

## SIXTEENTH DAY

St. Paul, Minnesota, Monday, February 23, 1987

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Gordon Dahl.

The roll was called, and the following Senators answered to their names:

Adkins	Dahl	Johnson, D.J.	Merriam	Ramstad
Anderson	Davis	Jude	Metzen	Reichgott
Beckman	DeCramer	Knaak	Moe, D.M.	Renneke
Belanger	Dicklich	Knutson	Moe, R.D.	Samuelson
Benson	Diessner	Kroening	Morse	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederick	Langseth	Olson	Storm
Bernhagen	Frederickson, D.J.	Lantry	Pehler	Stumpf
Bertram	Frederickson, D.R.	Lessard	Peterson, D.C.	Taylor
Brandl	Freeman	Luther	Peterson, R.W.	Vickerman
Brataas	Gustafson	Marty	Piper	Waldorf
Chmielewski	Hughes	McQuaid	Pogemiller	Wegscheid
Cohen	Johnson, D.E.	Mehrkens	Purfeerst	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## MEMBERS EXCUSED

Messrs. Larson and Schmitz were excused from the Session of today. Mr. Solon was excused from the Session of today at 3:15 p.m. Ms. Peterson, D.C. and Mr. Frederickson, D.R. were excused from the Session of today from 2:00 to 2:15 p.m.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Board of Animal Health is hereby respectfully submitted to the Senate for confirmation as required by law:

Jack Delaney, R.R. 1, Lake Benton, Lincoln County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in

January, 1991.

(Referred to the Committee on Agriculture.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Board of Animal Health is hereby respectfully submitted to the Senate for confirmation as required by law:

Herbert Halvorson, R.R. 2, Box 67, Hanska, Brown County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Agriculture.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Michael W. McLaughlin, 275 Summit Ave., St. Paul, Ramsey County, has been appointed by me, effective January 20, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Local and Urban Government.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Marcy Waritz, 1271 Bluff Creek Dr., Chaska, Carver County, has been appointed by me, effective January 20, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Local and Urban Government.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointments to the Minnesota Environmental Quality Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Barbara L. Hughes, 548 Rice Creek Terr., Fridley, Anoka County, has

been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

Robert M. Tonra, 2601 S. Georgia Ave., St. Louis Park, Hennepin County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Environment and Natural Resources.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Coordinating Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Celeste O'Donnell, 6320 Lookout Trl., Stillwater, Washington County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1993.

(Referred to the Committee on Education.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Coordinating Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Duane C. Scribner, 49 Arthur Ave. S.E., Minneapolis, Hennepin County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1990.

(Referred to the Committee on Education.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Housing Finance Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert Worthington, 10326 Colorado Rd., Bloomington, Hennepin County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Economic Development and Housing.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Clarence E. Harris, 2030 Fairview, Roseville, Ramsey County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Education.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Ruth Herring, 109 - 14th Ave. S., Moorhead, Clay County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Education.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Erin McCabe, 2121 - 3rd Ave. E., Hibbing, St. Louis County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Education.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the State Board of Vocational Technical Education is hereby respectfully submitted to the Senate for confirmation as required by law:

FB. Daniel, 2056 Timmy St., Mendota Heights, Dakota County, has been

appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Education.)

January 14, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

The following appointment to the State Board of Vocational Technical Education is hereby respectfully submitted to the Senate for confirmation as required by law:

JoAnn Cardenas Enos, 149 Exeter Pl., St. Paul, Ramsey County, has been appointed by me, effective January 19, 1987, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Education.)

Sincerely,

Rudy Perpich, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 92.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 19, 1987

### FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the Committee indicated.

H.F. No. 92: A bill for an act relating to taxation; providing for expenditure of proceeds of the taconite production tax; amending Minnesota Statutes 1986, sections 298.292; 298.293; 298.294; and 298.296, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 298; repealing Laws 1986, chapter 441, section 14.

Referred to the Committee on Taxes and Tax Laws.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 208: A bill for an act relating to occupations and professions; architects, engineers, land surveyors, and landscape architects; making certain technical changes related to certain licensing exceptions; amending Minnesota Statutes 1986, sections 326.03, subdivision 2; and 326.06.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 184: A bill for an act relating to utilities; trade practices; restricting use and connection of automatic dialing-announcing devices to telephone lines; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "6" and insert "5"

Page 1, lines 16 and 21, delete "*an individual*" and insert "*a person*"

Page 1, line 22, delete "*residential*"

Page 1, line 23, delete "*regulated by this state*"

Page 1, line 24, delete "*individual*" and insert "*person*"

Page 2, line 3, delete "*that delivers a prerecorded*"

Page 2, line 4, delete "*or synthesized voice message,*"

Page 2, line 7, delete "*introduces*" and insert "*obtains*" and after "*the*" insert "*subscriber's consent before the*"

Page 2, line 8, after "*message*" insert "*is delivered*" and delete "*the use of*" and insert "*a caller from using an*"

Page 2, line 9, delete "*devices*" and insert "*device*"

Page 2, line 10, delete "*or*" and insert a comma and after "*are*" insert "*required to attend school or are*"

Page 2, line 11, before the period, insert "*, or advising employees of work schedules*"

Page 2, line 19, before "*At*" insert "*Where the message is immediately preceded by a live operator, the operator must,*" and delete "*a prerecorded or synthesized*"

Page 2, line 20, delete everything before "*disclose*"

Page 2, line 24, delete "*and*"

Page 2, line 26, delete the period and insert "*; and*"

Page 2, delete lines 27 and 28 and insert:

"(4) *if applicable, the fact that the message intends to solicit payment or commitment of funds.*"

Page 2, delete section 5

Page 2, line 33, delete "PENALTIES;"

Page 2, line 35, after "*remedies*" insert "*, including a private right of action to recover damages, as*"

Re-number the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 148: A bill for an act relating to financial institutions; extending the EFT law to terminals located on the premises of a financial institution; amending Minnesota Statutes 1986, section 47.61, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "an" and insert "*a customer-activated*"

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1986, section 47.64, subdivision 1, is amended to read:

Subdivision 1. (a) Any person establishing and maintaining an electronic financial terminal *located separate and apart from a financial institution's principal office, branch, or detached facility* for use by one type of financial institution shall, upon written request, make its services available to any requesting financial institution of similar type on a fair, equitable and nondiscriminatory basis approved by the commissioner. A financial institution requesting use of an electronic financial terminal shall be permitted its use only if the financial institution conforms to reasonable technical operation standards which have been established by the electronic financial terminal provider as approved by the commissioner. For purposes of this subdivision, the types of financial institutions are: (a) commercial banks and mutual savings banks; (b) credit unions, industrial loan and thrift companies, and regulated lenders under chapter 56; and (c) savings and loan associations. The services of an electronic financial terminal may be made available to any type of financial institution. After March 1, 1979, or earlier if determined by the commissioner to be technically feasible, an electronic financial terminal which is used by or made available to one type of financial institution shall be made available, upon request, to other types of financial institutions on a fair, equitable and nondiscriminatory basis as approved by the commissioner. The charges required to be paid to any person establishing and maintaining an electronic financial terminal shall be related to an equitable proportion of the direct costs of establishing, operating, and maintaining the terminal plus a reasonable return on those costs to the owner of the terminal. The charges may provide for amortization of development costs and capital expenditures over a reasonable period of time.

(b) Any person establishing and maintaining an electronic financial terminal *located on and as a part of a financial institution's principal office, branch, or detached facility* may, at the financial institution's option, (1) maintain the electronic financial terminal for the exclusive use of the financial institution's customers; (2) maintain the electronic financial terminal for the use of the financial institution's customers and make the electronic financial terminal available for other financial transactions selected by the financial institution to customers of any other requesting financial institution of similar type on a fair, equitable and nondiscriminatory basis approved by the commissioner; or (3) make all of the electronic financial terminal's services available to any requesting financial institution as provided in subdivision 1.

Sec. 3. Minnesota Statutes 1986, section 47.64, subdivision 3, is amended to read:

Subd. 3. Any agreement or charge between a person establishing an electronic financial terminal and the person at whose location the terminal is established shall be upon such commercially reasonable terms and conditions as are agreed to by the parties. A person at whose location an electronic financial terminal is established and maintained may limit the kind of financial transaction functions which the terminal may perform; ~~but~~. *If the electronic financial terminal is not located on the premises of a financial institution's principal office, branch, or detached facility, the person shall make available upon request every financial transaction function which the terminal does perform to all financial institutions, their affiliates, or agents on a nondiscriminatory basis. A function involving either a bank credit card authorized pursuant to section 48.185 or other credit card authorized under any other similar open end consumer credit sales plan need not be made so available."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing options for a financial institution relating to the availability of an electronic fund terminal for other financial institutions;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 5, after "3" insert "; 47.64, subdivisions 1 and 3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 15: A bill for an act relating to human services; allowing recovery of medical assistance payments upon death of recipient; amending Minnesota Statutes 1986, Section 256B.15.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 314: A bill for an act relating to state investments; requiring the state board of investments to adopt an investment policy statement; authorizing state funds to be invested in certain securities; providing conditions of investment; amending Minnesota Statutes 1986, sections 11A.04; 11A.24, subdivisions 2, 3, 4, 5, and 6; and 11A.25.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 51: A bill for an act relating to health; requiring licensure of home care agencies; providing a home care bill of rights; providing a complaint procedure for home care clients; appropriating money; amending Minnesota Statutes 1986, sections 144.335, subdivision 1; 144.699, subdivision 2; 144A.51, subdivision 6, and by adding a subdivision; 144A.52, subdivision 3; 144A.53, subdivisions 1, 2, 3, and 4; 144A.54, subdivision



1; 256B.04, by adding a subdivision; 364.09; and 626.557, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 144.335, subdivision 1, is amended to read:

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

(a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psychiatric or mental condition, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapters 147, 148, 150A, 151 or 153; (2) *a home care provider licensed under section 6*; and (2) (3) a health care facility licensed pursuant to this chapter or chapter 144A.

Sec. 2. Minnesota Statutes 1986, section 144.699, subdivision 2, is amended to read:

Subd. 2. [FOSTERING PRICE COMPETITION.] The commissioner of health shall:

(a) Encourage hospitals, outpatient surgical centers, *home care providers*, and professionals regulated by the health related licensing boards as defined in section 214.01, subdivision 2, and by the commissioner of health under section 214.13, to publish prices for procedures and services that are representative of the diagnoses and conditions for which citizens of this state seek treatment.

(b) Analyze and disseminate available price information and analyses so as to foster the development of price competition among hospitals, outpatient surgical centers, *home care providers*, and health professionals.

