOR INSTRUCTION.]

The revisor of statutes shall place a bill before the legislature during the 1995 regular session which changes statutory references to chapter 14 or any sections of that chapter to the appropriate references to this act.

Sec. 47. [REPEALER.]

Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18, subdivision 1; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, sections 3.984 and 14.10, are repealed.

Sec. 48. [EFFECTIVE DATE.]

Sections 1 to 10 and 12 to 47 are effective July 1, 1995. Notwithstanding Minnesota Statutes, section 14.216, rules for which a notice of intent to adopt rules was published before July 1, 1995, are valid if adopted in compliance with laws in effect at the times of publication of the notice of intent to adopt rules. However, the authority of the legislative commission to review administrative rules to request the governor to suspend rules, and the power of the governor to suspend rules, applies to rules adopted before and after the effective date of sections 1 to 10 and 12 to 47. Section 11 is effective the day following final enactment. In adopting rules under section 11, the attorney general shall use procedures specified in Minnesota Statutes, sections 14.206 to 14.218, even though those procedures are not otherwise effective until July 1, 1995.

ARTICLE 2

RULES CORRECTIONS

Section 1. Minnesota Rules, part 1200.0300, is corrected to read:

1200.0300 INSURANCE CLAIM PROCEDURES.

Subpart 1. Accident report. When a Central Motor Pool vehicle is involved in an accident, the driver of the state vehicle shall complete an accident report on form DPS 32001. This report is to be completed within three days of the accident and sent to: Central Motor Pool Division, 610 N. Robert Street, Saint Paul, Minnesota 55101. The Central Motor Pool Division shall complete the portion of the form entitled "Insurance." For accidents involving personal injury, death, or total property damage of \$300 \$500 or more, the Central Motor Pool Division shall forward the accident report to the Department of Public Safety within ten days of the accident, as required by law. A copy of the accident report shall be retained by the Central Motor Pool Division.

(For text of subs 2 and 3, see M.R.)

Sec. 2. Minnesota Rules, part 1400.0500, is corrected to read:

1400.0500 STATEMENT OF NEED AND REASONABLENESS.

Subpart 1. Contents. Each agency desiring to adopt rules shall prepare a statement of need and reasonableness which shall be prefiled pursuant to part 1400.0300, subpart 1a. The statement of need and reasonableness must contain a summary of all of the evidence and argument which is anticipated to be presented by the agency at the

hearing justifying both the need for and the reasonableness of the proposed rules, including citations to any statutes or case law anticipated to be relied upon, citations to any economic, scientific, or other manuals or treatises anticipated to be utilized at the hearing or included in the record, and a list of any witnesses to be called by the agency to testify on its behalf, together with a summary of the testimony to be elicited from witnesses solicited to testify on behalf of the agency. The statement need not contain evidence and argument in rebuttal of evidence and argument presented by the public.

The statement of need and reasonableness must also contain the following:

(For text of item A, see M.R.)

B. if required by Minnesota Statutes, section 16A.128, subdivisions 1 1a and 2a, the approval of the commissioner of finance and notice to the chairs of the house appropriations committee and the senate finance committee if the proposed rules establish or modify a fee charged; and

(For text of item C, see M.R.)

(For text of subps 2 and 3, see M.R.)

Sec. 3. Minnesota Rules, part 3530.0200, is corrected to read:

3530.0200 GRANT APPLICATION.

Subpart 1. **Who may apply.** Regional library systems designated as eligible under provisions of Minnesota Statutes, section 134.34, subdivision 3, may apply for establishment grants as specified in part 3530.0800 and for regional library basic system support grants as specified in parts 3530.0900 to 3530.1200 and for special project grants as specified in parts 3530.1300 and 3530.1400. County and city public libraries which are participating in the aforementioned regional library systems may also apply for special project grants as specified in parts 3530.1300 and 3530.1400. The Minnesota Department of Corrections and, the Minnesota Department of Human Services, and the Department of Jobs and Training may apply for grants for institution library service and for library service for the blind and physically handicapped as specified in part 3530.1500. Multicounty multitype library systems designated by the State Board of Education as eligible under provisions of Minnesota Statutes, section 134.351, subdivision 1, may apply for development grants as specified in parts 3530.1600 to 3530.2100 and for operating grants as specified in parts 3530.2200 to 3530.2600.

(For text of subps 2 to 4, see M.R.)

Sec. 4. Minnesota Rules, part 3530.1500, is corrected to read:

3530.1500 GRANTS FOR INSTITUTION LIBRARY SERVICE AND FOR LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED.

Subpart 1. **Application.** The Minnesota Department of Corrections and, the Minnesota Department of Human Services, and the Department of Jobs and Training may apply annually for grants to improve library services for institutionalized persons and for the blind and physically handicapped as authorized by Minnesota Statutes, section 134.32, subdivision 6, and by the Library Services and Construction Act, United States Code, title 20, section sections 351 et seq. (1970) to 386g, as amended through December 31, 1990. Applicants shall submit the following information:

(For text of items A to G, see M.R.)

(For text of subps 2 and 3, see M.R.)

Sec. 5. Minnesota Rules, part 3530.2614, is corrected to read:

3530.2614 APPLICATION CONTENTS.

(For text of subps 1 to 11, see M.R.)

Subp. 12. **Assurances.** The applicant must give written assurance of compliance with all applicable state and federal laws and rules, including the law and rules in items A to J.

(For text of items A to G, see M.R.)

H. The applicant shall assure that the funds allotted to it for public library construction will be used solely for the following purposes:

(For text of subitems (1) to (4), see M.R.)

(5) ~~moving expenses for existing collection, equipment, and furniture;~~

(6) expenses related to acquisition and installation of initial equipment including all necessary building fixtures, utilities, furniture;

(7) ~~(6)~~ services of consultants related to the project; and

(8) ~~(7)~~ expenses other than interest and the carrying charges on bonds related to the acquisition of an existing building or of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library facilities. The expenses must constitute an actual cost or transfer of public funds.

(For text of item I, see M.R.)

J. The applicant must comply with the federal laws and regulations the state is made responsible for enforcing in Code of Federal Regulations, title 34, parts 74, 76, 77, 79, 80, 81, 82, 85, 86, and 770; and sections 75.600 to 75.616.

(For text of subp 13, see M.R.)

Sec. 6. Minnesota Rules, part 3530.2642, is corrected to read:

3530.2642 GRANT AGREEMENTS.

(For text of subpart 1, see M.R.)

Subp. 2. **Contents of grant contract.** The grant contract shall include:

(For text of items A to L, see M.R.)

M. assurance that LDS will be notified of project completion within 30 days after project completion so that it may notify the United States Department of Education ~~as required by Code of Federal Regulations, title 34, section 770.21(a)(2).~~

Sec. 7. Minnesota Rules, part 4685.0100, is corrected to read:

4685.0100 DEFINITIONS.

(For text of subps 1 to 9b, see M.R.)

Subp. 10. **Open enrollment.** "Open enrollment" means the acceptance for coverage by health plans of group enrollees without regard to underwriting restrictions, and coverage of individual or nongroup enrollees with regard only to those underwriting restrictions permissible under Minnesota Statutes, section 62D.10, ~~subdivision 2, and~~ subdivision 4.

(For text of subps 11 to 15, see M.R.)

Sec. 8. Minnesota Rules, part 4685.3000, is corrected to read:

4685.3000 SCOPE.

~~The requirements of Minnesota Statutes, section 62D.10, subdivision 2, shall apply to those health plans which offer nongroup contracts.~~

The requirements of Minnesota Statutes, section 62D.10, subdivision 3, shall apply to those health plans which offer group contracts.

Health plans offering nongroup and group contracts shall be subjected to Minnesota Statutes, section 62D.10, subdivision 2, with respect to their nongroup and to Minnesota Statutes, section 62D.10, subdivision 3, with respect to their group contracts.

Sec. 9. Minnesota Rules, part 4685.3200, is corrected to read:

4685.3200 WAIVER.

(For text of subpart 1, see M.R.)

Subp. 2. **Compliance.** The commissioner shall determine whether or not compliance with the requirement for open enrollment would:

A. ~~contravene the maximum enrollment limitation of 500,000 enrollees imposed by the act;~~

B. prevent a health plan from competing effectively with other health plans or with commercial health insurers for the enrollment of new members or for the retention of current members;

C. ~~B.~~ result in a health plan incurring unreasonably high expenses in relation to the value of the benefits or services it provides;

D. ~~C.~~ jeopardize the availability or adequacy of a health plan's working capital and any required surpluses or reserves; or

E. ~~D.~~ endanger the ability of a health plan to meet its current and future obligations to enrollees.

(For text of subp 3, see M.R.)

Sec. 10. Minnesota Rules, part 4692.0020, is corrected to read:

(For text of subpart 1, see M.R.)

Subp. 2. [See repealer.]

Subp. 3. ~~Time period after initial application period~~ **Permit requirement.** ~~One hundred twenty days after November 14, 1989, A person who sells hearing instruments must first have a valid permit issued by the commissioner and the 120 day period in subpart 2 does not apply.~~

Sec. 11. Minnesota Rules, part 5000.0400, is corrected to read:

5000.0400 CHARGES.

(For text of subps 1 and 1a, see M.R.)

Subp. 1b. **Time for filing.** A charge must be filed within ~~one year of an alleged unfair discriminatory practice~~ the period set forth in Minnesota Statutes, section 363.06, subdivision 3. Filing is accomplished by delivery of the charge to the department's office before ~~one year~~ that period has elapsed. Time is computed under Minnesota Statutes, sections 645.15 and 645.151.

(For text of subps 2 to 6, see M.R.)

Sec. 12. Minnesota Rules, part 7045.0075, is corrected to read:

7045.0075 PETITIONS.

(For text of subpart 1, see M.R.)

Subp. 2. **Petitions to exclude a waste produced at a particular facility.** Petitions to exclude a waste produced at a particular facility are as follows:

A. Any person seeking to exclude a waste at a particular generating facility from regulation under this chapter may petition under these provisions. The petitioner must demonstrate to the satisfaction of the agency that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous waste and, in the case of an ~~acute~~ acute hazardous waste meeting the criteria in part 7045.0129, subpart 1, item B, that it also does not meet the criteria of part 7045.0129, subpart 1, item C. In determining whether to exclude a waste as requested by the petition, the agency must consider the factors considered at the time the waste was listed and, if the agency has reason to believe that other factors, including additional constituents, could also cause the waste to be hazardous, the agency must also consider these other factors. In order to exclude a waste as requested by the petition, the agency must determine that no factor exists that warrants retaining the classification of the waste as hazardous. A waste which is so excluded may still, however, be a hazardous waste by operation of part 7045.0131.

(For text of items B to H, see M.R.)

(For text of subps 3 to 12, see M.R.)

Sec. 13. Minnesota Rules, part 7411.7100, is corrected to read:

7411.7100 PURPOSE.

The purpose of parts 7411.7100 to 7411.7700 is to effectuate the mandate of the legislature as set forth in Minnesota Statutes, section 65B.28, to establish and regulate accident prevention courses for persons 65 55 years of age and older.

Sec. 14. Minnesota Rules, part 7411.7400, is corrected to read:

7411.7400 APPLICATION TO PROVIDE COURSE.

A person or organization may apply for approval to offer an accident prevention course to insureds 65 55 years of age and older. The application must include the name of the person or organization offering the course, the name of the course administrator, an outline of the course curriculum, and the amount of the fees to be charged.

Sec. 15. Minnesota Rules, part 7411.7700, is corrected to read:

7411.7700 QUALIFICATION FOR INSURANCE PREMIUM REDUCTION.

Satisfactory completion of an approved accident prevention course evidenced by possession of a certificate of completion indicates that the insured has met the requirements of Minnesota Statutes, section 65B.28 for an appropriate automobile insurance premium reduction. Persons 65 55 years of age or older who complete an accident prevention course every three years remain eligible for an appropriate automobile insurance premium reduction.

Sec. 16. Minnesota Rules, part 7883.0100, is corrected to read:

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. **Ownership.** When a person is excluded from a racetrack or has his or her license revoked or suspended, every horse owned in whole or in part or under the care and control of that person shall be ineligible to be entered or start in any race until the horse has been reinstated, either by the expiration of the owner's penalty or by the transfer through bona fide sale to an owner approved by the stewards. Such person whether acting as agent or otherwise, shall not be qualified to subscribe for, or to enter or run any horse in any race either in his or her own name or in that of any other person until expiration of such penalty.

(For text of subps 2 to 18, see M.R.)

Sec. 17. Minnesota Rules, part 8130.3500, is corrected to read:

8130.3500 MOTOR CARRIERS IN INTERSTATE COMMERCE.

(For text of subps 1 and 2, see M.R.)

Subp. 3. **Motor carrier direct pay certificate.** A motor carrier direct pay certificate will be issued to qualified electing carriers by the commissioner of revenue and will be effective as of the date shown on the certificate. ~~A facsimile of the authorized motor carrier direct pay certificate is reproduced at part 8130.9958.~~

(For text of subp 4, see M.R.)

Sec. 18. Minnesota Rules, part 8130.6500, is corrected to read:

8130.6500 AIRCRAFT COMMERCIAL USE PERMIT.

(For text of subps 1 to 4, see M.R.)

Subp. 5. **Sale of aircraft.** When the dealer sells the aircraft, the selling price must be included in gross sales. The fact that the aircraft commercial use permit has not expired or that the dealer has reported and paid use tax on the aircraft has no effect on the taxability of the sale. The dealer must return the aircraft commercial use permit (unless previously returned) when the dealer files the sales and use tax return for the month in which the sale was made. No credit or refund is given for the \$20 fee originally paid.

~~A facsimile of the authorized aircraft commercial use permit is reproduced at part 8130.9992.~~

Sec. 19. Minnesota Rules, part 8800.1200, is corrected to read:

8800.1200 CRITERIA FOR DETERMINING AIR NAVIGATION OBSTRUCTIONS.

(For text of subps 1 to 6, see M.R.)

Subp. 7. **Obstruction marking and lighting.** The standards for marking and lighting structures are contained in FAA Advisory Circular ~~70/7460-1D~~ 70/7460-1H, Obstruction Marking and Lighting, and any subsequent changes, except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence.

Subp. 8. **References.** See Minnesota Statutes, sections 360.061 et seq. and ~~360.081~~ 360.81 et seq. for airport zoning statutes and for rules of structure height.

Sec. 20. Minnesota Rules, part 8800.1400, is corrected to read:

8800.1400 GENERAL AIRPORT LICENSING PROVISIONS.

Subpart 1. **Approval; exemption.** Every airport before operating as such shall be approved and licensed by the commissioner, except that:

A. Airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed.

B. A personal use airport that is more than five miles from a public airport, whether publicly or privately owned, need not obtain a license from the commissioner.

(For text of subps 2 to 10, see M.R.)

Sec. 21. Minnesota Rules, part 8800.3100, is corrected to read:

8800.3100 DEFINITION OF COMMERCIAL OPERATIONS.

"Commercial operations" ~~means any operation of an aircraft for compensation or hire, any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received, the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, aerial photography and surveys, air shows or expositions, and the operation of aircraft for fishing.~~ "Commercial operations" also means

~~brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers by the federal government or the services incidental thereto~~ has the meaning given it in Minnesota Statutes, section 360.013, subdivision 11.

Note: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in parts 8800.3100 to 8800.4600.

Sec. 22. Minnesota Rules, part 8820.0600, is corrected to read:

8820.0600 SELECTION OF ROUTES.

Final selection of routes to be included in the respective county state-aid and municipal state-aid systems are subject to the approval of the commissioner. These routes may be established on new locations where no existing roadway exists or may be located upon or over an established roadway or specified portion of a roadway.

The highway and street systems to be selected and designated in accordance with law are:

A. a county state-aid highway system not exceeding 30,000 miles in extent, excluding trunk highway turnback mileage and former municipal state-aid street mileage in cities whose population fell below 5,000 under the 1980 or 1990 federal census; and

(For text of item B, see M.R.)

Sec. 23. Minnesota Rules, part 8820.2300, is corrected to read:

8820.2300 TURNBACK ACCOUNTS.

(For text of subps 1 to 2, see M.R.)

Subp. 2a. **Town road account allocation.** The amounts to be distributed to the counties from the town road account must be determined according to the formula prescribed by Minnesota Statutes, section 162.081, subdivisions 2 and 4.

A. The funds apportioned to a county from the town road account must be distributed to the treasurer of each eligible town by March 1 annually or within 30 days of the receipt of the funds by the county treasurer, according to a distribution formula adopted by the county board. The county board must consider each town's levy for road and bridge purposes, its population, town road mileage, and other factors considered advisable to the interest of achieving equity among the towns.

The county treasurer is the treasurer for eligible unorganized towns.

(For text of item B, see M.R.)

(For text of subps 3 to 7, see M.R.)

Sec. 24. Minnesota Rules, part 9050.1070, is corrected to read:

9050.1070 RESIDENT RIGHTS AND RESPONSIBILITIES.

(For text of subps 1 to 6, see M.R.)

Subp. 7. **Family councils.** Each board-operated facility shall have a family council that gives members an opportunity to express feelings and thoughts about the facility and facility conditions, resident care, rules and the effect of rules, policies, and procedures according to Minnesota Statutes, sections 144.651, subdivision ~~20~~ 27, and 144A.33.

The facility shall support and encourage development of and participation in family councils and shall provide a private meeting place and necessary administrative support through a staff liaison appointed by the administrator and approved by the council. Attendance at family council meetings of individuals other than family council members must be at council invitation only.

Minutes of family council meetings must be kept and made available to family council members and other persons as the family council determines. Minutes must also be made available to the Department of Health to show that family council meetings are being held at each facility.

(For text of subps 8 to 39, see M.R.)

Sec. 25. Minnesota Rules, part 9505.2175, is corrected to read:

9505.2175 HEALTH SERVICE RECORDS.

(For text of subpart 1, see M.R.)

Subp. 2. **Required standards for health service records.** A provider must keep a health service record as specified in items A to I.

(For text of items A to F, see M.R.)

G. The record must contain the recipient's plan of care, individual treatment plan, or individual program plan. For purposes of this item, "plan of care" has the meaning given in part 9505.0175, subpart 35; "individual treatment plan" has the meaning given in part 9505.0477, ~~subpart 14~~ 9520.0902, subpart 24; and "individual program plan" has the meaning given in part 9535.0100, subpart 15.

(For text of items H and I, see M.R.)

(For text of subps 3 to 6, see M.R.)

Sec. 26. [REVISOR'S INSTRUCTION; STATE BOARD OF EDUCATION.]

The revisor of statutes is directed to change the name "Office of Public Libraries and Interlibrary Cooperation" or "OPLIC" to "Library Development and Services" or "LDS" as appropriate wherever either term appears in Minnesota Rules, chapter 3530.

Sec. 27. [REPEALER.]

Subdivision 1. [DEPARTMENT OF ADMINISTRATION; BUILDING CODES.] Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; and 1300.2000, are repealed.

Subd. 2. [DEPARTMENT OF HEALTH.] Minnesota Rules, part 4685.2600, is repealed.

Subd. 3. [DEPARTMENT OF HEALTH.] Minnesota Rules, part 4692.0020, subpart 2, is repealed.

Subd. 4. [DEPARTMENT OF HEALTH.] Minnesota Rules, part 4692.0045, is repealed.

Subd. 5. [MINNESOTA LOTTERY.] Minnesota Rules, part 7856.1000, subpart 5, is repealed.

Subd. 6. [DEPARTMENT OF REVENUE.] Minnesota Rules, part 8017.5000, is repealed.

Subd. 7. [DEPARTMENT OF REVENUE.] Minnesota Rules, parts 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996, are repealed.

Sec. 28. [INTENT.]

The legislature does not intend this article to prohibit or restrict an agency from amending or repealing rules amended by this article or adopting new rules covering the same subject as rules repealed by this article, if other law authorizes the rulemaking."

Delete the title and insert:

"A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making various technical changes; amending Minnesota Statutes 1992, sections 10A.02, by adding a subdivision; 14.05, subdivision 1; 14.12; 14.38, subdivisions 1, 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400; 8800.3100; 8820.0600; 8820.2300; 9050.1070; and 9505.2175; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18, subdivision 1; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, sections 3.984; and 14.10; Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.1000, subpart 5; 8017.5000; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996."

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 1920, A bill for an act relating to traffic regulations; motor vehicles; establishing system for the notification, recording, and collection of delinquent fines for parking violations; prohibiting registration of vehicle of owner who has not paid the fine for a parking violation; prohibiting issuance of warrants for parking violations; imposing a fee; appropriating money; amending Minnesota Statutes 1992, sections 169.91, subdivision 3; 169.95; and 169.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168; and 169.

Reported the same back with the following amendments:

Page 5, line 18, after "case" insert "filed with the court"

Page 5, line 20, after the period; insert "Any agency presenting a parking violation citation to the court shall indicate on the citation the name and last known address of the registered owner of the vehicle."

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 2028, A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private, nonpublic and protected nonpublic; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; and 13.71, by adding a subdivision; amending Minnesota Statutes 1993 Supplement, section 13.643, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1992, section 13.03, subdivision 4, is amended to read:

Subd. 4. [CHANGE IN CLASSIFICATION OF DATA.] (a) The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

(b) If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, the data is private.

(c) To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the hands of the agency receiving it as it had in the hands of the entity providing it.

Sec. 2. Minnesota Statutes 1992, section 13.38, is amended by adding a subdivision to read:

Subd. 4. [TRANSITION PLANS.] Transition plans that are submitted to the commissioner of health by health care providers as required by section 62J.23, subdivision 2, are classified as private data on individuals or nonpublic data not on individuals.

Sec. 3. Minnesota Statutes 1992, section 13.39, is amended by adding a subdivision to read:

Subd. 2a. [DISCLOSURE OF DATA.] During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data is maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the agency, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 4. Minnesota Statutes 1992, section 13.41, subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA.] The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 13.02, subdivision 12: data, other than their names and designated addresses, submitted by applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to the disclosure; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.

An applicant for a license shall designate on the application a residence or business address at which the applicant can be contacted in connection with the license application.

Sec. 5. Minnesota Statutes 1992, section 13.41, is amended by adding a subdivision to read:

Subd. 6. [SOCIAL SECURITY NUMBERS.] Social security numbers of applicants or licensees that are supplied to a licensing agency are private data on individuals.

Sec. 6. Minnesota Statutes 1993 Supplement, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a

disciplinary action, and, if no disciplinary action was taken, the reasons why; the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the employment relationship; work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

Sec. 7. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
- (9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;
- (11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children, ~~medical assistance, general assistance, work readiness, or general assistance medical care~~ may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties; or

(16) the current address of a recipient of general assistance, work readiness, or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient, and to law enforcement officers who are investigating the recipient in connection with a gross misdemeanor or felony level offense; or

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c).

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed in accordance with the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15) or, (16), or (17), or paragraph (b) are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 8. Minnesota Statutes 1992, section 13.57, is amended to read:

13.57 [SOCIAL RECREATIONAL DATA.]

The following data collected and maintained by political subdivisions for the purpose of enrolling individuals in recreational and other social programs are classified as private, pursuant to section 13.02, subdivision 12: the name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual.

Sec. 9. Minnesota Statutes 1993 Supplement, section 13.643, is amended by adding a subdivision to read:

Subd. 3. [RURAL FINANCE AUTHORITY DATA.] The following data submitted to the rural finance authority of the department of agriculture by businesses that are requesting financial assistance are classified as nonpublic data: financial information about the applicant, including but not limited to credit reports, financial statements of the applicants, net worth calculations, business plans, income and expense projections, customer lists, market and feasibility studies not paid for with public funds, tax returns, and financial reports provided to the authority after closing of the financial assistance.

