

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

ONE HUNDRED-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 4, 1994

The House of Representatives convened at 9:30 a.m. and was called to order by Irv Anderson, Speaker of the House.

Prayer was offered by Chris Leith, Spiritual Leader, Prairie Island, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Olson, E., and Stanius were excused until 10:30 a.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 1944 and H. F. No. 2243, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rukavina moved that the rules be so far suspended that S. F. No. 1944 be substituted for H. F. No. 2243 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 2, 1994

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

Dear Speaker Anderson:

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

H. F. No. 1788, relating to marriage; providing for postnuptial contracts.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	1788	545	1:40 p.m. May 2	May 2
1712		546	1:45 p.m. May 2	May 2
2303		547	1:47 p.m. May 2	May 2

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. No. 1944 was read for the second time.

HOUSE ADVISORIES

The following House Advisories were introduced:

Long, Clark, Morrison, Dawkins and Mariani introduced:

H. A. No. 40, A proposal to study the fiscal implications of installing automatic sprinkler systems.

The advisory was referred to the Committee on Housing.

Olson, M.; Koppendrayner; Simoneau; Dehler and Worke introduced:

H. A. No. 41, A proposal to study automobile insurance noneconomic detriment claims.

The advisory was referred to the Committee on Financial Institutions and Insurance.

Olson, M.; Pauly; Munger; Trimble and Ozment introduced:

H. A. No. 42, A proposal to study the return of used tires.

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

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2617

A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

May 3, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2617, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2617 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 325B.02, is amended to read:

325B.02 [NO INDUCEMENT OR COERCION.]

No brewer shall:

(1) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to accept delivery of any alcoholic beverage or any other commodity which shall not have been ordered by the beer wholesaler.

(2) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to do any illegal act or thing by threatening to amend, cancel, terminate, or refuse to renew any agreement existing between a brewer and a beer wholesaler.

(3) Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler's right to sell the product of any other brewer anywhere in the state of Minnesota, provided that the acquisition of the product of another brewer does not materially impair the quality of service or quantity of sales of the existing brand or brands of the brewer seeking to impose the condition, stipulation or provision.

(4) Refuse to supply, in reasonable quantities and within a reasonable time after receipt of the wholesaler's order, beer ordered by a wholesaler who has an agreement with the brewer for sale and distribution of the brewer's beer, unless the refusal to supply is due to:

(i) the brewer's prudent and reasonable restrictions on extension of credit to the wholesaler;

(ii) weather or other natural events;

(iii) a work stoppage or delay resulting from a strike or other labor dispute;

(iv) a bona fide shortage of materials;

(v) a freight embargo; or

(vi) any other cause over which the brewer or the brewer's agents have no control.

Sec. 2. [325B.031] [BRANDS; BRAND EXTENSIONS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(a) "Brand" is any word, name, group of letters, symbol, or combination thereof, that is adopted and used by a brewer or importer to identify a specific beer product, and to distinguish that beer product from another beer product.

(b) "Brand extension" is any brand that (1) incorporates all or a substantial part of the unique features of a preexisting brand of the same brewer or importer, and (2) which relies to a significant extent on the goodwill associated with that preexisting brand.

Subd. 2. [BRAND EXTENSION TO BE ASSIGNED.] A brewer or importer who assigns a brand extension to a wholesaler must assign the brand extension to the wholesaler to whom the brewer or importer granted the exclusive sales territory to the brand from which the brand extension resulted. This requirement does not apply to assignments of brand extensions to wholesalers that were made by a brewer or importer before the effective date of this section.

Subd. 3. [ADDITIONAL BRAND EXTENSION.] In the event that prior to the effective date of this section a brewer or importer had assigned a brand extension to a wholesaler who was not the appointed wholesaler for the brand from which the brand extension was made, then any additional brand extension must be assigned to the wholesaler who first had the brand.

Sec. 3. Minnesota Statutes 1992, section 325B.04, is amended to read:

325B.04 [CANCELLATION TERMINATION OF AGREEMENTS.]

Subdivision 1. [TERMINATIONS.] Notwithstanding the terms, provisions or conditions of any agreement, no brewer shall amend, cancel, terminate or refuse to continue to renew any agreement, or cause a wholesaler to resign from an agreement, unless good cause exists for amendment, termination, cancellation, nonrenewal, noncontinuation or causing a resignation. "Good cause" shall not include the sale or purchase of a brewer. "Good cause" shall include, but not be limited to, the following:

- (1) Revocation of the wholesaler's license to do business in the state.
- (2) Bankruptcy or insolvency of the wholesaler.
- (3) Assignment for the benefit of creditors or similar disposition of the assets of the wholesaler.
- (4) Failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon the wholesaler by the brewer. the brewer:

- (1) has satisfied the notice and opportunity to cure requirements of section 325B.05;
- (2) has acted in good faith; and
- (3) has good cause for the cancellation, termination, nonrenewal, discontinuance, or forced resignation.

Subd. 2. [GOOD CAUSE.] For purposes of subdivision 1:

(a) "Good cause" includes, but is not limited to, the following:

- (1) revocation of the wholesaler's license under section 340A.304;
- (2) the wholesaler's bankruptcy or insolvency;
- (3) assignment of the assets of the wholesaler for the benefit of creditors, or a similar disposition of the wholesaler's assets; or

(4) a failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed on the wholesaler by the brewer, where the failure was discovered by the brewer not more than one year before the date on which the brewer gave notice to the wholesaler under section 325B.05.

(b) "Good cause" does not include the sale or purchase of a brewer.

Sec. 4. Minnesota Statutes 1992, section 325B.05, is amended to read:

325B.05 [NOTICE OF INTENT TO TERMINATE.]

Except as provided in this section, a brewer shall provide a wholesaler at least 90 days prior written notice of any intent to amend, terminate, cancel or not renew any agreement. The notice shall state all the reasons for the intended amendment, termination, cancellation or nonrenewal. The wholesaler shall have 90 days in which to rectify any

~~claimed deficiency. If the deficiency shall be rectified within 90 days of notice, then the proposed amendment, termination, cancellation or nonrenewal shall be null and void and without legal effect. The notice provisions of this section shall not apply if the reason for the amendment, termination, cancellation, or nonrenewal is:~~

~~(1) The bankruptcy or insolvency of the wholesaler.~~

~~(2) An assignment for the benefit of creditors or similar disposition of the assets of the business.~~

~~(3) Revocation of the wholesaler's license.~~

~~(4) Conviction or a plea of guilty or no contest to a charge of violating a law relating to the business that materially affects the wholesaler's ability to remain in business.~~

Subdivision 1. [NOTICES; TIME LIMIT.] (a) Notwithstanding any provision to the contrary in any agreement between a brewer and a wholesaler, a brewer who intends to terminate, cancel, discontinue, or refuse to renew an agreement with a wholesaler must furnish written notice to that effect to the wholesaler not less than 90 days before the effective date of the intended action and must provide the wholesaler with a bona fide opportunity to substantially cure any claimed deficiency within the 90 days.

(b) The notice must be sent by certified mail and must contain, at a minimum, (1) the effective date of the intended action, and (2) a statement of the nature of the intended action and the brewer's reasons therefor.

(c) In no event may a termination, cancellation, discontinuance, or nonrenewal be effective until at least 90 days from the wholesaler's receipt of written notice under this section, unless the wholesaler has consented in writing to a shorter period.

Subd. 2. [NOTICES; OTHER PROVISIONS.] Notwithstanding subdivision 1 or section 325B.04, a brewer may terminate or refuse to renew an agreement on not less than 15 days' written notice to the wholesaler, upon any of the following occurrences:

(1) the bankruptcy or insolvency of the wholesaler;

(2) an assignment of the wholesaler's assets for the benefit of creditors, or a similar disposition of those assets;

(3) revocation of the wholesaler's license under section 340A.304; or

(4) conviction or a plea of guilty or no contest to a charge of violating any state or federal law, where the violation materially affects the wholesaler's right to remain in business. A notice under this subdivision must meet the requirements of subdivision 1, paragraph (b).

Sec. 5. Minnesota Statutes 1992, section 325B.12, is amended to read:

325B.12 [NO DISCRIMINATION.]

Subdivision 1. [DISCRIMINATION PROHIBITED.] No brewer shall discriminate among its wholesalers in any business dealings including, but not limited to, the price of beer sold to the wholesaler, unless the classification among its wholesalers is based upon reasonable grounds. Nothing in this section shall be construed to prohibit the sale or offer of sale of beer at a volume discount.

Subd. 2. [SALES; REBATES.] No brewer may:

(1) sell or offer to sell any beer to any Minnesota wholesaler at a price lower than the actual price offered to any other Minnesota wholesaler for the same product;

(2) utilize any method, including but not limited to, a sales promotion plan or program:

(i) that constitutes or results in a different offer being made to wholesalers for the same product;

(ii) that relates in any way to the price being charged or to be charged by a wholesaler to a retailer, including without limitation, any arrangement whereby the wholesale price is connected with any reduction from or addition to the wholesaler's normal price to retail; or

(iii) that results in a fixed retail price predetermined by a brewer; or

(3) utilize any rebate plan or program in connection with the sale of beer to a Minnesota wholesaler, unless:

(i) the brewer pays rebates to a wholesaler, pursuant to a rebate plan or program, within ten days after the wholesaler provides the brewer with appropriate documentation as reasonably required by the brewer;

(ii) the rebate plan or program guarantees that the brewer will make a rebate payment no later than 45 days after the initiation of a rebate plan or program, provided that a wholesaler timely submits appropriate documentation as reasonably required by a brewer; and

(iii) in the event of an audit, other examination, or claim by a brewer regarding the propriety of rebate payments made to a wholesaler, a brewer shall only be permitted to examine a wholesaler's records going back one year from the date of the audit, other examination, or claim and shall only be permitted to seek reimbursement for rebate payments made to the wholesaler during the one-year period.

Sec. 6. Minnesota Statutes 1992, section 340A.101, subdivision 13, is amended to read:

Subd. 13. [HOTEL.] "Hotel" is an establishment where food and lodging are regularly furnished to transients and which has:

~~(1) a resident proprietor or manager;~~

(2) a dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; and

~~(3) (2) guest rooms in the following minimum numbers: in first class cities, 50; in second class cities, 25; in all other cities and unincorporated areas, 10.~~

Sec. 7. Minnesota Statutes 1992, section 340A.301, subdivision 6, is amended to read:

Subd. 6. [FEES.] The annual fees for licenses under this section are as follows:

(a) Manufacturers (except as provided in clauses (b) and (c))	\$ 15,000
Duplicates	\$ 3,000
(b) Manufacturers of wines of not more than 25 percent alcohol by volume	\$ 500
(c) Brewers other than those described in clause clauses (d) and (i)	\$ 2,500
(d) Brewers who also hold a retail on-sale license and who manufacture fewer than 2,000 3,500 barrels of malt liquor in a year, except as provided in subdivision 10, the entire production of which is solely for consumption on tap on the licensed premises	\$ 500
(e) Wholesalers (except as provided in clauses (f), (g), and (h))	\$ 15,000
Duplicates	\$ 3,000
(f) Wholesalers of wines of not more than 25 percent alcohol by volume	\$ 2,000
(g) Wholesalers of intoxicating malt liquor	\$ 600
Duplicates	\$ 25
(h) Wholesalers of 3.2 percent malt liquor	\$ 10
<u>(i) Brewers who manufacture fewer than 2000 barrels of malt liquor in a year</u>	<u>\$ 150</u>

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.

Sec. 8. Minnesota Statutes 1992, section 340A.301, subdivision 7, is amended to read:

Subd. 7. [INTEREST IN OTHER BUSINESS.] (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section

to a manufacturer, brewer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) A licensed brewer of malt liquor described in subdivision 6, clause (d) may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in or immediately adjacent to the place of manufacture. Malt liquor brewed by such a licensee may not be removed from the licensed premises unless the malt liquor is entered in a tasting competition where none of the malt liquor so removed is sold.

Sec. 9. Minnesota Statutes 1992, section 340A.301, is amended by adding a subdivision to read:

Subd. 10. [BREWERY-RESTAURANTS; PERMITS.] A licensed brewer of malt liquor described in subdivision 6, clause (d), may apply to the commissioner for a permit to manufacture more than 3,500 barrels of malt liquor in a calendar year. The commissioner shall issue the permit if the commissioner determines that (1) the brewer will manufacture at least 3,500 barrels of malt liquor in that year, and (2) all malt liquor manufactured by the brewer will be consumed on the licensed premises only, except as provided in subdivision 7, paragraph (b). The permit authorizes the permit holder to manufacture more than 3,500 barrels of malt liquor in the year in which the permit is issued, for consumption on the licensed premises only. A permit under this subdivision expires on December 31 of the year of issuance.

Sec. 10. Minnesota Statutes 1992, section 340A.307, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] Nothing in this section applies to:

(a) (1) wine or malt liquor of any alcohol content; or

(b) (2) intoxicating liquor which is:

(1) (i) further distilled, refined, rectified, or blended within the state; and

(2) (ii) bottled within the state and labeled with the importer's own labels after importation into the state; or

(3) any brand of intoxicating liquor which is offered for sale only in this state. No such brand shall vary from an existing or new brand sold in another state in any manner as to brand name, age, or proof of the product.

Sec. 11. Minnesota Statutes 1992, section 340A.308, is amended to read:

340A.308 [PROHIBITED TRANSACTIONS.]

(a) No brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

(1) give, or lend money, credit, or other thing of value to a retailer;

(2) give, lend, lease, or sell furnishing or equipment to a retailer;

(3) have an interest in a retail license; or

(4) be bound for the repayment of a loan to a retailer.

(b) No retailer may solicit any equipment, fixture, supplies, money, or other thing of value from a brewer or malt liquor wholesaler if furnishing of these items by the brewer or wholesaler is prohibited by law and the retailer knew or had reason to know that the furnishing is prohibited by law.

(c) This section does not prohibit a manufacturer or wholesaler from:

(1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$400 excluding installation and repair costs;

(2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$300 in a year;

(3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;

(4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or 3.2 percent malt liquor at retail; or

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only; or

(6) in the case of a wholesaler, with the prior written consent of the commissioner, selling beer on consignment to a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10.

Sec. 12. Minnesota Statutes 1992, section 340A.311, is amended to read:

340A.311 [BRAND REGISTRATION.]

(a) A brand of intoxicating liquor or 3.2 percent malt liquor may not be manufactured, imported into, or sold in the state unless the brand label has been registered with and approved by the commissioner. A brand registration must be renewed every three years in order to remain in effect. The fee for an initial brand registration is \$30. The fee for brand registration renewal is \$20. The brand label of a brand of intoxicating liquor or 3.2 percent malt liquor for which the brand registration has expired, is conclusively deemed abandoned by the manufacturer or importer.

(b) In this section "brand" and "brand label" include trademarks and designs used in connection with labels.

(c) The label of any brand of wine or intoxicating or nonintoxicating malt beverage may be registered only by the brand owner or authorized agent. No such brand may be imported into the state for sale without the consent of the brand owner or authorized agent. This section does not limit the provisions of section 340A.307.

(d) The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor brand label already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader. This paragraph does not apply to a brand label registered for the first time in Minnesota before January 1, 1992.

Sec. 13. [340A.318] [REPORTS BY BREWERS.]