Sec. 3. [144A.43] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] *The definitions in this section apply to sections 3 to 8.*

Subd. 2. [COMMISSIONER.] "*Commissioner*" means the commissioner of health.

Subd. 3. [HOME CARE SERVICE.] "*Home care service*" means any of the following services when delivered in a place of residence to a person whose illness, disability, or physical condition creates a need for the service:

- (1) *nursing services, including the services of a home health aide;*
- (2) *personal care services not included under sections 148.171 to 148.299;*
- (3) *physical therapy;*
- (4) *speech therapy;*

- (5) *respiratory therapy;*
- (6) *occupational therapy;*
- (7) *nutritional services;*
- (8) *homemaker services, meal preparation, and similar services when provided to a person whose illness, disability, or physical condition creates a need for the service;*
- (9) *medical social services;*
- (10) *the provision of medical supplies and equipment when accompanied by the provision of a home care service;*
- (11) *the provision of hospice services as specified in section 8; and*
- (12) *other similar medical services and health-related support services identified by the commissioner in rule.*

*Subd. 4. [HOME CARE PROVIDER.] "Home care provider" means an individual, organization, association, corporation, unit of government, or other entity that is regularly engaged in the delivery, directly or by contractual arrangement, of home care services for a fee. "Home care provider" does not include:*

*(1) any home care or nursing services conducted by and for the adherents of any recognized church or religious denomination for the purpose of providing care and services for those who depend upon spiritual means, through prayer alone, for healing;*

*(2) an individual who only provides services to a relative;*

*(3) an individual not connected with a home care provider who provides homemaking or personal care services to not more than one person or family, if the services are provided primarily as a contribution and not as a business, as employment, or for substantial compensation; and compensation received for providing services is not the individual's primary source of income;*

*(4) an individual not connected with a home care provider who shares housing with and provides primarily housekeeping or homemaking services to an elderly or disabled person in return for free or reduced-cost housing;*

*(5) an individual or agency providing home-delivered meal services;*

*(6) an agency providing senior companion services and other older American volunteer programs established under the domestic volunteer service act of 1973, Public Law Number 98-288;*

*(7) an individual or agency that only provides chore or housekeeping services which do not involve the provision of home care services;*

*(8) a member of a professional corporation organized under sections 319A.01 to 319A.22 that does not regularly offer or provide home care services as defined in subdivision 3;*

*(9) the following organizations established to provide medical or surgical services that do not regularly offer or provide home care services as defined in subdivision 3: a business trust organized under sections 318.01 to 318.04, a nonprofit corporation organized under chapter 317, a partnership organized under chapter 323, or any other entity determined by the commissioner; or*

*(10) an individual licensed under chapter 147.*

Sec. 4. [144A.44] [HOME CARE BILL OF RIGHTS.]

*Subdivision 1. [STATEMENT OF RIGHTS.] A person who receives home care services has these rights:*

*(1) the right to receive written information about rights, including what to do if rights are violated;*

*(2) the right to receive care and services according to a suitable and up-to-date plan, and subject to accepted medical or nursing standards, to take an active part in creating and changing the plan and evaluating care and services;*

*(3) the right to be told about the services that are being provided or suggested, about other choices that are available, and about the consequences of these choices including the consequences of refusing these services;*

*(4) the right to refuse services or treatment;*

*(5) the right to know, in advance, any limits to the services available from a provider, whether the services are covered by health insurance, medical assistance, or other health programs, and the provider's grounds for a termination of services;*

*(6) the right to know what the charges are for services, no matter who will be paying the bill;*

*(7) the right to know that there may be other services available in the community, including other home care services and providers, and to know where to go for information about these services;*

*(8) the right to choose freely among available providers and to change providers after services have begun, within the limits of health insurance, medical assistance, or other health programs;*

*(9) the right to have personal, financial, and medical information kept private;*

*(10) the right to be allowed access to records and written information from records in accordance with section 144.335;*

*(11) the right to be served by people who are properly trained and competent to perform their duties;*

*(12) the right to be treated with courtesy and respect;*

*(13) the right to be free from physical and verbal abuse;*

*(14) the right to reasonable notice of changes in services or charges;*

*(15) the right to a coordinated transfer when there will be a change in the provider of services;*

*(16) the right to know how to contact an individual associated with the provider who is responsible for handling problems and the name and address of the state or county agency to contact for additional information or assistance; and*

*(17) the right to assert these rights without retaliation.*

*Subd. 2. [INTERPRETATION AND ENFORCEMENT OF RIGHTS.] These rights are established for the benefit of persons who receive home*

care services. "Home care services" means home care services as defined in section 3, subdivision 3. A home care provider may not require a person to surrender these rights as a condition of receiving services. A guardian or conservator or, when there is no guardian or conservator, a designated person, may seek to enforce these rights. This statement of rights does not replace or diminish other rights and liberties that may exist relative to persons receiving home care services, persons providing home care services, or providers licensed under this act. A copy of these rights must be provided to an individual at the time home care services are initiated. The copy shall also contain the address and telephone number of the office of health facility complaints and a brief statement describing how to file a complaint with that office.

Sec. 5. [144A.45] [REGULATION OF HOME CARE SERVICES.]

Subdivision 1. [RULES.] The commissioner shall adopt rules for the regulation of home care providers pursuant to sections 3 to 8 and 14. The rules shall include the following:

(a) provisions to assure, to the extent possible, the health, safety and well-being, and appropriate treatment of persons who receive home care services;

(b) requirements that home care providers furnish the commissioner with specified information necessary to implement sections 3 to 8 and 14;

(c) standards of training of home care provider personnel, which may vary according to the nature of the services provided or the health status of the consumer;

(d) standards of supervision by a registered nurse of personnel providing home care services, which may vary according to the nature of the services provided or the health status of the consumer;

(e) requirements for the involvement of a consumer's physician, the documentation of physicians' orders and the consumer's treatment plan, and the maintenance of accurate, current clinical records;

(f) the establishment of different classes of licenses for different types of providers and different standards and requirements for different kinds of home care services; and

(g) operating procedures required to implement the home care bill of rights.

Subd. 2. [REGULATORY FUNCTIONS.] (a) The commissioner shall:

(1) evaluate, monitor, and license home care providers in accordance with sections 5 to 8 and 14;

(2) inspect the office and records of a provider during regular business hours, provided that when conducting routine office visits or inspections, the commissioner shall provide at least 48 hours' advance notice to the home care provider;

(3) with the consent of the consumer, visit the home where services are being provided;

(4) issue correction orders and assess civil penalties in accordance with section 144.653, subdivisions 5 to 8; and

(5) take other action reasonably required to accomplish the purposes of

sections 3 to 8 and 14.

(b) In the exercise of the authority granted in sections 3 to 8 and 14, the commissioner shall comply with the applicable requirements of section 144.122, the government data practices act, and the administrative procedure act.

Subd. 3. [ADVISORY TASK FORCE.] The commissioner of health shall establish and appoint a home care advisory task force consisting of 15 members representing the various kinds of home care providers, including hospice programs, health care professionals, community health services agencies, and consumers. The appointment, removal, and compensation of members is as provided in section 15.059, subdivision 6. The task force shall provide advice and recommendations to the commissioner regarding the development of rules required by subdivision 2.

Sec. 6. [144A.46] [LICENSURE.]

Subdivision 1. [LICENSE REQUIRED.] (a) A home care provider may not operate in the state without a current license issued by the commissioner of health.

(b) Within ten days after receiving an application for a license, the commissioner shall acknowledge receipt of the application in writing. The acknowledgement must indicate whether the application appears to be complete or whether additional information is required before the application will be considered complete. Within 60 days after receiving a complete application, the commissioner shall either grant or deny the license. If an applicant is not granted or denied a license within 60 days after submitting a complete application, the license must be deemed granted. An applicant whose license has been deemed granted must provide written notice to the commissioner before providing a home care service.

Subd. 2. [EXEMPTIONS.] The following individuals are exempt from the requirement to obtain a home care provider license:

(1) a person who is licensed under sections 148.171 to 148.285 and who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;

(2) a personal care assistant who provides services under the medical assistance program as authorized under section 256B.02, subdivision 8, paragraph (17), and section 15;

(3) a person who is registered under sections 148.65 to 148.78 and who independently provides physical therapy services in the home without any contractual or employment relationship to a home care provider or other organization;

(4) a person who provides services to a person with mental retardation under a program of semi-independent living services regulated by Minnesota Rules, parts 9525.0500 to 9525.0660; or

(5) a person who provides services to a person with mental retardation under contract with a county to provide home and community based services that are reimbursed under the medical assistance program, chapter 256B, and regulated by Minnesota Rules, parts 9525.1800 to 9525.1930.

An exemption under this subdivision does not excuse the individual from complying with applicable provisions of the home care bill of rights.

*Subd. 3. [ENFORCEMENT.] The commissioner may refuse to grant or renew a license, or may suspend or revoke a license, for violation of statutes or rules relating to home care services or for conduct detrimental to the welfare of the consumer. In addition to any other remedy provided by law, the commissioner may, without a prior contested case hearing, temporarily suspend a license or prohibit delivery of services by a provider for not more than 60 days if the commissioner determines that the health or safety of a consumer is in imminent danger, provided (1) advance notice is given to the provider; (2) after notice, the provider fails to correct the problem; (3) the commissioner has reason to believe that other administrative remedies are not likely to be effective; and (4) there is a subsequent opportunity for a contested case hearing. The process of suspending or revoking a license must include a plan for transferring affected clients to other providers.*

*Subd. 4. [RELATION TO OTHER REGULATORY PROGRAMS.] In the exercise of the authority granted under sections 3 to 8 and 14, the commissioner shall not duplicate or replace standards and requirements imposed under another state regulatory program. The commissioner shall not impose additional training or education requirements upon members of a licensed or registered occupation or profession, except as necessary to address or prevent problems that are unique to the delivery of services in the home or to enforce and protect the rights of consumers listed in section 4. For home care providers certified under the medicare program, the state standards must not be inconsistent with the medicare standards for medicare services.*

*Subd. 5. [PRIOR CRIMINAL CONVICTIONS.] An applicant for a home care provider license shall disclose to the commissioner all criminal convictions of persons involved in the management, operation, or control of the provider. A home care provider shall require employees of the provider and applicants for employment to disclose all criminal convictions. No person may be employed by a home care provider or involved in the management, operation, or control of a provider, if the person has been convicted of a crime that relates to the provision of home care services or to the position, duties, or responsibilities undertaken by that person in the operation of the home care provider, unless the person can provide sufficient evidence of rehabilitation. The commissioner shall adopt rules for determining whether a crime relates to home care services and what constitutes sufficient evidence of rehabilitation. The rules must require consideration of the nature and seriousness of the crime; the relationship of the crime to the purposes of home care licensure and regulation; the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the person's position; mitigating circumstances or social conditions surrounding the commission of the crime; the length of time elapsed since the crime was committed; the seriousness of the risk to the home care client's person or property; and other factors the commissioner considers appropriate.*

**Sec. 7. [144A.47] [INFORMATION AND REFERRAL SERVICES.]**

*The commissioner shall ensure that information and referral services relating to home care are available in all regions of the state. The commissioner shall collect and make available information about available home care services, sources of payment, providers, and the rights of consumers. The commissioner may require home care providers to provide information requested for the purposes of this section, including price information, as a condition of registration or licensure. Specific price*

information furnished by providers under this section is not public data and must not be released without the written permission of the agency. The commissioner may publish and make available:

(1) general information and a summary of the range of prices of home care services in the state;

(2) limitations on hours, availability of services, and eligibility for third-party payments, applicable to individual providers; and

(3) other information the commissioner determines to be appropriate.

