

## FORTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, May 5, 1987

The Senate met at 12:00 noon and was called to order by the President.

### CALL OF THE SENATE

Mrs. Lantry imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Kenneth Ludescher.

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 30, 1987

The Honorable Fred C. Norton  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1987 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1987	Date Filed 1987
	28	41	April 28	April 29
	235	42	April 30	April 30
	505	43	April 30	April 30
	557	44	April 30	April 30
	1028	45	April 30	April 30
	1049	46	April 30	April 30
73		47	April 29	April 30
136		48	April 29	April 30
440		49	April 28	April 29
725		50	April 30	April 30
1067		51	April 29	April 30
	567	Res. No. 5		April 30

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 345, 673, 922, 480 and 737.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1987

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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.

Senate File No. 184 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1987

Mr. Spear moved that the Senate do not concur in the amendments by the House to S.F. No. 184, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the con-

currence of the Senate is respectfully requested:

S.F. No. 420: A bill for an act relating to crimes; metropolitan transit; authorizing peace officers hired by the metropolitan transit commission to make arrests within the metropolitan area; amending Minnesota Statutes 1986, section 629.40, by adding a subdivision.

Senate File No. 420 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1987

Mr. Merriam moved that S.F. No. 420 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 529:

H.F. No. 529: A bill for an act relating to the financing of government in Minnesota; changing tax rates and bases; modifying the methods of administering, collecting, and enforcing taxes; changing the computation, administration, and payment of aids, credits, and refunds; imposing taxes; limiting taxing powers; transferring governmental powers and duties; allocating bonding authority; making entitlement allocations to the cities of Minneapolis and St. Paul; making technical corrections and clarifications; imposing and increasing fees, interest, and penalties; appropriating money; amending Minnesota Statutes 1986, sections 16A.15, subdivisions 1 and 6; 16A.1541; 16A.26; 16A.275; 60A.13, subdivision 1a; 60A.15, subdivision 1; 60A.199, subdivisions 1, 2, 3, 5, 7, 8, 9, 10, and 11; 60A.209, subdivisions 1 and 3; 60A.24; 60C.06, by adding a subdivision; 64B.39, subdivision 4; 67A.11, subdivision 3; 69.011, subdivisions 1 and 2; 69.021, subdivisions 1, 2, and 3; 69.54; 69.55; 79.34, subdivision 1, and by adding a subdivision; 88.49, by adding a subdivision; 121.904, subdivisions 11a and 11b; 124.195, subdivision 2; 124.2131, subdivisions 1, 2, 3, 5, 6, 7, 8, and 11; 124.38, subdivision 8; 124A.02, subdivisions 3a and 8; 124A.035, subdivision 5; 124A.08, subdivision 5; 134.33, subdivision 1; 134.34, subdivisions 1 and 2; 176.129, by adding a subdivision; 176A.08; 239.10; 270.066; 270.074, subdivision 3; 270.075, subdivision 1; 270.10, subdivisions 1 and 4; 270.11, subdivisions 1 and 2; 270.12, subdivisions 2 and 3; 270.13; 270.72, subdivisions 1 and 2; 270.77; 270.80, subdivision 2; 270.87; 270A.07, subdivision 1; 271.21, subdivision 2; 272.01, subdivisions 2 and 3; 272.02, subdivision 1, and by adding a subdivision; 272.115, subdivision 2; 273.061, subdivisions 1 and 8; 273.065; 273.11, by adding a subdivision; 273.1102; 273.1103; 273.12; 273.13, subdivision 22; 273.1312, subdivision 4; 273.1313, subdivisions 1, 2, and by adding a subdivision; 273.1314, subdivisions 8, 9, 10, and by adding a subdivision; 273.1392; 273.1393; 273.19, subdivisions 1, 3, 4, and by adding a subdivision; 273.33, subdivision 2; 273.37, subdivision 2; 274.01, subdivision 1; 274.14; 274.16; 275.07, subdivision 1; 275.125, subdivisions 9, 9b, and 15; 275.51, subdivision 3h; 276.04; 276.11; 277.01; 278.05, subdivision 4; 279.01, subdivision 1; 282.014; 282.02; 282.33, subdivision 1; 287.05, subdivision 1; 287.09; 287.12; 287.21, subdivision 1; 287.22; 287.25; 287.29, subdivision 1; 290.01, subdivisions 4, 5, 7, 19, 20, 22, and by