The commissioner may require a brewer that manufactures 25,000 or fewer barrels of malt liquor in any year to report to the commissioner, on a form and at the frequency the commissioner prescribes, on the total amount of malt liquor brewed by the brewer.

Sec. 14. [340A.32] [TRANSPORTATION OF ALCOHOLIC BEVERAGES.]

Subdivision 1. [PERMIT REQUIRED.] No person other than the holder of a valid retailer's identification card issued by the commissioner may transport distilled spirits or wine intended for resale to consumers without possessing a valid alcoholic beverage transporter's permit issued under this section.

Subd. 2. [ISSUANCE OF PERMIT.] (a) A person seeking a transporter's permit must submit an application, on a form the commissioner prescribes, that contains the applicant's name and address, and if a corporation, the names and addresses of the corporation's officers and such other information as the commissioner deems necessary.

(b) A permit under this section is valid for one year. The annual fee for the permit is \$20.

Subd. 3. [SUSPENSION; REVOCATION.] The commissioner may revoke, or suspend for up to 60 days, a permit under this subdivision, or impose on the permit holder a civil fine of not more than \$2,000 for each violation, on a finding that the permit holder has violated a provision of this chapter or a rule of the commissioner. A suspension or revocation is a contested case under the administrative procedure act.

Subd. 4. [PREMISES.] For purposes of inspection of premises of transporter permit holders under section 340A.907, "premises" includes any vehicle the transporter uses to transport distilled spirits or wine.

Sec. 15. Minnesota Statutes 1993 Supplement, section 340A.402, is amended to read:

340A.402 [PERSONS ELIGIBLE.]

No retail license may be issued to:

- (1) ~~a person not a citizen of the United States or a resident alien;~~
- (2) a person under 21 years of age;
- (3) ~~(2)~~ a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (4) ~~(3)~~ a person not of good moral character and repute; or
- (5) ~~(4)~~ a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

Sec. 16. Minnesota Statutes 1992, section 340A.404, subdivision 6, is amended to read:

Subd. 6. [COUNTIES.] (a) A county board may issue an annual on-sale intoxicating liquor license within the area of the county that is unorganized or unincorporated to a bowling center, restaurant, ~~or club,~~ or hotel with the approval of the commissioner.

(b) A county board may also with the approval of the commissioner issue up to ten seasonal on-sale licenses to restaurants and clubs for the sale of intoxicating liquor within the area of the county that is unorganized or unincorporated. Notwithstanding section 340A.412, subdivision 8, a seasonal license is valid for a period specified by the board, not to exceed nine months. Not more than one license may be issued for any one premises during any consecutive 12-month period.

Sec. 17. Minnesota Statutes 1992, section 340A.404, subdivision 10, is amended to read:

Subd. 10. [TEMPORARY ON-SALE LICENSES.] The governing body of a municipality may issue to a club or charitable, religious, or other nonprofit organization in existence for at least three years, or to a political committee registered under section 10A.14, a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than three consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

A county under this section may issue a temporary license only to a premises located in the unincorporated or unorganized territory of the county.

Sec. 18. Minnesota Statutes 1992, section 340A.405, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] (a) A city other than a city of the first class may issue with the approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor store, or to a drugstore to which an off-sale license had been issued on or prior to May 1, 1994.

(b) A city of the first class may issue an off-sale license to an exclusive liquor store, a general food store to which an off-sale license had been issued on August 1, 1989, or a drugstore to which an off-sale license had been issued on or prior to May 1, 1994.

Sec. 19. Minnesota Statutes 1992, section 340A.405, subdivision 2, is amended to read:

Subd. 2. [COUNTIES.] (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town, or a combination off-sale and on-sale license to restaurants a restaurant within that town, with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than one mile by the most direct route from the boundary of any statutory or home rule city that had established a municipal liquor store before August 1, 1991, provided, that a county board may not issue a new license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of a city that (1) is located outside the metropolitan area as defined in section 473.121, subdivision 2, (2) has a population over 5,000 according to the most recent federal decennial census, and (3) had established a municipal liquor store before August 1, 1991.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b, prior to January 1, 1985.

Sec. 20. Minnesota Statutes 1992, section 340A.405, subdivision 4, is amended to read:

Subd. 4. [TEMPORARY OFF-SALE LICENSES; WINE AUCTIONS.] (a) The governing body of a city or county may issue a temporary license for the off-sale of wine at an auction with the approval of the commissioner. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city or county. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable.

(b) As used in the subdivision, "vintage wine" means bottled wine which is at least five years old.

Sec. 21. Minnesota Statutes 1992, section 340A.410, is amended by adding a subdivision to read:

Subd. 10. [TEMPORARY LICENSES; RESTRICTION ON NUMBER.] A municipality may not issue more than three temporary licenses for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period. This restriction applies to temporary licenses issued under sections 340A.403, subdivision 2, and 340A.404, subdivision 10.

Sec. 22. Minnesota Statutes 1992, section 340A.412, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS ON ISSUANCE OF LICENSES TO ONE PERSON OR PLACE.] (a) A municipality may not issue more than one off-sale intoxicating liquor license to any one person or for any one place.

(b) A municipality may not allow the same business name to be used by more than one of its off-sale intoxicating liquor licensees.

(c) For purposes of this subdivision, "person" means:

(1) a holder of an off-sale intoxicating liquor license;

(2) an officer, director, agent, or employee of a holder of an off-sale intoxicating liquor license; or

(3) an affiliate of a holder of an off-sale intoxicating liquor license, regardless of whether the affiliation is corporate or by management, direction, or control.

Sec. 23. Minnesota Statutes 1993 Supplement, section 340A.415, is amended to read:

340A.415 [LICENSE REVOCATION OR SUSPENSION; CIVIL PENALTY.]

~~The authority issuing any retail license or permit under this chapter or the commissioner shall either suspend for up to 60 days or revoke the license or permit or impose a civil penalty not to exceed \$2,000 for each violation. On a finding that the license or permit holder has (1) sold alcoholic beverages to another retail licensee for the purpose of resale, (2) purchased alcoholic beverages from another retail licensee for the purpose of resale, (3) conducted or permitted the conduct of gambling on the licensed premises in violation of the law, (4) failed to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section 340A.508, subdivision 3, or (5) failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages, the commissioner or the authority issuing a retail license or permit under this chapter may revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to \$2,000 for each violation, or impose any combination of these sanctions.~~ No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under sections 14.57 to 14.69 of the administrative procedure act. This section does not require a political subdivision to conduct the hearing before an employee of the office of administrative hearings. Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum.

Sec. 24. Minnesota Statutes 1992, section 340A.416, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF ELECTION RESULTS.] If a majority of persons voting on the referendum question ~~the vote "against license,"~~ the city may not issue intoxicating liquor licenses until the results of the referendum have been reversed at a subsequent election where the question has been submitted as provided in this section.

Sec. 25. [340A.417] [WINE TASTINGS.]

Subdivision 1. [DEFINITION.] For purposes of this section, a "wine tasting" is an event of not more than four hours' duration at which persons pay a fee or donation to participate, and are allowed to consume wine by the glass without paying a separate charge for each glass.

Subd. 2. [TASTINGS AUTHORIZED.] (a) A charitable, religious, or other nonprofit organization may conduct a wine tasting on premises the organization owns or leases or has use donated to it, or on the licensed premises of a holder of an on-sale intoxicating liquor license that is not a temporary license, if the organization holds a temporary on-sale intoxicating liquor license under section 340A.404, subdivision 10, and complies with this section. An organization holding a temporary license may be assisted in conducting the wine tasting by another nonprofit organization.

(b) An organization that conducts a wine tasting under this section may use the net proceeds from the wine tasting only for:

(1) the organization's primary nonprofit purpose; or

(2) donation to another nonprofit organization assisting in the wine tasting, if the other nonprofit organization uses the donation only for that organization's primary nonprofit purpose.

(c) No wine at a wine tasting under this section may be sold, or orders taken, for off-premise consumption.

(d) Notwithstanding any other law, an organization may purchase or otherwise obtain wine for a wine tasting conducted under this section from a wholesaler licensed to sell wine, and the wholesaler may sell or give wine to an organization for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting. A wholesaler who sells or gives wine to an organization for a wine tasting under this section must deliver the wine directly to the location where the wine tasting is conducted.

Sec. 26. Minnesota Statutes 1992, section 340A.504, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] No sale of intoxicating liquor for consumption on the licensed premises may be made:

(1) between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(2) after 1:00 a.m. on Sundays, except as provided by subdivision 3;

~~(3) between 8:00 p.m. on December 24 and 8:00 a.m. on December 25, except that when December 25 occurs on a Sunday on sales on that day are governed by subdivision 3.~~

Sec. 27. [340A.5071] [COUPONS PROHIBITED.]

A retailer of alcoholic beverages may not accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer or wholesaler of alcoholic beverages.

Sec. 28. Minnesota Statutes 1992, section 340A.907, is amended to read:

340A.907 [INSPECTION.]

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer. For a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10, the commissioner's authority under this section extends for two years beyond the expiration of the temporary license or the permit.

Sec. 29. [ST. LOUIS COUNTY; OFF-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (c), the St. Louis county board may issue one off-sale intoxicating liquor license to a premises located in Embarrass township.

Sec. 30. [ST. PAUL; LICENSE AUTHORIZED.]

(a) Notwithstanding any state or local law or charter provision, the city of St. Paul may issue an on-sale license to the College of St. Catherine catering service for the sale of wine and 3.2 percent malt liquor at O'Shaughnessy auditorium and St. Joseph's hall on the campus of the College of St. Catherine. The license may only authorize the licensee to dispense wine and 3.2 percent malt liquor to persons attending social events or performances at O'Shaughnessy auditorium or St. Joseph's hall.

(b) Notwithstanding any state or local law or charter provision, the city of St. Paul may issue an on-sale license to the catering service that serves the University of St. Thomas for the sale of wine and 3.2 percent malt liquor at the Murray Herrick Campus Center and the O'Shaughnessy Education Center on the campus of the University of St. Thomas. The license may only authorize the licensee to dispense wine and 3.2 percent malt liquor to persons attending events at the Murray Herrick Campus Center or the O'Shaughnessy Education Center.

(c) The licenses authorized by this section are in addition to any other licenses authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 31. [EDEN PRAIRIE; ON-SALE LICENSES.]

The Eden Prairie city council may issue eight on-sale intoxicating liquor licenses in addition to the number authorized by Minnesota Statutes, section 340A.413. The licenses are subject to all other provisions of Minnesota Statutes, chapter 340A.

Sec. 32. [EAGAN; LICENSES AUTHORIZED.]

The city of Eagan may issue not more than three on-sale intoxicating liquor licenses in addition to the number authorized by Minnesota Statutes, section 340A.413. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 33. [CLAY COUNTY; OFF-SALE LICENSE.]

Notwithstanding any state or local law or charter provision, the Clay county board may issue one off-sale intoxicating liquor license to a premises located in Elkton township. The license is subject to all other provisions of Minnesota Statutes, chapter 340A.

Sec. 34. [BURNSVILLE; ADDITIONAL LICENSES.]

The city of Burnsville may issue up to three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the licenses authorized by this section.

Sec. 35. [EFFECTIVE DATE.]

Sections 2, 7, 8, 9, 10, 18, and 25 are effective the day following final enactment. Section 29 is effective on approval by the St. Louis county board and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 30 is effective on approval by the St. Paul city council and compliance with section 645.021, subdivision 3. Section 31 is effective on approval by the Eden Prairie city council and compliance with section 645.021, subdivision 3. Section 32 is effective on approval by the Eagan city council and compliance with section 645.021, subdivision 3. Section 33 is effective on approval by the Clay county board and compliance with section 645.021, subdivision 3. Section 34 is effective on approval by the Burnsville city council and compliance with sections 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; prohibiting brewer refusal to supply; regulating brand extensions and termination of agreements; prohibiting discrimination in sales and rebates; setting license fees; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting registration brand label stating or implying a false or misleading connection with an American Indian leader; requiring monthly reports by microbrewers; removing restriction on sale of intoxicating liquor on Christmas Eve and Christmas day; providing for inspection of premises of temporary on-sale licenses; authorizing issuance of licenses by certain counties and cities; defining terms; prohibiting certain solicitations by retailers; authorizing consignment sales of beer by wholesalers to temporary licensees; removing requirement that retail licensees be citizens or resident aliens; authorizing counties to issue on-sale licenses to hotels; allowing registered political committees in existence for less than three years to obtain temporary on-sale licenses; placing restrictions on the number of temporary licenses issued to any organization or for any location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating certain wine tastings; restricting use of coupons by retailers, wholesalers, and manufacturers; providing penalties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.504, subdivision 2; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A."

We request adoption of this report and repassage of the bill.

House Conferees: JOEL JACOBS, JIM TUNHEIM AND JERRY DEMPSEY.

Senate Conferees: SAM G. SOLON, JAMES P. METZEN AND DICK DAY.

Jacobs moved that the report of the Conference Committee on H. F. No. 2617 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2617, A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

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

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Holsten	Knight	Molnau	Reding	Van Engen
Anderson, R.	Delmont	Hugoson	Koppendrayner	Morrison	Rest	Vellenga
Battaglia	Dempsey	Huntley	Krinkie	Mosel	Rhodes	Vickerman
Bauerly	Dorn	Jacobs	Krueger	Munger	Rodosovich	Weaver
Beard	Erhardt	Jaros	Lasley	Murphy	Rukavina	Wejcman
Bergson	Evans	Jefferson	Leppik	Neary	Sarna	Wenzel
Bertram	Finseth	Jennings	Lieder	Nelson	Seagren	Winter
Bettermann	Frerichs	Johnson, A.	Limmer	Ness	Sekhon	Wolf
Brown, K.	Garcia	Johnson, R.	Long	Opatz	Smith	Worke
Carlson	Girard	Johnson, V.	Luther	Orenstein	Solberg	Workman
Carruthers	Goodno	Kahn	Lynch	Ostrom	Steensma	Spk. Anderson, I.
Commers	Greenfield	Kalis	Macklin	Ozment	Sviggum	
Cooper	Greiling	Kelley	Mahon	Pawlenty	Swenson	
Dauner	Gruenes	Kinkel	McCollum	Perlt	Tomassoni	
Davids	Hasskamp	Klinzing	McGuire	Peterson	Tompkins	
Dawkins	Hausman	Knickerbocker	Milbert	Pugh	Tunheim	

Those who voted in the negative were:

Asch	Haukoos	Olson, M.	Skoglund	Waltman
Gutknecht	Lindner	Onnen	Wagenius	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3193

A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements; authorizing use of special assessments for on-site water

contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.52, subdivision 1; 475.53, subdivision 5; 475.54, subdivision 16; 475.66, subdivision 1; and 475.79; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

May 3, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 3193, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3193 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 124.91, subdivision 3, is amended to read:

Subd. 3. [POST-JUNE 1992 LEASE PURCHASE, INSTALLMENT BUYS.] (a) Upon application to, and approval by, the commissioner in accordance with the procedures and limits in subdivision 1, a district, as defined in this subdivision, may:

(1) purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement, by which installment contract or lease purchase agreement title is kept by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any; and

(2) annually levy the amounts necessary to pay the district's obligations under the installment contract or lease purchase agreement.

(b)(1) The obligation created by the installment contract or the lease purchase agreement must not be included in the calculation of net debt for purposes of section 475.53, and does not constitute debt under other law.