Sec. 8. [144A.48] [HOSPICE PROGRAMS.]

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

(a) "Core services" means physician services, registered nursing services, medical social services, pastoral care or other counseling services, and volunteer services, that are provided either directly by a hospice program or through a service contract or other arrangement.

(b) "Hospice patient" means an individual who has been diagnosed as terminally ill with a probable life expectancy of under one year, as documented by the individual's attending physician, and who alone or, when unable, through the hospice patient's family has voluntarily consented to and received admission to a hospice program.

(c) "Hospice patient's family" means relatives of the hospice patient, the hospice patient's guardian, primary caregivers, or persons identified by the hospice patient as having significant personal ties.

(d) "Hospice program" means palliative and supportive care and other services provided by an interdisciplinary team under the direction of an identifiable hospice administration to terminally ill hospice patients and their families to meet the physical, emotional, social, spiritual, and special needs experienced during the final stages of illness, dying, and bereavement, through a centrally coordinated program that ensures continuity and consistency of home and inpatient care provided directly or through an agreement.

(e) "Interdisciplinary team" means a group of qualified individuals with expertise in meeting the special needs of hospice patients and their families, including, at a minimum, those individuals who are providers of the core services.

(f) "Palliative care" means care directed at managing the symptoms experienced by the hospice patient and intended to enhance the quality of life for the hospice patient and the patient's family, but not directed at curing the illness.

(g) "Volunteer services" means services by volunteers who provide a personal presence that augments a variety of professional and nonprofessional services available to the hospice patient, the patient's family, and the hospice program.

Subd. 2. [LICENSE REQUIREMENTS.] In addition to the requirements contained in sections 3 to 7 and 14, a hospice program must also provide:

(1) centrally coordinated hospice core services in the home and inpatient settings;

(2) *that the medical components of the hospice program are under the direction of a licensed physician who serves as medical director;*

(3) *that the palliative medical care provided to a hospice patient is under the direction of the attending physician;*

(4) *an interdisciplinary team that meets regularly to develop, implement, and evaluate the hospice program's plan of care for each hospice patient and the patient's family;*

(5) *accessible hospice care, 24 hours a day, seven days a week;*

(6) *an ongoing system of quality assurance;*

(7) *a planned program of supportive services available to patients' families during the bereavement period;*

(8) *that volunteer services are provided by individuals who have completed a hospice training program and are qualified to provide the services; and*

(9) *that inpatient services are provided directly or by arrangement with a licensed hospital or nursing home.*

*Subd. 3. [REQUIRED INSPECTIONS.] The commissioner shall inspect the hospice program, the home care and inpatient care provided by the hospice program, and the hospital or nursing home used by the hospice program to determine if the requirements of sections 3 to 8 are met.*

*Subd. 4. [LICENSE DESIGNATION.] A license issued to a home care provider meeting the requirements contained in this section must indicate that the provider is qualified to offer hospice care.*

Sec. 9. Minnesota Statutes 1986, section 144A.51, subdivision 6, is amended to read:

Subd. 6. "Resident" means any resident or patient of a health facility or a consumer of services provided by a home care provider, or the guardian or conservator of a the resident or, patient of a health facility, or consumer, if one has been appointed.

Sec. 10. Minnesota Statutes 1986, section 144A.51, is amended by adding a subdivision to read:

*Subd. 7. "Home care provider" means a home care provider as defined in section 3, subdivision 4.*

Sec. 11. Minnesota Statutes 1986, section 144A.52, subdivision 3, is amended to read:

Subd. 3. The director may delegate to members of the staff any of the authority or duties of the director except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, home care providers, and the state commissioner of health.

Sec. 12. Minnesota Statutes 1986, section 144A.53, is amended to read:

144A.53 [DIRECTOR; POWERS AND DUTIES.]

Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to chapter 14, and within the limits set forth in subdivision 2, the methods by which complaints against health



facilities, health care providers, *home care providers*, or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that a fee may not be charged for filing a complaint;

(b) Recommend legislation and changes in rules to the state commissioner of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon initiative of the director, any action or failure to act by a health care provider, *home care provider*, or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, *a home care provider*, or a health facility which the director deems necessary for the discharge of responsibilities;

(e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Issue a correction order pursuant to section 144.653 or any other law which provides for the issuance of correction orders to health care facilities or *home care providers*, or under section 5;

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(i) Work with administrative agencies, health facilities, *home care providers*, and health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, *a home care provider*, or a health facility. The director may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and any action upon them. After completing an investigation of a complaint, the director shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider, *the home care provider*, and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material the director deems pertinent, the director determines that the complaint is valid, the director may recommend that an administrative agency, a health care provider, *a home care provider*, or a health facility should:

(a) Modify or cancel the actions which gave rise to the complaint;

(b) Alter the practice, rule or decision which gave rise to the complaint;

(c) Provide more information about the action under investigation; or

(d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider, *a home care provider*, or health facility shall, within the time specified, inform the director about the action taken on a recommendation.

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board or other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that an official or employee of an administrative agency, *a home care provider*, or health facility has acted in a manner warranting criminal or disciplinary proceedings, the director shall refer the matter to the state commissioner of health, the commissioner of human services, an appropriate prosecuting authority, or other appropriate agency.

Sec. 13. Minnesota Statutes 1986, section 144A.54, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of the conclusions and recommendations. The director shall transmit the conclusions and recommendations to the state commissioner of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider, *a home care provider*, or a health facility, the director shall consult with that agency, health care provider, *home care provider*, or facility. When publishing an opinion adverse to an administrative agency, a health care provider, *a home care provider*, or a health facility, the director shall include in the publication any statement of reasonable length made to the director by that agency, health care provider, *home care provider*, or health facility in defense or explanation of the action.

#### Sec. 14. [TEMPORARY PROCEDURES.]

*Home care providers are exempt from the licensure requirement in section 6, subdivision 1, until 90 days after licensure rules are adopted by the commissioner. Beginning July 1, 1987, no home care provider, as defined in section 3, subdivision 4, except a provider exempt from licensure under section 6, subdivision 2, may provide home care services in this state without registering with the commissioner. A home care provider is registered with the commissioner when the commissioner has received in writing the provider's name; the name of its parent corporation or sponsoring organization, if any; the street address and telephone number of its principal place of business; the street address and telephone number of its principal place of business in Minnesota; the counties in Minnesota in which it may render services; the street address and telephone number of all other offices in Minnesota; and the name, educational background, and ten-year employment history of the person responsible for the management of the agency. A registration fee must be submitted with the application for registration. The fee must be established pursuant to section 144.122 and must be based on a consideration of the following factors: the number of clients served by the home care provider, the number of employees, the*

*number of services offered, and annual revenues of the provider. The registration is effective until 90 days after licensure rules are adopted by the commissioner. In order to maintain its registration and provide services in Minnesota, a home care provider must comply with section 4 and comply with requests for information under section 7. A registered home care provider is subject to sections 144A.51 to 144A.54. Registration under this section does not exempt a home care provider from the licensure and other requirements later adopted by the commissioner.*

Sec. 15. Minnesota Statutes 1986, section 256B.04, is amended by adding a subdivision to read:

*Subd. 16. [PERSONAL CARE ASSISTANTS.] The commissioner shall adopt permanent rules to implement, administer, and operate the personal care assistant services program. The rules must incorporate the standards and requirements for personal care assistants adopted by the commissioner of health under section 5. Limits on the extent of personal care assistant services that may be provided to an individual must be based on the cost-effectiveness of the services in relation to the costs of inpatient hospital care, nursing home care, and other available types of care. The rules must provide, at a minimum:*

*(1) that agencies be selected to employ and train staff to provide and supervise the provision of personal care services;*

*(2) that agencies employ or contract with a qualified applicant that a qualified recipient proposes to the agency as his or her choice of assistant;*

*(3) that agencies bill the medical assistance program for a personal care service by a personal care assistant and visits by the registered nurse supervising the personal care assistant;*

*(4) that agencies establish a grievance mechanism; and*

*(5) that agencies have a quality assurance program.*

Sec. 16. Minnesota Statutes 1986, section 364.09, is amended to read:

**364.09 [LAW ENFORCEMENT; EXCEPTION EXCEPTIONS.]**

*This chapter shall not apply to the practice of law enforcement, to eligibility for a family day care license or, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements. Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement.*

Sec. 17. Minnesota Statutes 1986, section 626.557, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific context indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; or a home health agency certified for participation in titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq care provider licensed under

*section 6.*

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) who is a resident or inpatient of a facility;

(2) who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) who receives services from a home health agency certified for participation under titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq care provider licensed under section 6; or

(4) who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

(d) "Abuse" means:

(1) any act which constitutes a violation under sections 609.221 to 609.223, 609.23 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345;

(2) nontherapeutic conduct which produces or could reasonably be expected to produce pain or injury and is not accidental, or any repeated conduct which produces or could reasonably be expected to produce mental or emotional distress;

(3) any sexual contact between a facility staff person and a resident or client of that facility; or

(4) the illegal use of a vulnerable adult's person or property for another person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person's property for any purpose not in the proper and lawful execution of a trust, including but not limited to situations where a person obtains money, property, or services from a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud.

(e) "Neglect" means:

(1) failure by a caretaker to supply a vulnerable adult with necessary food, clothing, shelter, health care or supervision;

(2) the absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult; or

(3) the absence or likelihood of absence of necessary financial management to protect a vulnerable adult against abuse as defined in paragraph (d), clause (4). Nothing in this section shall be construed to require a health care facility to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

(f) "Report" means any report received by a local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) the commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) the commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) any agency responsible for credentialing human services occupations.

Sec. 18. [APPROPRIATION.]