Sec. 10. [13.646] [LEGISLATIVE AND BUDGET PROPOSAL DATA.]

Subdivision 1. [DEFINITION.] As used in this section, "state administration" means the governor's office, the department of finance, and any state agency which is under the direct control of the governor.

Subd. 2. [CLASSIFICATIONS.] All data relating to anticipated legislative or budget proposals, including preliminary drafts, that are created, collected, or maintained by the state administration are classified as protected nonpublic data. The state administration may disclose any of the data within the state administration and to the public if disclosure would aid the administration in considering and preparing its proposals.

Sec. 11. Minnesota Statutes 1992, section 13.76, is amended by adding a subdivision to read:

Subd. 4. [URBAN INITIATIVE BOARD.] The following data submitted or prepared by the commissioner of the department of trade and economic development regarding businesses that are requesting or have received financial assistance from the urban initiative board under chapter 116M are nonpublic data: the identity of the business and financial information about the business including but not limited to, credit reports, financial statements, net worth calculations, income tax returns, either personal or corporate, business plans, income and expense projections, customer lists, and market and feasibility studies not paid for with public funds. Once an application for financial assistance is approved, the identity and address of the business are public data.

Sec. 12. Minnesota Statutes 1992, section 13.82, is amended by adding a subdivision to read:

Subd. 3a. [911 CALL AUDIO RECORDINGS.] The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency shall be private data on the individual placing the call but any transcript of the recording created by the 911 system agency as a result of the request for service shall be public, unless it reveals the identity of an individual protected by subdivision 10. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs provided under section 13.03, subdivision 3. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety dispatcher training purposes.

Sec. 13. Minnesota Statutes 1993 Supplement, section 13.82, subdivision 4, is amended to read:

Subd. 4. [RESPONSE OR INCIDENT DATA.] The following data created or collected by law enforcement agencies which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency on its own initiative shall be public government data:

- (a) date, time and place of the action;
- (b) agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 10;
- (c) any resistance encountered by the agency;
- (d) any pursuit engaged in by the agency;
- (e) whether any weapons were used by the agency or other individuals;
- (f) a brief factual reconstruction of events associated with the action;
- (g) names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 10;
- (h) names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 10;
- (i) the name and location of the health care facility to which victims or casualties were taken;
- (j) response or incident report number;
- (k) dates of birth of the parties involved in a traffic accident; and
- (l) whether the parties involved were wearing seat belts; and
- (m) the alcohol concentration of each driver.

Sec. 14. Minnesota Statutes 1992, section 13.99, subdivision 79, is amended to read:

Subd. 79. [PEACE OFFICERS, COURT SERVICES, AND CORRECTIONS RECORDS OF JUVENILES.] Inspection and maintenance of juvenile records held by police and the commissioner of corrections are governed by section 260.161, subdivision 3. Disclosure to school officials of court services data on juveniles adjudicated delinquent is governed by section 260.161, subdivision 3a.

Sec. 15. Minnesota Statutes 1993 Supplement, section 121.8355, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION SHARING.] The school district, county, and public health entity members of a family services collaborative may share data, including not public data, on individuals being served by the collaborative or its members if the information sharing is necessary in order for the collaborative to carry out duties under subdivision 2 or 3. Data on individuals shared under this subdivision retains its classification as confidential, private, nonpublic, or protected nonpublic, as those terms are defined in section 13.02, as to each member of the collaborative with whom the data is shared.

If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2 or 3, the appropriate agency shall seek a waiver or exemption from the applicable law or regulation.

Sec. 16. Minnesota Statutes 1993 Supplement, section 144.335, subdivision 3a, is amended to read:

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

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

(c) Notwithstanding paragraph (a), if a patient explicitly gives informed consent to the release of health records for the purposes and pursuant to the restrictions in clauses (1) and (2), the consent does not expire after one year for:

(1) the release of health records to a provider who is being advised or consulted with in connection with the current treatment of the patient;

(2) the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

(i) the use or release of the records complies with sections 72A.49 to 72A.505;

(ii) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and

(iii) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.

(d) Until June 1, 1994 1996, paragraph (a) does not prohibit the release of health records to qualified personnel solely for purposes of medical or scientific research, if the patient has not objected to a release for research purposes and the provider who releases the records makes a reasonable effort to determine that:

(i) the use or disclosure does not violate any limitations under which the record was collected;

(ii) the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;

(iii) the recipient has established and maintains adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and

(iv) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.

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

(f) Upon the written request of a spouse, parent, child, or sibling of a patient being evaluated for or diagnosed with mental illness, a provider shall inquire of a patient whether the patient wishes to authorize a specific individual to receive information regarding the patient's current and proposed course of treatment. If the patient so authorizes, the provider shall communicate to the designated individual the patient's current and proposed course of treatment. Paragraph (a) applies to consents given under this paragraph.

Sec. 17. [144.3352] [HEPATITIS B MATERNAL CARRIER DATA.]

The commissioner of health or a local board of health may inform the physician attending a newborn of the hepatitis B infection status of the biological mother.

Sec. 18. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, "patient" means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. "Patient" also means a minor who is admitted to a residential program as defined in section 253C.01. For purposes of subdivisions 1, 3 to 16, 18, 20 and 30, "patient" also means any person who is receiving mental health treatment on an outpatient basis or in a community support program or other community-based program. "Resident" means a person who is admitted to a nonacute care facility including extended care facilities, nursing homes, and boarding care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age. For purposes of all subdivisions except subdivisions 28 and 29, "resident" also means a person who is admitted to a facility licensed as a board and lodging facility under Minnesota Rules, parts 4625.0100 to 4625.2355, or a supervised living facility under Minnesota Rules, parts 4665.0100 to 4665.9900, and which operates a rehabilitation program licensed under Minnesota Rules, parts 9530.4100 to 9530.4450. Although a patient or resident or the legal guardian or conservator of a patient or resident has requested that directory information be private, the hospital may release directory information to a law enforcement agency, probation officer, or corrections agent pursuant to a lawful investigation pertaining to the patient or resident.

Sec. 19. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 21, is amended to read:

Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. Upon admission to a facility, a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. Although a patient or resident or the legal guardian or conservator of a patient or resident has requested that directory information be private, the hospital may release directory information to a law enforcement agency, probation officer, or corrections agent pursuant to a lawful investigation pertaining to the patient or resident. This right is limited where medically inadvisable, as documented by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, clause 2, this right shall also be limited accordingly.

Sec. 20. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 26, is amended to read:

Subd. 26. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11 and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care. Upon admission to a facility, a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. Although a patient or resident or the legal guardian or conservator of a patient or resident has requested that directory information be private, the hospital may release directory information to a law enforcement agency, probation officer, or corrections agent pursuant to a lawful investigation pertaining to the patient or resident.

Sec. 21. [145.90] [FETAL, INFANT, AND MATERNAL DEATH STUDIES.]

Subdivision 1. [PURPOSE.] The commissioner of health may conduct fetal, infant, and maternal death studies in order to assist the planning, implementation, and evaluation of medical, health, and welfare service systems, and to improve pregnancy outcomes and reduce the numbers of preventable fetal, infant, and maternal deaths in Minnesota.

Subd. 2. [ACCESS TO DATA.] (a) The commissioner of health has access to medical data as defined in section 13.42, subdivision 1, paragraph (b), medical examiner data as defined in section 13.83, subdivision 1, and health records created, maintained, or stored by providers as defined in section 144.335, subdivision 1, paragraph (b), without the consent of the subject of the data, and without the consent of the parent, spouse, other guardian, or legal representative of the subject of the data, when the subject of the data is:

(1) a fetus that showed no signs of life at the time of delivery, was 20 or more weeks of gestation at the time of delivery, and was not delivered by an induced abortion;

(2) a liveborn infant that died within the first two years of life;

(3) a woman who died during a pregnancy or within 12 months of a fetal death, a live birth, or other termination of a pregnancy; or

(4) the biological mother of a fetus or infant as described in clause (1) or (2).

With respect to data under clause (4), the commissioner only has access to medical data and health records that contain information that bears upon the pregnancy and the outcome of the pregnancy.

(b) The provider or responsible authority that creates, maintains, or stores the data shall furnish the data upon the request of the commissioner. The provider or responsible authority may charge a fee for providing data, not to exceed the actual cost of retrieving and duplicating the data.

(c) The commissioner shall make a good faith effort to notify the subject of the data, or the parent, spouse, other guardian, or legal representative of the subject of the data, before collecting data on the subject.

(d) The commissioner does not have access to coroner or medical examiner data that are part of an active investigation as described in section 13.83.

Subd. 3. [MANAGEMENT OF RECORDS.] After the commissioner has collected all data about a subject of a fetal, infant, or maternal death study needed to perform the study, the data from source records obtained under subdivision 2, other than data identifying the subject, must be transferred to separate records to be maintained by the commissioner. Notwithstanding section 138.17, after the data have been transferred, all source records obtained under subdivision 2 in the hands of the commissioner must be destroyed.

Subd. 4. [CLASSIFICATION OF DATA.] Data provided to or created by the commissioner for the purpose of carrying out fetal, infant, or maternal death studies, including identifying information on individual providers or patients, are classified as private data on individuals or nonpublic data on deceased individuals, as defined in section 13.02, with the following exceptions:

- (1) summary data created by the commissioner, as defined in section 13.02, subdivision 19; and
 (2) data provided by the commissioner of human services, which retains the classification it held when in the hands of the commissioner of human services.

Sec. 22. Minnesota Statutes 1993 Supplement, section 168.346, is amended to read:

168.346 [PRIVACY OF NAME OR RESIDENCE ADDRESS.]

The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address or name and residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

Sec. 23. Minnesota Statutes 1992, section 171.12, subdivision 7, is amended to read:

Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

Sec. 24. Minnesota Statutes 1993 Supplement, section 245.493, is amended by adding a subdivision to read:

Subd. 3. [INFORMATION SHARING.] The school district, county, special education cooperative, and mental health entity members of a local children's mental health collaborative may share data, including not public data, on individuals being served by the collaborative or its members if the information sharing is necessary in order for the collaborative to carry out duties under subdivision 2. Data on individuals shared under this subdivision retains its classification as confidential, private, nonpublic, or protected nonpublic, as those terms are defined in section 13.02, as to each member of the collaborative with whom the data is shared.

If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2, the appropriate agency shall seek a waiver or exemption from the applicable law or regulation.

Sec. 25. Minnesota Statutes 1993 Supplement, section 253B.03, subdivision 3, is amended to read:

Subd. 3. [VISITORS AND PHONE CALLS.] Subject to the general rules of the treatment facility, a patient has the right to receive visitors and make phone calls. The head of the treatment facility may restrict visits and phone calls on determining that the medical welfare of the patient requires it. Any limitation imposed on the exercise of the patient's visitation and phone call rights and the reason for it shall be made a part of the clinical record of the patient. Upon admission to a facility, a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. Although a patient or resident or the legal guardian or conservator of a patient or resident has requested that directory information be private, the hospital may release directory information to a law enforcement agency, probation officer, or corrections agent pursuant to a lawful investigation pertaining to the patient or resident.

Sec. 26. Minnesota Statutes 1993 Supplement, section 253B.03, subdivision 4, is amended to read:

Subd. 4. [SPECIAL VISITATION; RELIGION.] A patient has the right to meet with or call a personal physician, spiritual advisor, and counsel at all reasonable times. Upon admission to a facility, a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. Although a patient or resident or the legal guardian or conservator of a patient or resident has requested that directory information be private, the hospital may release directory information to a law enforcement agency, probation officer, or corrections agent pursuant to a lawful investigation pertaining to the patient or resident. The patient has the right to continue the practice of religion.

Sec. 27. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 1, is amended to read:

Subdivision 1. [RECORDS REQUIRED TO BE KEPT.] (a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court also shall provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents.

The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, or 609.345, until the offender reaches the age of 25. If the offender commits another violation of sections 609.342 to 609.345 as an adult, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was represented by an attorney when the petition was admitted or proven.

Sec. 28. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as provided in paragraphs (d), (e), (f), and (g). Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement

agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) A photograph may be taken of a child taken into custody pursuant to section 260.165, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

(e) Peace officer records of children who are or may be delinquent or who may be engaged in criminal activity may be disseminated to school officials without a juvenile court order when the information in the records is pertinent and necessary to maintaining order and safety in the school building and on school property. A law enforcement agency shall, unless it would jeopardize an ongoing investigation, notify school officials whenever the agency has probable cause to believe a student enrolled in the school has been involved in criminal activity involving the possession or use of a dangerous weapon.

A school official who receives peace officer records under this paragraph may use the information only for the purpose of maintaining order and safety in the school building and on school property. The classification of the data while in the hands of the school official is governed by section 13.03, subdivision 4. As used in this paragraph, "school" means a public or private elementary, middle, or secondary school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide data concerning a juvenile who is a participant in or is being considered for participation in a juvenile diversion program to appropriate school officials and public or private social service agencies who are participants in the diversion program. School officials and public or private social service agencies may provide data concerning a juvenile who is a participant or is being considered for participation in a juvenile diversion program to an appropriate law enforcement agency or a county attorney's office to the extent permitted by federal law. Any data exchanged pursuant to this paragraph shall retain the data practices classification which it had with the originating agency and may be used only for law enforcement purposes or for purposes of operation of the diversion program.

(g) Peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated upon request to a local social service agency to promote the best interests of the subject of the data.

Sec. 29. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 3a. [COURT SERVICES DATA ON JUVENILES; DISCLOSURE TO SCHOOL OFFICIALS.] Private or confidential court services data on juveniles who have been adjudicated delinquent may be disseminated to school officials without a juvenile court order when the information in the records is pertinent and necessary to maintaining order and safety in the school building and on school property.

A school official who receives court services data under this subdivision may use the information only for the purpose of maintaining order and safety in the school building and on school property. The classification of the data while in the hands of the school official is governed by section 13.03, subdivision 4.

When data are disseminated under this subdivision, the court services agency must notify the parent or guardian of the subject of the data that the information has been shared with school officials.

As used in this subdivision, "school" means a public or private elementary, middle, or secondary school.

Sec. 30. [325I.01] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The definitions in this section apply to sections 325I.01 to 325I.03.

Subd. 2. [CONSUMER.] "Consumer" means a renter, purchaser, or subscriber of goods or services from a videotape service provider or videotape seller.

Subd. 3. [ORDINARY COURSE OF BUSINESS.] "Ordinary course of business" means debt collection activities, order fulfillment, request processing, or the transfer of ownership.

Subd. 4. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies a person as having requested or obtained specific video materials or services from a videotape service provider or videotape seller.

Subd. 5. [VIDEOTAPE SELLER.] "Videotape seller" means a person engaged in the business of selling prerecorded videocassette tapes or similar audiovisual materials, or a person to whom a disclosure is made by a videotape seller under section 325I.02, but only with respect to the information contained in the disclosure.

Subd. 6. [VIDEOTAPE SERVICE PROVIDER.] "Videotape service provider" means a person engaged in the business of rental of prerecorded videocassette tapes or similar audiovisual materials, or a person to whom a disclosure is made by a videotape service provider under section 325I.02, but only with respect to the information contained in the disclosure.

Sec. 31. [325I.02] [DISCLOSURE OF VIDEOTAPE RENTAL OR SALES RECORDS.]

Subdivision 1. [DISCLOSURE PROHIBITED.] Except as provided in subdivisions 2 and 3, a videotape service provider or videotape seller who knowingly discloses, to any person, personally identifiable information concerning any consumer of the provider or seller is liable to the consumer for the relief provided in section 325I.03.

Subd. 2. [DISCLOSURE REQUIRED.] A videotape service provider or videotape seller shall disclose personally identifiable information concerning any consumer:

(1) to a grand jury pursuant to a grand jury subpoena;

(2) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means, or in a criminal proceeding upon a showing of legitimate need for the information that cannot be accommodated by other means, if:

(i) the consumer is given reasonable notice by the person seeking the disclosure of the court proceeding relevant to the issuance of the court order;

(ii) the consumer is afforded the opportunity to appear and contest the disclosure; and

(iii) the court imposes appropriate safeguards against unauthorized disclosure;

(3) to a law enforcement agency pursuant to a warrant lawfully obtained under the laws of this state or the United States; or

(4) to a court pursuant to a civil action for conversion commenced by the videotape service provider or videotape seller or to enforce collection of fines for overdue or unreturned videotapes or collection for unpaid videotapes, and then only to the extent necessary to establish the fact of the rental or sale, and provided that the court imposes appropriate safeguards against unauthorized disclosure.

Subd. 3. [DISCLOSURE PERMITTED.] (a) A videotape service provider may disclose personally identifiable information concerning any consumer:

(1) to the consumer;

(2) to any person with the informed, written consent of the consumer as provided in subdivision 4; or

(3) to any person if the disclosure is incident to the ordinary course of business of the videotape service provider.

(b) A videotape seller may disclose personally identifiable information concerning any consumer:

(1) to the consumer;

(2) to any person with the informed, written consent of the consumer;

(3) to any person if the disclosure is solely of the names and addresses of consumers and if:

(i) the videotape seller has provided the consumer with the opportunity, in a clear and conspicuous manner, to prohibit the disclosure; a sign posted in full and clear view of the consumer at the point of sale, if the seller maintains a retail sales outlet, constitutes an opportunity to prohibit disclosure; and

(ii) the disclosure does not identify the title, description, or subject matter of videotapes or other audiovisual materials; however, the subject matter of the materials may be disclosed if the disclosure is for the exclusive use of marketing goods and services directly to the consumer; or

(4) to any person if the disclosure is incident to the ordinary course of business of the videotape seller.

Subd. 4. [PROCEDURE FOR INFORMED, WRITTEN CONSENT OF THE CONSUMER.] For purposes of subdivision 3, paragraph (a), in order to obtain the informed, written consent of the consumer, the videotape service provider, prior to furnishing any videotape services, must offer the consumer an opportunity conforming to the notice contained in this subdivision to elect not to have personally identifiable information disclosed. The notice must be in writing in at least ten-point bold-faced type, affixed to any membership, subscriber, or rental agreement between the consumer and the videotape service provider, and must be posted on a sign in full and clear view of the consumer at the point of rental transaction, and read as follows:

"This videotape service provider from time to time provides to marketers of goods and services, the names and addresses of customers and a description or subject matter of materials rented by video customers. You have the right to elect not to have your name, address, or the description or subject matter of any material rented included in these lists. This election may be changed by you, in writing, at any time.

I do not object to the release of my name, address, or the description or subject matter of the material rented.

.....

Signature

I do object to the release of this information.

.....

Signature"

Subd. 5. [EXCLUSION FROM EVIDENCE.] Personally identifiable information obtained in any manner other than as provided in this section may not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, officer, agency, regulatory body, legislative committee, or other authority of the state or any political subdivision.

Subd. 6. [DESTRUCTION OF INFORMATION.] A person subject to this section shall destroy personally identifiable information as soon as practicable, but no later than one year from the date the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to the information under this section.

Sec. 32. [325I.03] [ENFORCEMENT; CIVIL LIABILITY.]

The public and private remedies in section 8.31 apply to violations of section 325I.02. In addition, a consumer who prevails or substantially prevails in an action brought under this section is entitled to a minimum of \$500 in damages, regardless of the amount of actual damage proved, plus costs, disbursements, and reasonable attorney fees.

Sec. 33. [EFFECTIVE DATE.]

(a) Sections 15, 16, 22, 23, and 24 are effective the day following final enactment.

(b) Section 11 is effective June 1, 1994.

ARTICLE 2

Section 1. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 8. [CERTAIN DATA RECEIVED BY COMMISSIONER OF COMMERCE.] Certain data received because of the commissioner's participation in various organizations are classified under section 45.012.

Sec. 2. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 9. [BANK INCORPORATORS DATA.] Financial data on individuals submitted by incorporators proposing to organize a bank are classified under section 46.041, subdivision 1.

Sec. 3. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 10. [SURPLUS LINES INSURER DATA.] Reports and recommendations on the financial condition of eligible surplus lines insurers submitted to the commissioner of commerce are classified under section 60A.208, subdivision 7.

Sec. 4. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 11. [INSURER FINANCIAL CONDITION DATA.] Recommendations on the financial condition of an insurer submitted to the commissioner of commerce by the insurance guaranty association are classified under section 60C.15.

Sec. 5. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 12. [INSURER SUPERVISION DATA.] Data on insurers supervised by the commissioner of commerce under chapter 60G are classified under section 60G.03, subdivision 1.

Sec. 6. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 13. [LIFE AND HEALTH INSURER DATA.] A report on an insurer submitted by the life and health guaranty association to the commissioner is classified under section 61B.28, subdivision 2.

Sec. 7. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 14. [SOLICITOR OR AGENT DATA.] Data relating to suspension or revocation of a solicitor's or agent's license are classified under section 62C.17, subdivision 4.

Sec. 8. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 15. [LEGAL SERVICE PLAN SOLICITOR OR AGENT DATA.] Information contained in a request by a legal service plan for termination of a solicitor's or agent's license is classified under section 62G.20, subdivision 3.

Sec. 9. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 6a. [AQUACULTURE DATA.] Data on aquatic farming held by the pollution control agency is classified under section 17.498.

Sec. 10. Minnesota Statutes 1992, section 13.99, subdivision 7, is amended to read:

Subd. 7. [PESTICIDE DEALER AND APPLICATOR RECORDS.] Records of pesticide dealers and applicators inspected or copied by the commissioner of agriculture are classified under sections 18B.37, subdivision 5, and 18B.38.

Sec. 11. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 7a. [WHOLESALE PRODUCE DEALERS.] Financial data submitted by a license applicant is classified under section 27.04, subdivision 2.

Sec. 12. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 7b. [MEAT INSPECTION DATA.] Access to information obtained by the commissioner of agriculture under the meat inspection law is governed by section 31A.27, subdivision 3.

Sec. 13. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 8a. [DAIRY PRODUCT DATA.] Financial and production information obtained by the commissioner of agriculture to administer chapter 34 are classified under section 32.71, subdivision 2.

Sec. 14. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 17a. [HMO FINANCIAL STATEMENTS.] Unaudited financial statements submitted to the commissioner by a health maintenance organization are classified under section 62D.08, subdivision 6.

Sec. 15. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 19a. [HEALTH TECHNOLOGY DATA.] Data obtained by the health technology advisory committee about a specific technology are classified under section 62J.152, subdivision 7.

Sec. 16. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 19b. [PROVIDER CONFLICTS OF INTEREST.] Certain data in transition plans submitted by providers to comply with section 62J.23, subdivision 2, on conflicts of interest are classified under that section.

Sec. 17. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 19c. [HEALTH CARE ANALYSIS DATA.] Data collected by the health care analysis unit are classified under section 62J.30, subdivision 7.

Sec. 18. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 19d. [HEALTH CARRIER DATA.] Data received by the commissioner from health carriers under chapter 62L are classified under section 62L.10, subdivision 3.

Sec. 19. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 19e. [SMALL EMPLOYER REINSURANCE ASSOCIATION DATA.] Patient identifying data held by the reinsurance association are classified under section 62L.16, subdivision 6.

Sec. 20. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 21a. [MINERAL DEPOSIT EVALUATION DATA.] Data submitted in applying for a permit for mineral deposit evaluation are classified under section 103L.605, subdivision 2.

Sec. 21. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 21b. [TRANSFER STATION DATA.] Data received by a county or district from a transfer station under section 115A.84, subdivision 5, are classified under that section.

Sec. 22. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 21c. [CUSTOMER LISTS.] Customer lists provided to counties or cities by solid waste collectors are classified under section 115A.93, subdivision 5.