(2) An election is not required in connection with the execution of the installment contract or the lease purchase agreement.

(c) The proceeds of the levy authorized by this subdivision must not be used to acquire a facility to be primarily used for athletic or school administration purposes.

(d) In this subdivision, "district" means:

(1) a school district required to have a comprehensive plan for the elimination of segregation whose plan has been determined by the commissioner to be in compliance with the state board of education rules relating to equality of educational opportunity and school desegregation; or

(2) a school district that participates in a joint program for interdistrict desegregation with a district defined in clause (1) if the facility acquired under this subdivision is to be primarily used for the joint program.

(e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease or rent a district-owned building to itself does not apply to levies otherwise authorized by this subdivision.

(f) Projects may be approved under this section by the commissioner in fiscal years 1993, 1994, and 1995 only.

(g) For the purposes of this subdivision, any references in subdivision 1 to building or land shall be deemed to include personal property.

Sec. 2. Minnesota Statutes 1992, section 270A.03, subdivision 2, is amended to read:

Subd. 2. [CLAIMANT AGENCY.] "Claimant agency" means any state agency, as defined by section 14.02, subdivision 2, the regents of the University of Minnesota, any district court of the state, any county, any statutory or home rule charter city presenting a claim for a municipal hospital, a hospital district, any public agency responsible for child support enforcement, ~~and any public agency responsible for the collection of court-ordered restitution, and~~ any public agency established by general or special law that is responsible for the administration of a low-income housing program.

Sec. 3. Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

- (1) all public burying grounds;
- (2) all public schoolhouses;
- (3) all public hospitals;
- (4) all academies, colleges, and universities, and all seminaries of learning;
- (5) all churches, church property, and houses of worship;
- (6) institutions of purely public charity except parcels of property containing structures and the structures described in section 273.13, subdivision 25, paragraph (c), clauses (1), (2), and (3), or paragraph (d), other than those that qualify for exemption under clause (25);
- (7) all public property exclusively used for any public purpose;
- (8) except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, paragraphs (c) and (d), shall be exempt.

The following personal property shall be taxable:

- (a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, crude oil, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;
- (b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;
- (c) personal property defined in section 272.03, subdivision 2, clause (3);
- (d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.124, subdivision 7; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;
- (e) manufactured homes and sectional structures, including storage sheds, decks, and similar removable improvements constructed on the site of a manufactured home, sectional structure, park trailer or travel trailer as provided in section 273.125, subdivision 8, paragraph (f); and
- (f) flight property as defined in section 270.071.
- (9) Personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, and real property which is used primarily for abatement and control of air, water, or land pollution as part of an agricultural operation, as a part of a centralized treatment and recovery facility operating under a permit issued by the Minnesota pollution control agency pursuant to chapters 115 and 116 and Minnesota Rules, parts 7001.0500 to 7001.0730, and 7045.0020 to 7045.1260, as a wastewater treatment facility and for the treatment, recovery, and stabilization of metals, oils, chemicals, water, sludges, or inorganic materials from hazardous industrial wastes, or as part of an electric generation system. For purposes of this clause, personal property includes ponderous machinery and equipment used in a business or production activity that at common law is considered real property.

Any taxpayer requesting exemption of all or a portion of any real property or any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, rules, or criteria prescribed by the Minnesota pollution control agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota pollution control agency shall upon request of the commissioner furnish information or advice to the commissioner. On determining that property qualifies for exemption, the commissioner shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota pollution control agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means: (i) land described in section 103G.005, subdivision 18; (ii) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice; or (iii) land in a wetland preservation area under sections 103F.612 to 103F.616. "Wetlands" under items (i) and (ii) include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands, but do not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause. Upon receipt of an application for the exemption provided in this clause for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of the decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders; provided the property is used primarily as a clubhouse, meeting facility, or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 103G.535.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band; and

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band.

An exemption provided by clause (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and

the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body or 30 days have passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

(17) Notwithstanding section 273.19, state lands that are leased from the department of natural resources under section 92.46.

(18) Electric power distribution lines and their attachments and appurtenances, that are used primarily for supplying electricity to farmers at retail.

(19) Transitional housing facilities. "Transitional housing facility" means a facility that meets the following requirements. (i) It provides temporary housing to individuals, couples, or families. (ii) It has the purpose of reuniting families and enabling parents or individuals to obtain self-sufficiency, advance their education, get job training, or become employed in jobs that provide a living wage. (iii) It provides support services such as child care, work readiness training, and career development counseling; and a self-sufficiency program with periodic monitoring of each resident's progress in completing the program's goals. (iv) It provides services to a resident of the facility for at least three months but no longer than three years, except residents enrolled in an educational or vocational institution or job training program. These residents may receive services during the time they are enrolled but in no event longer than four years. (v) It is owned and operated or under lease from a unit of government or governmental agency under a property disposition program and operated by one or more organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1987. This exemption applies notwithstanding the fact that the sponsoring organization receives financing by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency under the provisions of either Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant to it, and notwithstanding the fact that the sponsoring organization receives funding under Section 8 of the United States Housing Act of 1937, as amended.

(20) Real and personal property, including leasehold or other personal property interests, owned and operated by a corporation if more than 50 percent of the total voting power of the stock of the corporation is owned collectively by: (i) the board of regents of the University of Minnesota, (ii) the University of Minnesota Foundation, an organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1990, and (iii) a corporation organized under chapter 317A, which by its articles of incorporation is prohibited from providing pecuniary gain to any person or entity other than the regents of the University of Minnesota; which property is used primarily to manage or provide goods, services, or facilities utilizing or relating to large-scale advanced scientific computing resources to the regents of the University of Minnesota and others.

(21) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1991, and used as an electric power source.

(22) Containment tanks, cache basins, and that portion of the structure needed for the containment facility used to confine agricultural chemicals as defined in section 18D.01, subdivision 3, as required by the commissioner of agriculture under chapter 18B or 18C.

(23) Photovoltaic devices, as defined in section 216C.06, subdivision 13, installed after January 1, 1992, and used to produce or store electric power.

(24) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used for an ice arena or ice rink, and used primarily for youth and high school programs.

(25) A structure that is situated on real property that is used for:

(i) housing for the elderly or for low- and moderate-income families as defined in Title II of the National Housing Act, as amended through December 31, 1990, and funded by a direct federal loan or federally insured loan made pursuant to Title II of the act; or

(ii) housing lower income families or elderly or handicapped persons, as defined in section 8 of the United States Housing Act of 1937, as amended; and which meets each of the following criteria:

(A) is owned by an entity which is operated as a nonprofit corporation organized under chapter 317A;

(B) is owned by an entity which has not entered into a housing assistance payments contract under section 8 of the United States Housing Act of 1937, or, if the entity which owns the structure has entered into a housing assistance payments contract under section 8 of the United States Housing Act of 1937, the contract provides assistance for less than 90 percent of the dwelling units in the structure, excluding dwelling units intended for management or maintenance personnel;

(C) operates an on-site congregate dining program in which participation by residents is mandatory, and provides assisted living or similar social and physical support services for residents; and

(D) was not assessed and did not pay tax under chapter 273 prior to the 1991 levy, while meeting the other conditions of this clause.

An exemption under this clause remains in effect for taxes levied in each year or partial year of the term of its permanent financing.

(26) Real and personal property that is located in the Superior National Forest, and owned or leased and operated by a nonprofit organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1992, and primarily used to provide recreational opportunities for disabled veterans and their families.

(27) Manure pits and appurtenances, which may include slatted floors and pipes, installed or operated in accordance with a permit, order, or certificate of compliance issued by the Minnesota pollution control agency. The exemption shall continue for as long as the permit, order, or certificate issued by the Minnesota pollution control agency remains in effect.

(28) Real property acquired by a home rule charter city, statutory city, county, town, or school district under a lease purchase agreement or an installment purchase contract during the term of the lease purchase agreement as long as and to the extent that the property is used by the city, county, town, or school district and devoted to a public use and to the extent it is not subleased to any private individual, entity, association, or corporation in connection with a business or enterprise operated for profit.

Sec. 4. Minnesota Statutes 1992, section 383.06, subdivision 2, is amended to read:

Subd. 2. [TAX ANTICIPATION CERTIFICATES.] The county board of any county may, by resolution, issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes levied for any fund named in the tax levy for the purpose of raising money for such fund, but the certificates outstanding for any such separate funds shall not ~~at any time on the date on which the certificates are issued~~ exceed 50 ⁷⁵ percent of the amount of taxes previously levied for such fund remaining uncollected. No certificate shall be issued to become due and payable later than 15 months after the deadline for the certification of the property tax levy under section 275.07, subdivision 1, and the certificates shall not be sold for less than par and accrued interest. The certificates of indebtedness may be issued at any time after the levy has been finally made and certified to the county auditor. ~~Each certificate shall state upon its face for which fund the proceeds thereof shall be used, the total amount of certificates so issued, and the whole amount embraced in the levy for that particular purpose.~~ They shall be numbered consecutively, be in denominations of \$100 or a multiple thereof, may have interest coupons attached, shall be otherwise of such form and terms, and may be made payable at such place, as will best aid in their negotiation, and the proceeds of the tax assessed and collected on account of the fund and the full faith and credit of the county shall be irrevocably pledged for the redemption and payment of the certificates so issued. Such certificates shall be payable primarily from the moneys derived from the levy for the years against which such certificates were issued, but shall constitute unlimited general obligations of the county. Money derived from the sale of such certificates shall be credited to the fund or funds the taxes for which are so anticipated.

Sec. 5. Minnesota Statutes 1992, section 429.011, is amended by adding a subdivision to read:

Subd. 16. "On-site water contaminant improvements" means pipes, wells, and other devices and equipment installed in or outside a building for the primary purpose of eliminating water contamination caused by lead or other toxic or health threatening substances in the water, whether the improvements so installed are publicly or privately owned.

Sec. 6. Minnesota Statutes 1992, section 429.031, subdivision 3, is amended to read:

Subd. 3. [PETITION BY ALL OWNERS.] Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the installation of municipality to own and install a fire protection or system, a pedestrian skyway system, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection or system, pedestrian skyway system, or on-site water contaminant improvements. In the case of a petition for the installation of a privately owned fire protection or system, a privately owned pedestrian skyway system which will be privately owned, or privately owned on-site water contaminant improvements, the petition shall also contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection or system, a pedestrian skyway system, or on-site water contaminant improvements, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

Sec. 7. Minnesota Statutes 1992, section 469.006, subdivision 1, is amended to read:

Subdivision 1. [COUNTY COMMISSIONERS.] When the governing body of a county adopts a resolution under section 469.004, the governing body shall appoint five persons or the number of commissioners for the governing body as commissioners of the county authority. The membership of the commission will reflect an areawide distribution on a representative basis. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four, and five years respectively, from the date of their appointment. Thereafter commissioners shall be appointed for a term of office of five years except that all vacancies shall be filled for the unexpired term. Persons may be appointed as commissioners if they reside within the boundaries or area, and are otherwise eligible for the appointments under sections 469.001 to 469.047.

Sec. 8. Minnesota Statutes 1992, section 469.015, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] (a) An authority need not require competitive bidding in the following circumstances:

- (1) in the case of a contract for the acquisition of a low-rent housing project;
- (i) for which financial assistance is provided by the federal government;
- (ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and
- (iii) for which the contract provides for the construction of the project upon land that is either owned by the authority for redevelopment purposes or not owned by the authority at the time of the contract but the contract provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

(ii) financed with the proceeds of tax increment or parking ramp revenue bonds; and

(3) in the case of any building in which at least 75 percent of the useable square footage constitutes a housing development project if:

(i) the project is financed with the proceeds of bonds issued under section 469.034 or from nongovernmental sources;

(ii) the project is either located on land that is owned or is being acquired by the authority only for development purposes, or is not owned by the authority at the time the contract is entered into but the contract provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and

(iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.

(b) An authority need not require a performance bond for the following projects:

(1) a contract described in paragraph (a), clause (1);

(2) a construction change order for a housing project in which 30 percent of the construction has been completed;

(3) a construction contract for a single-family housing project in which the authority acts as the general construction contractor; or

(4) a services or materials contract for a housing project.

For purposes of this paragraph, "services or materials contract" does not include construction contracts.

Sec. 9. Minnesota Statutes 1993 Supplement, section 469.033, subdivision 6, is amended to read:

Subd. 6. [OPERATION AREA AS TAXING DISTRICT, SPECIAL TAX.] All of the territory included within the area of operation of any authority shall constitute a taxing district for the purpose of levying and collecting special benefit taxes as provided in this subdivision. All of the taxable property, both real and personal, within that taxing district shall be deemed to be benefited by projects to the extent of the special taxes levied under this subdivision. Subject to the consent by resolution of the governing body of the city in and for which it was created, an authority may levy each year a tax upon all taxable property within that taxing district. ~~The authority shall certify the tax to the auditor of the county in which the taxing district is located on or before five working days after December 20 in each year.~~ The tax shall be extended, spread, and included with and as a part of the general taxes for state, county, and municipal purposes by the county auditor, to be collected and enforced therewith, together with the penalty, interest, and costs. As the tax, including any penalties, interest, and costs, is collected by the county treasurer it shall be accumulated and kept in a separate fund to be known as the "housing and redevelopment project fund." The money in the fund shall be turned over to the authority at the same time and in the same manner that the tax collections for the city are turned over to the city, and shall be expended only for the purposes of sections 469.001 to 469.047. It shall be paid out upon vouchers signed by the chair of the authority or an authorized representative. The amount of the levy shall be an amount approved by the governing body of the city, but shall not exceed 0.0131 percent of taxable market value. The authority may levy an additional levy, not to exceed 0.0013 percent of taxable market value, to be used to defray costs of providing informational service and relocation assistance as set forth in section 469.012, subdivision 1. The authority shall each year formulate and file a budget in accordance with the budget procedure of the city in the same manner as required of executive departments of the city or, if no budgets are required to be filed, by August 1. The amount of the tax levy for the following year shall be based on that budget ~~and shall be approved by the governing body.~~

Sec. 10. Minnesota Statutes 1992, section 469.158, is amended to read:

469.158 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.]

Bonds authorized under sections 469.152 to 469.165 must be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale is not required, the provisions of sections 475.62 and 475.63 do not apply, and the bonds may mature at the time or times, in the

amount or amounts, within 30 years from date of issue, and may be sold at a price equal to the percentage of the par value thereof, plus accrued interest, and bearing interest at the rate or rates agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law. Bonds issued to refund bonds previously issued pursuant to sections 469.152 to 469.165 may be issued in amounts determined by the municipality or redevelopment agency notwithstanding the provisions of section 475.67, subdivision 3.

Sec. 11. Minnesota Statutes 1992, section 469.184, is amended by adding a subdivision to read:

Subd. 12. [SECONDARY MARKET.] A city may sell, at private or public sale, at the price or prices determined by the city, a note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan made under this section.

Sec. 12. [469.192] [ECONOMIC DEVELOPMENT LOANS.]

A statutory city, a home rule charter city, an economic development authority, a housing and redevelopment authority, or a port authority may make a loan to a business, a for-profit or nonprofit organization, or an individual for any purpose that the entity is otherwise authorized to carry out under sections 116N.08, 469.001 to 469.068, 469.090 to 469.1081, 469.124 to 469.134, 469.152 to 469.165, or any special law.