*\$131,700 is appropriated from the general fund to the commissioner of health for the regulation of home care services to be available until June 30, 1989.*

Sec. 19. [EFFECTIVE DATE.]

*Sections 1 to 18 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to health; requiring licensure of home care agencies; providing a home care bill of rights; providing a complaint procedure for home care clients; regulating hospice programs; appropriating money; amending Minnesota Statutes 1986, sections 144.335, subdivision 1; 144.699, subdivision 2; 144A.51, subdivision 6, and by adding a subdivision; 144A.52, subdivision 3; 144A.53; 144A.54, subdivision 1; 256B.04, by adding a subdivision; 364.09; and 626.557, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 122: A bill for an act relating to taxation; providing for expenditure of proceeds of the taconite production tax; amending Minnesota Statutes 1986, section 298.293; repealing Laws 1986, chapter 441, section 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1986, section 298.22, is amended by adding a subdivision to read:

*Subd. 6. [INVESTMENTS.] When the commissioner has made the determinations required by subdivision 1, the commissioner may use money appropriated to the iron range resources and rehabilitation board under section 298.28 to acquire or invest in securities of, or to take an equity position in, public or private corporations or other entities that are engaging in, or that will engage in, projects or programs described in section 298.292, subdivision 1. The board may exercise any rights with respect to the corporation or other entity which accrue to the board as a result of the acquisition, investment, or other transaction. Earnings received on acquisitions or investments made under this subdivision are appropriated to the commissioner for the purposes of this section.*

Sec. 2. Minnesota Statutes 1986, section 298.223, is amended to read:  
298.223 [TACONITE AREA ENVIRONMENTAL PROTECTION FUND.]

*Subdivision 1. [CREATION; PURPOSES.]* A fund called the taconite environmental protection fund is created for the purpose of reclaiming, restoring and enhancing those areas of northeast Minnesota located within a tax relief area defined in section 273.134 that are adversely affected by the environmentally damaging operations involved in mining taconite and iron ore and producing iron ore concentrate and for the purpose of promoting the economic development of northeast Minnesota. The taconite environmental protection fund shall be used for the following purposes:

(a) to initiate investigations into matters the iron range resources and rehabilitation board determines are in need of study and which will determine the environmental problems requiring remedial action;

(b) reclamation, restoration or reforestation of minelands not otherwise provided for by state law;

(c) local economic development projects including construction of sewer and water systems, and other public works located within a tax relief area defined in section 273.134;

(d) monitoring of mineral industry related health problems among mining employees.

*Subd. 2. [ADMINISTRATION; PROJECTS.]* The taconite environmental protection fund shall be administered by the commissioner of the iron range resources and rehabilitation board. The commissioner shall by September 1 of each year prepare a list of projects to be funded from the taconite environmental protection fund, with such supporting information including description of the projects, plans, and cost estimates as may be necessary. Upon recommendation of the iron range resources and rehabilitation board, this list shall be submitted to the legislative advisory commission for its review. This list with the recommendation of the legislative advisory commission shall then be transmitted to the governor by November 1 of each year. By December 1 of each year, the governor shall approve or disapprove, or return for further consideration, each individual project. Funds for a project may be expended only upon approval of the project by the governor.

*Subd. 3. [APPROPRIATION.]* There is hereby annually appropriated to the commissioner of iron range resources and rehabilitation such funds as are necessary to carry out the projects approved and such funds as are necessary for administration of this section. Annual administrative costs, not including detailed engineering expenses for the projects, shall not exceed five percent of the amount annually expended from the fund.

Funds for the purposes of this section are provided by section 298.28, subdivision 11 relating to the taconite environmental protection fund.

Sec. 3. Minnesota Statutes 1986, section 298.292, is amended to read:  
298.292 [POLICY.]

*Subdivision 1. [PURPOSES.]* The legislature is cognizant of the severe economic dislocations and widespread unemployment that result when a single industry on which an area is largely dependent, experiences a drastic reduction in activity. The northeast Minnesota economic protection trust fund is hereby created to be devoted to economic rehabilitation and diver-

sification of industrial enterprises where these conditions ensue as the result of the decline of such a single industry. Priority shall be given to using the northeast Minnesota economic protection trust fund for the following purposes:

(a) (1) projects and programs that are designed to create and maintain productive, permanent, skilled employment, including employment in technologically innovative businesses;

(b) (2) projects and programs to encourage diversification of the economy and to promote the development of minerals, alternative energy sources utilizing indigenous fuels, forestry, small business, and tourism; and

(c) (3) projects and programs for which technological and economic feasibility have been demonstrated;

(d) *Subd. 2. [USE OF FUNDS.] Money in the northeast Minnesota economic protection trust fund may be used for the following purposes:*

(1) *to provide loans, loan guarantees, interest buy-downs and other forms of participation with private sources of financing, but a loan to a private enterprise shall be for a principal amount not to exceed one-half of the cost of the project for which financing is sought, and the rate of interest on a loan shall be no less than eight percent;*

(e) ~~funding~~ (2) *to fund reserve accounts established to secure the payment when due of the principal of and interest on bonds issued pursuant to section 298.2211; and*

(f) (3) *to pay in periodic payments or in a lump sum payment any or all of the interest on bonds issued pursuant to chapter 474 for the purpose of constructing, converting, or retrofitting heating facilities in connection with district heating systems or systems utilizing alternative energy sources; and*

(4) *to acquire or invest in securities of, or take an equity position in, public or private corporations or other entities that are engaging in, or that will engage in, projects or programs that have the purposes set forth in subdivision 1, provided that the board may exercise any rights with respect to the corporation or entity which accrue to the board as a result of the acquisition, investment, or other transaction.*

Money from the trust fund shall be expended only in or for the benefit of the tax relief area defined in section 273.134."

Page 1, line 19, delete the new language and insert ", \$24,000,000"

Page 2, after line 2, insert:

"Sec. 5. Minnesota Statutes 1986, section 298.294, is amended to read: 298.294 [INVESTMENT OF FUND.]

The trust fund established by section 298.292 shall be invested pursuant to law by the state board of investment and the net interest, dividends, and other earnings arising from the investments shall be transferred on the first day of each month to the trust and shall be included and become part of the trust fund. The amounts transferred, including the interest, dividends, and other earnings earned prior to July 13, 1982, together with the additional amount of ~~\$10,000,000~~ \$24,000,000 for fiscal year ~~1983~~ 1987, ~~which is appropriated April 21, 1983,~~ are appropriated from the trust fund to the commissioner of iron range resources and rehabilitation for deposit in a separate account for expenditure for the purposes set forth in section 298.292.

Amounts appropriated pursuant to this section shall not cancel but shall remain available unless expended, *except that any part of the \$24,000,000 appropriated pursuant to this act that has not been expended before June 30, 1989, shall be transferred to the trust fund on that date.*

Sec. 6. Minnesota Statutes 1986, section 298.296, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURE OF FUNDS.] Before January 1, 2002, funds may be expended on projects and for administration of the trust fund only from the net interest, earnings, and dividends arising from the investment of the trust at any time, including net interest, earnings, and dividends that have arisen prior to July 13, 1982, plus ~~\$10,000,000~~ \$24,000,000 made available for use in fiscal year ~~1983~~ 1987 and until June 30, 1989, as provided in section 298.294, except that any amount required to be paid out of the trust fund to provide the property tax relief specified in Laws 1977, chapter 423, article X, section 4, and to make school bond payments and payments to recipients of taconite production tax proceeds pursuant to section 298.225, may be taken from the corpus of the trust. On and after January 1, 2002, funds may be expended on projects and for administration from any assets of the trust. Annual administrative costs, not including detailed engineering expenses for the projects, shall not exceed five percent of the net interest, dividends, and earnings arising from the trust in the preceding fiscal year.

Principal and interest received in repayment of loans made pursuant to this section, *and payments of royalties and other earnings on investments made pursuant to sections 298.291 to 298.298 with the money appropriated pursuant to this act*, shall be deposited in the state treasury and credited to the trust. These receipts are appropriated to the board for the purposes of sections 298.291 to 298.298.

Sec. 7. Minnesota Statutes 1986, section 298.297, is amended to read:  
298.297 [ADVISORY COMMITTEES.]

Before submission of a project to the board, the commissioner of iron range resources and rehabilitation shall appoint a technical advisory committee consisting of ~~one or more~~ seven persons who are knowledgeable in areas related to the objectives of the proposal. *If the project involves investment in a scientific research proposal, at least four of the committee members must be knowledgeable in the specific scientific research area relating to the project.* Members of the committees shall be compensated as provided in section 15.059, subdivision 3. The board shall not act on a proposal until it has received the evaluation and recommendations of the technical advisory committee or until ~~45~~ 30 days have elapsed since the proposal was transmitted to the advisory committee, whichever occurs first."

Page 2, line 6, delete "and 2" and insert "to 8" and delete everything after "effective" and insert "October 1, 1987."

Page 2, delete line 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money:"

Page 1, line 4, delete "section" and insert "sections 298.22, by adding



a subdivision; 298.223; 298.292;" and after "298.293;" insert "298.294; 298.296, subdivision 2; and 298.297;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 41: A bill for an act relating to adoption; providing that proposed adoptive parents may obtain certain reports or records; providing that a child's parent need not join as co-petitioner in a stepparent adoption; changing the manner of executing certain consents; amending Minnesota Statutes 1986, sections 259.21, subdivision 7; 259.24, subdivision 5; and 259.27, subdivision 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, strike ";; CONFIDENTIAL" and before "All" insert "(a) *The contents of*"

Page 2, line 17, strike "be confidential, and the contents thereof shall"

Page 2, line 21, delete "*otherwise*" and delete "*this subdivision*" and insert "*paragraph (b)*" and before "A" insert:

"(b)"

Page 2, line 24, strike "such" and insert "a"

Page 2, line 26, delete "*which*" and insert "*that*"

Page 2, line 27, after the period, insert "*In this disclosure,*"

Page 2, line 29, delete "*any such*" and insert "*the*"

Page 2, line 30, delete "*or not*"

Page 2, line 33, delete "*such*"

Page 3, line 8, delete "*Such*" and insert "*The*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davis from the Committee on Agriculture, to which was referred

H.F. No. 1: A bill for an act relating to agriculture; extending and financing the interest rate buy-down program; establishing benefit limits; appropriating money; amending Laws 1986, chapter 398, article 23, section 1, subdivisions 5 and 6, and by adding a subdivision; and section 3, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"FARM OPERATING LOAN INTEREST RATE BUY-DOWN

Section 1. [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 7.*

Subd. 2. [APPROVED ADULT FARM MANAGEMENT PROGRAM.] "Approved adult farm management program" means a farm management training program designed for persons currently engaged in farming that has been approved by the commissioner under section 4, subdivision 4.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Subd. 4. [COMMISSIONER'S INTEREST INDEX.] "Commissioner's interest index" means an interest rate that is three percent above the current lending rate of the Federal Intermediate Credit Bank to production credit associations as certified each month by the commissioner.