Sec. 23. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 27a. [MINNESOTA TECHNOLOGY, INC.] Data on a tape of a closed board meeting of Minnesota Technology, Inc. are classified under section 116O.03, subdivision 6. Certain data disclosed to the board or employees of Minnesota Technology, Inc. are classified under section 116O.03, subdivision 7.

Sec. 24. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 27b. [AIRLINES DATA.] Specified data about an airline submitted in connection with state financing of certain aircraft maintenance facilities are classified under section 116R.02, subdivision 3.

Sec. 25. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 27c. [MINNESOTA BUSINESS FINANCE, INC.] Various data held by Minnesota Business Finance, Inc. are classified under section 116S.02, subdivision 8.

Sec. 26. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 27d. [LEARNING READINESS PROGRAM.] Data on a child participating in a learning readiness program are classified under section 121.831, subdivision 9.

Sec. 27. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 29a. [PARENTS' SOCIAL SECURITY NUMBER; BIRTH CERTIFICATE.] Parents' social security numbers provided for a child's birth certificate are classified under section 144.215, subdivision 4.

Sec. 28. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 35a. [PUBLIC HOSPITAL MEETINGS.] Data from a closed meeting of a public hospital are classified under section 144.581, subdivision 5.

Sec. 29. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 35b. [EPIDEMIOLOGIC DATA.] Epidemiologic data that identify individuals are classified under section 144.6581.

Sec. 30. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 38a. [AMBULANCE SERVICE DATA.] Data required to be reported by ambulance services under section 144.807, subdivision 1, are classified under that section.

Sec. 31. Minnesota Statutes 1992, section 13.99, subdivision 39, is amended to read:

Subd. 39. [HOME CARE SERVICES.] Certain data from providers of home care services given to the commissioner of health are classified under sections 144A.46, subdivision 5, and 144A.47.

Sec. 32. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 39a. [NURSING HOME EMPLOYEE DATA.] Certain data arising out of appeals from findings of neglect, abuse, or misappropriation of property are classified under section 144A.612.

Sec. 33. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 42a. [PHYSICIAN HEALTH DATA.] Physician health data obtained by the licensing board in connection with a disciplinary action are classified under section 147.091, subdivision 6.

Sec. 34. Minnesota Statutes 1992, section 13.99, subdivision 45, is amended to read:

Subd. 45. [CHIROPRACTIC REVIEW RECORDS.] Data of the board of chiropractic examiners and the peer review committee are classified under sections 148.10, subdivision 1, and 148.106, subdivision 10.

Sec. 35. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 48a. [LICENSEE RESIDENCE ADDRESSES.] Residence addresses of certain professional licensees are classified under section 148B.04, subdivision 6.

Sec. 36. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 52a. [FUNERAL ESTABLISHMENT REPORTS.] Data on individuals in annual reports required of certain funeral establishments are classified under section 149.13, subdivision 7.

Sec. 37. Minnesota Statutes 1992, section 13.99, subdivision 53, is amended to read:

Subd. 53. [BOARD OF DENTISTRY.] Data obtained by the board of dentistry under section 150A.08, subdivision 6, are classified as provided in that subdivision. Data obtained under section 150A.081 are classified under that section.

Sec. 38. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 53a. [CONTROLLED SUBSTANCE CONVICTIONS.] Data on certain convictions for controlled substances offenses may be expunged under section 152.18, subdivisions 2 and 3.

Sec. 39. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 54a. [CHEMICAL USE ASSESSMENTS.] A report of an assessment conducted in connection with a conviction for driving while intoxicated is classified under section 169.126, subdivision 2.

Sec. 40. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 58a. [WORKERS' COMPENSATION MEDICAL DATA.] Access to medical data in connection with a workers' compensation claim is governed by section 176.138.

Sec. 41. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 59a. [EMPLOYEE DRUG AND ALCOHOL TESTS.] Results of employee drug and alcohol tests are classified under section 181.954, subdivision 2.

Sec. 42. Minnesota Statutes 1992, section 13.99, subdivision 60, is amended to read:

Subd. 60. [OCCUPATIONAL SAFETY AND HEALTH.] Certain data gathered or prepared by the commissioner of labor and industry as part of occupational safety and health inspections are classified under section sections 182.659, subdivision 8, and 182.668, subdivision 2.

Sec. 43. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 65a. [RAIL CARRIER DATA.] Certain data submitted to the commissioner of transportation and the attorney general by acquiring and divesting rail carriers are classified under section 222.86, subdivision 3.

Sec. 44. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 65b. [GRAIN BUYER LICENSEE DATA.] Financial data submitted to the commissioner by grain buyer's license applicants are classified under section 223.17, subdivision 6.

Sec. 45. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 65c. [PREDATORY OFFENDERS.] Data provided under section 243.166, subdivision 7, are classified under that section.

Sec. 46. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 68a. [OMBUDSMAN FOR MENTAL HEALTH AND RETARDATION.] Access by the ombudsman for mental health and mental retardation to private data on individuals is provided under section 245.94, subdivision 1.

Sec. 47. Minnesota Statutes 1992, section 13.99, subdivision 71, is amended to read:

Subd. 71. [RAMSEY HEALTH CARE.] Data maintained by Ramsey Health Care, Inc., are classified under sections 246A.16, subdivision 3, and 246A.17.

Sec. 48. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 74a. [TECHNOLOGY ASSISTANCE REVIEW PANEL.] Data maintained by the technology assistance review panel under section 256.9691, subdivision 6, are classified under that section.

Sec. 49. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 74b. [MEDICAL ASSISTANCE COST REPORTS.] Medical records of medical assistance recipients obtained by the commissioner of human services for purposes of section 256B.27, subdivision 5, are classified under that section.

Sec. 50. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 79a. [COURT RECORDS.] Court records of dispositions involving placement outside this state are classified under section 260.195, subdivision 6.

Sec. 51. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 81a. [WAGE SUBSIDY PROGRAM.] Data on individuals collected under section 268.552, subdivision 7, are classified under that subdivision.

Sec. 52. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 91a. [HAZARDOUS SUBSTANCE EMERGENCIES.] Data collected by a fire department under sections 299F.091 to 299F.099 are classified under sections 299F.095 and 299F.096, subdivision 1.

Sec. 53. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 92b. [SPORTS BOOKMAKING TAX.] Disclosure of facts contained in a sports bookmaking tax return is prohibited by section 349.2115, subdivision 8.

Sec. 54. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 92c. [LOTTERY PRIZE WINNER.] Certain data on a lottery prize winner are classified under section 349A.08, subdivision 9.

Sec. 55. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 94a. [PROPERTY TAX ABATEMENT.] Certain data in an application for property tax abatement are classified under section 375.192, subdivision 2.

Sec. 56. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 96a. [SOLID WASTE COLLECTOR.] Data obtained in an audit of a solid waste collector under section 400.08, subdivision 4, are classified under that subdivision.

Sec. 57. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 96b. [EMERGENCY TELEPHONE SERVICES.] Public utility data provided to a 911 system under section 403.07, subdivision 3, are classified under section 403.07, subdivision 4.

Sec. 58. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 96c. [PUBLIC FACILITIES AUTHORITY.] Financial information received or prepared by a public facilities authority are classified under section 446A.11, subdivision 11.

Sec. 59. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 96d. [HOUSING FINANCE AGENCY.] Financial information regarding a housing finance agency loan or grant recipient are classified under section 462A.065.

Sec. 60. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 97a. [ECONOMIC DEVELOPMENT DATA.] Access to preliminary information submitted to the commissioner of trade and economic development under sections 469.142 to 469.151 or sections 469.152 to 469.165 is limited under sections 469.150 and 469.154, subdivision 2.

Sec. 61. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 101a. [CUSTODY MEDIATION.] Child custody or visitation mediation records are classified under section 518.619, subdivision 5.

Sec. 62. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 101b. [INTERNATIONAL WILL REGISTRATION.] Information on the execution of international wills is classified under section 524.2-1010, subdivision 1.

Sec. 63. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 107a. [SEX OFFENDER HIV TESTS.] Results of HIV tests of sex offenders under section 611A.19, subdivision 2, are classified under that section."

Delete the title and insert:

"A bill for an act relating to data practices; classifying data as private, confidential, or nonpublic; providing for access to certain law enforcement and court services data on juveniles; providing law enforcement access to certain welfare and patient directory information; providing for treatment of customer data by videotape sellers and service providers; providing for data access to conduct fetal, infant, and maternal death studies; extending a provision for conduct of medical research absent prior patient consent; amending Minnesota Statutes 1992, sections 13.03, subdivision 4; 13.38, by adding a subdivision; 13.39, by adding a subdivision; 13.41, subdivision 2, and by adding a subdivision; 13.57; 13.71, by adding subdivisions; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 171.12, subdivision 7; 260.161, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.643, by adding a subdivision; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 144.651, subdivisions 2, 21, and 26; 168.346; 245.493, by adding a subdivision; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 145; proposing coding for new law as Minnesota Statutes, chapter 325I."

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. 2067, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county; authorizing the sale of certain state land in Anoka county.

Reported the same back with the following amendments:

Page 4, line 28, after the period, insert "If the parcel described in subdivision 2, clause (2), is sold to owners of land adjoining the land to be sold, a conservation easement in a form prescribed by the department of natural resources must be reserved to the state of Minnesota."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2120, A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; 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 1993 Supplement, section 214.06, subdivision 1, is amended to read:

Subdivision 1. [FEE ADJUSTMENT.] Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust, as needed, any fee which the commissioner of health or the board is empowered to assess a. As provided in section 16A.1285, the adjustment shall be an amount sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128 including expenditures for the programs authorized by sections 214.17 to 214.25 and 2 to 8. For members of an occupation registered after July 1, 1984, by the commissioner of health under the provisions of section 214.13, the fee established must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for adoption of the rules providing for registration of members of the occupation. All fees received shall be deposited in the state treasury. Fees received by the commissioner of health or health-related licensing boards must be credited to the health occupations licensing account in the state government special revenue fund.

HEALTH PROFESSIONALS SERVICES PROGRAM

Sec. 2. [214.31] [AUTHORITY.]

Two or more of the health-related licensing boards listed in section 214.01, subdivision 2, may jointly conduct a health professionals services program to protect the public from persons regulated by the boards who are unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition. The program does not affect a board's authority to discipline violations of a board's practice act.

Sec. 3. [214.32] [PROGRAM MANAGEMENT, SERVICES, PARTICIPANT COSTS, ELIGIBILITY, COMPLETIONS, VOLUNTARY TERMINATION AND DISCHARGE.]

Subdivision 1. [MANAGEMENT.] (a) A health professionals services program committee is established, consisting of one person appointed by each participating board, with each participating board having one vote. The committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority.

(b) The designated board, upon recommendation of the health professional services program committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association;

(2) one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

Subd. 2. [SERVICES.] (a) The program shall provide the following services to program participants:

(1) referral of eligible regulated persons to qualified professionals for evaluation, treatment, and a written plan for continuing care consistent with the regulated person's illness. The referral shall take into consideration the regulated person's financial resources as well as specific needs;

(2) development of individualized program participation agreements between participants and the program to meet the needs of participants and protect the public. An agreement may include, but need not be limited to, recommendations from the continuing care plan, practice monitoring, health monitoring, practice restrictions, random drug screening, support group participation, filing of reports necessary to document compliance, and terms for successful completion of the regulated person's program; and

(3) monitoring of compliance by participants with individualized program participation agreements or board orders.

(b) The program may develop services related to sections 2 to 8 for employers and colleagues of regulated persons from participating boards.

Subd. 3. [PARTICIPANT COSTS.] Each program participant shall be responsible for paying for the costs of physical, psychosocial, or other related evaluation, treatment, laboratory monitoring, and random drug screens.

Subd. 4. [ELIGIBILITY.] Admission to the health professional services program is available to a person regulated by a participating board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition. Admission in the health professional services program shall be denied to persons:

(1) who have diverted controlled substances for other than self-administration;

(2) who have been terminated from this or any other state professional services program for noncompliance in the program;

(3) currently under a board disciplinary order or corrective action agreement, unless referred by a board;

(4) regulated under sections 214.17 to 214.25, unless referred by a board or by the commissioner of health;

(5) accused of sexual misconduct; or

(6) whose continued practice would create a serious risk of harm to the public.

Subd. 5. [COMPLETION; VOLUNTARY TERMINATION; DISCHARGE.] A regulated person completes the program when the terms of the program participation agreement are fulfilled. A regulated person may voluntarily terminate participation in the health professionals service program at any time by reporting to the person's board. The program manager may choose to discharge a regulated person from the program and make a referral to the person's board at any time for reasons including but not limited to: the degree of cooperation and compliance by the regulated person, the inability to secure information or the medical records of the regulated person, or indication of other possible violations of the regulated person's practice act. The regulated person shall be notified in writing by the program manager of any change in the person's program status. A regulated person who has been terminated or discharged from the program may be referred back to the program for monitoring.

Sec. 4. [214.33] [REPORTING.]

Subdivision 1. [PERMISSION TO REPORT.] A person who has personal knowledge that a regulated person has the inability to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals or any other materials, or as a result of any mental, physical, or psychological condition may report that knowledge to the program or to the board. A report to the program under this subdivision fulfills the reporting requirement contained in a regulated person's practice act.

Subd. 2. [SELF-REPORTING.] A person regulated by a participating board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition shall report to the person's board or the program.

Subd. 3. [PROGRAM MANAGER.] The program manager shall report to the appropriate participating board a regulated person who does not meet program admission criteria, violates the terms of the program participation agreement, or leaves the program except upon fulfilling the terms for successful completion of the program as set forth in the participation agreement. The program manager shall report to the appropriate participating board a regulated person who is alleged to have committed violations of the person's practice act that are outside the authority of the health professionals services program as described in sections 2 to 8. The program manager shall inform any reporting person of the disposition of the person's report to the program.

Subd. 4. [BOARD.] A board may refer any regulated person to the program consistent with section 3, subdivision 4, if the board believes the regulated person will benefit and the public will be protected.

Sec. 5. [214.34] [IMMUNITY.]

Subdivision 1. [REPORTING IMMUNITY.] Any individual, agency, institution, facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report in good faith to the program under this section or for cooperating with an investigation of a report or with staff of the program. Reports are confidential and are privileged communication.

Subd. 2. [PROGRAM IMMUNITY.] Members of the participating boards and persons employed by the boards and program, program consultants, and members of advisory bodies for the program are immune from civil liability and criminal prosecution for any actions, transactions, or reports in the execution of, or relating to, their duties under sections 2 to 7.

Sec. 6. [214.35] [CLASSIFICATION OF DATA.]

All data collected and maintained and any agreements with regulated persons entered into as part of the program is classified as active investigative data under section 13.41 while the individual is in the program, except for monitoring data which is classified as private. When a regulated person successfully completes the program, the data and participation agreement become inactive investigative data which shall be classified as private data under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9, in the case of data not on individuals. Data and agreements shall not be forwarded to the board unless the program reports a participant to a board as described in section 4, subdivision 3.

Sec. 7. [214.36] [BOARD PARTICIPATION.]

Participating boards may, by mutual agreement, implement the program upon enactment. Thereafter, health-related licensing boards desiring to enter into or discontinue an agreement to participate in the health professionals services program shall provide a written resolution indicating the board's intent to the designated board by January 1 preceding the start of a biennium.

Sec. 8. [214.37] [RULEMAKING.]

By July 1, 1996, the participating boards shall adopt joint rules relating to the provisions of sections 2 to 7 in consultation with the advisory committee and other appropriate individuals. The required rule writing does not prevent the implementation of sections 2 to 9 upon enactment.

Sec. 9. [APPROPRIATION.]

\$198,000 is appropriated from the special revenue fund to the board of medical practice for the purposes of sections 2 to 8. The pro rata share of program expenses to be borne by each participating board shall be determined by the participating boards through an interagency agreement and funds equal to the appropriation shall be deposited into the special revenue fund.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day after final enactment."

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.

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

H. F. No. 2126, A bill for an act relating to statewide comprehensive land use planning coordination; appropriating money; amending Minnesota Statutes 1992, sections 116C.04, by adding a subdivision; 462.357, subdivision 2; and 473.858, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 4A; proposing coding for new law as Minnesota Statutes, chapter 462D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SUSTAINABLE ECONOMIC DEVELOPMENT AND ENVIRONMENTAL PROTECTION TASK FORCE; STAFF.]

Subdivision 1. [PURPOSE; TASK FORCE MEMBERSHIP.] In order to build a consensus on how to achieve sustainable economic development and environmental protection throughout the state, the sustainable economic development and environmental protection task force is established. The task force consists of 15 members who serve at the pleasure of the appointing authority as follows:

(1) six legislators, including three members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and three members of the house of representatives appointed by the speaker of the house; and

(2) nine public members who are residents of the state, including two appointed by the subcommittee on committees of the committee on rules and administration of the senate, two appointed by the speaker of the house of representatives, and five appointed by the governor. Of the five members appointed by the governor, at least one member shall represent towns, one member shall represent cities, and one member shall represent counties.

Subd. 2. [CHAIRS.] The legislative appointing authorities shall each designate a legislative appointee to serve as co-chair of the task force.

Subd. 3. [STAFF.] The environmental quality board shall provide coordination and staff support for the task force.

Sec. 2. [DUTIES.]

The task force shall research and recommend:

(1) what policies or goals are of statewide interest relating to sustainable communities and land use that should guide decision making at state, regional, and local levels;

(2) what planning framework and process will enhance collaboration at all levels to help achieve the goals; and

(3) how the planning framework will incorporate the following nonexclusive list of issues: sustainable economic development, protection of natural resources, urban-rural linkages, citizen involvement, and affordable housing.

Sec. 3. [PUBLIC INVOLVEMENT.]

The environmental quality board and the task force shall ensure extensive, broad-based involvement of citizens and both public and private sectors in the recommendations. At a minimum, the task force shall hold meetings in all regions of the state at times and places most convenient to allow the maximum number of interested persons to attend and participate. The task force may contract with facilitators or other consultants to help ensure extensive public participation and to help incorporate public comments into the process.

Sec. 4. [REPORT.]

By January 1, 1995, the environmental quality board and the task force shall submit to the governor and the legislature a report of the task force's and the board's findings and recommendations for legislation.

Sec. 5. [APPROPRIATION.]

\$75,000 is appropriated from the general fund to the environmental quality board for the purposes of this act, to be available until expended."

Delete the title and insert:

"A bill for an act relating to public administration; establishing a sustainable economic development and environmental protection task force; providing for its duties; requiring a report; appropriating money."

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. 2139, A bill for an act relating to real estate; regulating trust accounts; clarifying a definition for purposes of licensing real estate appraisers; amending Minnesota Statutes 1992, section 82B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 82.24, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 82.197, subdivision 3, is amended to read:

Subd. 3. [SCOPE AND EFFECT.] The requirements for disclosure of agency relationships set forth in this chapter are intended only to establish a minimum standard for regulatory purposes, and are not intended to abrogate common law. Disclosures made in accordance with the requirements for disclosure of agency relationships set forth in this chapter are sufficient to satisfy common law disclosure requirements. In addition, when a principal in the transaction is a licensee or a relative or business associate of the licensee, that fact must be disclosed in writing in addition to any other required disclosures. The commissioner, in consultation with representatives of the real estate industry, consumer groups, the attorney general's office, and any other group deemed appropriate by the commissioner, shall study current required disclosure forms and recommend any additions that may be necessary to ensure that consumers are informed of the various agency relations and how they affect the consumer. The commissioner shall prepare legislation for the 1995 session which incorporates those recommendations."

Page 2, line 13, delete "Section 1 and 2" and insert "Sections 1 to 3"

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 4, before "amending" insert "regulating dual agency disclosure;"

Page 1, line 6, delete "section" and insert "sections 82.197, subdivision 3; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2148, A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee; amending Minnesota Statutes 1992, section 245.469, by adding a subdivision.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1, and insert:

"Section 1. [EMERGENCY SERVICES MONITORING; PILOT STUDY AND REPORT.]

By July 1, 1994, the commissioner of human services shall appoint a nine-member advisory committee to participate in the pilot project established under this section. The project shall be designed to monitor and evaluate three counties in their provision of emergency adult mental health services under Minnesota Statutes, section 245.469. The commissioner shall consult with advocates for persons with mental illnesses and with the state advisory council on mental health before appointing the members of the advisory committee. At least six of the committee members must be chosen from persons who are advocates for persons with mental illness or family members of persons with mental illness, and from persons who have received emergency services under Minnesota Statutes, section 245.469, subdivisions 1 and 2. Members shall not receive per diems but shall be compensated for expenses. The advisory committee shall report to the commissioner at such times and in the manner that the commissioner directs, except that the advisory committee shall meet no less than four times between July 1, 1994, and July 1, 1995. The pilot study will be conducted in three counties chosen by the commissioner. One of the counties must be a metropolitan county, as defined in Minnesota Statutes, section 473.121, subdivision 4, with a city of the first class. The study must also include a metropolitan county other than Hennepin or Ramsey county, and one county located outside of the metropolitan area. The purpose of the pilot study will be: (1) to determine whether the emergency services required by Minnesota Statutes, section 245.469, are being provided in each of the selected counties; (2) to evaluate the sufficiency and quality of services for adult persons with mental illness who are in crisis; and (3) to assess the effectiveness of consumer advocates in monitoring the availability of emergency mental health services. A report on the study, with findings and recommendations, must be presented to the legislature by January 1, 1996."

Amend the title as follows:

Page 1, line 4, delete the second semicolon, and insert a period

Page 1, delete lines 5 and 6

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.

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

H. F. No. 2171, A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of efforts of cities and towns to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

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

The report was adopted.

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

H. F. No. 2191, A bill for an act relating to agriculture; establishing the agriculture best management practices loan program; establishing a feedlot and manure management advisory committee; appropriating money; amending Minnesota Statutes 1992, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 17.

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

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 2239, A bill for an act relating to crime; traffic regulations; requiring automobile insurance identification cards to include the vehicle's registration plate number; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; making technical changes; amending Minnesota Statutes 1992, sections 65B.482, subdivision 1; 169.89, subdivision 2; 609.0331; 609.0332; 609.485, subdivision 4; and 626A.05, subdivision 2; Minnesota Statutes 1993 Supplement, section 171.24.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 7, delete lines 17 and 18

Page 7, line 19, delete "7" and insert "Sections 1 to 6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "requiring"

Page 1, delete line 3

Page 1, line 4, delete everything before "increasing"

Page 1, line 11, delete "65B.482, subdivision 1;"

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

The report was adopted.

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

H. F. No. 2249, A bill for an act relating to agricultural businesses; providing an interest buy-down program for farmers and small businesses; authorizing a protein analysis equipment lease pilot program; providing supplemental funding for certain emergency employment programs; creating a crop disaster insurance program; increasing funding for the farm advocates program, agricultural resource centers, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; expanding research on grain diseases, soybean varieties, and genetics; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17B.

Reported the same back with the following amendments:

Delete page 6, line 17, to page 7, line 28, and insert:

"ARTICLE 3

SUPPLEMENTAL CROP DISASTER INSURANCE

Section 1. [CROP DISASTER INSURANCE.]

Subdivision 1. [STUDY.] The commissioner of agriculture, in consultation with the commissioner of commerce and farm and insurance organizations in Minnesota, shall perform a comprehensive study to determine the feasibility of establishing a captive nonprofit insurance company to provide supplemental crop disaster insurance coverage to farm operators. The captive insurance company would obtain reinsurance for at least 80 percent of its risk. The companies providing reinsurance would be allowed to invest assets in grain commodity options and the options must be considered admitted assets for purposes of state insurance regulation.