Sec. 13. Minnesota Statutes 1992, section 471.56, subdivision 5, is amended to read:

Subd. 5. In addition to other authority granted by this section, a county containing a city of the first class, a statutory or home rule charter city of the first or second class, and a metropolitan agency, as defined in section 473.121, may:

(1) sell futures contracts but only with respect to securities owned by it, including securities which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the futures contract; and

(2) enter into option agreements to buy or sell securities described in section 475.66, subdivision 3, clause (a), but only with respect to securities owned by it, including securities which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the option agreement; and

(3) enter into interest rate swap agreements or interest rate cap agreements with respect to notional principal amounts that are not greater than one-half of the previous fiscal year's average investable cash, with counterparties whose equivalent obligations are rated A+ or better by a nationally recognized rating agency.

Sec. 14. Minnesota Statutes 1992, section 471.562, subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY.] "Municipality" means ~~any city, however organized~~ a statutory city, a home rule charter city, a housing and redevelopment authority created pursuant to, or exercising the powers of such an authority contained in, chapter 462 469, or a port authority created pursuant to, or exercising the powers of such an authority contained in, chapter 458 469, or an economic development authority created pursuant to or exercising the powers of such an authority contained in chapter 469.

Sec. 15. Minnesota Statutes 1992, section 471.562, is amended by adding a subdivision to read:

Subd. 5. [SECONDARY MARKET.] A municipality may sell, at private or public sale, at the price or prices determined by the municipality, a note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan described in subdivision 2.

Sec. 16. Minnesota Statutes 1992, section 475.53, subdivision 5, is amended to read:

Subd. 5. [CERTAIN INDEPENDENT SCHOOL DISTRICTS.] No independent school district located wholly or partly within a city of the first class ~~shall issue any obligations unless first authorized by a two-thirds vote of the governing body of such city.~~ No such school district shall issue obligations ~~running with a term~~ of more than two years, whenever the aggregate of the outstanding obligations of the district equals or exceeds 0.7 percent of the market value of the taxable property within the school district.

Sec. 17. Minnesota Statutes 1992, section 475.54, subdivision 16, is amended to read:

Subd. 16. A municipality may enter into an agreement ~~with a bank or dealer described in section 475.66, subdivision 1,~~ for an exchange of interest rates pursuant to this subdivision if the agreement either is with or is guaranteed by a party whose equivalent obligations are rated A+ or better by a nationally recognized rating agency. A municipality with outstanding obligations ~~bearing interest at a variable rate or a municipality which has determined to issue obligations it is authorized to issue~~ may agree to pay sums equal to interest at a fixed rate or at a different variable rate determined pursuant to a formula set out in the agreement on an amount not exceeding the outstanding principal amount of the obligations at the time of payment, in exchange for an agreement by the ~~bank or dealer counterparty~~ to pay sums equal to interest on a like amount at a fixed rate or a variable rate determined pursuant to a formula set out in the agreement or to provide for an interest rate cap or floor. ~~A municipality with outstanding obligations bearing interest at a fixed rate or rates may agree to pay sums equal to interest at a variable rate determined pursuant to a formula set out in the agreement on an amount not exceeding the outstanding principal amount of the obligations, in exchange for an agreement by the bank or dealer to pay sums equal to interest on a like amount at a fixed rate or rates set out in the agreement.~~ The agreement to pay the ~~bank or dealer counterparty~~ is not an obligation of the municipality as defined in section 475.51, subdivision 3. For purposes of calculation of a debt service levy, determination of a rate of interest on a special assessment or other calculation based on the rate of interest on an obligation, a municipality which has entered into an interest rate swap agreement described in this subdivision may determine to treat the amount or rate of interest on the obligation as the net rate or amount of interest payable after giving effect to the swap agreement. Subject to any applicable ~~bonds bond~~ covenants, ~~any payments required to be made by the municipality under the swap agreement may be made from sums secured the municipality may pledge to the payment of amounts due or to become due under the swap agreement, including termination payments, sources of payment pledged or available to pay debt service on the obligations with respect to which the swap agreement was made or from any other available source of the municipality. A municipality may issue obligations under section 475.67 to provide for any payment, including a termination payment, due or to become due under a swap agreement.~~

Sec. 18. Minnesota Statutes 1992, section 475.66, subdivision 1, is amended to read:

Subdivision 1. All debt service funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this section, and may be deposited in interest-bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. Sufficient cash for payment of principal, interest, and redemption premiums when due with respect to the obligations for which any debt service fund is created shall be provided by crediting to the fund the collections of tax, special assessment, or other revenues appropriated for that purpose, and depositing all such receipts in a depository bank or banks duly qualified according to law or investing and reinvesting such receipts in securities authorized in this section. Time deposits shall be withdrawable and certificates of deposit and investments shall mature and shall bear interest payable at times and in amounts which, in the judgment of the governing body or its treasurer or other officer or committee to which it has delegated investment decisions, will provide cash at the times and in the amounts required for the purposes of the debt service fund, provided however, that the governing body may authorize the purchase of longer term investments subject to an agreement to repurchase such investments at times and prices sufficient to yield the amounts estimated to be so required, provided that the exclusion as investments of mortgage-backed securities that are defined as high risk under subdivision 5 does not apply to repurchase agreements if the margin requirement under the repurchase agreement is 101 percent. Repurchase agreements may be entered into with

- (1) a bank qualified as depository of money held in the debt service fund;
- (2) any national or state bank in the United States which is a member of the federal reserve system and whose combined capital and surplus equals or exceeds \$10,000,000;
- (3) a primary reporting dealer in United States government securities to the federal reserve bank of New York; or
- (4) a securities broker-dealer having its principal executive office in Minnesota, licensed pursuant to chapter 80A, or an affiliate of it, regulated by the securities and exchange commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt.

Sec. 19. [EFFECTIVE DATE.]

Section 2 is effective for claims submitted by a claimant agency after June 30, 1994. Section 3 is effective for taxes levied in 1994, payable in 1995, and subsequent years. The remainder of this act is effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; allowing school districts to make and levy for certain contract or lease purchases; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.53, subdivision 5; 475.54, subdivision 16; and 475.66, subdivision 1; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469."

We request adoption of this report and repassage of the bill.

House Conferees: ANN H. REST, RON ABRAMS AND BOB MILBERT.

Senate Conferees: LAWRENCE J. POGEMILLER, EMBER D. REICHGOTT JUNGE AND WILLIAM V. BELANGER, JR.

Rest moved that the report of the Conference Committee on H. F. No. 3193 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3193, A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.52, subdivision 1; 475.53, subdivision 5; 475.54, subdivision 16; 475.66, subdivision 1; and 475.79; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

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

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

Those who voted in the affirmative were:

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

Steensma	Tomassoni	Tunheim	Vellenga	Waltman	Wenzel	Worke
Svigum	Tompkins	Van Dellen	Vickerman	Weaver	Winter	Workman
Swenson	Trimble	Van Engen	Wagenius	Wejzman	Wolf	Spk. Anderson, I.

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

SPECIAL ORDERS

S. F. No. 2297, A bill for an act relating to elections; eliminating combined precincts but authorizing a combined polling place under the same conditions; adding three years to the time precinct boundaries may be changed; requiring separate precincts for each congressional district; limiting precinct boundary changes close to an election; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 2 and 3; 204B.22, subdivision 1; and 205A.11; Minnesota Statutes 1993 Supplement, section 204B.14, subdivisions 4 and 5; repealing Minnesota Statutes 1992, sections 204B.14, subdivision 8; and 204B.16, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2011, A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

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 110 yeas and 18 nays as follows:

Those who voted in the affirmative were:

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

Dorn	Huntley	Klinzing	McCollum	Orenstein	Rodosovich	Van Dellen
Erhardt	Jacobs	Knickerbocker	McGuire	Orfield	Rukavina	Van Engen
Evans	Jaros	Koppendrayner	Milbert	Ostrom	Sarna	Vellenga
Farrell	Jefferson	Krueger	Molnau	Ozment	Sekhon	Wagenius
Finseth	Jennings	Lasley	Morrison	Pauly	Simoneau	Weaver
Garcia	Johnson, A.	Leppik	Mosel	Pawlenty	Skoglund	Wejzman
Greenfield	Johnson, R.	Lieder	Munger	Pelowski	Smith	Wenzel
Greiling	Johnson, V.	Limmer	Murphy	Perlt	Solberg	Winter
Gruenes	Kahn	Long	Neary	Peterson	Steensma	Wolf
Gutknecht	Kalis	Lourey	Nelson	Pugh	Swenson	Worke
Hasskamp	Kelley	Luther	Ness	Reding	Tomassoni	Spk. Anderson, I.
Hausman	Kelso	Macklin	Olson, K.	Rest	Trimble	
Holsten	Kinkel	Mahon	Opatz	Rhodes	Tunheim	

Those who voted in the negative were:

Dempsey	Goodno	Knight	Lynch	Seagren	Vickerman
Frerichs	Haukoos	Krinkie	Olson, M.	Sviggum	Waltman
Girard	Hugoson	Lindner	Onnen	Tompkins	Workman

The bill was passed and its title agreed to.

H. F. No. 1830 was reported to the House.

Anderson, R., moved that H. F. No. 1830 be continued on Special Orders. The motion prevailed.

S. F. No. 2232 was reported to the House.

Sviggum moved that S. F. No. 2232 be re-referred to the Committee on General Legislation, Veterans Affairs and Elections.

A roll call was requested and properly seconded.

The question was taken on the Sviggum motion and the roll was called. There were 57 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Haukoos	Krinkie	Olson, M.	Solberg	Wenzel
Beard	Finseth	Holsten	Leppik	Onnen	Stanis	Wolf
Bettermann	Frerichs	Hugoson	Limmer	Ozment	Steensma	Worke
Commers	Garcia	Jacobs	Lindner	Pawlenty	Sviggum	
Cooper	Girard	Johnson, V.	Lynch	Pelowski	Swenson	
Dauner	Goodno	Kinkel	Molnau	Perlt	Van Dellen	
Davids	Gruenes	Knickerbocker	Mosel	Peterson	Van Engen	
Dehler	Gutknecht	Knight	Nelson	Rukavina	Vickerman	
Dempsey	Hasskamp	Koppendrayner	Ness	Seagren	Waltman	

Those who voted in the negative were:

Anderson, R.	Bishop	Dawkins	Greiling	Johnson, R.	Lasley	Mahon
Asch	Brown, C.	Delmont	Hausman	Kalis	Lieder	Mariani
Battaglia	Brown, K.	Dorn	Huntley	Kelley	Long	McCollum
Bauerly	Carlson	Evans	Jaros	Kelso	Lourey	McGuire
Bergson	Carruthers	Farrell	Jefferson	Klinzing	Luther	Milbert
Bertram	Clark	Greenfield	Jennings	Krueger	Macklin	Morrison

Munger	Opatz	Pugh	Sekhon	Tompkins	Weaver
Murphy	Orenstein	Reding	Simoneau	Trimble	Wejcman
Neary	Osthoff	Rest	Skoglund	Tunheim	Winter
Olson, E.	Ostrom	Rhodes	Smith	Vellenga	Workman
Olson, K.	Pauly	Rodosovich	Tomassoni	Wagenius	Spk. Anderson, I.

The motion did not prevail.

Dehler moved to amend S. F. No. 2232 as follows:

Page 1, line 24, delete "; and"

Page 1, line 25, delete everything before the period

Page 2, delete lines 9 to 12

Page 2, line 13, delete "(c)" and insert "(b)"

A roll call was requested and properly seconded.

The question was taken on the Dehler amendment and the roll was called. There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Finseth	Holsten	Krinkie	Ozment	Stanius	Wolf
Bettermann	Frerichs	Hugoson	Limmer	Pauly	Sviggum	Worke
Comuners	Girard	Johnson, R.	Lindner	Pawlenty	Swenson	Workman
Dauner	Goodno	Johnson, V.	Molnau	Pelowski	Van Dellen	
Davids	Gruenes	Kinkel	Morrison	Perlt	Van Engen	
Dehler	Gutknecht	Knickerbocker	Ness	Rukavina	Vickerman	
Dempsey	Hasskamp	Knight	Olson, M.	Smith	Waltman	
Erhardt	Haukoos	Koppendrayner	Onnen	Solberg	Wenzel	

Those who voted in the negative were:

Anderson, R.	Clark	Jacobs	Long	Murphy	Reding	Vellenga
Asch	Cooper	Jefferson	Lourey	Neary	Rest	Wagenius
Battaglia	Dawkins	Jennings	Luther	Nelson	Rhodes	Weaver
Bauerly	Delmont	Johnson, A.	Lynch	Olson, E.	Rodosovich	Wejcman
Beard	Dorn	Kalis	Macklin	Olson, K.	Seagren	Winter
Bergson	Evans	Kelley	Mahon	Opatz	Sekhon	Spk. Anderson, I.
Bertram	Farrell	Kelso	Mariani	Orenstein	Skoglund	
Bishop	Garcia	Klinzing	McCollum	Orfield	Steensma	
Brown, C.	Greenfield	Krueger	McGuire	Osthoff	Tomassoni	
Brown, K.	Greiling	Lasley	Milbert	Ostrom	Tompkins	
Carlson	Hausman	Leppik	Mosel	Peterson	Trimble	
Carruthers	Huntley	Lieder	Munger	Pugh	Tunheim	

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

S. F. No. 2232, A bill for an act relating to counties; providing for the filling by appointment of certain offices in counties previously elective; providing for conforming changes; amending Minnesota Statutes 1992, sections 375A.10, subdivision 2; and 375A.12, 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 69 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Asch	Dawkins	Johnson, A.	Lourey	Murphy	Pelowski	Solberg
Battaglia	Delmont	Johnson, V.	Luther	Neary	Pugh	Tomassoni
Bergson	Dorn	Kahn	Lynch	Olson, E.	Reding	Trimble
Bertram	Evans	Kelley	Macklin	Olson, K.	Rest	Vellenga
Bishop	Farrell	Kelso	Mahon	Opatz	Rhodes	Wagenius
Brown, C.	Greenfield	Klinzing	Mariani	Orenstein	Rodosovich	Weaver
Brown, K.	Greiling	Krueger	McCollum	Orfield	Rukavina	Wejzman
Carlson	Hausman	Leppik	McGuire	Osthoff	Sekhon	Winter
Carruthers	Huntley	Lieder	Milbert	Ostrom	Simoneau	Spk. Anderson, I.
Clark	Jaros	Long	Morrison	Pauly	Skoglund	

Those who voted in the negative were:

Abrams	Dempsey	Haukoos	Knight	Ness	Smith	Waltman
Anderson, R.	Erhardt	Holsten	Koppendrayner	Olson, M.	Stanius	Wenzel
Bauerly	Finseth	Hugoson	Krinkie	Ornen	Steensma	Wolf
Beard	Frerichs	Jacobs	Lasley	Ozment	Sviggum	Worke
Bettermann	Garcia	Jefferson	Limmer	Pawlenty	Swenson	Workman
Commers	Girard	Jennings	Lindner	Perlt	Tompkins	
Cooper	Goodno	Johnson, R.	Molnau	Peterson	Turnheim	
Dauner	Gruenes	Kalis	Mosel	Rice	Van Dellen	
Davids	Gutknecht	Kinkel	Munger	Sarna	Van Engen	
Dehler	Hasskamp	Krickerbocker	Nelson	Seagren	Vickerman	

The bill was passed and its title agreed to.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Solberg; Anderson, I.; Battaglia; Bettermann and Kinkel introduced:

House Resolution No. 14, A house resolution congratulating Al Brodie on his retirement and thanking him for his many years of meritorious service.