Subd. 5. [ELIGIBLE BORROWER.] "Eligible borrower" means a farmer who applies to a lender for a farm operating loan between the dates January 1, 1987, and December 31, 1988, and who meets all qualifications established in section 2 and any further qualifications that may be established in the program guidelines adopted by the commissioner under section 4, subdivision 1.

Subd. 6. [FARM OPERATING LOAN.] "Farm operating loan" means an original, extended, or renegotiated loan or line of credit obtained by a farmer from a lender to finance the operations of a farm for one operating season. A farm operating loan includes an open line of credit even though the maximum principal amount of the line of credit may not be drawn at any one time. A farm operating loan eligible for interest rate buy-down must have a maturity date of June 30, 1989, or earlier.

Subd. 7. [FARMER.] "Farmer" means a state resident or a domestic family farm corporation as defined in section 500.24, subdivision 2, operating a farm within the state.

Subd. 8. [FEDERAL OPERATING LOAN PROGRAM.] "Federal Operating Loan Program" means the Guaranteed Operating Loan Program together with the Interest Rate Buy-down Program administered by the FmHA as described in Code of Federal Regulations, title 7, section 1980, subpart B.

Subd. 9. [FmHA.] "FmHA" means the Farmers Home Administration of the United States Department of Agriculture.

Subd. 10. [FmHA BUY-DOWN AGREEMENT.] "FmHA Buy-down Agreement" means Form FmHA 1980-58 or a replacement of that form, which is an agreement between a lending institution, a farmer, and the FmHA under which the FmHA agrees to give the lending institution an interest buy-down grant in partial reimbursement of a write-down by the lending institution of the interest rate on the farmer's operating loan pursuant to the federal operating loan program.

Subd. 11. [INTEREST RATE BUY-DOWN.] "Interest rate buy-down" means a reduction in the effective interest rate on a farm operating loan to an eligible borrower due to partial payment of interest costs by the commissioner and partial reduction of interest costs by the participating lender.

Subd. 12. [LENDER.] "Lender" means a bank, a credit union, or a savings and loan association chartered by the state or federal government, a unit of the farm credit system, the Federal Deposit Insurance Corporation, and other financial institutions approved by the commissioner.

*Subd. 13. [OPERATING LOAN.] "Operating loan" means operating loans or lines of credit for one operating season to which the federal operating loan program applies, other than an operating loan that is currently guaranteed or funded by the FmHA as of the date of application to this program.*

*Subd. 14. [PARTICIPATING LENDER.] "Participating lender" means a lender who has been granted participating lender status by the commissioner.*

*Subd. 15. [PROGRAM 1.] "Program 1" means the state-lender-FmHA interest buy-down program under sections 2 to 5 and section 7.*

*Subd. 16. [PROGRAM 2.] "Program 2" means the state-lender interest buy-down program under sections 2 to 5 and section 7.*

## **Sec. 2. [FARMER ELIGIBILITY.]**

*Subdivision 1. [DEBT-TO-ASSET RATIO.] Only a farmer with a debt-to-asset ratio exceeding 50 percent at the time of application for a farm operating loan is an eligible borrower for purposes of interest rate buy-down. The debt-to-asset ratio of a farmer must be determined by the lender. A debt-to-asset ratio determined by a lender is deemed to be reasonable and accurate without further audit or substantiation.*

*Subd. 2. [ASSESSMENT OF CONTINUED VIABILITY.] Only a farmer determined by the lender to have a reasonable opportunity for long-term financial viability in the farmer's current farm operation is an eligible borrower. A determination of financial viability by a lender is deemed to be reasonable and accurate without further audit or substantiation.*

*Subd. 3. [ENROLLMENT IN ADULT FARM MANAGEMENT PROGRAM.] To be an eligible borrower, a farmer must agree to enroll in an approved adult farm management program if enrollment is required by the lender and an approved program is offered not more than 50 miles from the farmer's residence. The approved adult farm management program must bill the lender for one-half of the course tuition.*

## **Sec. 3. [LENDER ELIGIBILITY.]**

*Subdivision 1. [ELIGIBLE PARTICIPATING LENDER STATUS.] A lender who meets the requirements established by the commissioner must be certified as a participating lender.*

*Subd. 2. [PARTIAL PAYMENT FOR ADULT FARM MANAGEMENT TRAINING.] (a) A participating lender must require an eligible borrower to enroll in an approved adult farm management program and agree to pay one-half of the enrollment and tuition costs of the program for an eligible borrower approved by the commissioner for interest rate buy-down unless the participating lender determines an approved adult farm management program would not benefit the borrower. A participating lender is not required to assist with enrollment or tuition costs for a period longer than the term of the farm operating loan, and a lender is not required to assist with the enrollment and tuition costs for more than one individual for each farm operating loan.*

*(b) If a participating lender determines that enrollment in an adult farm management program would not benefit the borrower, the lender must explain the reasons why to the borrower in writing and indicate the determination on the application for Program 1 or Program 2.*

## **Subd. 3. [FARMER APPLICATION FOR INTEREST RATE BUY-DOWN.]**

(a) A participating lender must receive and evaluate loan applications from a farmer:

(1) who has transacted farm-related borrowing with a lender within the prior three years;

(2) who has not previously established farm-related borrowing; or

(3) whose previous lender is no longer in the business of making farm-related loans.

(b) In determining whether to make a farm operating loan to a farmer, the participating lender may use criteria in addition to those in section 2.

*Subd. 4. [MAXIMUM INTEREST RATE.] To qualify for interest rate buy-down payments, a participating lender must offer to make a farm operating loan to an eligible borrower at a rate of interest equivalent to that offered to other farmers having similar security and financial status but the interest rate may not exceed the current commissioner's interest index. The commissioner may use appropriate means to verify that the operating loan interest rate available to an eligible borrower is substantially the same as that available to other borrowers.*

*Subd. 5. [APPLICATION BY PARTICIPATING LENDERS.] To receive interest rate buy-down payments from the state, a participating lender must submit a properly completed application form for each farm operating loan eligible for interest rate buy-down payments to the commissioner.*

#### **Sec. 4. [RESPONSIBILITIES OF THE COMMISSIONER.]**

*Subdivision 1. [ADOPTION OF PROGRAM GUIDELINES.] Within 30 days after the effective date of sections 2 to 7, the commissioner shall adopt and make available to the public guidelines for Program 1 and Program 2. The commissioner shall adopt guidelines for Program 1, coordinate Program 1 with the Federal Operating Loan Program, and make benefits of Program 1 additive to the Federal Operating Loan Program. Adoption of the program guidelines are not subject to chapter 14.*

*Subd. 2. [PREPARATION AND DISTRIBUTION OF LENDER PARTICIPATION FORMS.] The commissioner shall prepare and distribute forms and instructions for Program 1 and Program 2 to all lenders in the state.*

*Subd. 3. [PREPARATION AND DISTRIBUTION OF LOAN APPLICATION FORMS.] The commissioner shall prepare and distribute to all participating lenders forms and instructions to be used in applying for Program 1 and Program 2.*

*Subd. 4. [APPROVAL OF ADULT FARM MANAGEMENT PROGRAMS.] The commissioner, in consultation with the commissioner of agriculture, shall prepare a list of adult farm management training programs approved for eligible borrowers and distribute the list to all participating lenders.*

*Subd. 5. [REVIEW OF APPLICATIONS FOR BUY-DOWN PAYMENT.] (a) The commissioner must review an application for participation in Program 1 or Program 2 within five business days after submission by a participating lender. If a qualified lender does not receive written notice that the commissioner has denied the application, the application is approved by the commissioner.*

(b) For an application for Program 1, the commissioner must send the lender a preliminary commitment for the interest payment within ten days after receiving the Program 1 application. The preliminary commitment may be used by the lender to qualify for the Federal Operating Loan Program. A preliminary commitment shall be made for the 1987 and 1988 crop years with the commitment for the 1988 crop year being dependent on approval of the lender's and borrower's application to the Federal Operating Loan Program for at least crop years 1987 and 1988.

**Subd. 6. [BUY-DOWN PAYMENTS TO PARTICIPATING LENDERS.]**

(a) Subject to section 5, the commissioner shall make interest rate buy-down payments to participating lenders as provided in this subdivision. An amount equal to one-half of the expected interest rate buy-down amount may be paid to the participating lender 60 days after the loan is reviewed by the commissioner. If the participating lender elects to receive the first-half payment at a date later than 60 days after the loan is reviewed by the commissioner, the commissioner shall make the payment on the date requested. The balance of the interest rate buy-down payment must be paid to the participating lender not more than 30 days after the request for final payment is received.

(b) If a participating lender obtains a conditional commitment for guarantee or contract for guarantee from the FmHA, the commissioner shall make the state Program 1 interest buy-down payment as necessary to accommodate the FmHA commitment or contract.

**Sec. 5. [PRIORITY AND AMOUNTS FOR INTEREST BUY-DOWN PAYMENTS.]**

**Subdivision 1. [PAYMENTS LIMITED TO AVAILABLE FUNDS.]** The acceptance, approval, or commitment by the commissioner under this act is subject to funds being available for Program 1 or Program 2, or both. The commissioner may not make payments exceeding the amounts available under this section. Applications shall be approved in the order they are received.

**Subd. 2. [CALENDAR YEAR 1987.]** (a) \$\_\_\_\_\_ is available for Program 1 for applications made under Program 1 in calendar year 1987.

(b) \$\_\_\_\_\_ is available for Program 2 for applications made under Program 2 in calendar year 1987.

(c) If the amount under paragraph (a) or (b) has been completely allocated for approved applications on 120 days after the date of enactment of this act, on that date the commissioner shall combine the amounts available for Program 1 and Program 2 and under paragraphs (a) and (b) and make payments on approved applications according to the date they were received.

(d) Any unexpended amounts under this subdivision shall be added equally to the amounts available for Program 1 and Program 2 under subdivision 3.

**Subd. 3. [CALENDAR YEAR 1988.]** (a) \$\_\_\_\_\_ is available for Program 1 for applications made under Program 1 in calendar year 1988.

(b) \$\_\_\_\_\_ is available for Program 2 for applications made under Program 2 in calendar year 1988.