Subd. 2. [REPORT.] Not later than December 15, 1994, the commissioner of agriculture must report to the legislature on the findings and recommendations of the study in subdivision 1.

Sec. 2. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of agriculture for purposes of the study and report in section 1."

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

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 2251, A bill for an act relating to drivers' licenses; allowing social security number to be entered at the option of an applicant for a Class C driver's license; amending Minnesota Statutes 1992, section 171.06, subdivision 3.

Reported the same back with the recommendation that 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. 2296, A bill for an act relating to health; Ramsey Health Care, Inc.; authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.]

Subdivision 1. [SCOPE.] In sections 1 and 2 the definitions in this section apply.

Subd. 2. [PUBLIC CORPORATION.] The "public corporation" means Ramsey Health Care, Inc., established by Minnesota Statutes, section 246A.02.

Subd. 3. [NONPROFIT CORPORATION.] The "nonprofit corporation" means the entity formed in accordance with section 2, subdivision 1.

Sec. 2. [INCORPORATION AS NONPROFIT CORPORATION.]

Subdivision 1. [INCORPORATION.] The board of directors of the public corporation may incorporate as a nonprofit corporation under Minnesota Statutes, chapter 317A. Upon so incorporating, the nonprofit corporation that results ceases to be a public corporation.

Subd. 2. [EMPLOYEES.] (a) Employees of either the nonprofit corporation or its subsidiary corporations are not public employees except as provided under paragraph (b).

(b) A person who is an employee of the public corporation or one of its subsidiary corporations, and is a member of the public employees retirement association at the time of the incorporation described in subdivision 1, shall continue to be included in the definition of public employee pursuant to the public employees retirement act, chapter 353, but may terminate membership in the public employees retirement association prior to July 1, 1995.

(c) For an employee who elects to remain a member of the public employees retirement association, the employing corporation shall pay the employer contributions required by Minnesota Statutes, section 353.27, and shall deduct from the employee's salary and transmit to the association, the employee contribution required by section 353.27.

(d) The total compensation package, including wage plus benefit rates, of all employees that are members of a construction or building trade for which there is a generally established and recognized scale of wages inside the county, must equal the total compensation package of private sector construction trade employees within the county as established by collective bargaining agreements.

Subd. 3. [TORT LIABILITY.] Notwithstanding other law to the contrary, the public corporation and its hospital subsidiary corporation each are a "municipality" for purposes of tort liability under Minnesota Statutes, chapter 466, with regard to any claim occurring before the date of incorporation pursuant to subdivision 1.

Subd. 4. [LEASE OR SALE OF PROPERTY.] (a) Any lease entered into under Minnesota Statutes, section 246A.11, before its repeal by this act, remains in effect according to its terms.

(b) Before July 1, 1994, any lease entered into under Minnesota Statutes, section 246A.11, must be amended to provide that:

(1) at least one seat on the board of directors of St. Paul-Ramsey Medical Center or its successor or assignee must be reserved for a member of the board of Ramsey county commissioners to be appointed by the county board;

(2) any name change to the St. Paul-Ramsey Medical Center facility must not be implemented without providing the Ramsey county board 60 days to comment and consult with St. Paul-Ramsey Medical Center or its successor or assignee;

(3) except as provided in subdivision 5, St. Paul-Ramsey Medical Center or its successor or assignee shall continue major or unique services currently provided, including but not limited to the trauma center, burn unit, and teaching and research services for a five-year period, and thereafter shall use its best efforts to continue those services and shall consult with the Ramsey county board of commissioners before discontinuing those services;

(4) in the event of health care reform that reduces or eliminates the need for St. Paul-Ramsey Medical Center or its successor or assignee to provide indigent care, the county shall receive replacement consideration for that indigent care service, which may be paid in the form of rent or capital improvements to county-owned property;

(5) St. Paul-Ramsey Medical Center or its successor or assignee shall provide Ramsey county with a copy of its annual financial statement and management letter, and an annual report on the value of improvements made on county-owned property; and

(6) the lease may not be assigned to a for-profit corporation or a subsidiary of a for-profit corporation without the consent of the Ramsey county board of commissioners.

(c) The St. Paul-Ramsey Medical Center property owned by Ramsey county may be sold or transferred through negotiation, but in no event shall the county-owned property be sold or transferred without adequate compensation to the county.

Subd. 5. [CARE OF THE INDIGENT.] (a) St. Paul-Ramsey Medical Center or its successor or assignee must provide hospital and medical services for the indigent of Ramsey county. The services must equal those made available to nonindigent patients.

(b) Notwithstanding any law to the contrary, Ramsey county may provide funds to buy hospital and medical services for the indigent of Ramsey county from a provider selected by the county with or without public bid.

(c) Notwithstanding any law to the contrary, any county may provide funds to buy hospital and medical services for the indigent of that county from a provider selected by the county with or without public bid.

Sec. 3. [REPEALER.]

Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27, are repealed.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 of this act are effective upon approval by the Ramsey county board of commissioners and amendment of the lease as required under section 2, subdivision 4, paragraph (b). Section 3 is effective upon incorporation of the nonprofit corporation pursuant to section 2, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2307, A bill for an act relating to state government; restructuring functions and groups related to ombudspersons for families; amending Minnesota Statutes 1992, sections 257.0761, subdivision 1; 257.0762, subdivision 2; and 257.0768; Minnesota Statutes 1993 Supplement, section 257.0755.

Reported the same back with the following amendments:

Page 1, line 13, delete "ombudspersons" and insert "ombudsperson" and delete "administer" and insert "monitor compliance with all"

Page 2, line 4, delete "and reports to"

Page 2, line 5, after the stricken language insert "and may be removed only for just cause"

Page 2, line 18, strike "each" and insert "the"

Page 5, after line 21, insert:

"Sec. 6. [APPROPRIATION.]

\$..... is appropriated from the general fund to the office of ombudsperson for families for the purposes of this act. This appropriation is available until June 30, 1995."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

The report was adopted.

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

H. F. No. 2310, A bill for an act relating to establishing a debt collection entity; providing for the collection of debts owed the state or for whom the state acts as a fiduciary; imposing fees; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 168A.05, subdivisions 2, 7, and by adding a subdivision; 508.25; and 542.07; Minnesota Statutes 1993 Supplement, section 168A.05, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 1992, sections 10.11; 10.12; 10.14; and 10.15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 6a. [CENTRALIZED STATE COLLECTION ENTITY DATA.] Data on debtors received, collected, created, or maintained by the centralized state collection entity are classified under section 16C.08.

Sec. 2. [16B.482] [INTELLECTUAL PROPERTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "intellectual property" means an idea, datum, artistic or other tangible expression, innovation, invention, process, or product subject to protection under state or federal copyright, patent, or trademark laws;

(2) "responsible authority" has the meaning given it in section 13.02, subdivision 16; and

(3) "state agency" has the meaning given it in section 13.02, subdivision 17.

Subd. 2. [AUTHORIZATION.] A state agency or political subdivision may obtain copyright, trademark, servicemark, patent, or other protection under federal or state law for intellectual property developed or acquired by the agency or subdivision. The responsible authority for the agency or subdivision may license, assign, or otherwise use all or part of its intellectual property at public or private sale. The sale price or license fee may be based on market considerations. The responsible authority may establish the terms and conditions governing a sale or license of intellectual property, subject to the review and approval of the attorney general under section 8.05 for a state agency or to the review of appropriate legal counsel for a political subdivision.

Subd. 2a. [COPIES TO LEGISLATIVE LIBRARY.] This section does not relieve a state agency from its obligation to provide documents free of charge to the legislative reference library for purposes of making them available to Minnesota state document depository libraries.

Subd. 3. [INTELLECTUAL PROPERTY ACCOUNT.] Proceeds of the sale or licensing of intellectual property by a state agency are appropriated to the agency and must be maintained in an intellectual property account within the general fund. The requirement to deposit proceeds in the intellectual property account does not apply to money that is required by section 4A.05 to be deposited in the land management information center revolving account.

Sec. 3. [16C.01] [POLICY AND SCOPE.]

Subdivision 1. [CITATION.] This chapter may be cited as the "Minnesota debt collections act."

Subd. 2. [SCOPE.] The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the referring agency's applicable state or federal law provides for the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure governs the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

Sec. 4. [16C.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [CENTRALIZED STATE COLLECTION ENTITY.] "Centralized state collection entity" means the state agency or division of a state agency established by section 16C.04.

Subd. 3. [DEBT.] "Debt" means an amount that is owing to the state of Minnesota directly, or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state of Minnesota, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an assignment to the state including assignments under sections 256.72 to 256.87, the Social Security Act, or other state or federal law, recovery of costs incurred by the state of Minnesota, or any other source of indebtedness to the state of Minnesota. Debt also includes amounts owed to individuals for which the state or state agency acts in a fiduciary capacity in providing collection services in accordance with the regulations adopted under the Social Security Act at Code of Federal Regulations, title 45, section 302.33, or other state or federal law. Debt also includes an amount owed to a Minnesota judicial court, judicial board or commission, the University of Minnesota, a political subdivision, or the United States for which the centralized state collection entity provides collection services under contract or by operation of law.

Subd. 4. [DEBTOR.] "Debtor" means an individual, corporation, partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, who is liable for a debt or against whom there is a claim for a debt.

Subd. 5. [DIRECTOR.] "Director" means the director of the centralized state collection entity.

Subd. 6. [DEBT QUALIFICATION PLAN.] "Debt qualification plan" means an agreement entered into between a state agency and the centralized state collection entity that defines the terms and conditions by which the centralized state collection entity will provide collection services to the state agency.

Subd. 7. [LICENSEE.] "Licensee" means an individual, corporation, partnership, limited liability company, or other legal entity that is an applicant for a license or is licensed for the conduct of a profession, occupation, trade, or business. In the case of a license transfer, licensee also means both the transferor and the transferee of the license.

Subd. 8. [LICENSING AUTHORITY.] "Licensing authority" means the state, a judicial board or commission, a state agency, or political subdivision with the authority to issue a license for the conduct of a profession, occupation, trade, or business.

Subd. 9. [POLITICAL SUBDIVISION.] "Political subdivision" means a Minnesota county, statutory or home rule charter city, town, school district, metropolitan council, metropolitan agency, or a board or commission of one of those entities.

Subd. 10. [REFERRING AGENCY.] "Referring agency" means a state agency, judicial court, board or commission, the University of Minnesota, the United States, or a political subdivision that has entered into a contract or debt qualification plan with the centralized state collection entity to refer debts to the centralized state collection entity for collection activity.

Subd. 11. [STATE AGENCY.] "State agency" means any state office, officer, board, commission, bureau, division, department, authority, agency, public corporation, or other unit of Minnesota state government.

Sec. 5. [16C.03] [OVERSIGHT OF STATE COLLECTION ACTIVITY.]

Subdivision 1. [RESPONSIBILITY.] The department of finance is responsible for the oversight, reporting, and monitoring of state debt collection.

Subd. 2. [STATE AGENCY REPORTS.] Quarterly each year, state agencies shall report to the commissioner of finance the debts owed to the state agency. The commissioner of finance, with the consultation of the departments of revenue and human services, the centralized state collection entity, and the attorney general, shall establish internal guidelines for the recognition, tracking, reporting, and collection of the debts owed the state. The internal guidelines must include accounting standards, performance measurements, and uniform reporting requirements applicable to all state agencies.

Subd. 3. [STATE AGENCY DEBT QUALIFICATIONS PLANS.] The department of finance shall establish a standardized form agreement for state agency debt qualifications plans. The standardized form must identify the categories of debt owing the state agency to be collected under the terms of the debt qualification plan, provide the procedure for referral of debts from the state agency to the centralized state collection entity, establish the responsibilities for collecting the debts covered by the plan, and establish the responsibility for compromise and settlement of the debt.

Subd. 4. [REPORTS OF THE CENTRALIZED STATE COLLECTION ENTITY.] Quarterly each year, the centralized state collection entity shall report to the department of finance on its progress and rate of collection of debts referred to the centralized state collection entity. The centralized state collection entity shall also report to the referring agency the status of the referred debts in accordance with the terms of the debt qualification plan.

Subd. 5. [REPORT OF THE DEPARTMENT OF FINANCE.] By January 15 of each year, the commissioner of finance shall report on the management of debts owed the state, including performance measurements and progress of the debt collection efforts undertaken by state agencies and the centralized state collection entity. The report must be made to the governor and the chairs of the committee on finance of the senate and the committee on ways and means of the house of representatives.

Sec. 6. [16C.04] [CENTRALIZED STATE COLLECTION ENTITY.]

Subdivision 1. [CREATION.] The centralized state collection entity is part of the department of finance and under the authority of the commissioner of finance. It shall provide services to the state of Minnesota and its state agencies for the purpose of collecting debts owed the state of Minnesota. The centralized state collection entity is not a collection agency as defined by section 332.31, subdivision 3, and is not governed by sections 332.31 to 332.31, subdivision 11, or 332.31, subdivision 13, to 332.45. The commissioner of finance shall enter into a contract with the commissioner of revenue for the department of revenue to provide the collection services of the centralized state collection entity.

Subd. 2. [AGENCY PARTICIPATION.] A state agency may, at its option, refer debts to the centralized state collection entity for collection activity. The ultimate responsibility for the debt, including the reporting of the debt to the department of finance and the decision with regard to the continuing collection and uncollectibility of the debt, remains with the referring state agency.

Subd. 3. [SERVICES.] The centralized state collection entity shall provide collection services for a state agency in accordance with the terms and conditions of a signed debt qualification plan. The centralized state collection entity may also provide collection services for a Minnesota judicial court, judicial board, or judicial commission, the University of Minnesota, the United States, or a political subdivision by operation of law or under a contract entered into with the centralized state collection entity for the collection of debts.

Subd. 4. [AUTHORITY TO CONTRACT.] The centralized state collection entity may contract with credit bureaus, private collection agencies, and other entities as necessary for the collection of debts. The centralized state collection entity may not delegate the powers provided under sections 16C.10 to 16C.20 to any nongovernmental entity.

Sec. 7. [16C.05] [INTEREST AND ADMINISTRATIVE FEES.]

Subdivision 1. [INTEREST.] (a) Unless otherwise provided by contract out of which the debt arises or in state or federal law, simple interest accrues on debts owed the state at the rate provided in paragraph (b). Interest begins to accrue on the 30th calendar day following the state agency's first written demand for payment that includes notification to the debtor that interest will begin to accrue on the debt in accordance with this section.

(b) Notwithstanding chapter 334, the commissioner of finance shall set the rate of interest as the rate corresponding with the adjusted prime rate charged by banks, rounded to the nearest full percent. For purposes of this subdivision, the term "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System. The commissioner of finance shall adjust the rate of interest by April 15 of each year, to be effective the following July 1, if the adjusted prime rate charged by banks during the six-month period ending on March 30 of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate then in effect. The determination of the commissioner of finance under this subdivision is not a "rule" and is not subject to chapter 14 or section 16A.1285.

Subd. 2. [ADMINISTRATIVE FEE.] In a collection action or proceeding under this chapter, the state is entitled to recover from the debtor an administrative fee not to exceed 30 percent of the amount of the debt to cover the cost of processing and handling the collection of the debt under this chapter, including attorney fees. By June 1 of every year, the director of the centralized state collection entity shall recommend to the commissioner of finance the rate at which the administrative fee should be set. The commissioner of finance shall set the rate of the administrative fee to be effective July 1 of every year, at the rate that will most nearly result in the centralized state collection entity's recovery of its costs for processing and handling the collection of debt under this chapter. The determination of the commissioner of finance under this subdivision is not a "rule" and is not subject to chapter 14 or section 16A.1285.

Subd. 3. [ENFORCEMENT AND COLLECTION.] The interest and administrative fee provided by this section are in addition to the principal debt and are enforceable in accordance with this chapter and other collection remedies. If the centralized state collection entity collects any amount less than the total due, the centralized state collection entity may apply a percentage of the amount collected, calculated at the administrative fee rate, to partially satisfy the administrative fee and shall apply the balance to partially satisfy the debt. If the centralized state collection entity's costs, including attorney fees, are recovered through other methods, the centralized state collection entity may not collect the administrative fee.

Sec. 8. [16C.06] [PRIORITY OF SATISFACTION OF DEBTS.]

(a) If two or more debts owed by the same debtor are submitted to the centralized state collection entity, amounts collected on those debts must be applied as prescribed in this section.

(b) If the money received is collected on a judgment lien under chapter 550, a lien provided by this chapter, a lien provided by chapter 514, a consensual lien or security interest, protection of an interest in property through chapter 570, by collection process provided by chapters 551 and 571, or by any other process by which the centralized state collection entity is enforcing rights in a particular debt, the money must be applied to that particular debt.

(c) If the money is collected in any manner not specified in paragraph (b), the money collected must apply first to the satisfaction of any debts for child support. Any debts other than child support must be satisfied in the order in time in which the centralized state collection entity received the debts from the referring agency.

Sec. 9. [16C.07] [FUNDING; APPROPRIATION.]

All money received by the centralized state collection entity as amounts attributable to recovery of the costs of processing and collection of debt, whether in the form of administrative fees, attorney fees, or other forms of cost recovery, must be credited to the fund for the centralized state collection entity and are appropriated to the centralized state collection entity to fund its collection efforts. Except as provided in the debt qualification plan, the principal debt and interest assessed against the principal debt are not considered amounts attributable to recovery of the costs of processing and collection of debt and are paid with all other amounts attributable to satisfaction of debt to the referring agency in accordance with the terms of the debt qualification plan, the contract with the referring agency or, by operation of law.

Sec. 10. [16C.08] [DEBTOR INFORMATION.]

Subdivision 1. [ACCESS TO NOT PUBLIC GOVERNMENT DATA.] Notwithstanding chapter 13 or any other state statute classifying or restricting access of government data, upon request from the centralized state collection entity, state agencies, political subdivisions, and statewide systems shall disseminate not public data to the centralized state collection entity for the sole purpose of collecting debt. Not public data disseminated under this subdivision is limited to financial data of the debtor or data that will serve to locate the debtor or the assets of the debtor. A debtor's failure to pay a debt on demand constitutes the debtor's waiver of any right to receive the notice otherwise required by section 13.04, subdivision 2.

Subd. 2. [IMMUNITY.] A person, entity, state agency, political subdivision, or statewide system that releases information to the centralized state collection entity as authorized under this chapter is immune from liability for release of the information.

Subd. 3. [DISCLOSURE OF DATA.] Data received, collected, created, or maintained by the centralized state collection entity for the purpose of collecting debts are classified as private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9. The centralized state collection entity may disclose not public data:

- (1) under section 13.05;
- (2) under court order;
- (3) under a statute specifically authorizing access to the not public data;
- (4) to provide notices required or permitted by statute;

(5) to an agent of the centralized state collection entity, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to collection of a debt;

(6) to report names of debtors to credit bureaus; and

(7) when necessary to locate the debtor, locate the assets of the debtor, or to enforce or implement the collection of a debt.

Sec. 11. [16C.09] [NOTICE TO DEBTOR.]

The referring agency shall send notice to the debtor by United States mail or personal delivery at the debtor's last known address at least 20 days before the debt is referred to the centralized state collection entity. The notice must state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter, including the imposition of interest and administrative fees in addition to the principal amount of the debt.

Sec. 12. [16C.10] [DUTIES AND POWERS OF THE CENTRALIZED STATE COLLECTION ENTITY.]

Subdivision 1. [DUTIES.] The centralized state collection entity shall take all reasonable and cost-effective actions to collect debts referred to the centralized state collection entity.

Subd. 2. [POWERS.] (a) In addition to the collection remedies available to creditors in the state and the remedies available under this chapter, the centralized state collection entity, with legal assistance from the attorney general, has the powers listed in this subdivision.

(b) The entity may enforce state judgment liens in accordance with this chapter.

(c) The entity may bring an action to recover debts or for injunctive relief related to the failure to pay the debt in Ramsey county district court or Ramsey county conciliation court, or in accordance with chapter 542 at the discretion of the state. There shall be no court filing fees assessed against the state for collection actions filed under this chapter.

(d) The entity may issue subpoenas for the purpose of collecting debts. If an individual or entity to whom the subpoena is directed does not comply with a subpoena, the attorney general may apply to the district court of Ramsey county or the district court where the individual or entity to whom the subpoena is directed is located, at the discretion of the attorney general, for issuance of an order compelling compliance with the subpoena. A person failing to comply with the order is subject to punishment by the court for contempt.

(e) The entity may provide notice to licensing authorities to not issue, transfer, or renew a license of a debtor in accordance with this chapter.

(f) The entity may notify the registrar of motor vehicles of the names of debtors for the purpose of having a judgment lien noted on the certificate of title to a motor vehicle of the debtor in accordance with section 168A.05 and this chapter.

Sec. 13. [16C.11] [SETOFFS.]

The centralized state collection entity or a state agency may automatically deduct from any state payment due to the debtor, unless expressly prohibited by law. Notwithstanding section 181.79, the state may deduct from the wages due or earned by a state employee to collect a debt. The state may not deduct from wages due state employees in amounts greater than the percentage of earnings subject to garnishment pursuant to chapter 571.

Sec. 14. [16C.12] [LIENS.]

Subdivision 1. [CREATION OF STATE JUDGMENT LIEN.] Upon obtaining or docketing a judgment for a debt, in any district court of the state, the state has a state judgment lien upon all property, real and personal, existing at the time of the judgment and later acquired, within the state, of the debtor. The state judgment lien attaches to all property of the debtor located in the state upon the date of entry of judgment or docketing of judgment, whichever is earlier. A lien against all property of the debtor within the state may also be created for a judgment obtained by a political subdivision, the United States, a Minnesota judicial court, judicial board or commission, or the University

of Minnesota that has been referred to the centralized state collection entity under contract or by operation of law, but only upon the filing of the lien notice provided in subdivision 4. The lien for debts referred to the centralized state collection entity by contract or operation of law may be filed and enforced by the centralized state collection entity in the same manner as provided for state judgment liens in this chapter. The lien for debts referred to the centralized state collection entity has priority as provided for state judgment liens in this section.

Subd. 2. [PRIORITY OF STATE JUDGMENT LIEN.] (a) The state judgment lien imposed by subdivision 1 is perfected as against any good faith purchaser, good faith mortgagee, good faith pledgee, holder of a duly-perfected uniform commercial code security interest or duly-perfected mechanic's lien, or judgment lien creditor whose interest has been duly perfected under applicable provision of state law, when notice of the state judgment lien is filed in the office of the secretary of state as provided in subdivision 4.

(b) The state judgment lien acquired by the state under this section takes priority in accordance with the first in time, first in right, filing provision provided in article 9 of the Uniform Commercial Code and section 507.34.

Subd. 3. [NOTICE AND FILING OF STATE JUDGMENT LIEN.] (a) Notices of state judgment liens, state judgment lien releases, and state judgment lien renewals may be filed with the secretary of state by United States mail, in person, or by electronic transmission by the centralized state collection entity into the computerized filing system of the secretary of state authorized under section 336.9-411. For documents filed by mail or in person, the secretary of state shall enter the data as if it had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The secretary of state shall write or mark the filing information on the document that was submitted and return the document to the submitting party. Documents filed electronically must be endorsed and indexed within the computerized filing system.

The notice of state judgment lien filed with the secretary of state must contain the following information, which shall be referred to in this section as the filed information:

- (1) the name and address of the debtor;
- (2) if the debtor is an individual, the debtor's social security number if available, or if the social security number is not available, the debtor's date of birth;
- (3) the identity of the agency to whom the underlying debt is owed;
- (4) the amount of the judgment debt;
- (5) the date of entry of judgment; and
- (6) the county wherein judgment was originally entered and its docket number.