SUSPENSION OF RULES

Solberg moved that the rules be so far suspended that House Resolution No. 14 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 14

A house resolution congratulating Al Brodie on his retirement and thanking him for his many years of meritorious service.

Whereas, the Minnesota Tourism industry has grown and prospered, and it has enriched the lives of Minnesota's residents during the last three decades; and

Whereas, during Al Brodie's tenure, the Minnesota Tourism industry has been well served and represented with distinction at the State Capitol for nearly 30 years; and

Whereas, hundreds of Minnesota's Representatives and Senators and their staff have been honorably lobbied and positively impacted; and

Whereas, upon Al's retirement, tobacco futures will plummet and the world cigar industry will suffer an immediate loss of sales; and

Whereas, Minnesota's natural aquatic life will notice no change in population; Now, Therefore,

Be It Resolved by the House of Representatives of the State of Minnesota that it bids a fond farewell to Al Brodie on his retirement, thanks him for his many years of meritorious service, and wishes him the best in years to come.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare a copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to Al Brodie.

Solberg moved that House Resolution No. 14 be now adopted. The motion prevailed and House Resolution No. 14 was adopted.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from 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. 3210, A bill for an act relating to the organization and operation of state government; appropriating money for the departments of human services and health, the ombudsman for mental health and mental retardation, the council on disability, veterans nursing homes board, jobs and training, housing finance, veterans affairs, human rights, and other purposes with certain conditions; establishing and modifying certain programs; modifying the compact on industrialized/modular buildings; providing for appointments; amending Minnesota Statutes 1992, sections 16A.124, subdivisions 1, 2, 3, 4, 5, and 6; 16B.75; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 126A.02, subdivision 2; 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; 144A.46, subdivision 2; 145A.14, by adding a subdivision; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; 148B.60, subdivision 3; 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, 3f, 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; 256F.09; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 62A.045; 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; 153A.14, subdivision 2; 157.08; 239.785, subdivision 2, and by adding a subdivision; 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, 2r, 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; 257.55, subdivision 1; 257.57, subdivision 2; 326.71, subdivision 4; 326.75, subdivision 3; 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; and 626.556, subdivision 11; Laws 1993, chapter 369, sections 5, subdivision 4; and 11, proposing coding for new law in Minnesota Statutes, chapters 137; 144; 145; 148; 197; 245; 246; 252; 253; 256; 256B; 256D; 268; 268A; and 645; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 148B.23, subdivision 1a; 148B.28, subdivision 6; 197.235; 252.275, subdivisions 4a and 10; 256.969, subdivision 24; 256B.501, subdivisions 3d, 3e, and 3f; 256D.065; 268.32; 268.551; and 268.552; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, chapter 286, section 11; and 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Greenfield moved that the House concur in the Senate amendments to H. F. No. 3210 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3210, A bill for an act relating to the organization and operation of state government; appropriating money for the departments of human services and health, the ombudsman for mental health and mental retardation, the council on disability, veterans nursing homes board, housing finance, and other purposes with certain conditions; establishing and modifying certain programs; modifying the compact on industrialized/modular buildings; providing for appointments; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 16B.75; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 126A.02, subdivision 2; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; 144.804, subdivision 1; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 144A.46, subdivision 2; 144A.47; 145A.14, by adding a subdivision; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; 148B.60, subdivision 3; 245A.14, subdivision 7; 246.18, by adding a subdivision; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding subdivisions; 252.275, subdivisions 3, 4, and by adding a subdivision; 253.015, by adding a subdivision; 253B.03, subdivisions 6b and 6c; 253B.05, subdivisions 2 and 3; 253B.07, subdivisions 1, 2, 4, and by adding a subdivision; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; 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; 256.9657, subdivision 4; 256.969, subdivisions 10, 16, and by adding a subdivision; 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; 256B.0915, subdivision 5; 256B.15, subdivision 1a; 256B.431, subdivision 17; 256B.432, subdivisions 1, 2, 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, subdivision 3; 256D.16; 256D.425, by adding a subdivision; 256F.09; 256G.09, subdivision 1; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 525.56, subdivision 3; 528.08; 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 62A.045; 144.651, subdivisions 21 and 26; 144.99, subdivisions 1 and 6; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 153A.14, by adding a subdivision; 157.08; 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; 246.18, subdivision 4; 252.46, subdivision 6, and by adding subdivisions; 253B.03, subdivisions 3 and 4; 256.9657, subdivision 2; 256.9685, subdivision 1; 256.969, subdivision 24; 256.9695, subdivision 3; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2 and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.15, subdivision 2; 256B.19, subdivision 1d; 256B.431, subdivisions 15, 23, 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; 257.55, subdivision 1; 257.57, subdivision 2; 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; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 145; 148; 245; 252; 253; 256; 256D; 461; 518; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 148B.23, subdivision 1a; 148B.28, subdivision 6; 252.275, subdivisions 4a and 10; 256B.501, subdivisions 3d, 3e, and 3f; 256D.065; Minnesota Statutes 1993 Supplement, sections 157.082; 157.09.

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

The question was taken on the repassage of the bill and the roll was called. There were 105 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Delmont	Jefferson	Lieder	Nelson	Pugh	Swenson
Asch	Dempsey	Jennings	Long	Ness	Reding	Tomassoni
Battaglia	Dorn	Johnson, A.	Lourey	Olson, E.	Rest	Tompkins
Bauerly	Evans	Johnson, R.	Luther	Olson, K.	Rhodes	Trimble
Beard	Farrell	Kahn	Macklin	Opatz	Rice	Tunheim
Bergson	Finseth	Kalis	Mahon	Orenstein	Rodosovich	Vellenga
Bertram	Garcia	Kelley	Mariani	Orfield	Rukavina	Vickerman
Brown, C.	Goodno	Kelso	McCollum	Osthoff	Sarna	Wagenius
Brown, K.	Greenfield	Kinkel	McGuire	Ostrom	Seagren	Weaver
Carlson	Greiling	Klinzing	Milbert	Ozment	Sekhon	Wejcman
Carruthers	Hasskamp	Knickerbocker	Morrison	Pauly	Simoneau	Wenzel
Clark	Hausman	Koppendrayner	Mosel	Pawlenty	Skoglund	Winter
Cooper	Huntley	Krueger	Munger	Pelowski	Smith	Wolf
Dauner	Jacobs	Lasley	Murphy	Perlt	Solberg	Worke
Dawkins	Jaros	Leppik	Neary	Peterson	Steensma	Spk. Anderson, I.

Those who voted in the negative were:

Abrams	Dehler	Gruenes	Hugoson	Limmer	Olson, M.	Van Dellen
Bettermann	Erhardt	Gutknecht	Johnson, V.	Lindner	Onnen	Van Engen
Commers	Frerichs	Haukoos	Knight	Lynch	Stanis	Waltman
Davids	Girard	Holsten	Krinkie	Molnau	Sviggum	Workman

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

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. 1316, A bill for an act relating to occupations and professions; establishing a board of nutrition and dietetics practice; requiring nutritionists and dietitians to be licensed; establishing licensing requirements and exemptions; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lourey moved that the House concur in the Senate amendments to H. F. No. 1316 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1316, A bill for an act relating to occupations and professions; establishing a board of nutrition and dietetics practice; requiring nutritionists and dietitians to be licensed; establishing licensing requirements and exemptions; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

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

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abrams	Delmont	Jacobs	Limner	Olson, E.	Rodosovich	Tunheim
Anderson, R.	Dempsey	Jaros	Long	Olson, K.	Rukavina	Vellenga
Asch	Dorn	Jefferson	Lourey	Opatz	Sarna	Vickerman
Battaglia	Erhardt	Johnson, A.	Luther	Orenstein	Seagren	Wagenius
Bauerly	Evans	Johnson, R.	Macklin	Orfield	Sekhon	Weaver
Beard	Farrell	Kahn	Mahon	Osthoff	Simoneau	Wejcmán
Bergson	Finseth	Kalis	Mariani	Ostrom	Skoglund	Wenzel
Bertram	Garcia	Kelley	McCollum	Ozment	Smith	Winter
Brown, K.	Goodno	Kelso	McGuire	Pelowski	Solberg	Wolf
Carlson	Greenfield	Kinkel	Milbert	Perlt	Stanisus	Worke
Carruthers	Greiling	Klinzing	Morrison	Peterson	Steensma	Spk. Anderson, I.
Clark	Hasskamp	Knickerbocker	Mosel	Pugh	Sviggum	
Cooper	Haukoos	Koppendraye	Munger	Reding	Swenson	
Dauner	Hausman	Krueger	Murphy	Rest	Tomassoni	
Dawkins	Holsten	Leppik	Neary	Rhodes	Tompkins	
Dehler	Huntley	Lieder	Nelson	Rice	Trimble	

Those who voted in the negative were:

Bettermann	Girard	Jennings	Lasley	Ness	Van Dellen
Commers	Gruenes	Johnson, V.	Lindner	Olson, M.	Van Engen
Davids	Gutknecht	Knight	Lynch	Onnen	Waltman
Frerichs	Hugoson	Krinkie	Molnau	Pawlenty	Workman

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

SPECIAL ORDERS

S. F. No. 2197, A bill for an act relating to elections; codifying and recodifying the legislative district boundaries used for the 1992 election, with adjustments to avoid dividing the cities of Willernie and New Hope and simplify the division of Ham Lake; providing for distribution and correction of redistricting plans; amending Minnesota Statutes 1992, sections 2.031, subdivision 2; 2.043; 2.053; 2.063; 2.073; 2.083; 2.093, subdivision 2; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153, subdivision 2; 2.163; 2.173; 2.183; 2.193; 2.203, subdivision 1; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.433; 2.443; 2.453, subdivision 1; 2.463; 2.473, subdivision 2; 2.483, subdivision 2; 2.493; 2.503; 2.513, subdivision 1; 2.523; 2.533; 2.543, subdivision 1; 2.553; 2.563; 2.573; 2.583; 2.593, subdivision 2; 2.603; 2.613, subdivision 2; 2.623; 2.633, subdivision 2; 2.643; 2.653, subdivision 1; 2.663; 2.673; 2.683, subdivision 1; 2.693; and 2.703, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 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 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Frerichs	Gruenes	Haukoos	Krinkie	Olson, M.	Tompkins
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The bill was passed and its title agreed to.

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.

CALL OF THE HOUSE

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

Abrams	Dauner	Greenfield	Johnson, V.	Lindner	Neary	Pugh
Anderson, R.	Dauids	Greiling	Kalis	Long	Nelson	Reding
Battaglia	Dawkins	Gruenes	Kelley	Lourey	Olson, K.	Rest
Bauerly	Dehler	Gutknecht	Kelso	Luther	Olson, M.	Rhodes
Beard	Delmont	Hasskamp	Kinkel	Lynch	Onnen	Rodosovich
Bergson	Dempsey	Haukoos	Klinzing	Macklin	Opatz	Rukavina
Bertram	Dorn	Hausman	Knickerbocker	Mahon	Orfield	Seagren
Bettermann	Erhardt	Holsten	Knight	McCollum	Osthoff	Sekhon
Brown, K.	Evans	Hugoson	Koppendrayner	McGuire	Ostrom	Skoglund
Carlson	Farrell	Huntley	Krueger	Molnau	Pauly	Stanis
Carruthers	Finseth	Jacobs	Lasley	Morrison	Pawlenty	Steensma
Clark	Garcia	Jefferson	Leppik	Mosel	Pelowski	Sviggum
Commers	Girard	Johnson, A.	Lieder	Munger	Perlt	Swenson
Cooper	Goodno	Johnson, R.	Limmer	Murphy	Peterson	Tomassoni

Tompkins	Van Dellen	Waltman	Wenzel	Worke
Trimble	Van Engen	Weaver	Winter	Workman
Tunheim	Vickerman	Wejcman	Wolf	Spk. Anderson, I.

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.

SPECIAL ORDERS, Continued

H. F. No. 2287 was reported to the House.

Lasley moved that H. F. No. 2287 be continued on Special Orders. 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.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Carruthers, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that the House of Representatives retain parts of parking lots B, C, D, Q, and W, and the State Office Building parking ramp during the period of time between adjournment sine die in 1994 and the convening of the House of Representatives in 1995 which are necessary for use of members and employees of the House of Representatives.

The motion prevailed and the report was adopted.

Carruthers, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that during the period of time between adjournment sine die in 1994 and the convening of the House of Representatives in 1995 the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's offices shall be reserved for use by the House of Representatives as the Speaker of the House may authorize. The House Chamber and House Retiring Room may be available for the annual meeting of the YMCA Youth in Government program and Girls' State, provided these organizations confirm dates with the Speaker of the House at least 30 days in advance.

The motion prevailed and the report was adopted.

Carruthers, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that the Committee on Rules and Legislative Administration is assigned all the functions within its usual jurisdiction during the interim following adjournment sine die in 1994.

Be It Further Resolved, that the Committee on Rules and Legislative Administration or a duly appointed subcommittee of that committee shall contract for necessary printing of the House of Representatives for the 79th Regular Session and any special session held prior to the 80th Regular Session.

The motion prevailed and the report was adopted.

Carruthers, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that the Chief Clerk of the House of Representatives be authorized and is directed to correct and approve the Journal of the House for the last day of the 78th Regular Session.

Be It Further Resolved, that the Chief Clerk of the House of Representatives is authorized to include in the Journal of the House for the last day of the 78th Regular Session any subsequent proceedings and any appointments to legislative interim committees or commissions.

The motion prevailed and the report was adopted.

Carruthers, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that the Chief Clerk of the House of Representatives is directed to give service recognition awards to House members and House employees who have served at least one complete legislative session who do not return to the 1995 Session. The award shall recognize and thank them for their service to the State of Minnesota and may not be in the form of compensation or a monetary gift. The award shall be given to the appropriate family member if the legislator or staff member is deceased. It will be presented early in 1995.

The motion prevailed and the report was adopted.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2028

A bill for an act relating to data practices; classifying data as private, confidential, or nonpublic; providing for access to certain law enforcement and court services data on juveniles; providing law enforcement access to certain welfare and patient directory information; providing for treatment of customer data by videotape sellers and service providers; providing for data access to conduct fetal, infant, and maternal death studies; extending a provision for conduct of medical research absent prior patient consent; amending Minnesota Statutes 1992, sections 13.03, subdivision 4; 13.38, by adding a subdivision; 13.39, by adding a subdivision; 13.41, subdivision 2, and by adding a subdivision; 13.57; 13.71, by adding subdivisions; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 144.581, subdivision 5; 171.12, subdivision 7; 260.161, by adding a subdivision; 471.705; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.643, by adding a subdivision; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 144.651, subdivisions 2, 21, and 26; 168.346; 245.493, by adding a subdivision; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 144; 145; proposing coding for new law as Minnesota Statutes, chapter 325I.