(c) *If the amount under paragraph (a) or (b) has been completely allocated for approved applications on July 1, 1988, the commissioner shall combine the amounts available for Program 1 and Program 2 and under paragraphs (a) and (b) and make payments on approved applications according to the date they were received.*

#### PROGRAM 1 STATE-LENDER-FmHA INTEREST RATE BUY-DOWN

##### Sec. 6. [PROGRAM 1 STATE-LENDER-FmHA INTEREST RATE BUY-DOWN.]

*Subdivision 1. [APPLICATION.] To be eligible for Program 1, a participating lender must submit application for Program 1 to the commissioner and an application to FmHA under subdivision 2. The lender may indicate on the application for Program 1 that the lender and borrower will apply to the FmHA Federal Operating Loan Program for more than one year and would desire a commitment for Program 1 for more than one crop year ending December 31, 1988.*

*Subd. 2. [APPLICATION TO FmHA.] (a) The lender and an eligible borrower must apply to FmHA for a guarantee of the proposed operating loan under the Federal Operating Loan Program.*

*(b) The lender must submit documentation to the commissioner whether the application to FmHA was approved or denied. If the application is approved, the lender must submit a copy of the FmHA buy-down agreement to the commissioner. Upon receipt of the FmHA buy-down agreement, the commissioner shall pay the lender \$50 for processing costs.*

*Subd. 3. [STATE CONTRIBUTION TO PROGRAM 1 INTEREST BUY-DOWN.] Under Program 1, the commissioner shall pay to a participating lender an interest rate two percent per year for the first \$100,000 of an operating loan made to an eligible borrower during the term of the operating loan. The payment to a participating lender may not exceed \$2,000 per eligible borrower per calendar year.*

*Subd. 4. [LENDER CONTRIBUTION TO PROGRAM 1 INTEREST BUY-DOWN.] A participating lender must provide the difference in interest reduction from that reduced by the FmHA for a total reduction in interest rate of at least three percent per year for the first \$100,000 of an operating loan made to an eligible borrower.*

#### PROGRAM 2 STATE-LENDER INTEREST RATE BUY-DOWN

##### Sec. 7. [PROGRAM 2 STATE-LENDER INTEREST RATE BUY-DOWN.]

*Subdivision 1. [APPLICATION.] To be eligible for Program 2, a participating lender must submit an application for Program 2 to the commissioner. For Program 2, an application is not made to FmHA.*

*Subd. 2. [STATE CONTRIBUTION TO PROGRAM 2 INTEREST RATE BUY-DOWN.] Under Program 2, the commissioner shall pay to a participating lender an interest rate two percent per year for the first \$100,000 of a farm operating loan made to an eligible borrower during the term of the farm operating loan. The payment to a participating lender may not exceed \$2,000 per eligible borrower per calendar year.*

*Subd. 3. [LENDER CONTRIBUTION TO PROGRAM 2 INTEREST RATE BUY-DOWN.] A participating lender must provide a reduction in interest rate of three percent per year for the first \$100,000 of a farm operating loan made to an eligible borrower.*

## Sec. 8. [APPROPRIATION.]

(a) \$\_\_\_\_\_ is appropriated from the general fund to the commissioner of commerce to make interest rate buy-down payments under Program 1 or Program 2 under sections 6 and 7.

(b) Of this appropriation, \$\_\_\_\_\_ is available to the commissioner of commerce to make payments to lenders under section 6, subdivision 2, for processing costs attributable to completing applications that have been approved by FmHA under Program 1 and \$\_\_\_\_\_ is available to the commissioner of commerce for administrative expenses.

(c) Any unexpended amount available from the interest buy-down program in 1986 does not cancel but shall be added to the appropriation in paragraph (a).

## Sec. 9. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 208, 184, 148 and 314 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 41 was read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Bertram moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 131. The motion prevailed.

Mr. Merriam moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Marty be added as chief author to S.F. No. 281. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 337. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Novak be added as a co-author to S.F. No. 420. The motion prevailed.

Mr. Berg moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 454. The motion prevailed.

Mr. Davis moved that the name of Mr. Morse be added as a co-author to S.F. No. 476. The motion prevailed.

Mr. Frederick introduced—

Senate Resolution No. 30: A Senate resolution extending congratulations to Kristin Flannery for being selected Minnesota's Junior Miss in 1987.

Referred to the Committee on Rules and Administration.

## CALENDAR

H.F. No. 66: A resolution memorializing the Congress of the United States to enact an extension of the federal highway program at the earliest possible date.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Jude	Merriam	Ramstad
Anderson	Dahl	Knaak	Metzen	Reichgott
Beckman	DeCramer	Knutson	Moe, D.M.	Renneke
Belanger	Diessner	Kroening	Moe, R.D.	Solon
Benson	Frank	Laidig	Morse	Spear
Berg	Frederick	Langseth	Novak	Storm
Berglin	Frederickson, D.J.	Lantry	Olson	Stumpf
Bernhagen	Freeman	Lessard	Pehler	Taylor
Bertram	Gustafson	Luther	Peterson, R.W.	Vickerman
Brandl	Hughes	Marty	Piper	Waldorf
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.J.	Mehrkins	Purfeerst	Willet

So the resolution passed and its title was agreed to.

S.F. No. 161: A bill for an act relating to veterans; requiring the commissioner to establish a certification process for veterans service officers; amending Minnesota Statutes 1986, section 197.605, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, D.J.	Merriam	Renneke
Anderson	Dahl	Jude	Metzen	Samuelson
Beckman	Davis	Knaak	Moe, D.M.	Solon
Belanger	DeCramer	Knutson	Moe, R.D.	Spear
Benson	Diessner	Kroening	Olson	Storm
Berg	Frank	Laidig	Pehler	Stumpf
Berglin	Frederick	Langseth	Peterson, R.W.	Taylor
Bernhagen	Frederickson, D.J.	Lantry	Piper	Vickerman
Bertram	Freeman	Lessard	Pogemiller	Waldorf
Brandl	Gustafson	Marty	Purfeerst	Wegscheid
Brataas	Hughes	McQuaid	Ramstad	Willet
Chmielewski	Johnson, D.E.	Mehrkins	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 155: A resolution memorializing that the governments of the United States and the Socialist Republic of Vietnam take all possible action to determine the fate of persons missing in action and/or held as prisoners of war in Asian nations.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Benson	Bertram	Cohen	Dicklich
Anderson	Berg	Brandl	Dahl	Diessner
Beckman	Berglin	Brataas	Davis	Frank
Belanger	Bernhagen	Chmielewski	DeCramer	Frederick



Frederickson, D.J.	Kroening	Merriam	Peterson, R.W.	Spear
Freeman	Laidig	Metzen	Piper	Storm
Gustafson	Langseth	Moe, D.M.	Pogemiller	Stumpf
Hughes	Lantry	Moe, R.D.	Purfeerst	Taylor
Johnson, D.E.	Lessard	Morse	Ramstad	Vickerman
Johnson, D.J.	Luther	Novak	Reichgott	Waldorf
Jude	Marty	Olson	Renneke	Wegscheid
Knaak	McQuaid	Pehler	Samuelson	Willet
Knutson	Mehrkens	Peterson, D.C.	Solon	

So the resolution passed and its title was agreed to.

S.F. No. 137: A bill for an act relating to agriculture; clarifying the exceptions to prohibition against manufacture of food from adulterated milk or cream; amending Minnesota Statutes 1986, section 32.21, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Jude	Metzen	Reichgott
Anderson	Dahl	Knaak	Moe, D.M.	Renneke
Beckman	Davis	Knutson	Moe, R.D.	Samuelson
Belanger	DeCramer	Kroening	Morse	Solon
Benson	Dicklich	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	Stumpf
Bernhagen	Frederickson, D.J.	Lessard	Peterson, D.C.	Taylor
Bertram	Freeman	Luther	Peterson, R.W.	Vickerman
Brandl	Gustafson	Marty	Piper	Waldorf
Brataas	Hughes	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Willet
	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 59: A bill for an act relating to highway traffic regulations; prescribing who shall prosecute persons who operate motorboats while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1986, section 361.12, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, D.J.	Merriam	Ramstad
Anderson	Dahl	Jude	Metzen	Reichgott
Beckman	Davis	Knaak	Moe, D.M.	Renneke
Belanger	DeCramer	Knutson	Moe, R.D.	Samuelson
Benson	Dicklich	Kroening	Morse	Solon
Berg	Diessner	Laidig	Novak	Spear
Berglin	Frank	Langseth	Olson	Storm
Bernhagen	Frederick	Lantry	Pehler	Stumpf
Bertram	Frederickson, D.J.	Lessard	Peterson, D.C.	Taylor
Brandl	Freeman	Luther	Peterson, R.W.	Vickerman
Brataas	Gustafson	Marty	Piper	Waldorf
Chmielewski	Hughes	McQuaid	Pogemiller	Wegscheid
	Johnson, D.E.	Mehrkens	Purfeerst	Willet

So the bill passed and its title was agreed to.

S.F. No. 211: A bill for an act relating to alcoholic beverages; premises

which may be issued on-sale licenses; amending Minnesota Statutes 1986, sections 340A.404, subdivisions 1 and 6; 340A.411, subdivision 1; and 340A.504, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Metzen	Reichgott
Anderson	Davis	Knaak	Moe, D.M.	Renneke
Beckman	DeCramer	Knutson	Moe, R.D.	Samuelson
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	Stumpf
Bernhagen	Frederickson, D.J.	Lessard	Peterson, D.C.	Taylor
Bertram	Freeman	Luther	Peterson, R.W.	Vickerman
Brandl	Gustafson	Marty	Piper	Waldorf
Brataas	Hughes	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Cohen	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 38: A bill for an act relating to alcoholic beverages; permitting certain transactions by brewers and wholesalers; authorizing cities to issue temporary off-sale licenses for the sale of vintage wine at auctions; amending Minnesota Statutes 1986, sections 340A.308; and 340A.405, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Moe, D.M.	Renneke
Anderson	DeCramer	Knutson	Moe, R.D.	Samuelson
Beckman	Diessner	Kroening	Morse	Solon
Belanger	Frank	Laidig	Novak	Spear
Benson	Frederick	Langseth	Olson	Storm
Berglin	Frederickson, D.J.	Lantry	Pehler	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Peterson, D.C.	Taylor
Bertram	Freeman	Luther	Peterson, R.W.	Vickerman
Brandl	Gustafson	Marty	Piper	Waldorf
Brataas	Hughes	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Cohen	Johnson, D.J.	Merriam	Ramstad	
Dahl	Jude	Metzen	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 123: A bill for an act relating to local government; broadening the joint self-insurance pool regulation exemption; amending Minnesota Statutes 1986, section 471.982, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Merriam	Ramstad
Anderson	Davis	Jude	Metzen	Reichgott
Beckman	DeCramer	Knaak	Moe, D.M.	Renneke
Belanger	Dicklich	Knutson	Moe, R.D.	Samuelson
Benson	Diessner	Kroening	Morse	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederick	Langseth	Olson	Storm
Bernhagen	Frederickson, D.J.	Lantry	Pehler	Stumpf
Bertram	Frederickson, D.R.	Lessard	Peterson, D.C.	Taylor
Brandl	Freeman	Luther	Peterson, R.W.	Vickerman
Brataas	Gustafson	Marty	Piper	Waldorf
Chmielewski	Hughes	McQuaid	Pogemiller	Wegscheid
Cohen	Johnson, D.E.	Mehrkens	Purfeerst	Willet

So the bill passed and its title was agreed to.