(b) Execution of notices of state judgment liens, or of other notices affecting the state judgment lien provided by this section, may occur by the original or facsimile signature of the director of the centralized state collection entity or a delegate. Execution entitles the state judgment lien notice to be filed, and no other attestation, certification, or acknowledgment is necessary. Transmission of notices under paragraph (a) constitutes execution.

(c) The secretary of state shall make all information concerning the state judgment lien immediately available electronically to each county recorder's office in the state.

(d) All filed information regarding the state judgment lien must be made a part of the computerized filing system of the secretary of state authorized under section 336.9-411, and the information must be accessible through that system.

(e) Each county recorder's office in the state shall make available, free of charge, through the computerized filing system of the secretary of state authorized under section 336.9-411, the filing information for all state judgment liens filed by the centralized state collection entity under paragraph (a). A person may request the state judgment lien information. If the request is made by lien or court docket number, the secretary of state or county recorder shall give a copy of the information filed for that lien or court docket number. The cost for the copy may be no more than the actual cost of making the copies. If the request is made by debtor name, the secretary of state or county recorder shall conduct a search of the statewide computerized government lien database for any state judgment liens naming that debtor. The secretary of state or county recorder shall report all of the filings as of the date and hour of the search

by issuing a certificate listing the file number, court docket number, the date and hour of each filing, the social security number if the requester discloses the matching number or the date of birth of the debtor if the debtor is an individual, the identity of the agency to whom the underlying debt is owed, and the amount of the debt. If there are no filings against a particular person against whom a search is requested, the secretary of state or the county recorder shall so certify.

The total fee for conducting the search and preparing a certificate is as allowed in section 336.9-407. The fee includes as many as ten copies. The fee is included in the charge allowed for government lien searches, and is not separate or in addition to any fee charged for tax lien searches.

Notwithstanding the fees set in this section, a natural person who is the subject of the data must, upon the person's request, be shown the data without charge and, upon request and payment of no more than the actual cost of making the copies, be provided with photocopies of the data.

Surcharge amounts must be collected quarterly by the secretary of state from each county recorder. The secretary of state shall send each county recorder an invoice at the end of each fiscal quarter, and each county recorder shall forward payment to the secretary of state within 30 days of the date of the invoice. The surcharge does not apply to a search request made by a natural person who is the subject of the data to be searched except when a certificate is requested as part of the search.

The surcharge amounts collected by the secretary of state and received from county recorders must be deposited in the state treasury and credited to the general fund.

(f) The centralized state collection entity is exempt from court filing fees for the filing of a state judgment lien provided by this section and releases thereof.

Subd. 4. [NOTICE OF MORTGAGE FORECLOSURE OR TERMINATION OF CONTRACT FOR DEED.] In the case of a mortgage foreclosure commenced under chapter 580, or a termination of contract of sale commenced under section 559.21, of real property that is the subject of a state judgment lien under this section, notice of the foreclosure or termination must be mailed to the centralized state collection entity not less than 20 days prior to the foreclosure sale or date of termination. Notice under this subdivision need not be given within the 20 days if the notice of state judgment lien has been filed within less than 30 days of the foreclosure sale or date of termination. The notice must contain:

- (1) the name, address, and social security number, if known, of the debtor;
- (2) a copy of the notice of mortgage foreclosure or contract for deed cancellation;
- (3) the date of the filing of the state judgment lien under this section;
- (4) the total unpaid balance of the mortgage or contract for deed;
- (5) a legal description for the property in question; and
- (6) the fair market value of the property in question.

Subd. 5. [COPY FEES.] In the event that more than one copy of a full or partial release of a lien is requested by any person, including the debtor, a fee of \$25 must be paid to the centralized state collection entity for each duplicate requested.

Subd. 6. [ENFORCEABILITY.] The state judgment lien imposed by this section is enforceable as provided by section 16C.13.

Sec. 15. [16C.13] [ENFORCEMENT OF STATE JUDGMENT LIENS.]

Subdivision 1. [AUTHORITY.] The state judgment lien imposed by section 16C.12, or any judgment lien docketed in any county on behalf of the referring agency, may be enforced by the centralized state collection entity at any time within ten years of entry of judgment or within ten years of renewal of the judgment, as provided in this chapter or in accordance with chapters 270, 550, 551, and 571, at the state's option. The centralized collection entity may enforce the state judgment lien by a levy upon all property and rights to property of the debtor, including any property of the debtor in the possession of law enforcement officials. The term levy includes the power of distraint and seizure by any means.

Subd. 2. [OPTIONAL REMEDY.] Any action taken by the centralized state collection entity under this section does not constitute an election by the state to pursue this particular remedy to the exclusion of any other remedy.

Subd. 3. [MANNER OF EXECUTION AND SALE.] In making the levy upon the state judgment lien, the centralized state collection entity has all the powers provided in chapter 550 and in any other law for purposes of effecting an execution against property in this state. The sale of property levied upon, and the time and manner of redemption from the sale, is governed by chapter 550 unless otherwise provided in this section. The seal of the court, as provided in section 550.04, is not required.

Subd. 4. [SURRENDER OF PROPERTY SUBJECT TO LEVY.] A person who fails or refuses to surrender without reasonable cause any property or right to property subject to levy under this section, upon demand by the centralized state collection entity, is liable personally to the state in an amount equal to the value of the property or rights not surrendered, but not exceeding the amount of costs caused by the failure to surrender, plus the amount of the judgment for which the levy has been made. Any amount recovered under this subdivision must be credited first against the increased costs caused by such failure to surrender and then to the outstanding amount of the judgment. A financial institution need not surrender funds on deposit until 20 days after service of the levy.

Subd. 5. [PERSON DEFINED.] The term "person," as used in subdivision 4, includes an individual, officer, or employee of a corporation or a member or employee of a partnership or a limited liability company who, as an officer, employee, or member, is under a duty to surrender the property or rights to property or to discharge the obligation. The personal liability imposed by subdivision 4 may, after demand to honor a levy, be assessed by the centralized state collection entity within 60 days of making the demand.

Subd. 6. [EFFECT OF HONORING LEVY.] A person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made who, upon demand by the centralized state collection entity, surrenders the property or rights to property, or who pays the liability set forth in subdivision 4, is discharged from any obligation or liability to the debtor for the payment or collection of the judgment with respect to the property or rights to property so surrendered or paid.

Subd. 7. [PRIORITY OF LEVY.] Notwithstanding section 52.12, a levy by the centralized state collection entity made under this section upon a debtor's funds on deposit in a financial institution located in this state has priority over any unexercised right of setoff of the financial institution to apply the levied funds toward the balance of outstanding loan or loans owed by the debtor to the financial institution.

Subd. 8. [LEVY ON APPEARANCE DATE OF SUBPOENA.] No levy may be made on the property of the debtor on the day on which the debtor, or an officer or employee of the debtor, is required to appear in response to a subpoena issued by the centralized state collection entity, unless the director of the centralized state collection entity makes a determination that collection of the judgment is in jeopardy.

Subd. 9. [UNECONOMICAL LEVY.] No levy may be made on property if the amount of the expenses that the director estimates would be incurred by the centralized state collection entity with respect to the levy and sale of the property exceeds the estimated net proceeds of the sale of the property at the anticipated time of levy.

Sec. 16. [16C.14] [SALE OF SEIZED PROPERTY.]

Subdivision 1. [NOTICE OF SEIZURE.] As soon as practicable after seizure of property, notice in writing must be given by the centralized state collection entity to the owner of the property and must be served personally or by certified mail. If the owner cannot be readily located, or has no dwelling or place of business within this state, the notice may be mailed to the last known address. The notice must specify the amount of the judgment and must contain, in the case of personal property, an account of the property seized and, in the case of real property, a legal description of the property seized.

Subd. 2. [NOTICE OF SALE.] (a) As soon as practicable after the seizure of the property, the centralized state collection entity shall give notice of sale of the property to the owner in the manner described in subdivision 1. The notice required by this subdivision may be combined with that in subdivision 1. In the case of personal property, the notice must be served no less than ten days prior to the sale. In the case of real property, the notice must be served at least four weeks prior to the sale.

(b) The centralized state collection entity shall also cause public notice of each sale to be made. In the case of personal property, notice must be posted not less than ten days before the sale at the post office nearest the place where the seizure is made, and in no fewer than two other public places. In the case of real property, six weeks' published notice shall be given before the sale in a newspaper published or generally circulated in the county.

(c) The notice of sale provided in this subdivision must specify the property to be sold and the time, place, manner, and conditions of the sale.

(d) Other methods of giving notice, including advertising, may be used in addition to those required by this subdivision.

Subd. 3. [SALE OF INDIVISIBLE PROPERTY.] If any property subject to levy is not divisible, so as to enable the centralized state collection entity by sale of a part of it to raise the whole amount of the judgment, the whole of the property must be sold, and, upon payment of the judgment and of costs associated with the seizure and sale, the remainder must be returned to the owner.

Subd. 4. [TIME AND PLACE OF SALE.] The time of sale must be after the expiration of the notice periods prescribed in subdivision 2. The place of sale must be within the county in which the property is seized, except by special determination of the centralized state collection entity.

Subd. 5. [MANNER AND CONDITIONS OF SALE.] (a) Before the sale the centralized state collection entity shall determine a minimum price for which the property may be sold. If no person offers for the property at the sale the amount of the minimum price, the property must be declared to be purchased at the minimum price for the state; otherwise the property must be declared to be sold to the highest bidder. In determining the minimum price, the centralized state collection entity shall take into consideration the expense of making the levy and sale. The announcement of the minimum price determined by the centralized state collection entity may be delayed until receipt of the highest bid.

(b) The sale must be conducted by:

(1) public auction, or

(2) public sale under sealed bids.

(c) In the case of seizure of several items of property, the items may be offered separately, in groups, or in the aggregate, and may be sold under whichever method produces the highest aggregate sale price.

(d) Payment in full is required at the time of acceptance of a bid, except that a part of the payment may be deferred by the centralized state collection entity for a period not to exceed 30 days.

(e) If payment in full is required at the time of acceptance of a bid and is not then paid, the centralized state collection entity shall promptly again sell the property in the manner provided in this section. If the conditions of the sale permit part of the payment to be deferred, and if the part deferred is not paid within the prescribed period, then:

(1) suit may be commenced against the purchaser for the purchase price or the part of the purchase price not paid, together with interest at the rate specified in section 549.09 from the date of the sale, and the centralized state collection entity may adjourn the sale from time to time for a period not to exceed 30 days; or

(2) in the discretion of the centralized state collection entity, the sale may be declared by the centralized state collection entity null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in this section.

In the event of a second advertisement and sale under this subdivision, a new purchaser receives the property or rights to property free and clear of any claim or right of the former defaulting purchaser and the amount paid upon the bid price by the defaulting purchaser is forfeited.

Subd. 6. [SALE OF PERISHABLE GOODS.] If the centralized state collection entity determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that the property cannot be kept without great expense, the centralized state collection entity shall appraise the value of the property, and, if the owner of the property can be readily found, the centralized state collection entity shall give the owner notice of the determination of the appraised value of the property. The property must be returned to the owner if, within the time specified in the notice, the owner pays the centralized state collection entity an amount equal to the appraised value. If the appraised amount is not paid, as soon as practicable the centralized state collection entity shall make public sale of the property in accordance with this section.

Subd. 7. [CONTRACTS.] Contracts entered into by the centralized state collection entity for the purpose of acquiring, selling, or preserving property under this section, and the conduct of the sale of the property, are not subject to the competitive bidding, professional and technical services contract, or auction provisions of chapter 16B.

Subd. 8. [APPLICATION OF SALE PROCEEDS.] (a) Any money realized by proceedings under this chapter, whether by seizure, by surrender under section 16C.13, by sale of seized property, or by sale of property redeemed by the state must be applied as follows:

- (1) first, against the administrative fee provided by this chapter, then
- (2) against the remaining amount of the state judgment, then
- (3) any remaining amount must be refunded to the persons legally entitled thereto.

Subd. 9. [EQUITABLE OR INJUNCTIVE RELIEF.] At any time before the sale of the levied property and upon at least five business days' written notice to the centralized state collection entity and the attorney general, the debtor or any party with an interest in the property may bring an action in district court for equitable or injunctive relief.

Sec. 17. [16C.15] [RELEASE OF LEVY AND RETURN OF PROPERTY.]

Subdivision 1. [RELEASE OF LEVY.] The centralized state collection entity shall release a levy on all or part of the property or rights to property levied on and shall promptly notify the person on whom the levy was made that the levy has been released if:

- (1) the judgment for which the levy was made is satisfied or has become unenforceable by lapse of time;
- (2) release of the levy will facilitate collection of the judgment;
- (3) the debtor has entered into an agreement with the centralized state collection entity providing for installment payments satisfactory to the centralized state collection entity;
- (4) the levy will jeopardize the status of the state as a secured creditor; or
- (5) the fair market value of the property exceeds the judgment and release of the levy can be made without hindering collection of the judgment.

A release of levy under this subdivision does not prevent a subsequent levy on the property released.

Subd. 2. [RETURN OF PROPERTY.] If the centralized state collection entity determines that property has been wrongfully levied upon, it is lawful for the centralized state collection entity to return:

- (1) the specific property levied upon, at any time;
- (2) an amount of money equal to the amount of money levied upon, at any time before the expiration of one year from the date of the levy; or
- (3) an amount of money equal to the fair market value of the property, at any time before the expiration of one year from the date of the sale.

Sec. 18. [16C.16] [REDEMPTION OF PROPERTY.]

Subdivision 1. [BEFORE SALE.] A person whose property has been levied upon may pay the judgment amount to the centralized state collection entity at any time before the sale of the property, and, upon payment of the judgment amount, the centralized state collection entity shall restore the property to the person, and all further proceedings in connection with the levy on the property shall cease from the time of payment.

Subd. 2. [REDEMPTION OF REAL ESTATE AFTER SALE.] The owners of any real property sold as provided in this section, their heirs, executors, or administrator, or any person having any interest in the property, or any person in their behalf, may redeem the property sold, or any particular tract of the property, at any time within six months, or in the case of real property in excess of ten acres in size, at any time within 12 months, of the sale. The property

or tract of property may be redeemed upon payment to the purchaser of the amount paid by the purchaser together with interest at the rate of 20 percent a year accruing from the date of payment by the purchaser. If the purchaser cannot be found in the county in which the property to be redeemed is situated, payment may be made to the centralized state collection entity for the use of the purchaser, or the purchaser's heirs or assigns.

Subd. 3. [RECORD.] When any lands sold are redeemed as provided in this section, the centralized state collection entity shall cause entry of the fact to be made upon the record required by section 16C.17, and the entry is evidence of the redemption.

Sec. 19. [16C.17] [CERTIFICATE AND RECORD OF SALE.]

Subdivision 1. [CERTIFICATE OF SALE.] In the case of property sold as provided in section 16C.14, the centralized state collection entity shall give the purchaser a certificate of sale upon payment in full of the purchase price. In the case of real property the certificate shall set forth the real property purchased, the date of the purchase, the name of the debtor, the name of the purchaser, and the price paid. If real property is declared purchased by the state, the centralized state collection entity shall, within ten days from the sale, cause the certificate of sale to be duly recorded by the county recorder of the county in which the real property is located.

Subd. 2. [EFFECT OF CERTIFICATE.] (a) In all cases of sale of personal property, the certificate of sale given under subdivision 1 is prima facie evidence of the right of the centralized state collection entity to make the sale and conclusive evidence of the regularity of the proceedings in making the sale. The certificate transfers to the purchaser all right, title, and interest of the debtor in and to the property sold.

(b) If the property consists of stocks, the certificate of sale is notice, when received, to any corporation, company, or association, of the transfer, and is authority to the corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in place of any original or prior certificate, which is void, whether canceled or not.

(c) If the subject of sale is securities other than stocks, including promissory notes or other evidence of indebtedness, the certificate of sale is a good and valid receipt of the person holding the same, as against any person holding or claiming to hold possession of the securities or other evidence of indebtedness.

(d) If the property consists of a motor vehicle, the certificate of sale is notice, when received, to the registrar of motor vehicles of this state of the transfer, and is authority for the registrar to record the transfer on the books and records in the same manner as if the certificate of title to the motor vehicle was transferred or assigned by the party holding the same, in place of any original or prior certificate, which is void whether canceled or not.

(e) In the case of the sale of real property under section 16C.14, the certificate of sale given under subdivision 1 is prima facie evidence of the facts stated in the certificate and is considered and operates as a conveyance of all the right, title, and interest the debtor had in and to the real property thus sold at the time the state judgment lien attached in it.

(f) A certificate of sale of personal property or real property given under subdivision 1 discharges the property from all liens, encumbrances, and title over which the state judgment lien, with respect to which the levy was made, had priority.

Subd. 3. [INTERNAL RECORDS OF SALE.] The centralized state collection entity shall, for its report to the department of finance, keep a record of all sales of property under section 16C.14 and redemptions of real property. The record must set forth the judgment for which the sale was made, the dates of seizure and sale, the name of the debtor and all proceedings in making the sale, the amount of expenses, the names of purchasers, and the date of the certificate of sale. A copy of the record, or any part of it, certified by the centralized state collection entity is evidence in any court of the truth of the facts stated in the record.

Sec. 20. [16C.18] [WITHHOLDING OF INCOME.]

Subdivision 1. [NOTICE TO EMPLOYER.] If a judgment lien has been referred to the centralized state collection entity, the centralized state collection entity may, within the period for enforcement of the lien, give notice to any employer in this state that an employee of that employer owes a debt. The notice must conform substantially to the notice as provided in section 571.75 and may be served by mail upon the employer.

Subd. 2. [NOTICE TO EMPLOYEE.] The centralized state collection entity may not proceed under this section unless it has given notice to the debtor, by mail, at the debtor's last known address, at least 30 days prior to notice to the employer. The notice to the debtor must conform substantially to that required by section 571.72 and must state that if payment is not received, the centralized state collection entity may proceed to require withholding by the employer under this section. The notice must further inform the debtor of wage exemptions contained in section 550.37, subdivision 14. If no notice of exemption is received by the centralized state collection entity within 30 days of sending notice to the debtor, the centralized state collection entity may proceed under this section.

Subd. 3. [WITHHOLDING.] (a) Upon receipt of the notice provided by subdivision 1, the employer shall withhold from compensation due or to become due to the employee the total amount shown by the notice, subject to the provisions of section 571.922. The employer shall continue to withhold each pay period until the notice is released by the centralized state collection entity under section 16C.15. Upon receipt of the notice by the employer under subdivision 1, the claim of the state has priority over any subsequent garnishments or wage assignments except as otherwise provided in section 518.611. The centralized state collection entity may arrange between the employer and the employee for withholding a portion of the total amount due the employee each pay period, until the total amount shown by the notice plus accrued interest and the administrative fee provided by section 16C.05 have been withheld.

The "compensation due" any employee is defined in accordance with section 571.921. The maximum withholding allowed under this section for any one pay period is decreased by any amounts payable under a garnishment action and any amounts covered by any irrevocable and previously effective assignment of wages, with respect to which the employer was served before being served with the notice provided by subdivision 1. The employer shall give notice to the centralized state collection entity of the amounts and the facts relating to such prior garnishments or assignments within ten days after the service of the notice provided in subdivision 1.

(b) If the employee ceases to be employed by the employer before the full amount set forth in the notice provided by subdivision 1, plus accrued interest and the administrative fee, has been withheld, the employer shall immediately notify the centralized state collection entity in writing of the termination date of the employee and the total amount withheld. No employer may discharge any employee because the centralized state collection entity has proceeded under this section. If an employer discharges an employee in violation of the provision, the employee has the same remedy as provided in section 571.927, subdivision 2.

(c) Within ten days after the expiration of each pay period, the employer shall remit to the centralized state collection entity the amount withheld during each pay period under this section. Should any employer, after notice, willfully fail to withhold in accordance with this section, the employer is liable for the total amount set forth in the notice together with accrued interest and the administrative fee. Any amount collected from the employer for failure to withhold must be credited to the employee's account in the following manner: administrative fee, interest, and then debt. Any excess after such application must be refunded to the employer.

(d) The provisions of this section, except those imposing liability on an employer for failure to withhold or remit, apply to cases in which the employer is the United States or an instrumentality of the United States or this state or a political subdivision of the state.

(e) The centralized state collection entity shall refund to the employee excess amounts withheld from the employee under this section.

(f) The collection remedy provided by this section has the same legal effect as if it were a levy made under section 16C.13.

Sec. 21. [16C.19] [CONTINUOUS LEVY.]

Subdivision 1. [AUTHORITY.] If a judgment lien has been referred to the centralized state collection entity, the centralized state collection entity may, within the statutory period for enforcement of the lien, give notice to a person, financial institution, political subdivision, or any other third party who owes the debtor money, property, or other indebtedness, to withhold the amount of any debt, including interest and the administrative fee provided by section 16C.05, due from a debtor. The amounts withheld must be transmitted to the centralized state collection entity at the times the centralized state collection entity designates.

Subd. 2. [LEVY CONTINUOUS.] The levy made under subdivision 1 is continuous from the date the notice is received until either the amount due stated on the notice has been withheld or the notice has been released by the centralized state collection entity under section 16C.15, or no further amounts are due from the recipient of the notice to the debtor, whichever occurs first.

Subd. 3. [AMOUNT WITHHELD.] The amount required to be withheld under this section is the lesser of:

(1) the amount stated on the notice; or

(2) if the debtor is not a natural person, 100 percent of the payment or payments to be made to the debtor, or, if the debtor is an individual, 25 percent of the payment or payments to be made to the debtor.

Subd. 4. [PAYMENTS COVERED.] For purposes of this section, "payments" does not include wages as defined in section 290.92 or funds in a deposit account as defined in section 336.9-105. Payments includes:

(1) payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, licensing fees, and mineral or other natural resources rights;

(2) payment or credits under written or oral contracts for services or sales whether denominated as wages, salary, commissions, bonuses, or otherwise, if the payments are not covered by section 16C.18; and

(3) any other periodic payments or credits resulting from an enforceable obligation to the debtor.

Subd. 5. [EFFECT OF DETERMINATION OF STATUS.] A determination of a person's status as an independent contractor under this section does not affect the determination of the person's status for the purposes of any other law or rule.

Sec. 22. [16C.20] [LICENSES.]

Subdivision 1. [NOTICE TO LICENSING AUTHORITY.] The centralized state collection entity may notify any licensing authority that a licensee owes a judgment debt of \$500 or more or judgments debts in the aggregate of \$500 or more. Upon receipt of such notice, the licensing authority may not issue, transfer, or renew a license of the debtor for the conduct of a profession, occupation, trade, or business.

Subd. 2. [NOTICE TO DEBTOR AND HEARING.] (a) Upon notifying a licensing authority under subdivision 1, the centralized state collection entity must mail a copy of the notice to the debtor at the debtor's last known address.

(b) The debtor may request a contested case hearing within 30 days of the date of the notice. The request must be in writing and postmarked by the 30th day. The hearing must be held within 45 days of the date the centralized state collection entity refers the case to the office of administrative hearings. Notwithstanding any law to the contrary, the licensee must be served with 20 days' notice in writing specifying the time and place of the hearing, the amount of unpaid judgment debt, to whom the judgment debt is owed, and the nature of the judgment debt. The notice may be served personally or by mail.

(c) The issues to be considered at the hearing are limited to whether the debtor has made payment, whether the identity of the debtor is mistaken, or whether nonrenewal or nonissuance of the license would exercise an unreasonably severe hardship in the debtor. Financial hardship alone is an insufficient basis for a finding of unreasonably severe hardship. The validity of the underlying debt may not be challenged at the hearing.