May 3, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2028, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2028 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

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

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

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

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

Sec. 2. Minnesota Statutes 1992, section 13.03, is amended by adding a subdivision to read:

Subd. 11. [TREATMENT OF DATA CLASSIFIED AS NOT PUBLIC; PUBLIC MEETINGS.] Not public data may be discussed at a meeting open to the public to the extent provided in section 471.705, subdivision 1d.

Sec. 3. Minnesota Statutes 1992, section 13.05, subdivision 4, is amended to read:

Subd. 4. [LIMITATIONS ON COLLECTION AND USE OF DATA.] Private or confidential data on an individual shall not be collected, stored, used, or disseminated by political subdivisions, statewide systems, or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative, unless the statement is:

- (1) in plain language;
- (2) dated;
- (3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- (4) specific as to the nature of the information the subject is authorizing to be disclosed;
- (5) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- (6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;
- (7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

The responsible authority may require a person requesting copies of data under this paragraph to pay the actual costs of making, certifying, and compiling the copies.

(e) Private or confidential data on an individual may be discussed at a meeting open to the public to the extent provided in section 471.705, subdivision 1d.

Sec. 4. Minnesota Statutes 1992, section 13.32, is amended by adding a subdivision to read:

Subd. 7. [USES OF DATA.] School officials who receive data on juveniles, as authorized under section 260.161, may use and share that data within the school district or educational entity as necessary to protect persons and property or to address the educational and other needs of students.

Sec. 5. Minnesota Statutes 1992, section 13.38, is amended by adding a subdivision to read:

Subd. 4. [TRANSITION PLANS.] Transition plans that are submitted to the commissioner of health by health care providers as required by section 621.23, subdivision 2, are classified as private data on individuals or nonpublic data not on individuals.

Sec. 6. Minnesota Statutes 1992, section 13.39, subdivision 2, is amended to read:

Subd. 2. [CIVIL ACTIONS.] (a) Except as provided in paragraph (b), data collected by state agencies, political subdivisions or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13 in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3 in the case of data on individuals. Any agency, political subdivision or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision under paragraph (a).

Sec. 7. Minnesota Statutes 1992, section 13.39, is amended by adding a subdivision to read:

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

Sec. 8. Minnesota Statutes 1992, section 13.41, subdivision 2, is amended to read:

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

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

Sec. 9. Minnesota Statutes 1993 Supplement, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the employment relationship; work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

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

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

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

Sec. 10. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

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

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

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

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

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public: the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

The following data on persons licensed subject to disqualification under section 245A.04 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245A.04, subdivision 3b, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

Sec. 12. [13.49] [SOCIAL SECURITY NUMBERS.]

The social security numbers of individuals collected or maintained by a state agency, statewide system, or political subdivision are private data on individuals, except to the extent that access to the social security number is specifically authorized by law.

Sec. 13. Minnesota Statutes 1992, section 13.57, is amended to read:

13.57 [SOCIAL RECREATIONAL DATA.]

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

Sec. 14. Minnesota Statutes 1992, section 13.82, is amended by adding a subdivision to read:

Subd. 3a. [AUDIO RECORDING OF 911 CALL.] The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under subdivision 10. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs provided under section 13.03, subdivision 3. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety dispatcher training purposes.

Sec. 15. Minnesota Statutes 1993 Supplement, section 13.82, subdivision 4, is amended to read:

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

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

Sec. 16. Minnesota Statutes 1992, section 13.84, subdivision 5a, is amended to read:

Subd. 5a. [PUBLIC BENEFIT DATA.] (a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to: (1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; and (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution. ~~In the case of delinquent acts, the data that may be released include only the juvenile's name, address, date of birth, and place of employment; the name and address of the juvenile's parents or guardians; and the factual part of police reports related to the investigation of the delinquent act.~~

(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers: current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program.

(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.

Sec. 17. Minnesota Statutes 1992, section 13.99, subdivision 79, is amended to read:

Subd. 79. [PEACE OFFICERS, COURT SERVICES, AND CORRECTIONS RECORDS OF JUVENILES.] Inspection and maintenance of juvenile records held by police and the commissioner of corrections are governed by section 260.161, subdivision 3. Disclosure to school officials of court services data on juveniles adjudicated delinquent is governed by section 260.161, subdivision 1b.

Sec. 18. Minnesota Statutes 1993 Supplement, section 121.8355, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION SHARING.] (a) The school district, county, and public health entity members of a family services collaborative may inform each other as to whether an individual or family is being served by the member, without the consent of the subject of the data. If further information sharing is necessary in order for the collaborative to carry out duties under subdivision 2 or 3, the collaborative may share data if the individual, as defined in section 13.02, subdivision 8, gives written informed consent. Data on individuals shared under this subdivision retain the original classification as defined under section 13.02, as to each member of the collaborative with whom the data is shared.

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

Sec. 19. Minnesota Statutes 1993 Supplement, section 144.335, subdivision 3a, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. [144.3352] [HEPATITIS B MATERNAL CARRIER DATA; INFANT IMMUNIZATION.]

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

Sec. 21. Minnesota Statutes 1992, section 144.581, subdivision 5, is amended to read:

Subd. 5. [CLOSED MEETINGS; RECORDING.] (a) Notwithstanding subdivision 4 or section 471.705, a public hospital or an organization established under this section may hold a closed meeting to discuss specific marketing activity and contracts that might be entered into pursuant to the marketing activity in cases where the hospital or organization is in competition with health care providers that offer similar goods or services, and where disclosure of information pertaining to those matters would cause harm to the competitive position of the hospital or organization, provided that the goods or services do not require a tax levy. No contracts referred to in this paragraph may be entered into earlier than 15 days after the proposed contract has been described at a public meeting and the description entered in the minutes, except for contracts for consulting services or with individuals for personal services.

(b) A meeting may not be closed under paragraph (a) except by a majority vote of the board of directors in a public meeting. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be available to the public after the closed meeting. The proceedings of a closed meeting must be tape-recorded and preserved by the board of directors for two years. The data on the tape are nonpublic data under section 13.02, subdivision 9. However, the data become public data under section 13.02, subdivision 14, two years after the meeting, or when the hospital or organization takes action on matters referred to in paragraph (a), except for contracts for consulting services. In the case of personal service contracts, the data become public when the contract is signed. For entities subject to section 471.345, a contract entered into by the board is subject to the requirements of section 471.345.

(c) The board of directors may not discuss a tax levy, bond issuance, or other expenditure of money unless the expenditure is directly related to specific marketing activities and contracts described in paragraph (a) at a closed meeting.

Sec. 22. [145.90] [FETAL, INFANT, AND MATERNAL DEATH STUDIES.]

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

Subd. 2. [ACCESS TO DATA.] (a) Until July 1, 1997, the commissioner of health has access to medical data as defined in section 13.42, subdivision 1, paragraph (b), medical examiner data as defined in section 13.83, subdivision 1, and health records created, maintained, or stored by providers as defined in section 144.335, subdivision 1, paragraph (b), without the consent of the subject of the data, and without the consent of the parent, spouse, other guardian, or legal representative of the subject of the data, when the subject of the data is:

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

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

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

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

The commissioner only has access to medical data and health records related to deaths or stillbirths that occur on or after July 1, 1994. With respect to data under clause (4), the commissioner only has access to medical data and health records that contain information that bears upon the pregnancy and the outcome of the pregnancy.

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

(c) The commissioner shall make a good faith reasonable effort to notify the subject of the data, or the parent, spouse, other guardian, or legal representative of the subject of the data, before collecting data on the subject. For purposes of this paragraph, "reasonable effort" includes:

(1) one visit by a public health nurse to the last known address of the data subject, or the parent, spouse, or guardian; and

(2) if the public health nurse is unable to contact the data subject, or the parent, spouse, or guardian, one notice by certified mail to the last known address of the data subject, or the parent, spouse, or guardian.

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

Subd. 3. [MANAGEMENT OF RECORDS.] After the commissioner has collected all data about a subject of a fetal, infant, or maternal death study needed to perform the study, the data from source records obtained under subdivision 2, other than data identifying the subject, must be transferred to separate records to be maintained by the commissioner. Notwithstanding section 13.17, after the data have been transferred, all source records obtained under subdivision 2 in the hands of the commissioner must be destroyed.

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

(1) summary data created by the commissioner, as defined in section 13.02, subdivision 19; and

(2) data provided by the commissioner of human services, which retains the classification it held when in the hands of the commissioner of human services.

Sec. 23. Minnesota Statutes 1993 Supplement, section 148B.04, subdivision 6, is amended to read:

Subd. 6. [CLASSIFICATION OF CERTAIN RESIDENCE ADDRESSES AND TELEPHONE NUMBERS.] Notwithstanding section 13.41, subdivision 2 or 4, the residence address and telephone number of an applicant or licensee are private data on individuals as defined in section 13.02, subdivision 12, if the applicant or licensee so requests and provides an alternative address and telephone number.

Sec. 24. Minnesota Statutes 1993 Supplement, section 168.346, is amended to read:

168.346 [PRIVACY OF NAME OR RESIDENCE ADDRESS.]

The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is

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

Sec. 25. Minnesota Statutes 1992, section 171.12, subdivision 7, is amended to read:

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

Sec. 26. [245.041] [PROVISION OF FIREARMS BACKGROUND CHECK INFORMATION.]

Notwithstanding section 253B.23, subdivision 9, the commissioner of human services shall provide commitment information to local law enforcement agencies for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714. The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

Sec. 27. Minnesota Statutes 1993 Supplement, section 245.493, is amended by adding a subdivision to read:

Subd. 3. [INFORMATION SHARING.] (a) The members of a local children's mental health collaborative may share data on individuals being served by the collaborative or its members if the individual, as defined in section 13.02, subdivision 8, gives written informed consent and the information sharing is necessary in order for the collaborative to carry out duties under subdivision 2. Data on individuals shared under this subdivision retain the original classification as defined under section 13.02, as to each member of the collaborative with whom the data is shared.

(b) If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2, the appropriate state agencies shall attempt to get a waiver or exemption from the applicable law or regulation.

Sec. 28. [253B.091] [REPORTING JUDICIAL COMMITMENTS INVOLVING PRIVATE TREATMENT PROGRAMS OR FACILITIES.]

Notwithstanding section 253B.23, subdivision 9, when a committing court judicially commits a proposed patient to a treatment program or facility other than a state-operated program or facility, the court shall report the commitment to the commissioner of human services for purposes of providing commitment information for firearm background checks under section 245.041.

Sec. 29. Minnesota Statutes 1992, section 253B.23, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY.] All persons acting in good faith, upon either actual knowledge or information thought by them to be reliable, who act pursuant to any provision of this chapter or who procedurally or physically assist in the commitment of any individual, pursuant to this chapter, are not subject to any civil or criminal liability under this chapter. Any privilege otherwise existing between patient and physician ~~or between~~, patient and examiner, ~~or patient and social worker~~, is waived as to any physician ~~or~~, examiner, ~~or social worker~~ who provides information with respect to a patient pursuant to any provision of this chapter.

Sec. 30. Minnesota Statutes 1992, section 256.0361, is amended by adding a subdivision to read:

Subd. 3. [EVALUATION DATA.] The commissioner may access data maintained by the department of jobs and training under sections 268.03 to 268.231 for the purpose of evaluating the Minnesota family investment plan for persons randomly assigned to a test or comparison group as part of the evaluation. This subdivision authorizes access

to data concerning the three years before the time of random assignment for persons randomly assigned to a test or comparison group and data concerning the five years after random assignment.

Sec. 31. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 1b. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the juvenile's probation officer shall transmit a copy of the court's disposition order to the principal or chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;

(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); or 152.027 (other controlled substance offenses), if committed by an adult; or

(3) that involved the possession or use of a dangerous weapon as defined in section 609.02, subdivision 6.

When a disposition order is transmitted under this paragraph, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.

(b) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained in the student's permanent education record but may not be released outside of the school district or educational entity, other than to another school district or educational entity to which the juvenile is transferring. Notwithstanding section 138.17, the disposition order must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier.

(c) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.

(d) The criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released.

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

Sec. 32. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

Subd. 2. [PUBLIC INSPECTION LIMITATIONS.] Except as otherwise provided in this subdivision and in ~~subdivision 1~~ section, and except for legal records arising from proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain

the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 33. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 3, is amended to read:

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

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

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

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

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

(e) A law enforcement agency shall notify the principal or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 1b, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier. For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

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

Sec. 34. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 5. [FURTHER RELEASE OF RECORDS.] A person who receives access to juvenile court or peace officer records of children that are not accessible to the public may not release or disclose the records to any other person except as authorized by law. This subdivision does not apply to the child who is the subject of the records or the child's parent or guardian.

Sec. 35. [325I.01] [DEFINITIONS.]

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

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

Subd. 3. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies a person as having requested or obtained specific video materials or services from a videotape service provider or videotape seller.

Subd. 4. [VIDEOTAPE SELLER.] "Videotape seller" means a person engaged in the business of selling prerecorded videocassette tapes or similar audiovisual materials, or a person to whom a disclosure is made by a videotape seller under section 325I.02, but only with respect to the information contained in the disclosure.

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

Sec. 36. [325I.02] [DISCLOSURE OF VIDEOTAPE RENTAL OR SALES RECORDS.]

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

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

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

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

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

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

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

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

(b) A videotape service provider or videotape seller may disclose personally identifiable information concerning any consumer to a court or law enforcement agency pursuant to a civil action or criminal investigation for conversion or theft commenced or initiated by the videotape service provider or videotape seller or to enforce collection of fines for overdue or unreturned videotapes or collection for unpaid videotapes, to the extent necessary to establish the fact of the rental or sale. In a court action, the court shall impose appropriate safeguards against unauthorized disclosure of the information. A law enforcement agency shall maintain the information as investigative data under section 13.82, except that when the investigation becomes inactive, the information is private data on individuals as defined in section 13.02, subdivision 12.

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

(1) to the consumer;

(2) to a person in connection with a transfer of ownership of the videotape service provider or videotape seller;

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

(4) if a videotape is sold by mail or telephone and the videotape seller complies with United States Code, title 18, section 2710 (b)(2)(D).

Subd. 4. [PROCEDURE FOR WRITTEN INFORMED CONSENT OF THE CONSUMER.] For purposes of subdivision 3, clause (3), in order to obtain the written informed consent of the consumer, the videotape service provider or videotape seller must obtain a signed statement conforming to the notice contained in this subdivision. The notice must be in writing in at least ten-point bold-faced type, must be separate from any membership, subscriber, or rental or purchase agreement between the consumer and the videotape service provider or videotape seller, and must read as follows:

"This videotape service provider [videotape seller] from time to time provides to marketers of goods and services, the names and addresses of customers and a description or subject matter of materials rented or purchased by video customers. The videotape service provider [videotape seller] may not include your name, address, or the description or subject matter of any material rented or purchased in these lists without your written consent. This election may be changed by you, in writing, at any time.

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

.....
Signature

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

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

Subd. 7. [PROHIBITION ON REFUSAL OF SERVICES.] A videotape service provider or videotape seller may not require a consumer to execute a consent under subdivision 4 as a condition of providing videotape goods or services to the consumer.

Sec. 37. [3251.03] [ENFORCEMENT; CIVIL LIABILITY.]

The public and private remedies in section 8.31 apply to violations of section 3251.02. In addition, a consumer who prevails or substantially prevails in an action brought under this section is entitled to a minimum of \$500 in damages, regardless of the amount of actual damage proved, plus costs, disbursements, and reasonable attorney fees. Sections 3251.01 to 3251.03 do not affect any rights or remedies available under other law.

Sec. 38. Minnesota Statutes 1992, section 403.07, subdivision 4, is amended to read:

Subd. 4. [USE OF FURNISHED INFORMATION.] Names, addresses, and telephone numbers provided to a 911 system under subdivision 3 are private data and may be used only for identifying the location or identity, or both, of a person calling a 911 public safety answering point. The information furnished under subdivision 3 may not be used or disclosed by 911 system agencies, their agents, or their employees for any other purpose except under a court order. A telephone company or telecommunications provider is not liable to any person for the good faith release to emergency communications personnel of information not in the public record, including, but not limited to, nonpublished or nonlisted telephone numbers.

Sec. 39. Minnesota Statutes 1992, section 471.705, is amended to read:

471.705 [MEETINGS OF GOVERNING BODIES; OPEN TO PUBLIC; EXCEPTIONS.]

Subdivision 1. [REQUIREMENT PRESUMPTION OF OPENNESS.] Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, except meetings of the commissioner of corrections. The votes of the members of such state agency, board, commission, or department or of such governing body, committee, subcommittee, board, department, or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, ~~which~~ and the journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings.

Subd. 1a. [LABOR NEGOTIATIONS; EXCEPTION.] Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be ~~tape-recorded~~ tape-recorded at the expense of the governing body and. The recording shall be preserved by it for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the court ~~determines that no violation of this section is found~~ finds that this subdivision was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section subdivision. If the court ~~determines that a violation of this section is found~~ finds that this subdivision was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

~~The prevailing party in an action brought before or after the tape is made available to the public which establishes that a violation of this section has occurred shall recover costs and reasonable attorney's fees as determined by the court.~~

Subd. 1b. [AGENDA WRITTEN MATERIALS.] In any meeting which under subdivision 1 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting which are prepared or distributed by or at the direction of the governing body or its employees and which are:

- (1) distributed at the meeting to all members of the governing body;
- (2) distributed before the meeting to all members; or
- (3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public. ~~The materials shall be available to the public while the governing body considers their subject matter. This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in subdivision 1a or other law permitting the closing of meetings. If a member intentionally violates the requirements of this subdivision, that member shall be subject to a civil penalty in an amount not to exceed \$100. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the member is located.~~

Subd. 1c. [NOTICE OF MEETINGS.] (a) [REGULAR MEETINGS.] A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this subdivision for a special meeting.

(b) [SPECIAL MEETINGS.] For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects. A public body may establish an expiration date for requests for notices of special meetings pursuant to this paragraph and require refiling of the request once each year. Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

(c) [EMERGENCY MEETINGS.] For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members. Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters. The notice requirement of this paragraph supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.

(d) [RECESSED OR CONTINUED MEETINGS.] If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary. For purposes of this clause, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

(e) [CLOSED MEETINGS.] The notice requirements of this subdivision apply to closed meetings.

(f) [STATE AGENCIES.] For a meeting of an agency, board, commission, or department of the state, (i) the notice requirements of this subdivision apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice, and (ii) all provisions of this subdivision relating to publication shall be satisfied by publication in the State Register.

(g) [ACTUAL NOTICE.] If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this subdivision are satisfied with respect to that person, regardless of the method of receipt of notice.

~~(h) [LIABILITY.] No fine or other penalty may be imposed on a member of a public body for a violation of this subdivision unless it is established that the violation was willful and deliberate by the member.~~

Subd. 1d. [TREATMENT OF DATA CLASSIFIED AS NOT PUBLIC.] (a) Except as provided in this section, meetings may not be closed to discuss data that are not public data. Data that are not public data may be discussed at a meeting subject to this section without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority, and is reasonably necessary to conduct the business or agenda item before the public body, and is without malice. ~~During an open meeting, a public body shall make reasonable efforts to protect from disclosure data that are not public data, including where practical acting by means of reference to a letter, number, or other designation that does not reveal the identity of the data subject.~~ Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(b) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 5, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.38, 13.42, or 13.46, subdivision 2 or 7.

(c) A public body shall close ~~a meeting one or more meetings~~ for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

(d) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(e) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

Subd. 1e. [REASONS FOR CLOSING A MEETING.] Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 2. [VIOLATION; PENALTY PENALTIES.] (a) Any person who intentionally violates subdivision 1 this section shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$100 ~~\$300~~ for a single occurrence, which may not be paid by the public body. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located. ~~Upon a third violation by the same person connected with~~ If a person has been found to have intentionally violated this section in three or more actions brought under this section involving the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving. The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and,

upon finding as to the occurrence of a separate third violation, unrelated to the previous violations issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

(b) In addition to other remedies, the court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under this section. The court may award costs and attorney fees to a defendant only if the court finds that the action under this section was frivolous and without merit. A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members in an action under this section.

(c) No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds that there was a specific intent to violate this section.

Subd. 3. [~~POPULAR NAME CITATION.~~] This section may be cited as the "Minnesota open meeting law".

Sec. 40. Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1, is amended to read:

Subdivision 1. [COMPETENCY OF WITNESSES.] Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist or, consulting psychologist, or licensed social worker engaged in a psychological or social assessment or treatment of an individual at the individual's request shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the

professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. Nothing in this clause exempts licensed social workers from compliance with the provisions of sections 626.556 and 626.557.

(h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

(m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(n) A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

Sec. 41. Minnesota Statutes 1993 Supplement, section 624.7131, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION.] Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee; and

(c) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

(d) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

~~The statement~~ statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Sec. 42. Minnesota Statutes 1992, section 624.7131, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Sec. 43. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1;

(d) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(d) (e) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Sec. 44. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Sec. 45. Minnesota Statutes 1992, section 624.714, subdivision 3, is amended to read:

Subd. 3. [CONTENTS.] Applications for permits to carry shall set forth in writing the following information:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the applicant;

(2) the sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any, of the applicant;

(3) a statement that the applicant authorizes the release to the local police authority of commitment information about the applicant maintained by the commissioner of human services, to the extent that the information relates to the applicant's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1;

(4) a statement by the applicant that the applicant is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(4) (5) a recent color photograph of the applicant.

The application shall be signed and dated by the applicant. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Sec. 46. Minnesota Statutes 1992, section 624.714, subdivision 4, is amended to read:

Subd. 4. [INVESTIGATION.] The application authority shall check criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Sec. 47. Laws 1990, chapter 566, section 9, as amended by Laws 1992, chapter 569, section 36, is amended to read:

Sec. 9. [REPEALER.]

Section 2 is repealed effective July 31, 1994 1995.

Sec. 48. [INFORMATION POLICY TRAINING PLAN.]

Subdivision 1. [GENERAL.] The commissioner of administration is responsible for the preparation of a plan for training state and local government officials and employees on data practices laws and procedures and other information policy statutes, including official records and records management statutes. The plan must include training models for state agencies, counties, cities, school districts, higher education agencies, and human service agencies. The plan must focus on the development of broad-based training expertise and responsibility for training within these entities. The plan must be developed in consultation with representatives of these entities, including:

(1) information policy council, commissioner of employee relations, and attorney general;

(2) association of counties, county attorneys' council, and counties insurance trust;

(3) league of Minnesota cities, city attorneys' association, and cities insurance trust;

(4) school board association, council of school attorneys, and school board association insurance trust;

(5) higher education agencies, University of Minnesota, and university attorneys' office; and

(6) commissioner of human services, county human service agencies, and private nonprofit agencies that provide social services.

Subd. 2. [MODELS.] The training models developed under subdivision 1 must:

(1) identify training needs within each group of entities, including the need for mandatory training for certain positions and continuing as well as initial training requirements;

(2) provide for assignment of training responsibility within the entities and procedures for training; and

(3) provide for training resources, including the use of electronic communications and other forms of technology, audiovisual materials, and the development of written materials and standard forms, such as consent forms.

Subd. 3. [REPORT.] The commissioner of administration shall report to the legislature by January 1, 1995, with the results of the plan prepared under this section and any other recommendations for information policy training.

Sec. 49. [APPROPRIATION.]

\$50,000 is appropriated from the general fund to the commissioner of administration for the purpose of preparing the training plan under section 48.

Sec. 50. [EFFECTIVE DATE; APPLICATION.]

Sections 18, 19, 24, 25, and 27, are effective the day following final enactment. Section 30 is effective April 1, 1994. Section 31 is effective January 1, 1995.

Any increased civil penalties or awards of attorney fees provided under section 39 apply only to actions for violations occurring on or after August 1, 1994.

ARTICLE 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 92b. [DATA ON VIDEOTAPE CONSUMERS.] Personally identifiable information on videotape consumers received by law enforcement agencies is classified under section 325I.02, subdivision 2.

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

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

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

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

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

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

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

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

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

Subd. 96b. [EMERGENCY TELEPHONE SERVICES.] Public utility data and names, addresses, and telephone numbers provided to a 911 system under section 403.07, subdivisions 3 and 4, are classified under those subdivisions.

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

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

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

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

Sec. 61. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

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

Sec. 62. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 101a. [CUSTODY MEDIATION.] Child custody or visitation mediation records are classified under section 518.619, subdivision 5.

Sec. 63. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 101b. [INTERNATIONAL WILL REGISTRATION.] Information on the execution of international wills is classified under section 524.2-1010, subdivision 1.

Sec. 64. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 107a. [SEX OFFENDER HIV TESTS.] Results of HIV tests of sex offenders under section 611A.19, subdivision 2, are classified under that section."

Delete the title and insert:

"A bill for an act relating to privacy; classifying data; providing for sharing of certain data; clarifying treatment of not public data at an open meeting; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; providing for release of certain information on juvenile offenders to schools and victims; limiting release of juvenile records; providing for the preparation of an information policy training plan; providing for the release of

commitment information for firearm background checks; limiting release of personal information on videotape consumers; limiting liability for 911 systems; providing for a social worker witness privilege; changing exceptions and other conditions of the open meeting law; appropriating money; amending Minnesota Statutes 1992, sections 13.03, subdivision 4, and by adding a subdivision; 13.05, subdivision 4; 13.32, by adding a subdivision; 13.38, by adding a subdivision; 13.39, subdivision 2, and by adding a subdivision; 13.41, subdivision 2; 13.57; 13.71, by adding subdivisions; 13.82, by adding a subdivision; 13.84, subdivision 5a; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 144.581, subdivision 5; 171.12, subdivision 7; 253B.23, subdivision 4; 256.0361, by adding a subdivision; 260.161, subdivision 2, and by adding subdivisions; 403.07, subdivision 4; 471.705; 624.7131, subdivision 2; and 624.714, subdivisions 3 and 4; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivisions 2 and 4; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 148B.04, subdivision 6; 168.346; 245.493, by adding a subdivision; 260.161, subdivision 3; 595.02, subdivision 1; 624.7131, subdivision 1; and 624.7132, subdivisions 1 and 2; Laws 1990, chapter 566, section 9; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 145; 245; and 253B; proposing coding for new law as Minnesota Statutes, chapter 325I."

We request adoption of this report and repassage of the bill.

House Conferees: MARY JO. MCGUIRE, WESLEY J. "WES" SKOGLUND, WALTER E. PERLT, BILL MACKLIN AND DOUG SWENSON.

Senate Conferees: HAROLD R. "SKIP" FINN, GENE MERRIAM, DAVID L. KNUTSON, JANE KRENTZ AND PAT PIPER.

McGuire moved that the report of the Conference Committee on H. F. No. 2028 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2028, A bill for an act relating to data practices; classifying data as private, confidential, or nonpublic; providing for access to certain law enforcement and court services data on juveniles; providing law enforcement access to certain welfare and patient directory information; providing for treatment of customer data by videotape sellers and service providers; providing for data access to conduct fetal, infant, and maternal death studies; extending a provision for conduct of medical research absent prior patient consent; amending Minnesota Statutes 1992, sections 13.03, subdivision 4; 13.38, by adding a subdivision; 13.39, by adding a subdivision; 13.41, subdivision 2, and by adding a subdivision; 13.57; 13.71, by adding subdivisions; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 144.581, subdivision 5; 171.12, subdivision 7; 260.161, by adding a subdivision; 471.705; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.643, by adding a subdivision; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 144.651, subdivisions 2, 21, and 26; 168.346; 245.493, by adding a subdivision; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 144; 145; proposing coding for new law as Minnesota Statutes, chapter 325I.

CALL OF THE HOUSE LIFTED

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

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

The question was taken on the repassage of the bill and the roll was called. There were 104 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abrams	Bergson	Brown, C.	Clark	Dawkins	Erhardt	Girard
Anderson, R.	Bertram	Brown, K.	Commers	Dehler	Evans	Goodno
Battaglia	Betterman	Carlson	Cooper	Delmont	Farrell	Greenfield
Bauerly	Bishop	Carruthers	Dauner	Dorn	Garcia	Hasskamp

Haukoos	Kalis	Lourey	Munger	Pawlenty	Sekhon	Tunheim
Hausman	Kelley	Luther	Neary	Pelowski	Simoneau	Van Dellen
Holsten	Kinkel	Lynch	Nelson	Perlt	Skoglund	Vellenga
Jacobs	Klinzing	Macklin	Ness	Peterson	Smith	Wagenius
Jaros	Koppendrayer	Mahon	Opatz	Pugh	Solberg	Weaver
Jefferson	Krinkie	Mariani	Orenstein	Reding	Stanis	Wejcmán
Jennings	Krueger	McCollum	Orfield	Rest	Steensma	Wenzel
Johnson, A.	Leppik	McGuire	Osthoff	Rhodes	Sviggum	Winter
Johnson, R.	Lieder	Molnau	Ostrom	Rice	Swenson	Workman
Johnson, V.	Lindner	Morrison	Ozment	Rukavina	Tomassoni	Spk. Anderson, I.
Kahn	Long	Mosel	Pauly	Sarna	Trimble	

Those who voted in the negative were:

Asch	Finseth	Gutknecht	Lasley	Olson, K.	Seagren	Waltman
Beard	Frerichs	Hugoson	Limmer	Olson, M.	Tompkins	Wolf
Dauids	Greiling	Huntley	Murphy	Onnen	Van Engen	Worke
Dempsey	Gruenes	Knight	Olson, E.	Rodosovich	Vickerman	

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

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.

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	Delmont	Hugoson	Krueger	Murphy	Reding	Van Engen
Anderson, R.	Dempsey	Huntley	Lasley	Nelson	Rest	Vellenga
Battaglia	Dorn	Jacobs	Leppik	Ness	Rhodes	Wagenius
Bauerly	Farrell	Jaros	Lieder	Olson, E.	Rodosovich	Waltman
Beard	Frerichs	Jefferson	Lindner	Olson, M.	Rukavina	Weaver
Bergson	Garcia	Johnson, A.	Long	Onnen	Seagren	Wejcmán
Bertram	Girard	Kalis	Luther	Opatz	Sekhon	Winter
Brown, K.	Goodno	Kelley	Lynch	Orenstein	Simoneau	Worke
Carlson	Greenfield	Kelso	Mahon	Orfield	Skoglund	Workman
Carruthers	Greiling	Kinkel	Mariani	Ostrom	Solberg	Spk. Anderson, I.
Commers	Gruenes	Klinzing	McGuire	Pauly	Sviggum	
Cooper	Gutknecht	Knickerbocker	Molnau	Pawlenty	Tomassoni	
Dauner	Hasskamp	Knight	Morrison	Pelowski	Trimble	
Dauids	Haukoos	Koppendrayer	Mosel	Perlt	Tunheim	
Dehler	Hausman	Krinkie	Munger	Peterson	Van Dellen	

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.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2617, A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3193, A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.52, subdivision 1; 475.53, subdivision 5; 475.54, subdivision 16; 475.66, subdivision 1; and 475.79; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of 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. 3179, A bill for an act relating to waters; preservation of wetlands; creating the wetlands wildlife legacy account; modifying easements; drainage and filling for public roads; defining terms; board action on local government plans; action on approval of replacement plans; computation of value; establishing special vehicle license plates for wetlands wildlife purposes; amending Minnesota Statutes 1992, sections 103F.516, subdivision 1; 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241; proposing coding for new law in Minnesota Statutes, chapters 84; and 168.