H.F. No. 34: A bill for an act relating to corporations; providing for modification of liability of directors; amending Minnesota Statutes 1986, sections 302A.111, subdivision 4; and 302A.251, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knutson	Moe, R.D.	Samuelson
Anderson	DeCramer	Kroening	Morse	Solon
Beckman	Dicklich	Laidig	Novak	Spear
Benson	Diessner	Langseth	Olson	Storm
Berg	Frank	Lantry	Pehler	Stumpf
Berglin	Frederick	Lessard	Peterson, D.C.	Taylor
Bernhagen	Frederickson, D.J.	Luther	Peterson, R.W.	Vickerman
Bertram	Frederickson, D.R.	Marty	Piper	Waldorf
Brandl	Freeman	McQuaid	Pogemiller	Wegscheid
Brataas	Gustafson	Mehrkens	Purfeerst	Willet
Chmielewski	Hughes	Merriam	Ramstad	
Cohen	Johnson, D.E.	Metzen	Reichgott	
Dahl	Johnson, D.J.	Moe, D.M.	Renneke	

Messrs. Belanger, Jude and Knaak voted in the negative.

So the bill passed and its title was agreed to.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 21.

The question was taken on the recommendation to pass S.F. No. 21.

The roll was called, and there were yeas 15 and nays 47, as follows:

Those who voted in the affirmative were:

Berglin	Johnson, D.J.	Marty	Moe, R.D.	Piper
Chmielewski	Laidig	Merriam	Peterson, D.C.	Pogemiller
Freeman	Luther	Moe, D.M.	Peterson, R.W.	Spear

Those who voted in the negative were:

Adkins	Cohen	Hughes	Mehrkens	Samuelson
Anderson	Dahl	Johnson, D.E.	Metzen	Storm
Beckman	Davis	Jude	Morse	Stumpf
Belanger	DeCramer	Knaak	Novak	Taylor
Benson	Diessner	Knutson	Olson	Vickerman
Berg	Frank	Kroening	Pehler	Waldorf
Bernhagen	Frederick	Langseth	Purfeerst	Willet
Bertram	Frederickson, D.J.	Lantry	Ramstad	
Brandl	Frederickson, D.R.	Lessard	Reichgott	
Brataas	Gustafson	McQuaid	Renneke	

The motion did not prevail.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Diessner and Laidig introduced—

S.F. No. 490: A bill for an act relating to Washington county; authorizing the issuance of county bonds for capital improvements.

Referred to the Committee on Local and Urban Government.

Messrs. Spear, Cohen, Chmielewski, Ms. Berglin and Mr. Storm introduced—

S.F. No. 491: A bill for an act relating to human rights; changing certain requirements relating to disabled persons; amending Minnesota Statutes 1986, sections 363.02, subdivisions 1 and 5; 363.03, subdivision 1; and 363.116.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 492: A bill for an act relating to human services; authorizing earned income savings accounts for general assistance recipients in residential chemical dependency treatment programs; amending Minnesota Statutes 1986, section 256D.06, subdivision 1b.

Referred to the Committee on Health and Human Services.

Messrs. Waldorf, Benson, Pehler, Laidig and Ms. Reichgott introduced—

S.F. No. 493: A bill for an act relating to taxation; sales and use; exempting manufacturing equipment; amending Minnesota Statutes 1986, sections 297A.01, subdivision 16; 297A.02, subdivision 2; 297A.14; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding a subdivision; repealing Minnesota Statutes 1986, sections 297A.01, subdivision 17; and 297A.257, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Gustafson and Solon introduced—

S.F. No. 494: A bill for an act relating to the Duluth airport authority; providing that authority employees hired after a certain date are not covered by any civil service system.

Referred to the Committee on Governmental Operations.

Mr. Kroening, Mrs. Adkins and Mr. Waldorf introduced—

S.F. No. 495: A bill for an act relating to commerce; modifying the maximum finance charge on certain open end credit sales; authorizing additional charges; amending Minnesota Statutes 1986, section 334.16, subdivision 1, and by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Solon introduced—

S.F. No. 496: A bill for an act relating to insurance; regulating joint self-insurance employee health plans; requiring portions of certain plans of nonresident employers to comply with state law; modifying the requirements for excess stop-loss coverage of employee health plans; amending Minnesota Statutes 1986, sections 62H.01; and 62H.02.

Referred to the Committee on Commerce.

Ms. Berglin, Mr. Vickerman and Mrs. Lantry introduced—

S.F. No. 497: A bill for an act relating to human services; requiring vendor payments of general assistance for recipients without an address; amending Minnesota Statutes 1986, section 256D.09, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Bertram, Schmitz, Mehrkens and Lessard introduced—

S.F. No. 498: A bill for an act relating to the military; authorizing the adjutant general to delegate certain duties to subordinates; amending Minnesota Statutes 1986, section 190.16, by adding a subdivision.

Referred to the Committee on Veterans.

Mr. Jude introduced—

S.F. No. 499: A bill for an act relating to real property; providing for prima facie effect of certain statements in an acknowledgment; authorizing owners to create tenancies in common by direct conveyances to themselves and others; permitting the severance of joint tenancies by direct conveyances between spouses; providing for time limits upon actions relating to certain estates in real property; providing for validation of certain conveyances executed by religious corporations; amending Minnesota Statutes 1986, sections 500.19, subdivision 4; 519.06; 519.09; and 519.101; Laws 1971, chapter 26; proposing coding for new law in Minnesota Statutes, chapter 358.

Referred to the Committee on Judiciary.

Messrs. Diessner, Chmielewski and Frank introduced—

S.F. No. 500: A bill for an act relating to health; allowing parents access to medical records of certain minors who have consented to health care for drug or alcohol abuse; amending Minnesota Statutes 1986, section 144.335, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich; Peterson, R.W.; Stumpf; Moe, R.D. and Knaak introduced—

S.F. No. 501: A bill for an act relating to school districts; permitting school district employees to participate in the state insurance plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Pehler, DeCramer, Beckman and Knaak introduced—

S.F. No. 502: A bill for an act relating to education; establishing a pilot program to reduce class sizes in kindergarten through third grade; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Peterson, R.W.; Wegscheid; Cohen; Marty and Laidig introduced—

S.F. No. 503: A bill for an act relating to government data practices; providing an exception to the nondisclosure of welfare data to law enforcement or probation officers in certain cases; amending Minnesota Statutes 1986, section 13.46, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 504: A bill for an act relating to local government; authorizing annexation proceedings for certain land between the city of Nashwauk and the town of Nashwauk.

Referred to the Committee on Local and Urban Government.

Mr. Purfeerst introduced—

S.F. No. 505: A bill for an act relating to state government; rejecting salary adjustments for legislators recommended by the compensation council.

Referred to the Committee on Governmental Operations.

Mr. Morse, Ms. Peterson, D.C.; Messrs. Pogemiller, Bernhagen and Ms. Reichgott introduced—

S.F. No. 506: A bill for an act relating to housing; providing for administration of the state's low-income housing credit; authorizing the Minnesota housing finance agency to participate in certain housing construction projects and in certain nonprofit corporations; authorizing the sale or rental of certain housing property; providing definitions; providing for the issuance of certain bonds and notes; amending Minnesota Statutes 1986, sections 462A.03, subdivision 14; 462A.05, subdivisions 14, 21, and by adding subdivisions; 462A.06, subdivisions 7 and 12; 462A.08, subdivisions 1 and 3; and 462A.18, subdivision 2.

Referred to the Committee on Economic Development and Housing.

Messrs. Novak, Waldorf, Bertram and Pehler introduced—

S.F. No. 507: A bill for an act relating to taxation; income; providing a credit for gifts to certain post-secondary educational institutions; amending Minnesota Statutes 1986, sections 216B.16, subdivision 9; 237.075, subdivision 8; 290.06, by adding a subdivision; 290.089, subdivision 2; 290.09, subdivision 2; and 290.21, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak, Marty, Merriam, Frederick and Purfeerst introduced—

S.F. No. 508: A bill for an act relating to hazardous waste; requiring a license for the transportation of hazardous waste; providing for license administration, suspension, and revocation; requiring rulemaking; providing penalties; amending Minnesota Statutes 1986, sections 221.011, subdivision 31; 221.033, by adding a subdivision; 221.291, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 221.

Referred to the Committee on Transportation.

Messrs. Ramstad, Knaak, Jude and Ms. Olson introduced—

S.F. No. 509: A bill for an act relating to highway traffic regulations; requiring mandatory jail sentences and surrender of license plates for persons convicted of aggravated DWI while driving after revocation; requiring successful completion of chemical dependency for repeat DWI offenders; requiring mandatory alcohol problem assessments for persons under the age of 18 convicted of DWI; amending Minnesota Statutes 1986, sections 168.041, subdivisions 1 and 6; 169.121, subdivision 4; 169.126, by adding a subdivision; and 169.129.

Referred to the Committee on Judiciary.

Mrs. Lantry, Messrs. Cohen, Marty and Moe, D.M. introduced—

S.F. No. 510: A bill for an act relating to the city of St. Paul; setting the maximum amounts and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, section 1, subdivision 2, as amended; and section 2, as amended.

Referred to the Committee on Local and Urban Government.

Messrs. Storm and Anderson introduced—

S.F. No. 511: A bill for an act relating to retirement; authorizing certain members of the public employees retirement association to elect a benefit conversion.

Referred to the Committee on Governmental Operations.

Messrs. Storm, Anderson and Mehrkens introduced—

S.F. No. 512: A bill for an act relating to traffic regulations; providing for mandatory term of imprisonment for certain aggravated violations; amending Minnesota Statutes 1986, section 169.129.

Referred to the Committee on Judiciary.