Subd. 3. [DEBT CLEARANCE.] A licensing authority that has received a notice from the centralized state collection entity under subdivision 1 may issue, transfer, or renew the license only if the licensing authority has received notification from the centralized state collection entity that the debtor has paid the debt or has entered into an agreement with the centralized state collection entity for satisfactory payment of the debt, or that the centralized state collection entity is no longer pursuing the debt.

Subd. 4. [IDENTIFICATION OF LICENSEES.] Upon written request of the centralized state collection entity, a licensing authority shall provide the centralized state collection entity with a list of all licensees, including the name, address, business name and address, social security number, and business identification number of each licensee. The licensing authority is not required to provide a list of the licensees to the centralized state collection entity more than once each calendar year.

Sec. 23. [16C.21] [UNCOLLECTIBLE DEBTS.]

When a debt is determined by the state agency to be uncollectible, the debt may be written off by the state agency from the state agency's financial accounting records and no longer recognized as an account receivable for financial reporting purposes. A debt is considered to be uncollectible when (1) all reasonable collection efforts have been exhausted, (2) the cost of further collection action will exceed the amount recoverable, (3) the debt is legally without

merit or cannot be substantiated by evidence, (4) the debtor cannot be located, (5) the available assets or income, current or anticipated, which may be available for payment of the debt are insufficient, (6) the debt was discharged in bankruptcy, (7) the applicable statute of limitations for collection of the debt has expired, or (8) it is not in the public interest to pursue collection of the debt. The determination of the uncollectibility of a debt must be reported by the state agency along with the basis for that decision as part of its quarterly reports to the department of finance. Determining that the debt is uncollectible does not cancel the legal obligation of the debtor to pay the debt.

Sec. 24. [16C.22] [CASE REVIEWER.]

The centralized state collection entity shall make a case reviewer available to debtors. The reviewer must be available to answer a debtor's questions concerning the collection process and to review the collection activity taken. If the reviewer reasonably believes that the particular action being taken is unreasonable or unfair, the reviewer may make recommendations to the director of the centralized state collection entity in regard to the collection action.

Sec. 25. Minnesota Statutes 1992, section 168A.05, subdivision 2, is amended to read:

Subd. 2. [RECORD OF CERTIFICATES ISSUED.] The department shall maintain a record of all certificates of title issued by it:

- (1) Under a distinctive title number assigned to the vehicle;
- (2) By vehicle identifying number;
- (3) Alphabetically, under the name of the owner.

Such record shall consist of the certificate of title, including the notations of all security interests recorded, assigned, terminated, or released, liens filed by the centralized state collection entity of which the department has notice, of duplicate certificates issued or applied for, and such other information as the department may deem proper.

Sec. 26. Minnesota Statutes 1993 Supplement, section 168A.05, subdivision 3, is amended to read:

Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of title issued by the department shall contain:

- (1) the date issued;
- (2) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;
- (3) the names and addresses of any secured parties in the order of priority as shown on the application, or if the application is based on a certificate of title, as shown on the certificate, or as otherwise determined by the department;
- (4) any liens filed by the centralized state collection entity against the owner;
- (5) the title number assigned to the vehicle;
- (5) (6) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;
- (6) (7) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;
- (7) (8) with respect to vehicles subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed"; and
- (8) (9) any other data the department prescribes.

Sec. 27. Minnesota Statutes 1992, section 168A.05, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL PROCESS RELATING TO CERTIFICATE OR VEHICLE.] A certificate of title for a vehicle is not subject to garnishment, attachment, execution, or other judicial process, but this subdivision does not prevent a lawful levy upon the vehicle or the lawful enforcement of an administrative lien or judgment debt or lien filed by the centralized state collection entity.

Sec. 28. Minnesota Statutes 1992, section 168A.05, is amended by adding a subdivision to read:

Subd. 8. [LIENS FILED BY THE CENTRALIZED STATE COLLECTION ENTITY.] If the centralized state collection entity notifies the department that the owner is a debtor for judgment debt pursued by the centralized state collection entity, the department shall enter a lien on the title of any vehicle acquired by the owner after the date of notification in the name of the state of Minnesota. The lien on the title is subordinate to any prior security interest perfected in accordance with section 168A.17 and shall otherwise be treated in the same manner as other title liens.

Sec. 29. Minnesota Statutes 1992, section 270A.03, subdivision 2, is amended to read:

Subd. 2. [CLAIMANT AGENCY.] "Claimant agency" means any state agency, as defined by section 14.02, subdivision 2, the regents of the University of Minnesota, any district court of the state, any county, any statutory or home rule charter city presenting a claim for a municipal hospital, a hospital district, any public agency responsible for child support enforcement, and any public agency responsible for the collection of court-ordered restitution, and the centralized state collection entity.

Sec. 30. Minnesota Statutes 1992, section 272.488, subdivision 1, is amended to read:

Subdivision 1. [FILING OF NOTICES WITH COUNTY RECORDERS.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, and refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the county recorder, in a form prescribed by the Internal Revenue Service, may be filed with the county recorder or the secretary of state by mail, personal delivery, or by electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of state authorized under section 336.9-411. The secretary of state shall act as the agent of the county recorder and shall transmit the notice electronically to the office of the county recorder, if that is the place of filing, in the county or counties shown on the computer entry. The filing officer, whether the county recorder or the secretary of state, shall endorse and index a printout of the notice in the same manner as if the notice had been mailed or delivered. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 31. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 3. [FILING OF NOTICES WITH SECRETARY OF STATE.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the secretary of state, in a form prescribed by the Internal Revenue Service, may be filed with the secretary of state by mail, personal delivery, or electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of the state authorized under section 336.9-411. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 32. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 4. [ENTRY OF INFORMATION.] For documents filed by mail or in person, the filing officer shall enter the data as if it had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The filing officer must write or mark the filing information on the document that was submitted and return the document to the submitting party.

Sec. 33. Minnesota Statutes 1993 Supplement, section 336.9-407, is amended to read:

336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of the statewide computerized uniform commercial code data base for any active financing statements naming a particular debtor. The filing officer shall report the findings as of the date and hour of the search by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party;

- (b) photocopies of those original documents on file and located in the office of the filing officer; or
- (c) upon request, both the certificate and the photocopies referred to in (b).

The uniform fee for conducting the search and for preparing a certificate ~~shall be~~ is \$15 if the request is in the standard form prescribed by the secretary of state. This uniform fee ~~shall include up to~~ includes as many as ten photocopies of original documents. If the request for information is made on a form other than the standard form prescribed by the secretary of state, the fee ~~shall be~~ is \$20 and ~~shall include up to~~ includes as many as ten photocopies of original documents.

~~Another~~ One other fee, at the same rate, ~~shall~~ must also be charged for conducting a search and preparing a certificate showing both state judgment liens and federal and state tax liens, on file with the filing officer naming a particular debtor.

There ~~shall be~~ is an additional fee of \$1 ~~per~~ a page for each financing statement or tax lien listed on the certificate and for each photocopy prepared in excess of the first ten.

Notwithstanding the fees set in this section, a natural person who is the subject of data must, upon the person's request, be shown the data without charge, and upon request be provided with photocopies of the data upon payment of no more than the actual cost of making the copies.

Sec. 34. Minnesota Statutes 1992, section 508.25, is amended to read:

508.25 [RIGHTS OF PERSON HOLDING CERTIFICATE OF TITLE.]

Every person receiving a certificate of title pursuant to a decree of registration and every subsequent purchaser of registered land who receives a certificate of title in good faith and for a valuable consideration shall hold it free from all encumbrances and adverse claims, excepting only the estates, mortgages, liens, charges, and interests as may be noted in the last certificate of title in the office of the registrar, and also excepting any of the following rights or encumbrances subsisting against it, if any:

- (1) liens, claims, or rights arising or existing under the laws or the constitution of the United States, which this state cannot require to appear of record;
- (2) the lien of any real property tax or special assessment for which the land has not been sold at the date of the certificate of title;
- (3) any lease for a period not exceeding three years when there is actual occupation of the premises thereunder;
- (4) all rights in public highways upon the land;
- (5) the right of appeal, or right to appear and contest the application, as is allowed by this chapter;
- (6) the rights of any person in possession under deed or contract for deed from the owner of the certificate of title; and
- (7) any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17; and
- (8) any state judgment lien filed under section 16C.12.

~~No existing or future lien for state taxes arising under the laws of this state for the nonpayment of any amounts due under chapter 268 or any tax administered by the commissioner of revenue may encumber title to lands registered under this chapter unless filed under the terms of this chapter.~~

Sec. 35. Minnesota Statutes 1992, section 542.07, is amended to read:

542.07 [ACTIONS BY OR FOR THE STATE.]

Except as otherwise provided by law in particular cases, civil actions for trespass or collection of debts owed the state of Minnesota in which the state of Minnesota is plaintiff, may be begun and tried in such county as the attorney general, or other attorney authorized to bring the same, shall select.

Sec. 36. Minnesota Statutes 1992, section 570.01, is amended to read:

570.01 [ALLOWANCE OF ATTACHMENT.]

As a proceeding ancillary to a civil action for the recovery of money and to any action brought by the attorney general under the authority of section 8.31, subdivision 1, or any other law respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade, the claimant, at the time of commencement of the civil action or at any time thereafter afterward, may have the property of the respondent attached in the manner and in the circumstances prescribed in sections 570.01 to 570.14, as security for the satisfaction of any judgment that the claimant may recover. The order for attachment shall may be issued only by a judge of the court in the county in which the civil action is pending. All property not exempt from execution under the judgment demanded in the civil action ~~may~~ be is subject to attachment.

Sec. 37. Minnesota Statutes 1992, section 570.02, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] An order of attachment ~~which~~ that is intended to provide security for the satisfaction of a judgment may be issued only in the following situations:

(1) when the respondent has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of the respondent's nonexempt property, with intent to delay or defraud the respondent's creditors;

(2) when the respondent has removed, or is about to remove, any of the respondent's nonexempt property from this state, with intent to delay or defraud the respondent's creditors;

(3) when the respondent has converted or is about to convert any of the respondent's nonexempt property into money or credits, for the purpose of placing the property beyond the reach of the respondent's creditors;

(4) when the respondent has committed an intentional fraud giving rise to the claim upon which the civil action is brought; ~~or~~

(5) when the respondent has committed any act or omission, for which the respondent has been convicted of a felony, giving rise to the claim upon which the civil action is brought; or

(6) when the respondent has violated the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, including but not limited to any of the statutes specifically enumerated in section 8.31, subdivision 1.

Sec. 38. Minnesota Statutes 1992, section 570.025, subdivision 2, is amended to read:

Subd. 2. [CONDITIONS.] A preliminary attachment order may be issued ~~prior to~~ before the hearing specified in section 570.026 only if the following conditions are met:

(1) the claimant has made a good faith effort to inform the respondent of the application for a preliminary attachment order or that informing the respondent would endanger the ability of the claimant to recover upon a judgment subsequently awarded;

(2) the claimant has demonstrated the probability of success on the merits;

(3) the claimant has demonstrated the existence of one or more of the grounds specified in section 570.02, subdivision 1, clause (1), (2), ~~or~~ (3), or (6); and

(4) due to extraordinary circumstances, the claimant's interests cannot be protected pending a hearing by an appropriate order of the court, other than by directing a prehearing seizure of property.

Sec. 39. [RECOMMENDATION; LOCATION AND RESPONSIBILITIES OF THE CENTRALIZED STATE COLLECTION ENTITY.]

By February 15, 1996, the commissioners of finance, human services, and revenue and the attorney general shall conduct an evaluation and make a recommendation to the legislature regarding the responsibility and location of the centralized state collection agency established by Minnesota Statutes, section 16C.04.

Sec. 40. [INITIAL INTEREST RATE.]

The commissioner of finance shall set the initial interest rate required by Minnesota Statutes, section 16C.05, subdivision 1, by July 1, 1994. The director of the centralized state collection entity shall make the initial recommendation to the commissioner of finance required by Minnesota Statutes, section 16C.05, subdivision 2, by June 1, 1994. The commissioner of finance shall set the administrative fee required by that subdivision by July 1, 1994.

Sec. 41. [REPEALER.]

Minnesota Statutes 1992, sections 10.11, subdivision 1; 10.12; 10.14; 10.15; and 272.488, subdivision 2, are repealed.

Sec. 42. [APPROPRIATION.]

\$..... is appropriated to the attorney general from the general fund to provide legal services required by section 2.

Sec. 43. [EFFECTIVE DATE.]

The provisions of sections 1 to 41 are effective on July 1, 1994, and apply to the collection of any debt arising before, on, or after that date."

Delete the title and insert:

"A bill for an act relating to state and local government; providing for the collection of debts owed the state or for whom the state acts as a fiduciary; authorizing governmental agencies and subdivisions to obtain copyright, trademark, trade secret, or patent protection for intellectual property; imposing fees; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 168A.05, subdivisions 2, 7, and by adding a subdivision; 270A.03, subdivision 2; 272.488, subdivision 1, and by adding subdivisions; 508.25; 542.07; 570.01; 570.02, subdivision 1; and 570.025, subdivision 2; Minnesota Statutes 1993 Supplement, sections 168A.05, subdivision 3; and 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 16B; proposing coding for new law as Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 1992, sections 10.11, subdivision 1; 10.12; 10.14; 10.15; and 272.488, subdivision 2."

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. 2327, A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 23, after "denied" insert a comma

Page 2, line 24, delete "or" and after "approved" insert "or not acted upon with reasonable promptness"

Page 2, line 27, delete "notify" and insert "obtain authorization from"

Page 2, line 28, delete everything after "enrollee" and insert "in order to pursue the appeal."

Page 2, delete lines 29 to 34

Page 3, line 30, after "county" insert "or state"

Page 6, delete lines 27 to 36

Page 7, delete lines 1 to 3

Page 7, line 4, delete "(c)" and insert "(b)"

Page 7, line 27, delete "that has been"

Page 7, line 28, delete "specially adapted or modified for the recipient"

Page 8, after line 35, insert:

"Sec. 11. [TEMPORARY PRIOR AUTHORIZATION EXEMPTION; STUDY REQUIRED.]

(a) The commissioner shall not require prior authorization for physical therapy, occupational therapy, and speech therapy services provided by an entity that operates a Medicare certified comprehensive outpatient rehabilitation facility which was certified prior to January 1, 1993, and that is a facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3600, when those services are provided within the comprehensive outpatient rehabilitation facility and not provided in a nursing facility other than the entity's own. This exemption expires June 30, 1995.

(b) The commissioner shall not require prior authorization for physical therapy, occupational therapy, or speech therapy services provided to a medical assistance recipient who resides in a nursing facility licensed on June 1, 1983, under Minnesota Rules, parts 9570.2000 to 9570.3600 to provide residential services for the physically handicapped. This exemption expires June 30, 1995.

(c) The commissioner shall study alternative methods, other than prior authorization, to achieve utilization review of the therapy services provided by the entities in paragraphs (a) and (b). The commissioner must consult with the entities in paragraphs (a) and (b) to develop recommendations for alternative methods of utilization review. By February 1, 1995, the commissioner must report to the legislature on the results and recommendations of the study."

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.

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

H. F. No. 2363, A bill for an act relating to Washington county; providing for a reverse referendum to make certain county offices appointive rather than elective.

Reported the same back with the following amendments:

Page 1, line 8, delete "auditor and treasurer" and insert "auditor/treasurer"

Page 1, lines 13 and 14, delete "auditor and treasurer" and insert "auditor/treasurer"

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

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 2513, A bill for an act relating to highways; conforming powers held by counties over county highways to those powers held by counties over county state-aid highways; amending Minnesota Statutes 1992, section 163.11, subdivision 3.

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

The report was adopted.

Rest from the Committee on Taxes to which was referred:

H. F. No. 2552, A bill for an act relating to taxation; exempting passenger restraint systems for children from the sales and use tax and the motor vehicle excise tax; amending Minnesota Statutes 1992, sections 297A.25, by adding a subdivision; and 297B.01, subdivision 8.

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

The report was adopted.

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

H. F. No. 2572, A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Reported the same back with the following amendments:

Page 2, delete section 2, and insert:

"Sec. 2. [PRIVATE SALE OF TAX-FORFEITED LAND; GOODHUE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Goodhue county may convey by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (c) may be sold by private sale to Veterans of Foreign Wars Post No. 5727 of Zumbrota, Minnesota. The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is located in Goodhue county, and is described as:

(1) City of Zumbrota, Original plat, tax parcel No. 22-100-1400; and

(2) City of Zumbrota, Original plat, tax parcel No. 22-100-14400.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 3. [WABASHA COUNTY FAIRGROUNDS; PIPING FOR WATER SUPPLY SYSTEM.]

Notwithstanding any other law to the contrary, Wabasha county fairgrounds may use water supply pipe of 100 pounds per square inch for a portion of the installation at the fairgrounds. If the use of the fairgrounds exceeds 20 days per year, the entire water supply pipe system must be brought into compliance with present law.

Sec. 4. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 2, delete "natural resources" and insert "public lands"

Page 1, line 4, before the period, insert "; authorizing private sale of certain tax-forfeited land that borders public water in Goodhue county; prescribing certain limitations for water supply piping at the Wabasha county fairgrounds"

With the recommendation that when so amended 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. 2621, A bill for an act relating to rural development finance authorities; authorizing a city-county rural development finance authority in Koochiching county; repealing Laws 1987, chapter 182.

Reported the same back with the following amendments:

Page 1, line 10, after "and" insert "any or all of"

Page 2, line 15, delete "county board by the"

Page 2, line 23, after "vote" insert "of six"

Page 2, line 28, delete "eight" insert "ten"

Page 2, line 30, delete "International"

Page 2, line 31, delete the first "Falls,"

Page 2, line 35, delete "and"

Page 2, line 36, delete "three" and insert "four"

Page 3, line 1, before the comma insert "and two from the city of International Falls"

Page 3, line 2, delete "who" and insert "one of whom shall be designated as chair of the Koochiching development authority board; and"

Page 3, delete line 3, and insert:

"(4) two residents from the city of International Falls appointed by the mayor and confirmed by the city council."

Page 3, delete lines 4 to 6

Page 3, line 7, delete "Each" and insert:

"(b) any" and delete "for the unexpired term"

Page 3, line 35, before the period, insert "as defined by the Koochiching development authority board"

Page 4, line 1, delete "3" and insert "4"

Page 4, after line 4, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective upon approval by the affirmative resolution of the Koochiching county board."

Page 4, delete lines 5 and 6, and insert:

"Sec. 4. [REPEALER.]

Laws 1987, chapter 182, is repealed with the passage of the resolution specified in section 3."

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:

H. F. No. 2623, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Itasca county.

Reported the same back with the following amendments:

Amend the title as follows:

Page 1, line 2, delete "public"

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

The report was adopted.

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

H. F. No. 2695, A bill for an act relating to agriculture; appropriating money for a capital access program to facilitate construction of an agricultural product processing facility.

Reported the same back with the following amendments:

Page 1, line 7, delete "\$5,000,000" and insert "\$2,000,000"

Page 1, line 11, delete "\$5,000,000" and insert "\$2,000,000" and after "account" insert "to be called the agricultural product processing account"

Page 1, line 12, delete "used" and insert "transferred" and after "commissioner" insert "as needed"

Page 1, line 19, delete everything after the period and insert "The money in the agricultural product processing account shall revert back to the general fund if not needed by the commissioner to fund separate reserve accounts established with lenders by July 1, 1997."

Page 1, delete lines 20 and 21

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

The report was adopted.

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

H. F. No. 2705, A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

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

The report was adopted.

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

H. F. No. 2717, A bill for an act relating to water; creating a program to provide financial assistance to address nonpoint source water pollution in the department of trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the

department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 116; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 103F.725, is amended by adding a subdivision to read:

Subd. 1a. [FINANCIAL ASSISTANCE; LOANS.] (a) Funds from the water pollution control revolving fund in section 446A.07 provided by the public facilities authority shall be appropriated to the commissioner for the establishment of a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the public facilities authority.

(e) The repayment must be deposited in the water pollution control revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

Sec. 2. Minnesota Statutes 1992, section 103F.745, is amended to read:

103F.745 [RULES.]

(a) The agency shall adopt rules necessary to implement sections 103F.701 to 103F.761. The rules shall contain at a minimum:

- (1) procedures to be followed by local units of government in applying for technical or financial assistance or both;
- (2) conditions for the administration of assistance;
- (3) procedures for the development, evaluation, and implementation of best management practices;
- (4) requirements for a diagnostic study and implementation plan;
- (5) criteria for the evaluation and approval of a diagnostic study and implementation plan;
- (6) criteria for the evaluation of best management practices;
- (7) criteria for the ranking of projects in order of priority for assistance;

(8) criteria for defining and evaluating eligible costs and cost-sharing by local units of government applying for assistance; and

(9) other matters as the agency and the commissioner find necessary for the proper administration of sections 103F.701 to 103F.761, including any rules determined by the commissioner to be necessary for the implementation of federal programs to control nonpoint source water pollution.

(b) For financial assistance by loan under section 103F.725, subdivision 1a, criteria established by rule for the clean water partnership grants program shall guide requirements and administrative procedures for the loan program until January 1, 1996, or the effective date of the administrative rules for the clean water partnership loan program, whichever occurs first.

Sec. 3. Minnesota Statutes 1992, section 103F.761, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The project coordination team shall advise the agency in preparation of rules, evaluate projects, and recommend to the commissioner those projects that the team believes should receive financial or technical assistance or both from the agency. After approval of assistance for a project by the agency, the team shall review project activities and assist in the coordination of the state program with other state and federal resource management programs.

(b) For state agencies or departments receiving funding under section 446A.07, subdivision 6, the project coordination team shall provide guidance for the allocation of water pollution control fund nonpoint source pollution funding with consideration to statewide environmental priorities including priorities for types of projects and geographic or watershed priorities. A subcommittee of the project coordination team will be formed for each of the separate funding areas under section 446A.07, subdivision 6, and shall be chaired by the appropriate lead state agency or department. Each subcommittee shall evaluate and rank projects within its area with consideration given to the guidance provided by the project coordination team.

Sec. 4. Minnesota Statutes 1992, section 116.182, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section governs the commissioner's certification of applications ~~for projects seeking~~ financial assistance under section 103F.725, subdivision 1a, 446A.07, or 446A.071.

Sec. 5. Minnesota Statutes 1992, section 116.182, subdivision 3, is amended to read:

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

Sec. 6. Minnesota Statutes 1992, section 116.182, subdivision 4, is amended to read:

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

Sec. 7. Minnesota Statutes 1992, section 116.182, subdivision 5, is amended to read:

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

(1) application requirements;

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

(3) criteria for determining essential project components.

Sec. 8. Minnesota Statutes 1992, section 446A.02, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] For the purposes of ~~sections 446A.01 to 446A.09 this chapter~~, the terms in this section have the meanings given them.

Sec. 9. Minnesota Statutes 1992, section 446A.02, is amended by adding a subdivision to read:

Subd. 1a. [AGENCY.] "Agency" means the Minnesota pollution control agency.

Sec. 10. Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota public facilities authority consists of the commissioner of trade and economic development, the commissioner of finance, the commissioner of the pollution control agency, the commissioner of the department of agriculture, and three additional members appointed by the governor from the general public with the advice and consent of the senate the commissioner of the department of health.

Sec. 11. Minnesota Statutes 1992, section 446A.03, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP TERMS; DELEGATION.] The membership terms, compensation, removal, and filling of vacancies of public members of the authority are as provided in section 15.0575. In addition to any powers or authority to delegate that members have as commissioners, they may delegate their responsibilities as members of the authority for reviewing and approving financing of eligible projects that have been certified to the authority to the commissioner of the department of trade and economic development.

Sec. 12. Minnesota Statutes 1992, section 446A.07, subdivision 4, is amended to read:

Subd. 4. [INTENDED USE PLAN.] The pollution control agency shall annually prepare and submit to the United States Environmental Protection Agency an intended use plan. The plan must identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment and storm water projects and all other eligible activities to be funded during the fiscal year. Information regarding eligible activities must be submitted to the agency by the appropriate state agency or department within 30 days of written notification by the agency. The agency may not submit the plan until it has received the review and comment of the authority or until 30 days have elapsed since the plan was submitted to the authority, whichever occurs first.

Sec. 13. Minnesota Statutes 1992, section 446A.07, subdivision 6, is amended to read:

Subd. 6. [AWARD AND TERMS OF LOANS.] The authority shall award loans to those municipalities and other entities certified by the agency; or shall provide funding for the appropriate state agency or department to make loans for eligible activities certified by the agency provided the use of funds and the terms and conditions of the loans must be ~~are~~ in conformance with the Federal Water Pollution Control Act, this section, and rules of the agency, and authority adopted under this section.

Sec. 14. Minnesota Statutes 1992, section 446A.07, subdivision 8, is amended to read:

Subd. 8. [OTHER USES OF REVOLVING FUND.] The water pollution control revolving fund may be used as provided in title VI of the Federal Water Pollution Control Act, including the following uses:

- (1) to buy or refinance the debt obligation of governmental units for treatment works where debt was incurred and construction begun after March 7, 1985, at or below market rates;
- (2) to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;
- (3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;
- (4) to provide loan guarantees, loans, or set-aside for similar revolving funds established by a governmental unit other than state agencies, or state agencies under sections 103F.725, subdivision 1a, 116J.403, 116J.617, and 462A.05;
- (5) to earn interest on fund accounts; and
- (6) to pay the reasonable costs incurred by the authority and the agency of administering the fund and conducting activities required under the Federal Water Pollution Control Act, including water quality management planning under section 205(j) of the act and water quality standards continuing planning under section 303(e) of the act.

Amounts spent under clause (6) may not exceed the amount allowed under the Federal Water Pollution Control Act.

Sec. 15. Minnesota Statutes 1992, section 446A.07, subdivision 9, is amended to read:

Subd. 9. [PAYMENTS.] Payments from the fund must be made in accordance with the applicable state and federal law governing the payments, except that with the exception of payments made under sections 103F.725, subdivision 1a, 116J.403, 116J.617, and 462A.05, no payment for a project may be made to a governmental unit until and unless the authority has determined the total estimated cost of the project and ascertained that financing of the project is assured by:

(1) a loan authorized by state law or the appropriation of proceeds of bonds or other money of the governmental unit to a fund for the construction of the project; and

(2) an irrevocable undertaking, by resolution of the governing body of the governmental unit, to use all money made available for the project exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or the proceeds of additional bonds to be issued by the governmental unit.

Sec. 16. Minnesota Statutes 1992, section 446A.07, subdivision 11, is amended to read:

Subd. 11. [RULES OF THE AGENCY.] The agency shall adopt rules relating to the procedure for preparation of the annual intended use plan, including procedures for listing eligible activities that will be administered by a state agency or department and other matters that the agency considers necessary for proper loan administration.

Sec. 17. Minnesota Statutes 1992, section 446A.071, subdivision 1, is amended to read:

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

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

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

Sec. 18. [446A.081] [DRINKING WATER REVOLVING FUND.]

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

(b) "Act" means the federal Drinking Water Infrastructure Financing Act.

(c) "Department" means the department of health.

Subd. 2. [ESTABLISHMENT OF FUND.] The authority shall establish a drinking water revolving fund to provide loans and other forms of financial assistance authorized by the act, as determined by the authority under the rules adopted under this section for the purposes and eligible costs authorized under the act. The fund must be credited with repayments. The act requires that the fund corpus must be managed so as to be available in perpetuity for the financing of drinking water systems in the state. At a minimum, 15 percent of the funds received each federal fiscal year shall be available solely for providing loans to public water systems which regularly serve fewer than 10,000 individuals.

Subd. 3. [STATE FUNDS.] A state matching fund is established to be used in compliance with federal matching requirements specified in the act.

Subd. 4. [CAPITALIZATION GRANT AGREEMENT.] The authority shall enter into an agreement with the administrator of the United States Environmental Protection Agency to receive capitalization grants for the fund. The authority and the department may exercise the powers necessary to comply with the requirements specified in the agreement.

Subd. 5. [INTENDED USE PLAN.] The authority shall annually prepare and submit to the United States Environmental Protection Agency an intended use plan. The plan must identify the intended uses of the amounts available to the drinking water revolving loan fund. The department shall provide a prioritized list of drinking water projects and other eligible activities to be considered for funding by the authority. The plan may be amended by the authority and include additional eligible projects proposed by the department.

Subd. 6. [APPLICATIONS.] Applications by municipalities, privately owned public water systems, and eligible entities identified in the annual intended use plan for loans from the fund must be made to the authority on the forms prescribed by the rules of the authority and the rules of the department adopted under this section. The authority shall forward the application to the department within ten days of receipt. The department shall approve those applications that appear to meet the criteria in the act, this section, and the rules of the department or the authority.

Subd. 7. [AWARD AND TERMS OF LOANS.] The authority shall award loans to those municipalities, privately owned public water systems, and other eligible entities approved by the department, provided that the applicant is able to comply with the terms and conditions of the authority loan, which must be in conformance with the act, this section, and the rules of the authority adopted under this section.

Subd. 8. [LOAN CONDITIONS.] (a) When making loans from the drinking water revolving fund, the authority shall comply with the conditions of the act, including the criteria in paragraphs (b) to (e).

(b) Loans must be made at or below market interest rates, including zero interest loans, for terms not to exceed 20 years.

(c) The annual principal and interest payments must begin no later than one year after completion of the project. Loans must be amortized no later than 20 years after project completion.

(d) A loan recipient must identify and establish a dedicated source of revenue for repayment of the loan, and provide for a source of revenue to properly operate, maintain, and repair the water system.

(e) The fund must be credited with all payments of principal and interest on all loans, except the costs as permitted under section 446A.04, subdivision 5, paragraph (a).

Subd. 9. [OTHER USES OF FUND.] The drinking water revolving loan fund may be used as provided in the act, including the following uses:

(1) to buy or refinance the debt obligations, at or below market rates, of public water systems for drinking water systems, where such debt was incurred after the date of enactment of the act, for the purposes of construction of the necessary improvements to comply with the national primary drinking water regulations under the federal Safe Drinking Water Act;

(2) to purchase or guarantee insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loans or loan guarantees for similar revolving funds established by a governmental unit or state agency;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the department for conducting activities as authorized and required under the act up to the limits authorized under the act.

Subd. 10. [PAYMENTS.] Payments from the fund to borrowers must be in accordance with the applicable state and federal laws governing such payments, except no payment for a project may be made to a borrower until and unless the authority has determined that the total estimated cost of the project and the financing of the project are assured by:

(1) a loan authorized by state law or appropriation of proceeds of bonds or other money of the borrower to a fund for the construction of the project; and

(2) an irrevocable undertaking, by resolution of the governing body of the borrower, to use all money made available for the project exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or proceeds of additional bonds to be issued by the borrower.

Subd. 11. [RULES OF THE AUTHORITY.] The commissioner of trade and economic development shall adopt rules containing the procedures for the administration of the authority's duties as provided by this section that include: setting of interest rates, which shall take into account the financial need of the applicant; the amount of project financing to be provided; the collateral required for public drinking water systems and for privately owned public water systems; dedicated sources of revenue or income streams to ensure repayment of loans; and the requirements to ensure proper operation, maintenance, and repair of the water systems financed by the authority.

Subd. 12. [RULES OF THE DEPARTMENT.] The department shall adopt rules relating to the procedures for administration of the department's duties under the act and this section. The department and the commissioner of the department of trade and economic development may adopt a single set of rules for the program.

Sec. 19. Minnesota Statutes 1992, section 446A.11, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] In implementing the purposes and the programs transferred to the authority by section 446A.10, subdivision 2 described in this chapter, the authority has the powers in this section.

Sec. 20. Minnesota Statutes 1992, section 446A.12, subdivision 1, is amended to read:

Subdivision 1. [BONDING AUTHORITY.] The authority may issue negotiable bonds in a principal amount that the authority determines necessary to provide sufficient funds for achieving its purposes, including the making of loans and purchase of securities, the payment of interest on bonds of the authority, the establishment of reserves to secure its bonds, the payment of fees to a third party providing credit enhancement, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers, but not including the making of grants. Bonds of the authority may be issued as bonds or notes or in any other form authorized by law. The principal amount of bonds issued and outstanding under this section at any time may not exceed \$250,000,000 \$350,000,000.

Sec. 21. Minnesota Statutes 1992, section 446A.15, subdivision 6, is amended to read:

Subd. 6. [CERTIFICATION AND BUDGET REQUEST.] To assure the payment of the principal of and interest on bonds of the authority issued prior to January 1, 1994, and the continued maintenance of all debt service reserve funds created and established for that payment, the authority shall annually determine and certify to the governor, on or before December 1, the following amounts:

(1) the amount then needed to restore each debt service reserve fund securing in whole or in part the payment of principal of and interest on bonds of the authority issued prior to January 1, 1994, to the minimum amount required by the resolution or indenture establishing the fund, but not exceeding the maximum amount of principal and interest to become due and payable in any later year on all bonds issued prior to January 1, 1994, that are then outstanding and secured by the fund; and

(2) the amount determined by the authority to be needed in the immediately ensuing fiscal year, with other funds pledged and estimated to be received during that year, for the payment of the principal and interest due and payable in that year on all then outstanding bonds secured by a debt service reserve fund securing in whole or in part the payment of principal of and interest on bonds of the authority issued prior to January 1, 1994, the amount of which is then less than the minimum amount agreed, but not exceeding the maximum amount of principal and interest to become due and payable in the immediately ensuing fiscal year on bonds prior to January 1, 1994.

The governor shall include in the proposed biennial budget for the following fiscal year, or in a supplemental budget if the biennial budget has previously been approved, the amounts certified by the authority in accordance with this subdivision.

Sec. 22. [REPEALER.]

Minnesota Statutes 1992, section 446A.08, is repealed.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 22 are effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to water; providing financial assistance for the clean water partnership program; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; amending Minnesota Statutes 1992, sections 103F.725, by adding a subdivision; 103F.745; 103F.761, subdivision 2; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 446A; repealing Minnesota Statutes 1992, section 446A.08."

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.

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

H. F. No. 2770, A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

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

The report was adopted.

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

H. F. No. 2784, A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to discharge, release, or satisfy mortgages; amending Minnesota Statutes 1992, section 507.40.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [507.401] [TITLE INSURANCE COMPANIES; CERTIFICATES OF RELEASE OF MORTGAGE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Mortgage" means a mortgage or mortgage lien on an interest in real property in this state given to secure a loan in the original principal amount of \$500,000 or less.

(c) "Mortgagee" means:

(1) the grantee of a mortgage; or

(2) if a mortgage has been assigned of record, the last person to whom the mortgage has been assigned of record.

(d) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage. A person transmitting a payoff statement is the mortgage servicer for the mortgage described in the payment statement.

(e) "Mortgagor" means the grantor of a mortgage.

(f) "Payoff statement" means a statement of the amount of:

(1) the unpaid balance of a loan secured by a mortgage, including principal, interest, and any other charges properly due under or secured by the mortgage; and

(2) interest on a per day basis for the unpaid balance.

(g) "Record" means to record with the county recorder or file with the registrar of titles.

(h) "Title insurance company" means a corporation or other business entity authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 68A.

Subd. 2. [CERTIFICATE OF RELEASE.] An officer or duly appointed agent of a title insurance company may, on behalf of a mortgagor or a person who acquired from the mortgagor title to all or a part of the property described in a mortgage, execute a certificate of release that complies with the requirements of this section and record the certificate of release in the real property records of each county in which the mortgage is recorded if: (i) a satisfaction or release of the mortgage has not been executed and recorded within 60 days after the date payment in full of the loan secured by the mortgage was sent in accordance with a payoff statement furnished by the mortgagee or the mortgage servicer, and (ii) the title insurance company, its officer or agent has sent to the last known address of the mortgagee or the mortgage servicer, at least 30 days prior to executing the certificate of release, written notice of its intention to execute and record a certificate of release in accordance with this section after the expiration of the 60-day period.

Subd. 3. [CONTENTS.] A certificate of release executed under this section must contain substantially all of the following:

(1) the name of the mortgagor, the name of the original mortgagee, and, if applicable, the mortgage servicer, the date of the mortgage, the date of recording, and volume and page or document number in the real property records where the mortgage is recorded, together with similar information for the last recorded assignment of the mortgage;

(2) a statement that the mortgage was in the original principal amount of \$500,000 or less;

(3) a statement that the person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 68A;

(4) a statement that the certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or a part of the property described in the mortgage;

(5) a statement that the mortgagee or mortgage servicer provided a payoff statement which was used to make payment in full of the unpaid balance of the loan secured by the mortgage;

(6) a statement that payment in full of the unpaid balance of the loan secured by the mortgage was made in accordance with the written or verbal payoff statement, and received by the mortgagee or mortgage servicer, as evidenced by one or more of the following in the records of the title insurance company or its agent;

(i) a bank check, certified check, escrow account check from the title company or title insurance agent or attorney trust account check that has been negotiated by the mortgagee or mortgage servicer; or

(ii) other documentary evidence of payment to the mortgagee or mortgage servicer;

(7) a statement that more than 60 days have elapsed since the date payment in full was sent;

(8) a statement that after the expiration of the 60-day period referred to in subdivision 2, the title insurance company, its officer or agent, sent to the last known address of the mortgagee or mortgage servicer, at least 30 days prior to executing the certificate of release, notice in writing of its intention to execute and record a certificate of release in accordance with this section, with an unexecuted copy of the proposed certificate of release attached to the written notice; and

(9) a statement that the title insurance company, its officer or agent, has not received notification in writing of any reason why the certificate of release should not be executed and recorded after the expiration of the 30-day notice period referred to in subdivision 2.

Subd. 4. [EXECUTION.] (a) A certificate of release authorized by subdivision 2 must be executed and acknowledged as required by law in the case of a deed and may be executed by a duly appointed agent of a title insurance company, but such delegation to an agent by a title insurance company shall not relieve the title insurance company of any liability for damages caused by its agent for the wrongful or erroneous execution of a certificate of release.

(b) The appointment of agent must be executed and acknowledged as required by law in the case of a deed and must state:

(1) the title insurance company as the grantor;

(2) the identity of the person, partnership, or corporation authorized to act as agent to execute and record certificates of release provided for in this section on behalf of the title insurance company;

(3) that the agent has the full authority to execute and record certificates of release provided for in this section on behalf of the title insurance company;

(4) the term of appointment of the agent; and

(5) that the agent has consented to and accepts the terms of the appointment.

(c) A single appointment of agent may be recorded in each county in each recording or filing office. A separate appointment of agent shall not be necessary for each certificate of release. For registered land the appointment of agent shall be shown as a memorial on each certificate of title on which a mortgage to be released by a certificate of release under this section is a memorial. The appointment of agent may be rerecorded where necessary to establish authority of the agent, but such authority shall continue until a revocation of appointment is recorded in the office of the county recorder, or registrar of titles, where the appointment of agent was recorded.

Subd. 5. [EFFECT.] For purposes of releasing the mortgage, a certificate of release containing the information and statements provided for in subdivision 3 and executed as provided in this section is prima facie evidence of the facts contained in it, is entitled to be recorded with the county recorder or registrar of titles, and operates as a release of the mortgage described in the certificate of release. The county recorder and the registrar of titles shall rely upon it to release the mortgage. Recording of a wrongful or erroneous certificate of release by a title insurance company or its agent shall not relieve the mortgagor, or the mortgagor's successors or assigns, from any personal liability on the loan or other obligations secured by the mortgage. In addition to any other remedy provided by law, a title insurance company wrongfully or erroneously recording a certificate of release under this section shall be liable to the mortgagee for actual damage sustained due to the recordings of the certificate of release.

Subd. 6. [RECORDING.] If a mortgage is recorded in more than one county and a certificate of release is recorded in one of them, a certified copy of the certificate of release may be recorded in another county with the same effect as the original. In all cases, the certificate of release shall be entered and indexed as satisfactions of mortgage are entered and indexed.

Subd. 7. [APPLICATION.] This section applies only to a mortgage in the original principal amount of \$500,000 or less.

Sec. 2. [EXPIRATION.]

Section 1 expires July 31, 1996, but real property released from a mortgage by a certificate of release recorded on or before July 31, 1996, continues to be released after July 31, 1996."

Delete the title and insert:

"A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to execute certificates of release of mortgages; proposing coding for new law in Minnesota Statutes, chapter 507."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2799, A bill for an act relating to securities; face-amount certificate companies, open-end management companies, and unit investment trusts; providing for the calculation of registration fees and uniform expiration, renewal, and reporting provisions; amending Minnesota Statutes 1992, sections 80A.12, subdivisions 2, 9, 10, and by adding a subdivision; 80A.13, subdivision 1; and 80A.28, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1992, section 80A.12, subdivision 9.

Reported the same back with the following amendments:

Page 1, line 22, delete "do" and insert "does" and delete "investment" and insert "management"

Page 2, lines 17, 26, and 34, delete "investment" and insert "management"

Page 2, line 36, delete the second "investment" and insert "management"

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

Pages 3 to 5, delete section 5

Page 5, line 34, delete "\$50" and insert "\$25"

Page 6, delete section 8, and insert:

"Sec. 7. [EFFECTIVE DATE.]

This act is effective July 1, 1995."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "80A.13, subdivision 1;"

Page 1, line 9, delete the semicolon and insert a period

Page 1, delete lines 10 and 11

With the recommendation that when so amended 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. 2842, A bill for an act relating to the city of Mankato; allowing the city to exercise the powers of a port authority; proposing coding for new law in Minnesota Statutes, chapter 469.

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 2855, A bill for an act relating to health; MinnesotaCare; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center

for health care electronic data interchange; providing standards for the Minnesota health care identification card; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reported the same back with the following amendments:

Page 7, delete lines 15 to 18 and insert:

"(b) The unique identification number assigned by the health care financing administration shall be used as the unique identification number for individual health care providers. Providers who do not currently have a unique identification number shall request one from the health care financing administration."

Page 7, delete lines 23 to 25

Page 8, line 28, after the period, insert "This provision does not require that patients provide their social security numbers, and does not require group purchasers or providers to demand that patients provide their social security numbers."

Page 9, line 1, delete "encrypted" and insert "unencrypted"

Page 9, line 3, after the period, insert "The encryption algorithm and hardware used must not use clipper chip technology."

Page 16, line 9, delete "60J.50 to 60J.61" and insert "62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59"

Page 16, line 16, after the period, insert "The commissioner shall not promulgate any rules requiring patients to provide their social security numbers unless and until federal laws are modified to allow or require such action, nor shall the commissioner promulgate rules which allow medical record, claims, or other treatment or clinical data to be included on the health care identification card, except as specifically provided in this chapter."

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.

Clark from the Committee on Housing to which was referred:

H. F. No. 2877, A bill for an act relating to housing; establishing a pilot project for housing homeless persons in severe weather; appropriating money.

Reported the same back with the following amendments:

Page 1, lines 12 and 13, delete "counties" and insert "shelter providers"

Page 2, lines 4, 11, and 28, delete "counties" and insert "shelter providers"

Page 2, line 9, delete "1" and insert "15"

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

The report was adopted.

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

H. F. No. 2984, A bill for an act relating to insurance; health plans; prohibiting provisions that grant the health carrier a subrogation right, except where the covered person has been fully compensated from another source; proposing coding for new law in Minnesota Statutes, chapter 62A.

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:

H. F. No. 2990, A bill for an act relating to insurance; township mutual fire insurance; allowing companies to issue policies in combination with the policies of other insurers; proposing coding for new law in Minnesota Statutes, chapter 67A.

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. 3041, A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

Reported the same back with the following amendments:

Page 9, line 23, before "The" insert "(a)"

Page 9, after line 30, insert:

"(b) Any long-term lease, use or other agreement entered into by the Minnesota amateur sports commission with the commission under paragraph (a) must also provide for a release of the Minnesota amateur sports commission from its commitment under the agreement and permit it to agree to a per event use fee when the bonds issued for the metrodomes under section 473.581 have been retired.

"(c) No long-term lease, use or other agreement entered into by the Minnesota amateur sports commission under paragraph (a) may commit the amateur sports commission to paying more than \$750,000 per year plus an annual adjustment not greater than the percentage change in the consumer price index for urban consumers as prepared by the United States bureau of labor statistics."

Page 13, line 16 to page 18, line 19, reinstate the stricken language and delete the new language

Page 28, line 2, delete "to its"

Page 28, line 3, delete everything before the period

Page 28, line 11, after "commission" insert "and council"

Page 28, line 13, after "council," insert "their staff members,"

Page 29, delete line 18

Page 29, line 19, delete "of the"

Page 30, line 7, after "(a)," insert "exclusive of any original issue discount,"

Page 30, line 8, after "\$....." insert "plus such amount as the council determines necessary to pay the costs of issuance, fund reserves for operation and debt service, and pay for any bond insurance or other credit enhancement." and delete ", including any capital"

Page 30, delete line 9

Page 30, line 11, delete "in the proportions that the commission may determine"

Page 30, line 15, after "land" insert "and the related purposes referred to in this subdivision" and after "bonds" insert "pursuant to subdivision 2, clause (a),"

Page 30, line 32, after "whole" insert "the council and"

Page 31, line 34, after "satisfy" insert "the council and" and delete "its" and insert "the council's"

Page 32, line 2, delete ", to acquire or remodel and to furnish the" and insert "for the purposes for which they are issued."

Page 32, delete lines 3 and 4

Page 38, line 36, before "commission" insert "metropolitan sports facilities"

With the recommendation that when so amended the bill be re-referred to the Committee on Governmental Operations and Gambling without further recommendation.

The report was adopted.

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

H. F. No. 3100, A resolution memorializing the President and Congress to maintain funding for the low-income home energy assistance program and to continue its operation in Minnesota.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 662, 985, 1416, 1899, 2028, 2067, 2139, 2296, 2363, 2513, 2572, 2623, 2705, 2770, 2784, 2799, 2984, 2990 and 3100 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Swenson, Lieder and Johnson, V., introduced:

H. F. No. 3119, A bill for an act relating to appropriations; transferring \$65,000,000 from the general fund to the highway user tax distribution fund for fiscal year 1995; appropriating money to the commissioner of transportation for state road operations, county state-aid highways, and municipal state-aid streets.

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

Kahn, Krueger, Krinkie, Kinkel and Kalis introduced:

H. F. No. 3120, A bill for an act relating to military affairs; expediting payment to forces ordered to active duty; amending Minnesota Statutes 1992, section 192.52.

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

Ness, Kelso, Lasley, Ozment and Olson, K., introduced:

H. F. No. 3121, A bill for an act relating to education; requiring the commissioner of education to implement regional facilities planning; establishing a regional facilities planning advisory council; appropriating money.

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

Rest introduced:

H. F. No. 3122, A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

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

Kahn, Krueger, Krinkie, Kinkel and Kalis introduced:

H. F. No. 3123, A bill for an act relating to public employees; prohibiting reemployment of certain early retirees; amending Minnesota Statutes 1992, section 356.70, by adding a subdivision.

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

Erhardt, Vickerman and Smith introduced:

H. F. No. 3124, A bill for an act relating to government data practices; classifying data; making driver's license and motor vehicle registration data private with certain exceptions; amending Minnesota Statutes 1992, sections 13.69, subdivision 1; and 171.12, subdivision 7; Minnesota Statutes 1993 Supplement, section 168.346.

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

Onnen introduced:

H. F. No. 3125, A bill for an act relating to taxation; motor vehicle excise; allowing certain fire trucks to qualify for the in lieu tax on collector vehicles; amending Minnesota Statutes 1992, sections 297B.02, subdivision 3; and 297B.025, subdivision 2.

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

Johnson, R., and Kinkel introduced:

H. F. No. 3126, A bill for an act relating to education; clarifying post-secondary enrollment options to include pupils at certain American Indian schools; amending Minnesota Statutes 1992, section 123.3514, subdivision 4.

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

Ozment introduced:

H. F. No. 3127, A bill for an act relating to crime prevention; sentencing; requesting the sentencing guidelines commission to consider creating an aggravating factor.

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

Evans introduced:

H. F. No. 3128, A bill for an act relating to education; providing for alternative activities for school age children; expanding parental involvement; providing for training in working with children with special needs; providing for violence prevention activities; appropriating money; amending Minnesota Statutes 1992, sections 121.88, subdivision 10; and 126.69, subdivision 1; Minnesota Statutes 1993 Supplement, sections 121.882, subdivision 2b; 124.2711, subdivision 5; 124.2713, subdivision 5; 124.2716, subdivision 2; 124A.29, subdivision 1; and 126.70, subdivision 2a.

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

Mosel and Kalis introduced:

H. F. No. 3129, A bill for an act relating to municipal contracts; allowing awards of contracts to certain bidders; amending Minnesota Statutes 1992, section 471.345, by adding a subdivision.

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

Evans and Mahon introduced:

H. F. No. 3130, A bill for an act relating to health; establishing an exception to the nursing home moratorium; modifying special provisions for moratorium exceptions; appropriating money; amending Minnesota Statutes 1992, section 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

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

Swenson, Limmer, Steensma and Brown, C., introduced:

H. F. No. 3131, A bill for an act relating to public safety; increasing to 21 years the minimum age for eligibility to possess a pistol or semiautomatic military-style assault weapon; clarifying provisions regarding transfer and possession of pistols and semiautomatic military-style assault weapons; substituting the term "handgun" for the term "pistol"; amending Minnesota Statutes 1992, sections 624.712, subdivisions 2, 3, and 4; 624.7131, subdivisions 2, 7, 8, and 11; and 624.714, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; Minnesota Statutes 1993 Supplement, sections 624.711; 624.712, subdivisions 6, 7, and 8; 624.713; 624.7131, subdivisions 1, 4, and 10; 624.7132, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, and 16; and 624.714, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1993 Supplement, sections 624.7132, subdivisions 7 and 10.

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

Kelley; Johnson, A.; Vellenga; Kelso and Greiling introduced:

H. F. No. 3132, A bill for an act relating to education; increasing the number of years that a referendum may be authorized; allowing school boards to convert net tax capacity referendum levies to market value referendum levies; extending the expiration date of existing referendum authority; amending Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 124A; repealing Laws 1993, chapter 224, article 1, section 37.

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

Peterson; Cooper; Wenzel; Johnson, V., and Anderson, I., introduced:

H. F. No. 3133, A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

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

Carruthers, Vellenga, Bishop, Pugh and Milbert introduced:

H. F. No. 3134, A bill for an act relating to civil actions; barring perpetrators of crimes from recovering for injuries sustained during criminal conduct; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Trimble introduced:

H. F. No. 3135, A bill for an act relating to retirement; permitting the purchase of service credit for St. Paul bureau of health service.

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

Kahn, Krueger, Krinkie, Kinkel and Kalis introduced:

H. F. No. 3136, A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

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

Garcia, Jefferson, Carruthers, Pauly and Morrison introduced:

H. F. No. 3137, A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

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

Rest, Kahn, Abrams and Krueger introduced:

H. F. No. 3138, A bill for an act relating to state and local revenues; providing for state financial management reform; modifying proposed property tax notices; appropriating money; amending Minnesota Statutes 1992, sections 16A.11, by adding a subdivision; and 124.196; Minnesota Statutes 1993 Supplement, sections 16A.04, subdivision 1; 16A.11, subdivision 1; and 275.065, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16A; and 275.

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

Nelson introduced:

H. F. No. 3139, A bill for an act relating to military affairs; appropriating money for capital improvements at the armory in Detroit Lakes.

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

Evans introduced:

H. F. No. 3140, A bill for an act relating to occupations and professions; providing for continuing education requirements for cosmetologists; proposing coding for new law in Minnesota Statutes, chapter 155A.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Long; Olson, M.; Rest; Munger and Ozment introduced:

H. F. No. 3141, A bill for an act relating to taxation; sales and use; providing a tax exemption on construction materials for corrugated recycling facilities; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

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

Solberg introduced:

H. F. No. 3142, A bill for an act relating to conciliation court; defining consumer credit transactions; amending Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 3.

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

Sekhon introduced:

H. F. No. 3143, A bill for an act relating to consumer protection; regulating deceptive trade practices related to environmental marketing claims; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Knight introduced:

H. F. No. 3144, A bill for an act relating to taxation; individual income; allowing a subtraction for personal exemptions; amending Minnesota Statutes 1992, section 290.01, subdivision 19b.

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

Krueger, Nelson and Tunheim introduced:

H. F. No. 3145, A bill for an act relating to public administration; creating regional telecommunications network; providing grants for telecommunications planning; requiring reports to the legislature; appropriating money.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Peterson, Reding and Cooper introduced:

H. A. No. 35, A proposal to study retirement annuities paid to public school teachers.

The advisory was referred to the Committee on Governmental Operations and Gambling.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 2015.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2015, A bill for an act relating to metropolitan government; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivision 7; 15A.082, subdivision 3; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, and 4; 473.129; 473.13, subdivision 4; 473.146, subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517, subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; and 473.852, subdivisions 8 and 10; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, section 473.3996, subdivisions 1 and 2.

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

CONSENT CALENDAR

H. F. No. 2080, A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104.

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

The bill was passed and its title agreed to.

H. F. No. 2314, A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2435, A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, 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	Dehler	Hugoson	Lasley	Neary	Reding	Trimble
Anderson, R.	Dempsey	Huntley	Leppik	Nelson	Rest	Tunheim
Asch	Dorn	Jacobs	Lieder	Ness	Rhodes	Van Dellen
Battaglia	Erhardt	Jaros	Limmer	Olson, E.	Rice	Van Engen
Bauerly	Evans	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Beard	Farrell	Jennings	Long	Olson, M.	Rukavina	Vickerman
Bergson	Finseth	Johnson, A.	Lourey	Onnen	Sarna	Wagenius
Bertram	Frerichs	Johnson, R.	Luther	Opatz	Seagren	Weaver
Bettermann	Garcia	Johnson, V.	Lynch	Orenstein	Sekhon	Wejcman
Bishop	Girard	Kahn	Macklin	Orfield	Simoneau	Wenzel
Brown, K.	Goodno	Kalis	Mahon	Osthoff	Skoglund	Winter
Carlson	Greenfield	Kelley	McCollum	Ostrom	Smith	Wolf
Carruthers	Greiling	Kelso	McGuire	Ozment	Solberg	Worke
Clark	Gruenes	Kinkel	Milbert	Pauly	Stanius	Workman
Commers	Gutknecht	Klinzing	Molnau	Pawlenty	Steensma	Spk. Anderson, I.
Cooper	Hasskamp	Knight	Morrison	Pelowski	Sviggum	
Dauner	Haukoos	Koppendrayner	Mosel	Perlt	Swenson	
Dauids	Hausman	Krinkie	Munger	Peterson	Tomassoni	
Dawkins	Holsten	Krueger	Murphy	Pugh	Tompkins	

The bill was passed and its title agreed to.

S. F. No. 2040, A bill for an act relating to family law; clarifying pension plan obligations; amending Minnesota Statutes 1992, section 518.581, 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	Dehler	Hugoson	Lasley	Murphy	Pugh	Tompkins
Anderson, R.	Dempsey	Huntley	Leppik	Neary	Reding	Trimble
Asch	Dorn	Jacobs	Lieder	Nelson	Rest	Tunheim
Battaglia	Erhardt	Jaros	Limmer	Ness	Rhodes	Van Dellen
Bauerly	Evans	Jefferson	Lindner	Olson, E.	Rice	Van Engen
Beard	Farrell	Jennings	Long	Olson, K.	Rodosovich	Vellenga
Bergson	Finseth	Johnson, A.	Lourey	Olson, M.	Rukavina	Vickerman
Bertram	Frerichs	Johnson, R.	Luther	Onnen	Sarna	Wagenius
Bettermann	Garcia	Johnson, V.	Lynch	Opatz	Seagren	Weaver
Brown, C.	Girard	Kahn	Macklin	Orenstein	Sekhon	Wejcman
Brown, K.	Goodno	Kalis	Mahon	Orfield	Simoneau	Wenzel
Carlson	Greenfield	Kelley	Mariani	Osthoff	Skoglund	Winter
Carruthers	Greiling	Kelso	McCollum	Ostrom	Smith	Wolf
Clark	Gruenes	Kinkel	McGuire	Ozment	Solberg	Worke
Commers	Gutknecht	Klinzing	Milbert	Pauly	Stanius	Workman
Cooper	Hasskamp	Knight	Molnau	Pawlenty	Steensma	Spk. Anderson, I.
Dauner	Haukoos	Koppendrayner	Morrison	Pelowski	Sviggum	
Dauids	Hausman	Krinkie	Mosel	Perlt	Swenson	
Dawkins	Holsten	Krueger	Munger	Peterson	Tomassoni	

The bill was passed and its title agreed to.

H. F. No. 2646, A bill for an act relating to agriculture; expanding the restricted seed potato growing area; amending Minnesota Statutes 1992, section 21.1196, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Carruthers, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Thursday, March 24, 1994:

S. F. No. 1691; H. F. Nos. 2099 and 1374; S. F. No. 2086; and H. F. Nos. 2330, 1659, 1936, 2200, 2237, 2360, 2497, 2058, 2591 and 2772.

SPECIAL ORDERS

S. F. No. 1691 was reported to the House.

Hasskamp moved to amend S. F. No. 1691 as follows:

Page 66, after line 25, insert:

"ARTICLE 5

TERMINATION OF TIME SHARE INTEREST

Section 1. Minnesota Statutes 1992, section 508.58, subdivision 2, is amended to read:

Subd. 2. [EXAMINER OF TITLES DIRECTIVE.] Any person who has become the owner in fee of registered land, or any part of the land, pursuant to a mortgage foreclosure by action under chapter 581 is entitled to a new certificate of title for the land described in the sheriff's certificate of sale or so much of the land as may be described in the

certificate of title, after the redemption period expires. The registrar shall enter the new certificate of title and issue a new owner's duplicate certificate only pursuant to the court order provided in subdivision 1 or upon the written directive of the examiner of titles as to the legal sufficiency of the mortgage foreclosure proceeding. The directive of the examiner of titles also must specify the instruments the registrar shall omit from the new certificate of title by virtue of the foreclosure.

At the request of a registered owner or other person in interest, the examiner of titles by a written directive may direct the registrar of titles to show by memorial on a certificate of title that a contract for the conveyance of a time share interest, as defined in section 515B.1-103(32), has been terminated in accordance with chapter 559. The directive also must specify the instruments the registrar shall omit from the next certificate of title because of the cancellation."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1691, A bill for an act relating to real property; clarifying and making technical corrections to statutory provisions relating to real property; allowing the examiner of titles in Olmsted county to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, sections 14.03, subdivision 3; 83.26, subdivision 2; 500.19, subdivision 4; 507.09; 507.332; 508.12, subdivision 1; 508.13; 508.23, subdivision 1; 508.35; 508.37, subdivision 1a; 508.38; 508.45; 508.47, subdivision 5; 508.51; 508.52; 508.55; 508.68; 508.70; 508.71, subdivision 4; 508A.22, subdivision 1; 508A.35; 508A.38; 508A.45; 508A.47, subdivision 5; 508A.51; 508A.52; 508A.55; 508A.68; 508A.71, subdivision 4; 559.21, subdivisions 3, 4, and 8; and 580.12; Minnesota Statutes 1993 Supplement, section 256B.0595, by adding a subdivision; 508.71, subdivision 7; 515B.1-102; 515B.1-103; 515B.1-105; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-110; 515B.2-118; 515B.2-119; 515B.3-113; 515B.3-116; and 515B.3-117; proposing coding for new law in Minnesota Statutes, chapters 508; and 508A.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2099 was reported to the House.

Wejcman, Kahn, Garcia, Orenstein, Trimble and Clark moved to amend H. F. No. 2099 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 144.218, is amended by adding a subdivision to read:

Subd. 5. [FOLLOWING SURGERY.] After surgery for transsexualism, if an individual presents a court order for name change and a written statement from the surgeon who performed the operation, a new certificate shall be registered and the prior certificate shall be confidential as defined in section 13.02, subdivision 3, and shall not be disclosed except upon court order."

Renumber sections and amend the title accordingly

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

Swenson and Pugh moved to amend H. F. No. 2099 as follows:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1992, section 259.11, is amended to read:

259.11 [ORDER; FILING COPIES.]

(a) Upon meeting If the requirements of section 259.10 are met, the court shall grant the application unless it finds that there is an intent to defraud or mislead or in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court may require a hearing if needed to make its finding. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has been convicted of a felony in this or any other state. If so, the court shall, within ten days after the name change application is granted, report the name change to the bureau of criminal apprehension. The person whose name is changed shall also report the change to the bureau of criminal apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the bureau of criminal apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Orenstein moved to amend H. F. No. 2099, as amended, as follows:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in the eighth judicial district which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or child or medical support enforcement conducted by an administrative law judge in an administrative hearing under section 518.551, subdivision 10;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under sections 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, and 260.251, or other sections referring to other forms of public assistance; or

(8) restitution under section 611A.04.

(d) No fee is required under this section from a person petitioning for a change of name under section 259.10, if:

(1) the petition is filed within one year of the person's marriage or marriage dissolution; and

(2) the person is changing the name all or in part to include the name of the person's spouse or to include the person's prior name.

(e) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "waiving filing fees in certain cases;"

Page 1, line 4, before the period, insert "; Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a"

The motion prevailed and the amendment was adopted.

H. F. No. 2099, A bill for an act relating to change of name; altering procedural requirements for a change of name application; waiving filing fees in certain cases; amending Minnesota Statutes 1992, sections 259.10; and 259.11; Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dehler Lindner Olson, M.

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

H. F. No. 1374 was reported to the House.

Johnson, A., moved to amend H. F. No. 1374, the first engrossment, as follows:

Page 1, line 9, delete "assess" and insert "report on"

Page 1, line 13, delete "evaluate" and insert "report on"

Page 1, after line 15, insert: "(3) report on youth apprenticeship programs in occupations or at worksites defined as hazardous under state or federal rules;"

Page 1, line 16, delete "(3)" and insert "(4)"

The motion prevailed and the amendment was adopted.

H. F. No. 1374, A bill for an act relating to employment; requiring the department of labor and industry to study and report recommendations on child labor.

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 107 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bauerly	Bertram	Brown, C.	Carruthers	Dauner	Dorn
Asch	Beard	Bettermann	Brown, K.	Clark	Dawkins	Evans
Battaglia	Bergson	Bishop	Carlson	Cooper	Dempsey	Farrell

Finseth	Jennings	Leppik	Morrison	Pauly	Sekhon	Wagenius
Garcia	Johnson, A.	Lieder	Mosel	Pawlenty	Simoneau	Waltman
Goodno	Johnson, R.	Limmer	Munger	Pelowski	Skoglund	Wejzman
Greenfield	Johnson, V.	Long	Murphy	Perlt	Smith	Wenzel
Greiling	Kahn	Lourey	Neary	Peterson	Solberg	Winter
Gutknecht	Kalis	Luther	Olson, K.	Pugh	Steensma	Wolf
Hasskamp	Kelley	Lynch	Onnen	Reding	Swenson	Workman
Hausman	Kelso	Macklin	Opatz	Rest	Tomassoni	Spk. Anderson, I.
Holsten	Kinkel	Mahon	Orenstein	Rhodes	Tompkins	
Huntley	Klinzing	Mariani	Orfield	Rice	Trimble	
Jacobs	Knight	McCollum	Osthoff	Rodosovich	Tunheim	
Jaros	Krueger	McGuire	Ostrom	Rukavina	Van Engen	
Jefferson	Lasley	Milbert	Ozment	Sarna	Vellenga	

Those who voted in the negative were:

Abrams	Erhardt	Haukoos	Lindner	Olson, E.	Sviggum	Worke
Commers	Frerichs	Hugoson	Molnau	Olson, M.	Van Dellen	
Dauids	Girard	Koppendraye	Nelson	Seagren	Vickerman	
Dehler	Gruenes	Krinkie	Ness	Stanis	Weaver	

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

S. F. No. 2086 was reported to the House.

Cooper moved to amend S. F. No. 2086 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 147.34, subdivision 1, is amended to read:

Subdivision 1. [DELEGATION OF AUTHORITY TO PRESCRIBE, DISPENSE, AND ADMINISTER DRUGS AND MEDICAL DEVICES.] (a) A supervising physician may delegate to a physician assistant who is registered with the board of medical practice and certified by the National Commission on Certification of Physician Assistants and who is under the supervising physician's supervision, the authority to prescribe, dispense, and administer legend drugs and medical devices, subject to the requirements in this section and other requirements established by the commissioner of health in rules. The authority to dispense includes, but is not limited to, the authority to receive and dispense sample drugs. This authority to dispense extends only to those drugs described in the written agreement developed under paragraph (b).

(b) The agreement between the physician assistant and supervising physician and any alternate supervising physicians must include a statement by the supervising physician regarding delegation or nondelegation of the functions of prescribing, dispensing, and administering of legend drugs and medical devices to the physician assistant. The statement must include a protocol indicating categories of drugs for which the supervising physician delegates prescriptive and dispensing authority. The delegation must be appropriate to the physician assistant's practice and within the scope of the physician assistant's training. The commissioner of health shall identify categories of drugs, if any, for which delegated prescribing is and dispensing are inappropriate. Physician assistants who have been delegated the authority to prescribe, dispense, and administer legend drugs and medical devices shall provide evidence of current certification by the National Commission on Certification of Physician Assistants or its successor agency when registering or reregistering as physician assistants. Supervising physicians shall retrospectively review, on a daily basis, the prescribing, dispensing, and administering of legend drugs and medical devices by physician assistants, when this authority has been delegated to the physician assistant as part of the delegation agreement between the physician and the physician assistant. During each on-site visit required under Minnesota Rules, the supervising physician shall document by signature and date that the prescriptive and dispensing practice of the physician assistant has been reviewed.

(c) The commissioner of health shall establish by rule:

(1) a system of identifying physician assistants eligible to prescribe and dispense drugs and medical devices;

(2) a method of determining the categories of prescription drugs and medical devices that each physician assistant is allowed to prescribe and dispense; and

(3) a system of transmitting to pharmacies a listing of physician assistants eligible to prescribe prescription drugs and medical devices and the types of drugs and medical devices they are allowed to prescribe.

Sec. 2. Minnesota Statutes 1992, section 148.235, is amended by adding a subdivision to read:

Subd. 3. [DISPENSING AUTHORITY.] An advanced practice nurse who is authorized under this section to prescribe drugs is authorized to dispense drugs subject to the same requirements established for the prescribing of drugs. This authority to dispense extends only to those drugs described in the written agreement entered into under this section. The authority to dispense includes, but is not limited to, the authority to receive and dispense sample drugs.

Sec. 3. Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23, is amended to read:

Subd. 23. [PRACTITIONER.] "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraph (b), and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under section 147.34, or an advanced practice nurse authorized to prescribe, dispense, and administer under section 148.235.

Sec. 4. Minnesota Statutes 1992, section 151.37, subdivision 2, is amended to read:

Subd. 2. (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse or intern under the practitioner's direction and supervision, and may cause a person who is an appropriately certified and, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

Sec. 5. Minnesota Statutes 1992, section 151.37, subdivision 2a, is amended to read:

Subd. 2a. A supervising physician may delegate to a physician assistant who is registered with the board of medical practice and certified by the National Commission on Certification of Physician Assistants and who is under the supervising physician's supervision, the authority to prescribe, dispense, and administer legend drugs and medical devices, subject to the requirements in section 147.34 and other requirements established by the commissioner of health in rules."

The motion prevailed and the amendment was adopted.

S. F. No. 2086, A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 148.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

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 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McCollum

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

H. F. No. 2330, A bill for an act relating to Anoka county; authorizing county to sell tax-forfeited land by sealed bid.

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

The bill was passed and its title agreed to.

H. F. No. 1659, A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

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

The bill was passed and its title agreed to.

H. F. No. 1936, A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Rest	Sarna	Smith	Swenson	Van Dellen	Waltman	Wolf
Rhodes	Seagren	Solberg	Tomassoni	Van Engen	Weaver	Worke
Rice	Sekhon	Stanius	Tompkins	Vellenga	Wejzman	Workman
Rodosovich	Simoneau	Steensma	Trimble	Vickerman	Wenzel	Spk. Anderson, I.
Rukavina	Skoglund	Sviggum	Tunheim	Wagenius	Winter	

The bill was passed and its title agreed to.

Carruthers moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Carruthers moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Opatz moved that his name be stricken as an author on H. F. No. 2223. The motion prevailed.

Long moved that the name of Opatz be added as an author on H. F. No. 2367. The motion prevailed.

Tompkins moved that her name be stricken as an author on H. F. No. 2666. The motion prevailed.

Sviggum moved that the name of Workman be added as an author on H. F. No. 2792. The motion prevailed.

Bettermann moved that the name of Brown, K., be added as an author on H. F. No. 2820. The motion prevailed.

Cooper moved that the name of Peterson be stricken and the name of Greenfield be added as an author on H. F. No. 3007. The motion prevailed.

Milbert moved that the name of Pugh be added as an author on H. F. No. 3018. The motion prevailed.

Steensma moved that the name of Cooper be added as an author on H. F. No. 3103. The motion prevailed.

Farrell moved that the name of Winter be shown as chief author on H. F. No. 3108. The motion prevailed.

Clark moved that the name of Orenstein be added as an author on H. F. No. 3112. The motion prevailed.

Dehler moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Wednesday, March 23, 1994, when the vote was taken on the final passage of H. F. No. 2143." The motion prevailed.

Kahn moved that H. F. No. 2296, now on Technical General Orders, be re-referred to the Committee on Governmental Operations and Gambling. The motion prevailed.

Leppik moved that H. F. No. 3010 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary. The motion prevailed.

Orfield moved that H. F. No. 2126 be recalled from the Committee on Environment and Natural Resources Finance and be re-referred to the Committee on Governmental Operations and Gambling. The motion prevailed.

Vellenga moved that H. F. No. 2232 be recalled from the Committee on Education and be re-referred to the Committee on Judiciary. The motion prevailed.

Orenstein moved that H. F. No. 2816 be recalled from the Committee on Governmental Operations and Gambling and be re-referred to the Committee on Judiciary. The motion prevailed.

Simoneau moved that H. F. No. 2922 be recalled from the Committee on Health and Human Services and be referred to the Committee on Judiciary. The motion prevailed.

Krueger moved that H. F. No. 2223 be returned to its author. The motion prevailed.

Wejcman moved that H. F. No. 2716 be returned to its author. The motion prevailed.

ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 28, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 28, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