The Senate has appointed as such committee:

Messrs. Stumpf, Price and Dille.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2540.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2540

A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

May 3, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2540, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S. F. No. 2540 be further amended as follows:

Page 3, after line 17, insert:

"Sec. 10. [INTERIM FEE AND DISTRIBUTION.]

Until January 1, 1996, the enhanced 911 service fee is ten cents per month in addition to the fee actually collected under Minnesota Statutes 1992, section 403.11, subdivision 1. The additional fee is imposed effective January 1, 1995. Distribution of the revenue from the fee under Minnesota Statutes, section 403.113, subdivision 2, must begin March 1, 1995. The commissioner of the department of administration shall determine the amount of the additional enhanced 911 service fee to be in effect beginning January 1, 1996, under Minnesota Statutes, section 403.113.

Sec. 11. [APPROPRIATION.]

\$1,500,000 is appropriated to the commissioner of administration in fiscal year 1995 from the special revenue fund for purposes of implementing enhanced 911 telephone service as required in this act."

Page 3, line 18, delete "6" and insert "12"

Delete the title and insert:

"A bill for an act relating to utilities; classifying and requiring information on applications for the municipal energy conservation investment loan program; authorizing fee to fund enhanced 911 emergency telephone service; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; 403.02, by adding a subdivision; 403.11, subdivisions 1 and 4; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8."

We request adoption of this report and repassage of the bill.

Senate Conferees: ARLENE J. LESEWSKI, JIM VICKERMAN AND JANET B. JOHNSON.

House Conferees: JOEL JACOBS, CHUCK BROWN AND DAVE GRUENES.

Jacobs moved that the report of the Conference Committee on S. F. No. 2540 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2540, A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

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

The question was taken on the repassage of the bill and the roll was called. There were 91 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dauids	Jacobs	Krueger	Mosel	Pugh	Tunheim
Battaglia	Delmont	Jaros	Lasley	Munger	Rest	Van Engen
Bauerly	Dorn	Jefferson	Leppik	Murphy	Rhodes	Vellenga
Bertram	Erhardt	Jennings	Lieder	Nelson	Rodosovich	Vickerman
Bettermann	Farrell	Johnson, A.	Lindner	Ness	Rukavina	Wagenius
Bishop	Frerichs	Johnson, R.	Lourey	Olson, E.	Sekhon	Waltman
Brown, C.	Garcia	Johnson, V.	Luther	Olson, K.	Solberg	Weaver
Brown, K.	Girard	Kalis	Lynch	Olson, M.	Steensma	Wenzel
Carlson	Goodno	Kelley	Mahon	Orfield	Sviggum	Winter
Carruthers	Gruenes	Kelso	Mariani	Ostrom	Swenson	Wolf
Clark	Hasskamp	Kinkel	Milbert	Pauly	Tomassoni	Worke
Cooper	Hugoson	Klinzing	Molnau	Pelowski	Tompkins	Workman
Dauner	Huntley	Koppendraye	Morrison	Peterson	Trimble	Spk. Anderson, I.

Those who voted in the negative were:

Abrams	Dehler	Gutknecht	Knight	Neary	Perlt	Skoglund
Asch	Dempsey	Haukoos	Krinkie	Onnen	Reding	Van Dellen
Beard	Evans	Hausman	Long	Opatz	Sarna	Wejcman
Bergson	Greenfield	Holsten	McCollum	Orenstein	Seagren	
Commers	Greiling	Knickerbocker	McGuire	Pawlenty	Simoneau	

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 180, A bill for an act relating to horse racing; proposing an amendment to the Minnesota Constitution, article X, section 8; permitting the legislature to authorize pari-mutuel betting on horse racing without limitation; directing the Minnesota racing commission to prepare and submit legislation to implement televised off-site betting.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Kroening, Janezich and Johnson, D. E.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Simoneau moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 180. The motion prevailed.

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. 3041, A bill for an act relating to government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 423A.02, subdivision 1; 423B.01, subdivision 9; 423B.15, subdivision 3; 473.551; 473.552; 473.553; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; Laws 1989, chapter 319, article 19, section 7, subdivisions 1, as amended, and 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jefferson moved that the House refuse to concur in the Senate amendments to H. F. No. 3041, that the Speaker appoint a Conference Committee of 5 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.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2158

A bill for an act relating to pollution; requiring that certain towns, cities, and counties have ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

May 3, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2158, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2158 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [115.55] [INDIVIDUAL SEWAGE TREATMENT SYSTEMS.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section and section 2.

(b) "Advisory committee" means the advisory committee on individual sewage treatment systems established under the individual sewage treatment system rules.

(c) "Applicable requirements" means:

(1) local ordinances that comply with the individual sewage treatment system rules, as required in subdivision 2; or

(2) in areas not subject to the ordinances described in clause (1), the individual sewage treatment system rules.

(d) "City" means a statutory or home rule charter city.

(e) "Commissioner" means the commissioner of the pollution control agency.

(f) "Dwelling" means a building or place used or intended to be used by human occupants as a single-family or two-family unit.

(g) "Individual sewage treatment system" or "system" means a sewage treatment system, or part thereof, serving a dwelling, other establishment, or group thereof, that uses subsurface soil treatment and disposal.

(h) "Individual sewage treatment system professional" means an inspector, installer, site evaluator or designer, or pumper.

(i) "Individual sewage treatment system rules" means rules adopted by the agency that establish minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems.

(j) "Inspector" means a person who inspects individual sewage treatment systems for compliance with the applicable requirements.

(k) "Installer" means a person who constructs or repairs individual sewage treatment systems.

(l) "Local unit of government" means a township, city, or county.

(m) "Pumper" means a person who maintains components of individual sewage treatment systems including, but not limited to, septic, aerobic, and holding tanks.

(n) "Seasonal dwelling" means a dwelling that is occupied or used for less than 180 days per year and less than 120 consecutive days.

(o) "Site evaluator or designer" means a person who:

(1) investigates soils and site characteristics to determine suitability, limitations, and sizing requirements; and

(2) designs individual sewage treatment systems.

Subd. 2. [LOCAL ORDINANCES.] (a) Any ordinance adopted by a local unit of government to regulate individual sewage treatment systems must be in compliance with the individual sewage treatment system rules by January 1, 1996.

(b) A copy of each ordinance adopted under this subdivision must be submitted to the commissioner upon adoption.

Subd. 3. [RULES.] (a) The agency shall adopt rules containing minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems. The rules must include:

(1) how the agency will ensure compliance under subdivision 2;

(2) how local units of government shall enforce ordinances under subdivision 2, including requirements for permits and inspection programs;

(3) how the advisory committee will participate in review and implementation of the rules;

(4) provisions for alternative systems;

(5) provisions for handling and disposal of effluent;

(6) provisions for system abandonment;

(7) provisions allowing local units of government to adopt alternative standards and criteria, provided that:

(i) the alternative standards and criteria may not apply to new construction or replacement of systems, as defined by the agency; and

(ii) the commissioner must certify that the alternative standards and criteria adequately protect public health and the environment; and

(8) procedures for variances, including the consideration of variances based on cost and variances that take into account proximity of a system to other systems.

(b) The agency shall consult with the advisory committee before adopting rules under this subdivision.

Subd. 4. [COMPLIANCE WITH RULES REQUIRED; ENFORCEMENT.] (a) A person who designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual sewage treatment system shall comply with the applicable requirements.

(b) Local units of government may enforce, under section 115.071, subdivisions 3 and 4, ordinances that are applicable requirements.

Subd. 5. [INSPECTION.] (a) Except as provided in paragraph (b), after December 31, 1995, a local unit of government may not issue a building permit or variance for new construction or replacement of a system, as defined by agency rule, or for the addition of a bedroom or bathroom on property served by a system unless the system is in compliance with the applicable requirements, as evidenced by a certificate of compliance issued by a licensed inspector or site evaluator or designer.

(b) In areas that are not subject to ordinances adopted under subdivision 2, a compliance inspection under this subdivision is required only for new construction or replacement of a system, as defined by agency rule.

(c) If a system inspected under this subdivision is not in compliance with the applicable requirements, the inspector or site evaluator or designer must issue a notice of noncompliance to the property owner and must provide a copy of the notice to the local unit of government to which application for the building permit or variance was made. If the inspector or site evaluator or designer finds that the system presents an imminent threat to public health or safety, the inspector or site evaluator or designer must include a statement to this effect in the notice and the property owner must upgrade, replace, or discontinue use of the system within ten months of receipt of the notice.

Subd. 6. [DISCLOSURE OF INDIVIDUAL SEWAGE TREATMENT SYSTEM TO BUYER.] After August 31, 1994, before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of individual sewage treatment systems on the property or serving the property. The disclosure must be made by delivering to the buyer either a statement by the seller that there is no individual sewage treatment system on or serving the property or a disclosure statement describing the system and indicating the legal description of the property, the county in which the property is located, and a map drawn from available information showing the location of the system on the property to the extent practicable. In the disclosure statement the seller must indicate whether the individual sewage treatment system is in use and, to the seller's knowledge, in compliance with applicable sewage treatment laws and rules. Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence or known status of an individual sewage treatment system at the time of sale, and who knew or had reason to know of the existence or known status of the system, is liable to the buyer for costs relating to bringing the system into compliance with the individual sewage treatment system rules and for reasonable attorney fees for collection of costs from the seller. An action under this subdivision must be commenced within two years after the date on which the buyer closed the purchase of the real property where the system is located.

Subd. 7. [LOCAL ORDINANCE MAY BE MORE RESTRICTIVE.] (a) A local unit of government may adopt and enforce ordinances or rules affecting individual sewage treatment systems that are more restrictive than the agency's rules.

(b) If standards are adopted that are more restrictive than the agency's rules, the local unit of government must submit the more restrictive standards to the commissioner along with an explanation of the more restrictive provisions.

Sec. 2. [115.56] [MANDATORY LICENSING PROGRAM.]

Subdivision 1. [RULES.] (a) Pursuant to section 115.03, subdivision 1, by January 1, 1996, the agency shall adopt rules containing standards of licensure applicable to all individual sewage treatment system professionals.

The rules must include but are not limited to:

- (1) training requirements that include both classroom and fieldwork components;
- (2) examination content requirements and testing procedures;
- (3) continuing education requirements;
- (4) equivalent experience provisions;
- (5) bonding and insurance requirements;
- (6) schedules for submitting fees; and
- (7) license revocation and suspension and other enforcement requirements.

(b) The agency shall consult with the advisory committee before proposing any rules under this subdivision.

Subd. 2. [LICENSE REQUIRED.] (a) Except as provided in paragraph (b), after March 31, 1996, a person may not design, install, maintain, pump, or inspect an individual sewage treatment system without a license issued by the commissioner.

(b) A license is not required for a person who complies with the applicable requirements if the person is:

- (1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;
- (2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling; or
- (3) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

A person constructing an individual sewage treatment system under clause (2) must consult with a site evaluator or designer before beginning construction. In addition, the system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection.

(c) The commissioner, in conjunction with the University of Minnesota extension service or another higher education institution, shall ensure adequate training exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage treatment system professionals.

Subd. 3. [ENFORCEMENT.] (a) The commissioner may deny, suspend, or revoke a license, or use any lesser remedy against an individual sewage treatment system professional, for any of the following reasons:

(1) failure to meet the requirements for a license;

(2) incompetence, negligence, or inappropriate conduct in the performance of the duties of an individual sewage treatment system professional;

(3) failure to comply with applicable requirements; or

(4) submission of false or misleading information or credentials in order to obtain or renew a license.

(b) Upon receiving a signed written complaint that alleges the existence of a ground for enforcement action against a person under paragraph (a), the commissioner shall initiate an investigation. Revocation, suspension, or other enforcement action may not be taken before written notice is given to the person and an opportunity is provided for a contested case hearing complying with the provisions of chapter 14.

Subd. 4. [LICENSE FEE.] The fee for a license required under subdivision 2 is \$100 per year. Revenue from the fees must be credited to the environmental fund.

Sec. 3. [APPROPRIATION.]

(a) \$120,000 is appropriated from the environmental fund to the commissioner of the pollution control agency for the purposes of sections 1 and 2 to be available for the biennium ending June 30, 1995.

(b) Amounts spent by the commissioner of the pollution control agency from the appropriation in paragraph (a) must be reimbursed to the environmental fund no later than June 30, 1997.

Sec. 4. [EFFECTIVE DATE.]

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

We request adoption of this report and repassage of the bill.

House Conferees: DAVE BISHOP, KATHLEEN SEKHON AND HENRY J. KALIS.

Senate Conferees: LEONARD R. PRICE, STEVE DILLE AND STEVEN MORSE.

Bishop moved that the report of the Conference Committee on H. F. No. 2158 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2158, A bill for an act relating to pollution; requiring that certain towns, cities, and counties have ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

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

The question was taken on the repassage of the bill and the roll was called. There were 110 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Finseth	Holsten	Koppendrayner	Olson, E.	Ozment	Tompkins
Davids	Gruenes	Hugoson	Krinkie	Olson, M.	Stanius	Vickerman
Dehler	Haukoos	Knight	Nelson	Ornen	Svigum	Waltman

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3041:

Jefferson; Brown, C.; Kahn; Milbert and Van Dellen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 180:

Simoneau, Kahn and Abrams.

SPECIAL ORDERS

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

Rest moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Friday, April 29, 1994, when the vote was taken on the Koppendrayer et al amendment to S. F. No. 103, the second unofficial engrossment, as amended." The motion prevailed.

Rest moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Friday, April 29, 1994, when the vote was taken on the final passage of S. F. No. 103, the second unofficial engrossment, as amended." The motion prevailed.

Rest moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative, while I was excused while in Conference, on Friday, April 29, 1994, when the vote was taken on the first Sviggum amendment to H. F. No. 3230, the first engrossment, as amended." The motion prevailed.

Rest moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative, while I was excused while in Conference, on Friday, April 29, 1994, when the vote was taken on the second Sviggum amendment to H. F. No. 3230, the first engrossment, as amended." The motion prevailed.

Rest moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative, while I was excused while in Conference, on Friday, April 29, 1994, when the vote was taken on the final passage of H. F. No. 3230, the first engrossment, as amended." The motion prevailed.

Bishop moved that H. F. No. 2711 be returned to its author. The motion prevailed.

ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 9:30 a.m., Thursday, May 5, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Thursday, May 5, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