Messrs. Frederickson, D.R.; Purfeerst; Mehrkens; Beckman and Schmitz introduced—

S.F. No. 513: A bill for an act relating to taxation; sales; changing the requirements for designation of a distressed county for purposes of the capital equipment exemption; amending Minnesota Statutes 1986, section 297A.257, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Knutson, Samuelson, Merriam and Pogemiller introduced—

S.F. No. 514: A bill for an act relating to human services; creating the office of ombudsman for mental health; defining terms; establishing the office of ombudsman; providing for the powers and duties of the ombudsman; creating the ombudsman committee; creating the mental health board; requiring reporting of abuse and neglect to the ombudsman for mental health; amending Minnesota Statutes 1986, sections 13.66; 626.556, subdivision 10, and by adding a subdivision; and 626.557, subdivision 11, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Mr. Purfeerst introduced—

S.F. No. 515: A bill for an act relating to education; creating a revolving fund for receipts and expenditures for services, seminars, and conferences at the academies for the blind and deaf; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 128A.

Referred to the Committee on Education.

Messrs. Bernhagen, Ramstad, Mrs. McQuaid, Mr. Renneke and Mrs. Adkins introduced—

S.F. No. 516: A bill for an act relating to obscenity; prohibiting the distribution and exhibition of obscene materials and performances; prescribing penalties; amending Minnesota Statutes 1986, section 617.241.

Referred to the Committee on Judiciary.

Messrs. Stumpf; Johnson, D.J.; Lessard and Chmielewski introduced—

S.F. No. 517: A bill for an act relating to agriculture; providing for selection, sale, and development of state land to produce wild rice; amending Minnesota Statutes 1986, section 92.501, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 30.

Referred to the Committee on Agriculture.

Messrs. Wegscheid and Knutson introduced—

S.F. No. 518: A bill for an act relating to health care; regulating prepayment demonstration projects; requiring demonstration providers to follow certain claims settlement practices when contracting with other health care and social service practitioners to provide services to enrollees; amending



Minnesota Statutes 1986, section 256B.69, subdivision 6.

Referred to the Committee on Health and Human Services.

Mr. Brandl introduced—

S.F. No. 519: A bill for an act relating to publicly funded farm programs; limiting eligibility by establishing minimum qualifications; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture.

Messrs. Purfeerst and Taylor introduced—

S.F. No. 520: A bill for an act relating to appropriations; removing requirements for the payment of certain costs.

Referred to the Committee on Finance.

Ms. Berglin, Messrs. Kroening, Moe, R.D.; Johnson, D.J. and Mrs. Lantry introduced—

S.F. No. 521: A bill for an act relating to neighborhood revitalization; providing for the creation of urban revitalization action programs for the cities of Minneapolis and Saint Paul; providing a low income housing credit; providing for changes in certain special assessment payment procedures; appropriating money; amending Minnesota Statutes 1986, sections 290.06, by adding a subdivision; and 429.061, subdivision 2.

Referred to the Committee on Economic Development and Housing.

Mr. Cohen, Ms. Peterson, D.C.; Reichgott and Mr. Storm introduced—

S.F. No. 522: A bill for an act relating to probate; requiring the court administrator to mail notice of certain claims to personal representatives; amending Minnesota Statutes 1986, section 524.3-804.

Referred to the Committee on Judiciary.

Mr. Knaak, Ms. Peterson, D.C.; Mr. Stumpf, Ms. Reichgott and Mr. Mehrkens introduced—

S.F. No. 523: A bill for an act relating to education; providing an incentive to encourage school districts to reduce certain class sizes in kindergarten through third grade; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Mr. Knaak and Ms. Olson introduced—

S.F. No. 524: A bill for an act relating to education; changing the second tier foundation aid by removing the reduction for excess fund balances; repealing Minnesota Statutes 1986, sections 124A.08, subdivision 5; and 124A.16, subdivision 4.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Spear, Kroening and Pogemiller introduced—

S.F. No. 525: A bill for an act relating to municipal electric power; defining city within the meaning of the act; extending the power of eminent domain of municipal power agencies to include existing hydroelectric generating facilities to protect the natural, historical, ecological or aesthetic value of other waterways; amending Minnesota Statutes 1986, sections 453.52, subdivision 3; and 453.56.

Referred to the Committee on Public Utilities and Energy.

Ms. Peterson, D.C.; Messrs. Kroening, Spear and Pogemiller introduced—

S.F. No. 526: A resolution memorializing the Federal Energy Regulatory Commission; expressing the Legislature's opposition to Northern States Power Company's application to install additional hydropower generating facilities at the Falls of St. Anthony in Minneapolis, Minnesota.

Referred to the Committee on Public Utilities and Energy.

Ms. Piper, Mrs. Lantry, Messrs. Solon, Marty and Mehrkens introduced—

S.F. No. 527: A bill for an act relating to human services; changing the limitation on residential services; amending Minnesota Statutes 1986, section 252.291, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Diessner introduced—

S.F. No. 528: A bill for an act relating to employment; limiting the employment hours of certain minors during the school year; amending Minnesota Statutes 1986, sections 181A.04, by adding a subdivision; and 181A.12, subdivision 1.

Referred to the Committee on Employment.

Mr. Diessner and Ms. Piper introduced—

S.F. No. 529: A bill for an act relating to human services; regulating work activities of handicapped persons in state facilities; amending Minnesota Statutes 1986, section 246.56, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Beckman, Jude, Benson and Vickerman introduced—

S.F. No. 530: A bill for an act relating to courts; repealing the provision that allows the supreme court to determine whether a vacant judicial office is necessary or can be abolished; repealing Minnesota Statutes 1986, section 2.722, subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Beckman, Jude, Benson and Vickerman introduced—

S.F. No. 531: A bill for an act relating to courts; suspending operation for three years of the provision that allows the supreme court to determine whether a vacant judicial office is necessary or can be abolished; amending Minnesota Statutes 1986, section 2.722, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Vickerman introduced—

S.F. No. 532: A bill for an act relating to human services; clarifying methods of determining cost of care at regional treatment centers; clarifying responsibility for setting rates and collecting payment for cost of care at state nursing homes; allowing commissioner of human services to collect insurance settlements; amending Minnesota Statutes 1986, sections 246.50, subdivisions 3, 4a, 5, 7, and by adding a subdivision; 246.51; 246.511; and 251.011, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 246.

Referred to the Committee on Health and Human Services.

Messrs. Gustafson and Solon introduced—

S.F. No. 533: A bill for an act relating to the city of Hermantown; extending the period that land held by the city for economic development is exempt from tax.

Referred to the Committee on Economic Development and Housing.

Messrs. Gustafson and Solon introduced—

S.F. No. 534: A bill for an act relating to taxation; motor vehicle excise; exempting homemade motor vehicles if sales tax was paid on the materials and components used to construct the motor vehicle; amending Minnesota Statutes 1986, sections 297B.01, subdivision 8; and 297B.03.

Referred to the Committee on Transportation.

Mr. Stumpf introduced—

S.F. No. 535: A bill for an act relating to natural resources; establishing a board of regents for the department of natural resources; amending Minnesota Statutes 1986, section 84.01, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Novak, Merriam and Wegscheid introduced—

S.F. No. 536: A bill for an act relating to environment; establishing a petroleum tank release cleanup program; authorizing state action to prevent or correct health and environmental damage resulting from releases from petroleum storage tanks; establishing a petroleum tank release cleanup fund; establishing a petroleum tank release compensation board; authorizing reimbursement from the fund; requiring rulemaking; providing for administration by the pollution control agency and the department of commerce; requiring certification of tank installers; appropriating money; amending Minnesota Statutes 1986, sections 116.48, subdivision 4; and 296.13; proposing coding for new law as Minnesota Statutes, chapter 115C.

Referred to the Committee on Environment and Natural Resources.

Messrs. Jude, Ramstad, Cohen, Spear and Ms. Peterson, D.C. introduced—

S.F. No. 537: A bill for an act relating to public safety; imposing mandatory minimum penalties on habitual DWI offenders; amending Minnesota Statutes 1986, section 169.121, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W. and Merriam introduced—

S.F. No. 538: A bill for an act relating to trusts; regulating investment of trust assets; prescribing the standard of care for trustees; allowing trustees to delegate duties and employ agents; amending Minnesota Statutes 1986, sections 501.125, subdivision 1; and 501.66, subdivision 28; repealing Minnesota Statutes 1986, sections 501.125, subdivision 1a; and 501.66, subdivision 6a.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Spear, Cohen, Ramstad and Pogemiller introduced—

S.F. No. 539: A bill for an act relating to domestic abuse; prohibiting modification or vacation of certain orders for protection in a marriage dissolution proceeding; providing that certain actions are not violations of an order for protection; requiring written notice to respondents of penalties for violation of an order; requiring notice to peace officers; amending Minnesota Statutes 1986, sections 518.131, subdivision 2; and 518B.01, subdivisions 4, 6, 14, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Stumpf and Moe, R.D. introduced—

S.F. No. 540: A bill for an act relating to health; creating an exception to the nursing home moratorium for a facility operated on the Red Lake Indian Reservation; amending Minnesota Statutes 1986, section 144A.071, subdivision 3.

Referred to the Committee on Health and Human Services.

Messrs. Brandl, Pehler and Ms. Piper introduced—

S.F. No. 541: A bill for an act relating to human services; providing reimbursement for costs of semi-independent living services for persons with mental retardation or related conditions; amending Minnesota Statutes 1986, section 252.275, subdivisions 1, 2, 4, and 7.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Pehler, Marty, Dahl and Belanger introduced—

S.F. No. 542: A bill for an act relating to commerce; regulating the advertisement of interest rates of investment products; prescribing the powers and duties of the commissioner; providing for uniformity in the en-

forcement powers of the commissioner; prescribing penalties; providing remedies; amending Minnesota Statutes 1986, section 60A.17, subdivision 6c; proposing coding for new law in Minnesota Statutes, chapter 45; repealing Minnesota Statutes 1986, sections 72A.23; 72A.24; 72A.28; 80A.20; 80A.21; 80C.15; 80C.16, subdivision 1; 82.25; 82.26; 83.34; and 83.35, subdivision 3.

Referred to the Committee on Commerce.

Mr. Berg introduced—

S.F. No. 543: A bill for an act relating to game and fish; designating pheasant stamp revenue for a certain time for pheasant stocking and pheasant predator control; authorizing a bounty on pheasant predators; amending Minnesota Statutes 1986, sections 97A.075, by adding a subdivision; and 348.12.

Referred to the Committee on Environment and Natural Resources.

Mr. Pehler, Ms. Peterson, D.C.; Messrs. Mehrkens and Beckman introduced—

S.F. No. 544: A bill for an act relating to education; providing for area learning centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 545: A bill for an act relating to human services; providing for the recovery of medical assistance overpayments; amending Minnesota Statutes 1986, section 256B.0641, by adding a subdivision.

Referred to the Committee on Health and Human Services.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 26, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate