

STATE OF MINNESOTA  
SEVENTY-EIGHTH SESSION — 1994

EIGHTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 13, 1994

The House of Representatives convened at 11:00 a.m. and was called to order by Irv Anderson, Speaker of the House.

Prayer was offered by Pastor John Snider, St. Stephen's Lutheran Church, West St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Trimble was excused until 12:45 p.m.

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Solberg, for the Committee on Ways and Means, introduced:

H. F. No. 3215, A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to

be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; 3.971, by adding a subdivision; 13.67; 13.99, by adding subdivisions; 16A.124, subdivisions 1, 2, 3, 4, 5, and 6; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 16B.32, by adding a subdivision; 16B.75; 17B.15, subdivision 1; 32.103; 43A.316, subdivision 9; 43A.37, subdivision 1; 44A.0311; 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.21, subdivision 2; 60K.03, subdivisions 1, 5, and 6; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 69.031, subdivision 5; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 85.015, subdivision 1; 94.09, subdivision 5; 97A.061, subdivision 1; 97A.165; 97A.441, subdivision 6; 97A.485, subdivision 8; 97B.601, subdivision 4; 103F.725, by adding a subdivision; 103F.745; 103F.761, subdivision 2; 115A.5501, subdivision 2; 116.182, subdivisions 2, 3, 4, and 5; 116G.15; 126A.02, subdivision 2; 129D.14, subdivision 5; 138.01, subdivision 1; 138.34; 138.35, subdivision 1; 138.38; 138.40, subdivision 3; 138.94, by adding a subdivision; 144.0721, by adding a subdivision; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; 144.801, by adding a subdivision; 144.804, subdivision 1; 144.878, by adding a subdivision; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 145A.14, by adding a subdivision; 151.01, subdivision 28; 151.15, subdivision 3; 151.25; 154.11, subdivision 1; 154.12; 154.19; 161.14, by adding a subdivision; 162.02, subdivision 6; 162.06, subdivisions 3 and 4; 162.12, subdivisions 3 and 4; 168A.05, subdivisions 2, 7, and by adding a subdivision; 168A.29, subdivision 1; 169.06, by adding a subdivision; 176.611, subdivision 6a; 245A.14, subdivision 7; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding a subdivision; 252.275, subdivisions 3, 4, and by adding a subdivision; 253.015, by adding a subdivision; 256.015, subdivisions 2 and 7; 256.045, subdivisions 3, 4, and 5; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 25, and by adding subdivisions; 256B.0641, subdivision 1; 256B.0913, subdivision 8, and by adding a subdivision; 256B.0915, subdivision 5; 256B.0917, subdivisions 6 and 8; 256B.15, subdivision 1a; 256B.431, subdivisions 3c and 17; 256B.432, subdivisions 1, 3, and 6; 256B.49, subdivision 4; 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.05, subdivisions 3 and 3a; 256D.16; 256D.425, by adding a subdivision; 256H.05, subdivision 6; 257.0762, subdivision 2; 257.0768; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 270A.03, subdivision 2; 272.488, subdivision 1, and by adding subdivisions; 298.2211, by adding a subdivision; 326.12, subdivision 3; 345.47, subdivision 4; 353.65, subdivision 7; 354.06, subdivision 1; 360.305, subdivision 4; 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; 446A.15, subdivision 6; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; 542.07; 570.01; 570.02, subdivision 1; 570.025, subdivision 2; 574.26; 574.261, subdivision 1; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 15.91; 16A.152, subdivision 1; 16B.06, subdivision 2a; 16B.08, subdivision 7; 44A.025; 60A.198, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 84.872; 97A.061, subdivision 3; 97B.071; 115C.09, subdivision 1; 116J.966, subdivision 1; 116P.11; 138.763, subdivision 1; 144.551, subdivision 1; 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.99, subdivisions 1 and 6; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 144C.03, subdivision 2; 144C.07, subdivision 2; 153A.14, subdivision 2; 157.08; 168A.05, subdivision 3; 239.785, subdivision 2, and by adding subdivisions; 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 245.97, subdivision 6; 252.46, by adding a subdivision; 253B.03, subdivisions 3 and 4; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9362, subdivision 6; 256.9657, subdivisions 2 and 3; 256.9685, subdivision 1; 256.969, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2, 4, and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, and 5; 256B.15, subdivision 2; 256B.431, subdivisions 2b, 15, and 24; 256B.432, subdivision 5; 256B.501, subdivisions 3g, 5a, and 8; 256D.03, subdivisions 3 and 4; 256I.04, subdivision 3; 256I.06, subdivision 1; 257.0755; 257.55, subdivision 1; 257.57, subdivision 2; 326.71, subdivision 4; 326.75, subdivision 3; 336.9-407; 446A.03, subdivision 1; 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; 465.799; 514.981, subdivisions 2 and 5; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; 518.615, subdivision 3; 626.556, subdivision 11; Laws 1993, chapters 192, section 17, subdivision 3; and 369, sections 5, subdivision 4; and 11; proposing coding for new law in Minnesota Statutes, chapters 15; 16B; 17; 32; 128C; 137; 144; 145; 148; 154; 169; 181; 197; 245; 246; 252; 253; 256; 268; 268A; 299D; 446A; 465; 645; 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; 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 154.16; 154.165; 197.235; 252.275, subdivisions 4a and 10; 256B.501, subdivisions 3d, 3e, and 3f; 268.32; 268.551; 268.552; 272.488, subdivision 2; 355.04; 355.06; 446A.08; 465.80, subdivision 3; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; 157.09; 256.969, subdivision

24; 465.80, subdivisions 1, 2, 4, and 5; Laws 1985, First Special Session chapter 12, article 11, section 19; Laws 1993, chapter 286, section 11; Laws 1993, First Special Session chapter 1, article 9, section 49; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700.

The bill was read for the first time and laid over one day.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2248, A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

The Senate has appointed as such committee:

Messrs. Benson, D. D.; Vickerman and Dille.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2710, A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kahn moved that the House refuse to concur in the Senate amendments to H. F. No. 2710, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2168, 1888, 2068, 2171, 348, 1872, 2104, 2556 and 2642.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2393, 2550, 2709 and 2913.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 2168, A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for grain inspection programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

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

S. F. No. 1888, A bill for an act relating to human rights; prohibiting marital status discrimination by public accommodations; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 3.

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

S. F. No. 2068, A bill for an act relating to health; modifying provisions relating to the nursing home moratorium exceptions; amending Minnesota Statutes 1992, sections 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; and 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.073, subdivisions 2 and 3.

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

S. F. No. 2171, A bill for an act relating to fire and police state aid; including Indian tribal governments in definition of municipality; amending Minnesota Statutes 1992, section 69.011, subdivision 1.

The bill was read for the first time.

Johnson, R., moved that S. F. No. 2171 and H. F. No. 2402, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 348, A bill for an act relating to highways; requiring accelerated construction of noise barriers on marked trunk highway No. 280 if the reconstruction of that highway is delayed beyond fiscal year 1997.

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

S. F. No. 1872, A bill for an act relating to elevators; regulating persons who may do elevator work; amending Minnesota Statutes 1992, sections 183.355, subdivision 3; 183.357, subdivisions 1 and 2; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183.

The bill was read for the first time.

Farrell moved that S. F. No. 1872 and H. F. No. 2170, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2104, A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time.

Wejcman moved that S. F. No. 2104 and H. F. No. 2380, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2556, A bill for an act relating to transportation; increasing money set aside from the county state-aid highway and municipal state-aid street funds to the disaster accounts and research accounts; changing composition of disaster account boards; providing that remaining money from research accounts lapse to the appropriate funds after two years; amending Minnesota Statutes 1992, sections 162.06, subdivisions 3 and 4; and 162.12, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

S. F. No. 2642, A bill for an act relating to witnesses; establishing a privilege for certain communications made to licensed social workers; amending Minnesota Statutes 1992, section 253B.23, subdivision 4; Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1.

The bill was read for the first time.

Dawkins moved that S. F. No. 2642 and H. F. No. 2946, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2393, A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

The bill was read for the first time.

Jefferson moved that S. F. No. 2393 and H. F. No. 2636, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2550, A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992, section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

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

S. F. No. 2709, A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, section 32.72.

The bill was read for the first time.

Hugoson moved that S. F. No. 2709 and H. F. No. 2892, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2913, A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision

7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

The bill was read for the first time.

Solberg moved that S. F. No. 2913 and H. F. No. 3215, which was introduced earlier today and laid over one day, be referred to the Chief Clerk for comparison. The motion prevailed.

Carruthers moved that the House recess subject to the call of the Chair. The motion prevailed.

## RECESS

## RECONVENED

The House reconvened and was called to order by the Speaker.

## CONSENT CALENDAR

H. F. No. 2234, A bill for an act relating to natural resources; personnel working on certain projects; terms and conditions of certain 1993 appropriations; appropriating money; amending Minnesota Statutes 1992, sections 116P.05, subdivision 2; 116P.08, subdivisions 6 and 7; and 116P.09, subdivision 4; Minnesota Statutes 1993 Supplement, section 116P.11; Laws 1993, chapter 172, section 14, subdivisions 4 and 11.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Garcia	Jennings	Lasley	Morrison	Osthoff
Anderson, R.	Commers	Girard	Johnson, A.	Lieder	Mosel	Ostrom
Asch	Cooper	Goodno	Johnson, R.	Limmer	Munger	Ozment
Battaglia	Dauner	Greenfield	Johnson, V.	Lindner	Murphy	Pauly
Bauerly	Dauids	Greiling	Kahn	Long	Neary	Pawlenty
Beard	Dawkins	Gruenes	Kalis	Lourey	Nelson	Pelowski
Bergson	Dehler	Gutknecht	Kelley	Luther	Ness	Perlt
Bertram	Delmont	Hasskamp	Kelso	Lynch	Olson, E.	Peterson
Bettermann	Dempsey	Haukoos	Kinkel	Macklin	Olson, K.	Pugh
Bishop	Dorn	Hausman	Klinzing	Mahon	Olson, M.	Reding
Brown, C.	Evans	Hugoson	Knight	McCollum	Ornen	Rest
Brown, K.	Farrell	Huntley	Koppendrayer	McGuire	Opatz	Rhodes
Carlson	Finseth	Jacobs	Krinkie	Milbert	Orenstein	Rice
Carruthers	Frerichs	Jefferson	Krueger	Molnau	Orfield	Rodosovich

Sarna	Skoglund	Sviggum	Tunheim	Vickerman	Wejcman	Worke
Seagren	Smith	Swenson	Van Dellen	Wagenius	Wenzel	Workman
Sekhon	Stanis	Tomassoni	Van Engen	Waltman	Winter	Spk. Anderson, I.
Simoneau	Steensma	Tompkins	Vellenga	Weaver	Wolf	

The bill was passed and its title agreed to.

S. F. No. 1806, A bill for an act relating to nursing; allowing certified clinical specialists in psychiatric or mental health nursing to prescribe and administer drugs; amending Minnesota Statutes 1992, section 148.235, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 148.235, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. No. 3209.

H. F. No. 3209 was reported to the House.

Dawkins moved to amend H. F. No. 3209, the first engrossment, as follows:

Page 27, line 16, delete "section" and insert "sections 290.05, subdivision 6; and"

Page 46, line 7, after "REVENUES.]" insert "(a)"

Page 46, after line 33, insert:

"(b) For purposes of applying sections 16A.15 and 16A.152, the commissioner shall combine the general fund and the local government trust fund in determining whether there are sufficient receipts to fund appropriations and allotments of the two funds."

Page 130, line 9, after "any" insert "for-profit"

Page 130, delete lines 11 to 15

Page 130, line 16, delete "Subd. 9." and insert "Subd. 8."

Page 130, line 27, delete the semicolon and insert "financial institutions, gambling enterprises, public utilities, sports, fitness, and health facilities, or racetracks."

Page 130, delete lines 28 to 36

Page 134, line 2, after "OPERATIONS" insert "; OTHER VIOLATIONS"

Page 134, line 9, after "Operations" insert "or Other Violations"

Page 135, line 10, after the first "creation" insert "credit"

Page 135, line 14, delete "a targeted" and insert "an eligible"

Page 135, line 34, delete "not"

Page 136, line 4, before "new job" insert "qualifying"

Page 136, line 15, delete "retail firms," and insert "racetracks"

Page 136, line 16, after "sports" insert ", fitness and health"

Page 137, line 2, delete "Section 24 is effective July 1, 1996."

The motion prevailed and the amendment was adopted.

Limmer and Skoglund moved to amend H. F. No. 3209, the first engrossment, as amended, as follows:

Page 26, line 35, after the period, insert "In addition, the task force shall study the tax treatment of the expenses of adoption."

The motion prevailed and the amendment was adopted.

Abrams moved to amend H. F. No. 3209, the first engrossment, as amended, as follows:

Page 49, after line 13, insert:

"Sec. 6. Minnesota Statutes 1992 is amended by adding a subdivision to read:

Subd. 38. [AVERAGE CITY NET TAX CAPACITY PER CAPITA.] A city net tax capacity per capita is the sum of city net tax capacity for all cities divided by the total population of all cities.

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

Subd. 39. [REVENUE CAPACITY FACTOR.] The revenue capacity factor for a city is (a) one minus (2) the ratio of the city net tax capacity per capita to two times the average city net tax capacity per capita. A city's revenue capacity factor cannot be less than zero.

Sec. 8. Minnesota Statutes 1993 Supplement, section 477A.013, subdivision 8, is amended to read:

Subd. 8. [CITY FORMULA AID INCREASE.] (a) In calendar year 1994 and subsequent years, the formula aid increase for a city is equal to the product of (1) the need increase percentage multiplied by the difference between (1), (2) the city's revenue need multiplied by its , 3 the city's population, and (2) the city's net tax capacity multiplied by



~~the tax effort rate~~ (4) the city's revenue capacity factor. The need increase percentage must be the same for all cities and must be calculated by the department of revenue so that the total of the aid under subdivision 9 equals the total amount available for aid under section 477A.03, subdivision 1.

~~(b) The percentage aid increase for a first class city in calendar year 1994 must not exceed the percentage increase in the sum of calendar year 1994 city aids under this section compared to the sum of the city aid base for all cities. The aid increase for any other city in 1994 must not exceed five percent of the city's net levy for taxes payable in 1993.~~

(e) ~~(b)~~ The formula aid increase in calendar year 1995 and subsequent years for any city must not exceed ~~the sum of (1) ten percent of the city's net levy for the year prior to the aid distribution plus (2) its city aid base multiplied by the base reduction percentage.~~

Sec. 9. Minnesota Statutes 1993 Supplement, section 477A.013, subdivision 9, is amended to read:

Subd. 9. [CITY AID DISTRIBUTION.] (a) In calendar year 1994 1995 and thereafter, each city shall receive an aid distribution equal to the sum of (1) the city formula aid increase under subdivision 8, and (2) its city aid base multiplied by a percentage equal to 100 minus the base reduction percentage and its total aid in the previous year."

Page 49, line 23, delete "For aid"

Page 49, lines 24 to 26, delete the new language

Page 51, after line 12, insert:

"Sec. 13. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 477A.011, subdivisions 35, 36 and 37 are repealed."

Page 51, after line 16, insert:

"Sections 6, 7, 8, 9, and 13 are effective for aid payable in calendar year 1995 and thereafter."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Abrams amendment and the roll was called. There were 54 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Haukoos	Leppik	Ness	Seagren	Vickerman
Bettermann	Finseth	Hugoson	Limmer	Olson, M.	Smith	Waltman
Bishop	Frerichs	Johnson, V.	Lindner	Onnen	Stanisus	Weaver
Commers	Girard	Kelso	Lynch	Ozment	Sviggum	Wolf
Davids	Goodno	Knickerbocker	Macklin	Pauly	Swenson	Worke
Dehler	Gruenes	Knight	Milbert	Pawlenty	Tompkins	Workman
Dempsey	Gutknecht	Koppendrayner	Molnau	Pelowski	Van Dellen	
Dorn	Hasskamp	Krinkie	Morrison	Rhodes	Van Engen	

Those who voted in the negative were:

Anderson, R.	Cooper	Jacobs	Lasley	Neary	Reding	Tunheim
Asch	Dauner	Jaros	Lieder	Nelson	Rest	Vellenga
Battaglia	Dawkins	Jefferson	Long	Olson, E.	Rice	Wagenius
Bauerly	Delmont	Jennings	Lourey	Olson, K.	Rodosovich	Wejman
Beard	Evans	Johnson, A.	Luther	Opatz	Rukavina	Wenzel
Bergson	Farrell	Johnson, R.	Mahon	Orenstein	Sarna	Winter
Bertram	Garcia	Kahn	Mariani	Orfield	Sekhon	Spk. Anderson, I.
Brown, C.	Greenfield	Kalis	McCollum	Osthoff	Simoneau	
Brown, K.	Greiling	Kelley	McGuire	Ostrom	Skoglund	
Carlson	Hausman	Kinkel	Mosel	Perlt	Steensma	
Carruthers	Holsten	Klinzing	Munger	Peterson	Tomassoni	
Clark	Huntley	Krueger	Murphy	Pugh	Trimble	

The motion did not prevail and the amendment was not adopted.

Rest moved to amend H. F. No. 3209, the first engrossment, as amended, as follows:

Page 51, after line 12, insert:

"Sec. 9. [LOCAL GOVERNMENT AID STUDY.]

During the 1994 interim, the house committee on taxes and the senate committee on taxes and tax laws shall study the effectiveness of the current city local government aid formula under Minnesota Statutes, chapter 477A, in measuring city need and in distributing money to cities based on their relative need."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Van Dellen offered an amendment to H. F. No. 3209, the first engrossment, as amended.

#### POINT OF ORDER

Carruthers raised a point of order pursuant to rule 3.09 that the Van Dellen amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Skoglund moved to amend H. F. No. 3209, the first engrossment, as amended, as follows:

Page 2, line 36, before "on" insert "for insolvencies"

Page 24, line 21, before "on" insert "for insolvencies"

The motion prevailed and the amendment was adopted.

Johnson, V., and Olson, E., moved to amend H. F. No. 3209, the first engrossment, as amended, as follows:

Page 14, after line 22, insert:

"Sec. 9. Minnesota Statutes 1992, section 290.05, is amended by adding a subdivision to read:

Subd. 8. [AUTHORITY TO REVOKE EXEMPTION FOR FAILURE TO COMPLY WITH FEDERAL LAW.] The commissioner may examine or investigate an entity claiming exemption under this section and subpart F of the

Internal Revenue Code. The commissioner may revoke the exemption under this section for violations of federal law that would permit the commissioner of internal revenue or the secretary of the treasury to revoke the exemption under federal law, regardless of whether such action has been taken under federal law."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

### CALL OF THE HOUSE

On the motion of Carruthers and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Carruthers moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 3209, A bill for an act relating to the financing and operation of state and local government; conforming with changes in the federal income tax law; changing tax brackets, rates, bases, exemptions, withholding, payments, and refunds; allowing tax credits; providing aids to local governments; changing the calculation of property tax refunds; modifying property tax provisions relating to petitions, procedures, valuation, levies, classifications, homesteads, credits, and exemptions; abolishing limited market value; changing certain tax return or report requirements; changing operation of the local government trust fund; authorizing special assessments; authorizing local taxes; enacting provisions relating to certain cities, counties, special taxing districts, and towns; changing certain redemption provisions; reforming state budget procedures; changing the deposit of certain revenues; changing certain bonding provisions and authorizing bonding; modifying tax increment financing requirements; requiring certain permits and permit fees; requiring certain disclosures; requiring studies; transferring and appropriating money and limiting appropriations; amending Minnesota Statutes 1992, sections 16A.711, subdivisions 4 and 5; 60A.15, by adding a subdivision; 124.196; 271.06, subdivision 7; 272.121, subdivision 1; 273.111, subdivision 11; 273.1398, by adding a subdivision; 273.1399, by adding a subdivision; 273.165, subdivision 1; 278.05, subdivision 6; 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, subdivision 19d, and by adding a subdivision; 290.05, subdivision 3, and by adding a subdivision; 290.06, subdivisions 2c and 2d; 290.067, subdivision 1; 290.068, subdivision 2; 290.0802, subdivisions 1 and 2; 290.0921, subdivision 2; 290.35, by adding a subdivision; 290A.04, subdivisions 2 and 2a; 296.16, subdivision 1; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.135, subdivision 1; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding subdivisions; 297A.256; 297A.44, subdivision 4; 297C.03, subdivision 6; 297C.13,

subdivision 1; 298.017, subdivision 2; 298.26; 340A.311; 360.036, subdivisions 2 and 3; 360.037, subdivision 2; 360.042, subdivision 10; 469.004, subdivision 1a; 469.175, subdivisions 3, 4, and by adding a subdivision; 469.1761, subdivisions 1, 2, and 3; 469.177, subdivision 1a; 473.341; 473H.05, by adding a subdivision; 473H.18; and 580.23, as amended; Minnesota Statutes 1993 Supplement, sections 16A.712; 84.794, subdivision 1; 84.803, subdivision 1; 270.78; 273.11, subdivisions 5, 16, and by adding a subdivision; 273.121; 273.124, subdivision 1; 273.13, subdivisions 23 and 24; 275.065, subdivision 3; 276.04, subdivision 2; 278.01, subdivision 1; 289A.11, subdivision 1; 289A.26, subdivision 7; 289A.60, subdivision 21; 290.01, subdivision 19; 290.091, subdivision 2; 290A.03, subdivision 3; 290A.04, subdivisions 2h, as amended, and 6; 290A.23, subdivision 1; 296.02, subdivision 1a; 296.025, subdivision 1a; 297A.01, subdivision 16; 297B.03; 469.176, subdivisions 1b and 4c; and 477A.03, subdivision 1; Laws 1969, chapter 499, section 2; Laws 1993, chapter 375, article 9, section 51; proposing coding for new law in Minnesota Statutes, chapters 16A; 275; 296; 297A; 297B; 462C; 469; and 473; repealing Minnesota Statutes 1992, sections 290.05, subdivision 6; and 290.067, subdivision 6; Minnesota Statutes 1993 Supplement, sections 82.19, subdivision 9; 273.11, subdivision 1a; and 289A.25, subdivision 5a.

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.

Carruthers moved that those not voting be excused from voting. The motion prevailed.

There were 84 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dauner	Jacobs	Klinzing	Mosel	Peterson	Smith
Battaglia	Dawkins	Jaros	Krueger	Munger	Pugh	Solberg
Bauerly	Delmont	Jefferson	Lasley	Murphy	Reding	Steensma
Beard	Dorn	Jennings	Lieder	Neary	Rest	Swenson
Bergson	Evans	Johnson, A.	Long	Ness	Rice	Tomassoni
Bertram	Garcia	Johnson, R.	Lourey	Olson, E.	Rodosovich	Tunheim
Brown, C.	Goodno	Johnson, V.	Luther	Olson, K.	Rukavina	Vellenga
Brown, K.	Greenfield	Kahn	Macklin	Onnen	Sarna	Wagenius
Carlson	Greiling	Kalis	Mahon	Opatz	Seagren	Wejcman
Carruthers	Hasskamp	Kelley	Mariani	Orfield	Sekhon	Wenzel
Clark	Hugoson	Kelso	McGuire	Ostrom	Simoneau	Winter
Cooper	Huntley	Kinkel	Milbert	Ozment	Skoglund	Spk. Anderson, I.

Those who voted in the negative were:

Abrams	Dempsey	Gutknecht	Leppik	Nelson	Rhodes	Waltman
Asch	Erhardt	Haukoos	Limner	Olson, M.	Stanis	Weaver
Bettermann	Farrell	Holsten	Lindner	Orenstein	Sviggum	Wolf
Bishop	Finseth	Knickerbocker	Lynch	Pauly	Tompkins	Worke
Commers	Frerichs	Knight	McCollum	Pawlenty	Van Dellen	Workman
Davids	Girard	Koppendrayner	Molnau	Pelowski	Van Engen	
Dehler	Gruenes	Krinkie	Morrison	Perlt	Vickerman	

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

Garcia was excused between the hours of 3:00 p.m. and 4:30 p.m.

#### CALL OF THE HOUSE LIFTED

Kahn moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

## SPECIAL ORDERS

H. F. No. 553 was reported to the House.

Greenfield moved to amend H. F. No. 553, the first engrossment, as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1992, section 144.125, is amended to read:

### 144.125 [TESTS OF INFANTS FOR INBORN METABOLIC ERRORS.]

It is the duty of (1) the administrative officer or other person in charge of each institution caring for infants 28 days or less of age and (2) the person required in pursuance of the provisions of section 144.215, to register the birth of a child, to cause to have administered to every infant or child in its care tests for hemoglobinopathy, phenylketonuria, and other inborn errors of metabolism in accordance with rules prescribed by the state commissioner of health. In determining which tests must be administered, the commissioner shall take into consideration the adequacy of laboratory methods to detect the inborn metabolic error, the ability to treat or prevent medical conditions caused by the inborn metabolic error, and the severity of the medical conditions caused by the inborn metabolic error. Testing and the recording and reporting of the results of the tests shall be performed at the times and in the manner prescribed by the commissioner of health. ~~This section does not apply to an infant whose parents object on the grounds that the tests and treatment conflict with their religious tenets and practices.~~ The commissioner shall charge laboratory service fees for conducting the tests of infants for inborn metabolic errors so that the total of fees collected will approximate the costs of conducting the tests. Costs associated with capital expenditures and the development of new procedures may be prorated over a three-year period when calculating the amount of the fees.

### Sec. 2. [145A.20] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 3 to 5.

Subd. 2. [LIFE-THREATENING CONDITION.] "Life-threatening condition" means a condition that presents a serious and imminent danger to a child's life.

Subd. 3. [MEDIATOR.] "Mediator" means the children's health care mediator described in section 3.

Subd. 4. [PARENT.] "Parent" means a custodial parent or legal guardian.

Subd. 5. [RELIGIOUS OR PHILOSOPHICAL HEALING PRACTICE.] "Religious or philosophical healing practice" means the good faith selection and sole dependence upon spiritual means or prayer or a philosophical system for treatment or care of disease or remedial care of a child as part of an organized religious or philosophical group or community.

Subd. 6. [SERIOUS DISABILITY OR DISFIGUREMENT.] "Serious disability" or "disfigurement" means a permanent or protracted loss or impairment of the function of a bodily member or organ or a permanent disfigurement.

### Sec. 3. [145A.21] [CHILDREN'S HEALTH CARE MEDIATOR.]

Subdivision 1. [CREATION.] The commissioner of health shall designate a children's health care mediator to exercise the powers and duties under sections 3 to 5. The mediator's role is both to facilitate the provision of medical treatment where the life of a child is threatened or a child faces a significant probability of a serious disability or disfigurement and to ensure that latitude for parental choices in the health care of their children is not unnecessarily compromised. The commissioner of health or the mediator may appoint one or more persons to serve as deputy mediators to perform any of the functions of the mediator. To the extent possible, the commissioner and the mediator shall use existing resources and personnel within community health boards and existing community health services to implement sections 3 to 5. The mediator shall consult with the state community health advisory committee in implementing sections 3 to 5.

Subd. 2. [POWERS AND DUTIES.] The mediator shall:

(1) regularly meet with designated representatives and other members of a religious or philosophical community affected by this section in order to be familiar with their beliefs and practices;

(2) receive, answer, and investigate reports from parents under section 4;

(3) serve as an intermediary between parents who use religious or philosophical healing practices and traditional medical providers, and provide advice and information to parents in cases where traditional medical treatment may be required for their children;

(4) encourage and facilitate the provision of appropriate medical care when emergency medical services are needed;

(5) establish operating principles governing reports, investigations, intervention, and treatment under sections 3 to 5;

(6) provide materials that list or discuss symptoms of life-threatening conditions or a serious disability or disfigurement and the circumstances under which traditional medical treatment may be required;

(7) provide advice and information to traditional medical providers regarding parental and family rights in children's health care cases; and

(8) report physical or sexual abuse or neglect of a child as required under section 626.556.

Subd. 3. [QUALIFICATIONS.] The mediator must have an understanding of and sensitivity to religious and philosophical healing practices and beliefs. The mediator must be a licensed health care professional with sufficient training to be able to identify and assess a child's symptoms for purposes of sections 3 to 5.

Subd. 4. [MEDIATOR DATA.] Data collected and maintained by the mediator are private data on individuals as defined in section 13.02, subdivision 12, and may not be further disclosed to any person unless the disclosure is specifically authorized by law.

Subd. 5. [IMMUNITY FROM LIABILITY.] The mediator or a deputy mediator is not liable for any damages resulting from any acts or omissions by that person in performing the duties of the position unless the person acts in a willful and wanton or reckless manner.

Sec. 4. [145A.22] [REPORTING BY PARENT.]

Subdivision 1. [MEDIATOR CONTACT; ASSESSMENT.] A parent who uses religious or philosophical healing practices shall contact the mediator if the parent knows or has reason to believe that the child is in a life-threatening condition, faces a significant risk of serious disability or disfigurement, or has been incapacitated for an extended period. A parent who violates this subdivision is guilty of a misdemeanor. The mediator shall assess the child's symptoms to determine if the child is in a life-threatening condition or faces a significant risk of serious disability or disfigurement. The mediator shall seek appropriate medical input in making assessments under this section and section 6.

Subd. 2. [POSTASSESSMENT PROCEDURES.] If the mediator determines that the child is not in a life-threatening condition and does not face a significant risk of serious disability or disfigurement, the mediator shall so inform the parents and provide the parents with any other information that may be helpful to the parent's specific situation. If the mediator is unable to make a determination regarding the child's condition, the child's condition must continue to be assessed until it is determined that the condition is or is not life-threatening or the child does or does not face a significant risk of serious disability or disfigurement. If the mediator concludes that the condition is life-threatening or the child faces a significant risk of serious disability or disfigurement, the mediator shall inform the parents and proceed under section 5 for the arrangement of medical treatment.

Sec. 5. [145A.23] [PROVISION OF MEDICAL TREATMENT.]

Subdivision 1. [VOLUNTARY PROVISION OF MEDICAL TREATMENT.] If the parents of a child are willing to seek medical treatment following a determination under section 4, subdivision 2, the mediator shall assist the parents in obtaining treatment for the child as soon as possible.

Subd. 2. [INVOLUNTARY TREATMENT.] If the parents of a child are unwilling to seek medical treatment and the mediator has reason to believe that emergency medical treatment is necessary, the mediator shall inform the parents that the mediator must take action to ensure the arrangement of appropriate medical care. If necessary, the mediator may arrange for emergency transportation and medical services for the child without the parent's consent until a court order can be obtained. If necessary, the mediator shall notify the local welfare agency for the institution of legal proceedings under chapter 260. A person who interferes with the provision of medical treatment ordered by the mediator so that the child suffers harm is not selecting and depending in good faith on spiritual means or prayer for treatment for purposes of sections 609.205 and 609.378.

Subd. 3. [FAMILY INVOLVEMENT IN TREATMENT.] (a) In all cases where medical treatment is provided to a child whose parent relies on religious or philosophical healing practices, the parents and the child have a right to continued involvement in decisions regarding treatment, as long as they are acting in good faith. In making medical treatment decisions, the medical provider shall consider:

(1) the preferences of the parents and the child, if the child has capacity to give informed consent; and

(2) the degree of likelihood that the proposed treatment for the child will be safe and effective and would, with significant probability, be lifesaving or avoid serious disability or disfigurement.

(b) Medical providers shall allow parents to continue to use religious or philosophical healing practices while medical treatment is being provided, as long as the parents are acting in good faith and the healing practice does not interfere with medical treatment.

(c) This subdivision applies to all cases involving the voluntary or involuntary treatment of a child whose parents rely on religious or philosophical healing practices."

Page 1, lines 26 and 27, reinstate the stricken language

Page 2, lines 1 to 4, reinstate the stricken language

Page 2, line 2, before the comma, insert "in substantial compliance with sections 3 to 5"

Page 2, lines 30 and 31, reinstate the stricken language

Page 4, lines 3 to 7, reinstate the stricken language

Page 4, line 8, reinstate "medical care;"

Page 4, line 10, after the stricken language, insert "provided that the responsible person is in substantial compliance with sections 3 to 5."

Page 5, after line 19, insert:

"Sec. 8. Minnesota Statutes 1993 Supplement, section 626.556, subdivision. 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. If the report alleges that a lack of medical care may cause serious and imminent danger to a child because the child's parent or guardian uses a religious or philosophical healing practice, as defined in section 2, in lieu of medical care, the local welfare agency shall immediately notify the children's health care mediator and shall coordinate its investigation with the mediator. If the report alleges a violation of a criminal statute involving sexual abuse, physical abuse, or neglect or endangerment, under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of its investigation. When necessary the local welfare agency shall seek authority to remove the child from the custody of a parent, guardian, or adult with whom the child is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) When a local agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of physical abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it shall, in addition to its other duties under this section, immediately inform the ombudsman established under sections 245.91 to 245.97.

(c) Authority of the local welfare agency responsible for assessing the child abuse or neglect report and of the local law enforcement agency for investigating the alleged abuse or neglect includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or at any facility or other place where the alleged victim or other minors might be found or the child may be transported to, and the interview conducted at a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official. Except as provided in this paragraph, the parent, legal custodian, or guardian shall be notified by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota rules of procedure for juvenile courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this paragraph, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

(d) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chair of the county welfare board or the chair's designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.

Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(e) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(f) Before making an order under paragraph (e), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

(g) The commissioner, the ombudsman for mental health and mental retardation, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records, including medical records, as part of the



investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings."

Page 6, reinstate lines 11 to 19

Page 6, line 13, after "faith" insert "and in substantial compliance with sections 3 to 5,"

Page 6, line 19, before the period, insert "and may contact the children's health care mediator"

Page 6, after line 19, insert:

"Sec. 10. [REPORT TO LEGISLATURE.]

By January 15, 1997, the commissioner of health shall report to the chairs of the house committees on judiciary and health and human services and the senate committees of crime prevention and health care regarding the effectiveness of the children's health care mediator in meeting the goals described in sections 3 to 5 and the powers and duties set forth in section 3."

Page 6, line 21, delete "1" and insert "6"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to health; removing the religious exemption for infant inborn metabolic tests; establishing a children's health care mediator; providing for reporting by parents relying on religious or philosophical healing practices and investigation and intervention in cases involving a serious health condition; amending Minnesota Statutes 1992, sections 144.125; and 626.556, subdivision 10e; Minnesota Statutes 1993 Supplement, sections 609.378, subdivision 1; and 626.556, subdivisions 2 and 10; proposing coding for new law in Minnesota Statutes, chapter 145A."

A roll call was requested and properly seconded.

The question was taken on the Greenfield amendment and the roll was called. There were 45 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Huntley	Klinzing	Mariani	Orfield	Sviggum
Bishop	Greiling	Jacobs	Krinkie	Milbert	Ostrom	Vellenga
Brown, K.	Gruenes	Jaros	Limmer	Murphy	Pugh	Vickerman
Clark	Gutknecht	Jefferson	Long	Neary	Rice	
Cooper	Hasskamp	Johnson, A.	Lourey	Nelson	Rodosovich	
Dawkins	Hausman	Johnson, R.	Luther	Olson, K.	Rukavina	
Farrell	Hugoson	Kahn	Mahon	Orenstein	Simoneau	

Those who voted in the negative were:

Anderson, R.	Carlson	Erhardt	Johnson, V.	Lasley	Morrison	Pauly
Asch	Carruthers	Evans	Kalis	Leppik	Mosel	Pawlenty
Battaglia	Commers	Finseth	Kelley	Lieder	Munger	Pelowski
Bauerly	Dauner	Frerichs	Kelso	Lindner	Ness	Perlt
Beard	Davidson	Girard	Kinkel	Lynch	Olson, E.	Peterson
Bergson	Dehler	Goodno	Knickerbocker	Macklin	Olson, M.	Reding
Bertram	Delmont	Haukoos	Knight	McCollum	Onnen	Rest
Bettermann	Dempsey	Holsten	Koppendrayner	McGuire	Opatz	Rhodes
Brown, C.	Dorn	Jennings	Krueger	Molnau	Ozment	Sarna

Seagren	Solberg	Tomassoni	Van Dellen	Weaver	Wolf
Sekhon	Stanius	Tompkins	Van Engen	Wejcman	Worke
Skoglund	Steensma	Trimble	Wagenius	Wenzel	Workman
Smith	Swenson	Tunheim	Waltman	Winter	Spk. Anderson, I.

The motion did not prevail and the amendment was not adopted.

H. F. No. 553, A bill for an act relating to children; expanding the crime of child neglect and the child abuse reporting act to include children who are neglected due to reliance by a parent, guardian, or other caretaker on spiritual health care; amending Minnesota Statutes 1992, section 626.556, subdivision 10e; Minnesota Statutes 1993 Supplement, sections 609.378, subdivision 1; and 626.556, 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 101 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dauner	Huntley	Lasley	Ness	Rest	Van Engen
Asch	Dawkins	Jacobs	Leppik	Olson, E.	Rhodes	Vellenga
Battaglia	Dehler	Jaros	Lieder	Olson, K.	Rukavina	Wagenius
Bauerly	Delmont	Jefferson	Lindner	Olson, M.	Sarna	Weaver
Beard	Dempsey	Jennings	Lourey	Onnen	Seagren	Wejcman
Bergson	Dorn	Johnson, R.	Luther	Opatz	Sekhon	Wenzel
Bertram	Erhardt	Johnson, V.	Lynch	Orfield	Simoneau	Winter
Bettermann	Evans	Kahn	Macklin	Ostrom	Skoglund	Wolf
Bishop	Farrell	Kalis	Mahon	Ozment	Solberg	Worke
Brown, C.	Finseth	Kelley	McCollum	Pauly	Swenson	Workman
Brown, K.	Girard	Kelso	McGuire	Pawlenty	Tomassoni	Spk. Anderson, I.
Carlson	Goodno	Kinkel	Morrison	Pelowski	Tompkins	
Carruthers	Greiling	Knickerbocker	Mosel	Perlt	Trimble	
Commers	Hausman	Koppendrayner	Munger	Peterson	Tunheim	
Cooper	Holsten	Krueger	Neary	Reding	Van Dellen	

Those who voted in the negative were:

Abrams	Gutknecht	Klinzing	Mariani	Orenstein	Stanius
Davids	Hasskamp	Knight	Milbert	Pugh	Steensma
Frerichs	Haukoos	Krinkie	Molnau	Rice	Sviggum
Greenfield	Hugoson	Limmer	Murphy	Rodosovich	Vickerman
Gruenes	Johnson, A.	Long	Nelson	Smith	Waltman

The bill was passed and its title agreed to.

The Speaker called Bauerly to the Chair.

S. F. No. 1741, A bill for an act relating to game and fish; allowing nonresidents to take rough fish by harpooning; amending Minnesota Statutes 1992, section 97C.381.

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 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bergson	Bishop	Carlson	Commers	Davids
Anderson, R.	Bauerly	Bertram	Brown, C.	Carruthers	Cooper	Dawkins
Asch	Beard	Bettermann	Brown, K.	Clark	Dauner	Dehler

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

Those who voted in the negative were:

Hugoson      Olson, K.      Rice

The bill was passed and its title agreed to.

S. F. No. 2491, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Stearns county.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bergson

The bill was passed and its title agreed to.

S. F. No. 2551 was reported to the House.

Huntley moved to amend S. F. No. 2551 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1969, chapter 224, section 1, is amended to read:

Section 1. [Duluth, city of; hospitals.] All rights, powers, and duties of the city of Duluth concerning property and estate donated to or otherwise acquired by the city for the establishment and maintenance of hospitals has for many years been and shall continue to be exercised and discharged by the city through the instrumentality of a board of seven 15 persons called directors of trusts. Funds were donated to the city for the establishment of a free and public hospital and dispensary for secular use and benefit of worthy sick and helpless poor, without distinction of sex, creed, or nationality. This purpose has been fulfilled by the establishment of the Miller-Dwan Memorial Hospital which is now owned and operated by the city through the instrumentality of the directors of trusts, in accordance with orders of the district court construing the terms of said donation. To renovate, remodel, and enlarge the existing building and facilities of this hospital, to develop a building program based on present and future community needs for the purpose of re-establishing and thereafter maintaining it as a general hospital, to construct additions, including facilities to be jointly occupied with the ~~St. Louis county health department~~ and other public agencies, and to establish connections with adjoining private rehabilitation facilities serving the public on a nonprofit basis, the directors of trusts are authorized to acquire in the name of the city of Duluth all real and personal property necessary and incidental to such a building program and to the operation, administration, management, and control of the expanded hospital facilities, to enter into all contracts on behalf of the city necessary and incidental to the building program, and to finance the cost thereof, in excess of funds on hand and funds provided by governmental or private grants, by the issuance, with the approval of the Duluth economic development authority, of revenue bonds of the city, and to pledge for the payment and security of such bonds and the interest thereon all or any defined portion of the net revenues of all hospital facilities now and hereafter owned by the city, in excess of the normal, reasonable, and current costs of the operation, administration, and maintenance thereof. The bonds may be issued and sold at such times, upon such notice, if any, in such form and denominations, bearing interest at such rate or rates, maturing on such dates, either without option of prior payment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks, within or without the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such terms and covenants as the directors of trusts shall establish by resolution, and not subject to the conditions or limitations set forth in Minnesota Statutes, chapter 475, or any other law; provided that in the event the full faith and credit of the city is pledged to the payment of any series of such bonds, the issuance thereof as proposed in a resolution of the directors of trusts shall be authorized by an ordinance duly adopted by the city council in accordance with the provisions of the city charter, and the bonds shall not be sold or delivered until and unless such ordinance has become effective, and shall be sold and secured in the manner provided by Minnesota Statutes, chapter 475.

All real estate owned by the city of Duluth for hospital purposes in the name and style of "Miller Memorial Hospital, doing business as Miller-Dwan Medical Center by and through its Directors of Trusts pursuant to Laws 1969, chapter 224" or otherwise, may be sold, conveyed, transferred, or otherwise disposed of by the directors of trusts only after a duly noticed public hearing held before the Duluth city council, and approval of the council evidenced by an ordinance adopted at a meeting held at least seven days after such public hearing. The provisions of this paragraph shall not apply to the transfer of an interest in such real estate that is incidental to the issuance of revenue bonds approved by the Duluth economic development authority under this section.

Sec. 2. Laws 1969, chapter 224, section 2, is amended to read:

Sec. 2. The mayor of the city shall be ex officio a member of the board of directors of trusts and may appoint a person to serve as a member in the mayor's absence. The other ~~six~~ current members shall complete their current terms, and their successors shall be residents of the city and appointed by the judges of the district court of the district in which the city is located, by concurrent action of a majority of the judges, for the following terms beginning with date of appointment: two for a term of two years, two for a term of four years and two for a term of six years, and thereafter as these terms expire the vacancies caused thereby shall be filled by appointment for six year terms. Upon petition of the board of directors of trusts, these judges, by like concurrent action, may increase the number of members on the board of directors of trusts to as many as fifteen, without amendment of this act. If an increase in membership should be made, the new members shall be appointed for terms deemed appropriate by such district judges, but not exceeding six years. These judges, by like concurrent action, shall appoint members to fill out the unexpired term of any member who for any reason ceases to be a member before the expiration of his term. terms of six years. However, beginning with the first vacancy on the board of directors of trusts occurring after the effective date of this act, the Duluth city council shall appoint one of its members to fill the vacancy and shall appoint the

successive successors to that initial appointment. Members of the council who are appointed by the council to the board of directors of trusts shall serve for a term of six years or until their tenure on the council ends, whichever occurs sooner. The council appointee to the board shall not be a member of the Duluth economic development authority during the appointee's tenure on the board. Vacancies on the board in positions appointed by the judges occurring before the end of a term must be filled by the judges for the unexpired term in the same manner as used in making full-term appointments. The judges of this district court shall meet and take action upon any of the matters in this section specified, upon call of the senior judge of the district or upon the petition of the mayor or any resident taxpayer of the city. However, the directors of trusts may take any action authorized in this act without prior order of the court.

Sec. 3. Laws 1969, chapter 224, section 3, is amended to read:

Sec. 3. The directors of trusts shall have power to make rules and bylaws for the proper conduct of their business; to appoint and remove from time to time such agents and employees as in their judgment may be required for the proper discharge of their duties; to determine the duties and compensation of all such agents and employees, who may but are not required to be members of the public employees retirement association; to employ legal counsel; to make such contracts and agreements as in their judgment may from time to time be required in the acquisition, betterment, operation, administration, maintenance, control, and management of city hospital facilities, ~~in conformity with the provisions of the city charter and of ordinances enacted by the council relating to the procedure to be followed by the directors of trusts in the award of contracts and the making of purchases, except that the directors of trusts shall designate a person other than the city purchasing agent to act for such purchasing agent in awarding contracts and making purchases;~~ and to do, perform, and discharge all and singular whatever acts and duties are or from time to time may become proper or necessary to be done by the city in discharge of its duties in connection with any use or trust affecting hospital properties. ~~The directors of trusts shall file with the city clerk on or before February 15 of each year a report for the preceding calendar year showing all receipts and disbursements with the sources and purposes thereof, together with a statement of assets under their control and property acquired or disposed of during the year, and such other general information as to the management and control of the trust property as in their judgment is proper.~~ The board of directors of trusts is subject to the provisions of section 471.345. Their official books and records shall be audited at least annually by the state public examiner auditor or by a certified public accountant, as determined by the directors of trusts, notwithstanding the provisions of any law requiring audit of hospital books and records by the state public examiner. If the directors of trusts determine that the hospital books and records shall be audited by a certified public accountant, the directors shall notify the state public examiner that an audit by his office will not be necessary. The report of each such audit shall be filed promptly with the public examiner and the city council. The directors of trusts shall file with the city clerk copies of all financial reports which it is required by law or rule to submit to the state of Minnesota, within seven days of the submission of the report to the state agency receiving the report. The directors of trusts shall also annually file with the city clerk copies of all audit reports of its financial affairs prepared by the state auditor or by a certified public accountant, within 30 days of the completion of the audit report.

The board of directors of trusts is a "public body" for purposes of the open meeting law, Minnesota Statutes, section 471.705. Notwithstanding section 471.705, the board of directors of trusts may meet in closed session pursuant to section 144.581, subdivision 5.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Duluth."

The motion prevailed and the amendment was adopted.

Hurtley moved to amend S. F. No. 2551, as amended, as follows:

Delete the title and insert:

"A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of the city of Duluth in the establishment, administration, management, maintenance, improvement, and financing of Miller-Dwan Hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3."

The motion prevailed and the amendment was adopted.

S. F. No. 2551, A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

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 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gruenes	Gutknecht	Lindner	Tompkins	Worke	Workman
---------	-----------	---------	----------	-------	---------

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

H. F. No. 2925, A bill for an act relating to state lands; requiring that certain leased lakeshore lots in Cook county be reoffered for public sale.

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

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

Those who voted in the affirmative were:

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

Reding	Rukavina	Skoglund	Sviggum	Tunheim	Wagenius	Winter
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.

The bill was passed and its title agreed to.

Workman was excused for the remainder of today's session.

H. F. No. 2893 was reported to the House.

Rukavina, Solberg and Abrams moved to amend H. F. No. 2893, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 268.073, subdivision 1, is amended to read:

Subdivision 1. [ADDITIONAL BENEFITS; WHEN AVAILABLE.] Additional unemployment compensation benefits are authorized under this section only if the commissioner determines that:

(1) an employer has reduced operations at a facility employing 100 or more individuals for at least six months during the preceding year resulting in the reduction of at least 50 percent of the employer's work force and the layoff of at least 50 employees at that facility;

(2) the employer ~~does not intend~~ has no expressed plan to resume operations which would lead to the reemployment of those employees at any time in the immediate future; and

(3) the unemployment rate for the county in which the facility is located was ten percent during the month of the reduction or any of the three months preceding or succeeding the reduction.

Sec. 2. Minnesota Statutes 1992, section 268.073, subdivision 5, is amended to read:

Subd. 5. [MAXIMUM BENEFITS PAYABLE.] A claimant's maximum amount of additional benefits payable in the individual's benefit year shall be ~~six~~ 13 times the individual's weekly benefit amount. Unemployment compensation benefits paid to an individual under any state or federal law other than regular benefits payable under section 268.07 shall be deducted from that individual's maximum amount of additional benefits.

Sec. 3. Minnesota Statutes 1992, section 268.073, is amended by adding a subdivision to read:

Subd. 7. [BENEFIT CHARGES.] (a) Except as otherwise provided, benefits paid to an individual under this section shall be charged to the employment experience record of the base period employer of the individual to the extent regular benefits were charged to the base period employer under sections 268.06, subdivision 5, and 268.09, subdivision 1, paragraph (e).

(b) With respect to an employer who has elected to be a contributing employer under the provisions of section 268.06, subdivision 31, all benefits paid under this section which are based upon services for the contributing employer shall be charged to the contributing employer's account.

Sec. 4. [268.074] [SHARED WORK PLAN.]

Subdivision 1. [SHARED WORK PLAN; DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Affected employee" means an individual who was continuously employed as a member of the affected group, by the shared work employer, for at least six months prior to application, on a full-time basis.

(b) "Affected group" means five or more employees designated by the employer to participate in a shared work plan.

(c) "Shared work employer" means an employer with a shared work plan in effect.

(d) "Shared work plan" or "plan" means an employer's voluntary, written plan for reducing unemployment, under which a specified group of employees shares the work remaining after their normal weekly hours of work are reduced.

(e) "Approved shared work plan" or "approved plan" means an employer's shared work plan which meets the requirement of this section.

(f) "Normal weekly hours of work" means the number of hours in a week that the employee normally would work for the shared work employer or 40 hours, whichever is less.

Subd. 2. [PARTICIPATION.] (a) An employer wishing to participate in the shared work unemployment benefit program shall submit a signed, written shared work plan to the commissioner for approval. The commissioner may give written approval of a shared work plan only if it:

(1) specifies the employees in the affected group;

(2) applies to only one affected group;

(3) includes a certified statement by the employer that each individual specified in the affected group is an affected employee;

(4) includes a certified statement by the employer that for the duration of the plan the reduction in normal weekly hours of work of the employees in the affected group is instead of layoffs which otherwise would result in at least at large a reduction in the total normal weekly hours of work;

(5) specifies an expiration date which is no more than one year from the date the employer submits the plan for approval;

(6) specifies that fringe benefits, such as health and retirement, available to the employees in the affected group are not reduced beyond the percentage of reduction in hours of work; and

(7) is approved in writing by the collective bargaining agent for each collective bargaining agreement which covers any employee in the affected group.

(b) The commissioner shall establish the beginning and ending dates of an approved shared work plan.

(c) The commissioner shall approve or disapprove the plan within 15 days of its receipt. The commissioner shall notify the employer of the reasons for disapproval of a shared work plan within ten days of the determination. Determinations of the commissioner are final.

(d) Disapproval of a plan may be reconsidered upon application of the employer or at the discretion of the commissioner. Approval of a shared work plan may be revoked by the commissioner when it is established that the approval was based, in whole or in part, upon information in the plan which is either false or substantially misleading.

Subd. 3. [ELIGIBILITY.] (a) Notwithstanding any other provision of this chapter, an individual is unemployed and eligible to receive shared work benefits with respect to any week if the commissioner finds that:

(1) during the week the individual is employed as a member of an affected group in an approved plan which was approved prior to the week and is in effect for the week; and

(2) during the week the individual's normal weekly hours of work were reduced, in accordance with an approved plan, at least 20 percent but not more than 40 percent, with a corresponding reduction in wages.

(b) Shared work benefits shall not be paid to an eligible individual beyond one benefit year under an approved plan or modification of an approved plan.

(c) The total amount of regular benefits and shared work benefits paid to an individual in a benefit year shall not exceed the maximum benefit amount established.



(d) An otherwise eligible individual shall not be denied benefits under this section because of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the individual's shared work employer.

Subd. 4. [WEEKLY BENEFIT AMOUNT.] (a) An individual who is eligible for shared work benefits under this section shall be paid, with respect to any week of unemployment, a weekly shared work unemployment insurance benefit amount. The amount shall be equal to the individual's regular weekly benefit amount multiplied by the nearest full percentage of reduction of the individual's regular weekly hours of work as set forth in the employer's plan. The benefit payment, if not a multiple of \$1 shall be rounded to the next lower dollar.

(b) The provisions of section 268.07, subdivision 2, paragraph (g), shall not apply to earnings from the shared work employer of an individual eligible for payments under this section unless the resulting payment would be less than the regular benefit payment for which the individual would otherwise be eligible without regard to shared work unemployment insurance benefits.

(c) An individual shall be disqualified for benefits payable under this section for any week in which paid work is performed for the shared work employer in excess of the reduced hours set forth in the approved plan.

Sec. 5. [EFFECTIVE DATE; SUNSET.]

Section 268.074 is effective July 1, 1994. Benefits shall not be paid for any weeks of unemployment before that date, although proposals to participate under the plan may be submitted for approval before that date. The program shall terminate and no benefits shall be paid for weeks after June 30, 1996.

Sec. 6. [STUDY.]

The reemployment insurance advisory committee shall study results of the program and make recommendations to the legislature by February 15, 1996, as to the continuation or modification of the program.

Sec. 7. [REPEALER.]

Minnesota Statutes 1992, section 268.073, subdivision 6, is repealed."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend H. F. No. 2893, the first engrossment, as amended, as follows:

Page 5, after line 26 of the Rukavina et al amendment, insert:

"Sec. 8. [EFFECTIVE DATE.]

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

The motion prevailed and the amendment was adopted.

H. F. No. 2893, A bill for an act relating to unemployment compensation; extending benefits for certain employees; providing for a shared work plan; requiring a study; amending Minnesota Statutes 1992, section 268.073, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, section 268.073, subdivision 6.

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 128 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bergson	Bishop	Carlson	Commers	Davids
Anderson, R.	Bauerly	Bertram	Brown, C.	Carruthers	Cooper	Dawkins
Asch	Beard	Bettermann	Brown, K.	Clark	Dauner	Dehler

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

Those who voted in the negative were:

Goodno	Gruenes	Knight	Lindner	Olson, M.
--------	---------	--------	---------	-----------

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

S. F. No. 2422, A bill for an act relating to burial grounds; modifying provisions for enforcement of certain civil actions; amending Minnesota Statutes 1993 Supplement, section 307.082.

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

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

Wejcman moved that the name of Neary be added as an author on H. F. No. 1792. The motion prevailed.

Ozment moved that his name be stricken as an author on H. F. No. 1944. The motion prevailed.

Macklin moved that the names of Vickerman, Van Engen, Finseth and Workman be added as authors on H. F. No. 2023. The motion prevailed.

Skoglund moved that the name of Murphy be added as second author and the names of Mosel and Bishop be added as authors on H. F. No. 2351. The motion prevailed.

Mariani moved that the name of Van Dellen be added as an author on H. F. No. 2811. The motion prevailed.

Farrell moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, April 11, 1994, when the vote was taken on the Lasley amendment to H. F. No. 2189, the third engrossment, as amended." The motion prevailed.

Mosel moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, April 11, 1994, when the vote was taken on the Skoglund amendment to the Waltman et al amendment to H. F. No. 2189, the third engrossment, as amended." The motion prevailed.

Leppik moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, April 11, 1994, when the vote was taken on the final passage of H. F. No. 2433." The motion prevailed.

Swenson moved that H. F. Nos. 480, 482, 754 and 2113 be returned to their author. The motion prevailed.

Dehler moved that H. F. No. 885 be returned to its author. The motion prevailed.

Hasskamp moved that H. F. No. 887 be returned to its author. The motion prevailed.

Workman moved that H. F. No. 1079 be returned to its author. The motion prevailed.

Simoneau moved that H. F. No. 1458 be returned to its author. The motion prevailed.

Van Engen moved that H. F. No. 2595 be returned to its author. The motion prevailed.

Bettermann moved that H. F. No. 2606 be returned to its author. The motion prevailed.

Bettermann moved that H. F. No. 2769 be returned to its author. The motion prevailed.

Steensma moved that H. F. No. 2808 be returned to its author. The motion prevailed.

Bettermann moved that H. F. No. 2820 be returned to its author. The motion prevailed.

Sviggum moved that H. F. No. 2895 be returned to its author. The motion prevailed.

Sekhon moved that H. F. No. 3143 be returned to its author. The motion prevailed.

## ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, April 14, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, April 14, 1994.