adding subdivisions; 290.02; 290.03; 290.032, subdivisions 1 and 2; 290.05, subdivisions 1, 2, and 3; 290.06, subdivisions 1, 2c, 2d, and by adding a subdivision; 290.068, subdivisions 1, 2, 3, 4, and 5; 290.069, subdivisions 2a and 4b; 290.077, subdivision 1; 290.081; 290.091, subdivisions 1, 2, and 3; 290.095, subdivisions 1, 2, 3, 4, 7, 9, and 11; 290.12, subdivision 2; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.134, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.138, subdivision 3; 290.14; 290.17; 290.171; 290.20, subdivision 1, and by adding a subdivision; 290.21, subdivisions 3 and 4; 290.23, subdivisions 3 and 5; 290.31, subdivisions 2, 3, 5, and by adding a subdivision; 290.34, subdivision 2; 290.35; 290.36; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivision 3; 290.41, subdivisions 2 and 3; 290.42; 290.45, subdivisions 1 and 2; 290.46; 290.48, subdivision 10; 290.491; 290.50, subdivision 1; 290.53, subdivisions 1, 2; 3a, 4, and by adding subdivisions; 290.56, subdivisions 2, 3, and 4; 290.92, subdivisions 2a, 4a, 5, 5a, 6, 7, 9, 11, 12, 13, 14, 15, 18, 24, and 25; 290.93, subdivision 10; 290.934, subdivision 2; 290.9725; 290.9726, subdivisions 1, 2, and 4; 290.974; 290A.03, subdivisions 3, 8, and by adding a subdivision; 290A.04, subdivision 2; 290A.06; 290A.011, subdivision 2; 290A.18; 290A.19; 291.131, subdivisions 1, 2, 4, and by adding a subdivision; 295.01, subdivision 10; 295.32; 295.34, subdivision 1; 295.39; 295.40; 295.41; 295.43; 296.02, subdivision 2, and by adding a subdivision; 296.025, subdivision 2, and by adding a subdivision; 296.17, subdivisions 3, 7, and 11; 296.18, subdivision 7; 297.01, subdivisions 2, 4, 7, and 10; 297.02, subdivisions 1 and 6; 297.03, subdivisions 1, 5, and 6; 297.04, subdivisions 4, 6, and 9; 297.07, subdivisions 1, 3, 4, and 5; 297.11, subdivisions 3 and 5; 297.23, subdivision 1; 297.31, subdivisions 2, 3, and 7; 297.32, subdivisions 1, 2, and 8; 297.33, subdivisions 4 and 5; 297.35, subdivisions 1, 3, 5, and 8; 297.36; 297A.01, subdivisions 3, 4, 8, and 15; 297A.14; 297A.151; 297A.18; 297A.211, subdivision 2; 297A.25, subdivisions 7, 11, 12, and by adding subdivisions; 297A.256; 297A.26, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.39, subdivisions 1, 2, 4, and by adding a subdivision; 297A.43; 297B.01, subdivision 8; 297B.10; 297C.03, subdivision 1, and by adding a subdivision; 297C.04; 297C.05, subdivision 2; 297C.06; 297C.09; 297D.02; 297D.07; 297D.09; 297D.10; 297D.12, subdivision 1; 297D.13; 298.01, subdivision 1, and by adding subdivisions; 298.026; 298.027; 298.028, subdivision 1; 298.03, subdivision 1; 298.031, subdivision 2; 298.08; 298.09, subdivision 1; 298.25; 298.28, subdivision 4; 299F21, subdivisions 1, 2, and by adding subdivisions; 325D.30; 325D.32, subdivisions 4, 10, 11, and 12; 325D.33, subdivisions 1, 2, and by adding subdivisions; 325D.38, subdivision 1; 325D.40, subdivision 1; 349.12, subdivisions 11 and 13; 349.212, subdivisions 1 and 4; 349.2121, subdivisions 4, 6, 7, and by adding subdivisions; 360.531, subdivision 2; 462C.11, subdivisions 2 and 3; 473.556, subdivision 4; 473F02, subdivision 12; 474A.02, subdivisions 1, 2, 3, 6, 7, 8, 12, 14, 16, 18, 19, 21, 26, and by adding subdivisions; 474A.03, subdivision 1, and by adding a subdivision; 474A.04, subdivisions 5, 6, and by adding a subdivision; 474A.13, subdivisions 1, 4, and 5; 474A.14; 474A.15; 474A.16; 474A.17; 474A.18; 474A.20; 474A.21; 475.53, subdivision 4; 477A.012, subdivision 1; 477A.013; 477A.018, subdivisions 1, 2, 3, 6, and by adding a subdivision; Laws 1985, First Special Session chapter 14, article 3, section 18; proposing coding for new law in Minnesota Statutes, chapters 3; 239; 270; 272; 273; 276; 290; 290A; 294; 297; 297A; 297C; 298; 349; 429; and 474A; repealing Minnesota Statutes 1986, sections 60A.15, subdivision 2; 61A.49; 62E.13, subdivision 9; 64B.24; 69.021, subdivision 3a; 124.38,

subdivision 10; 270.75, subdivision 8; 270.89; 282.021; 290.01, subdivisions 20a, 20b, 20d, 20f, 21, and 24; 290.013; 290.06, subdivisions 3f, 3g, and 11; 290.068, subdivision 6; 290.069, subdivisions 1, 2, 3, 5, 6, and 7; 290.07, subdivision 5; 290.071; 290.073; 290.075; 290.077, subdivision 3; 290.079; 290.08; 290.082; 290.085; 290.088; 290.089; 290.09; 290.095, subdivisions 8 and 10; 290.12, subdivision 4; 290.13; 290.139; 290.15; 290.16; 290.165; 290.175; 290.18; 290.19; 290.21, subdivisions 5, 6, and 8; 290.26, subdivision 2; 290.361; 290.9726, subdivisions 3, 5, and 6; 290A.04, subdivisions 2e and 2g; 294.21; 294.22; 294.23; 294.24; 294.25; 294.26; 295.32; 295.33; 295.34; 295.36; 295.365; 295.366; 296.04, subdivisions 1, 2, 3, and 4; 296.05; 296.07; 296.13; 296.17, subdivision 12; 296.18, subdivision 4, 5, 6, and 7; 296.22; 296.28; 297.07, subdivision 6; 297.23, subdivision 5; 297.35, subdivisions 4, 6, and 7; 297A.25, subdivisions 13, and 19; 297A.26, subdivision 3; 297C.03, subdivisions 2 and 3; 297C.05, subdivision 4; 298.01, subdivision 1; 298.02; 298.026; 298.027; 298.028; 298.03; 298.031; 298.04; 298.28, subdivision 14; 298.40; 298.51; 298.52; 298.53; 298.54; 298.55; 298.61; 298.62; 298.63; 298.64; 298.65; 298.66; 298.67; 299.01; 299.012; 299.013; 299.02; 299.03; 299.04; 299.05; 299.06; 299.07; 299.08; 299.09; 299.10; 299.11; 299.12; 299.13; 299.14; 325D.41; 360.654; 474A.02, subdivisions 5, 9, 10, 11, 13, 15, 17, 20, 22, 23, 24, 25, 27, 28, and 29; 474A.03, subdivisions 2 and 3; 474A.04, subdivisions 1, 2, 3, and 4; 474A.05; 474A.06; 474A.07; 474A.08; 474A.09; 474A.10; 474A.11; 474A.12; 474A.13, subdivisions 2 and 3; and 474A.19; Laws 1981, chapters 222, section 6; 223, section 6, subdivision 3; Laws 1985, First Special Session chapter 14, article 14, section 3; Laws 1986, First Special Session chapter 1, article 5, section 8.

The House respectfully requests that a Conference Committee of five members be appointed thereon.

Voss, Long, Minne, Norton and Vanasek have been appointed as such committee on the part of the House.

House File No. 529 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1987

Mr. Johnson, D.J. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 529, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 200:

H.F. No. 200: A bill for an act relating to abuse and neglect reporting; providing a standard for the disclosure of a reporter's name under the child abuse reporting act and the vulnerable adults reporting act; amending Minnesota Statutes 1986, sections 626.556, subdivision 11; and 626.557, subdivision 12.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Vellenga, Blatz and Carruthers have been appointed as such committee on the part of the House.

House File No. 200 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1987

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 200, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 165, 230, 822, 593, 1029, 1046, 88, 624, 1524, 1204, 1252, 1590, 389, 1319, 1374, 1043, 1174, 1274, 384, 574, 647, 1328, 1475, 1563, 894, 1417, 1421, 1078, 196, 285, 1366, 533, 1200, 1420, 1304 and 1419.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1987

### FIRST READING OF HOUSE BILLS

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

H.F. No. 165: A bill for an act relating to insurance; establishing rates for cooperative housing and neighborhood real estate trust insurance within the Minnesota FAIR plan; proposing coding for new law in Minnesota Statutes, chapter 65A.

Referred to the Committee on Commerce.

H.F. No. 230: A bill for an act relating to elections; authorizing combination of certain municipalities for election purposes; amending Minnesota Statutes 1986, sections 204B.14, subdivisions 2, 4, 5, and by adding a subdivision; 204B.21, subdivision 2; and 204B.22, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 260, now on General Orders.

H.F. No. 822: A bill for an act relating to commerce; requiring that credit card applications contain specific disclosures respecting conditions and costs; prescribing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 728, now on General Orders.

H.F. No. 593: A bill for an act relating to crimes; requiring insurance companies to notify and release insurance policy information to certain law enforcement and prosecutorial authorities regarding motor vehicle thefts under investigation; prescribing higher penalties for major theft and motor vehicle theft; providing that orders of restitution may be entered in favor of corporate victims; allowing the court to amend or issue orders of restitution when the defendant is on probation or supervised release; extending the statute of limitations for certain major thefts to five years; amending Minnesota Statutes 1986, sections 90.301, subdivision 6; 256.98; 256B.35, subdivision 5; 393.07, subdivision 10; 609.52, subdivision 3; 611A.01; 611A.04, subdivision 1; and 628.26; proposing coding for new law in Minnesota Statutes, chapter 65B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 613, now on General Orders.

H.F. No. 1029: A bill for an act relating to property transfers; expanding the manner for creating custodial property under the uniform transfers to minors act; amending Minnesota Statutes 1986, section 527.29.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1050, now on the Calendar.

H.F. No. 1046: A bill for an act relating to family law; specifying conditions for retroactive modification of child support; amending Minnesota Statutes 1986, section 518.64, subdivision 2.

Referred to the Committee on Health and Human Services.

H.F. No. 88: A bill for an act relating to probate; changing and clarifying certain powers of trustees; redefining "augmented estate" for certain purposes; amending Minnesota Statutes 1986, sections 501.125, subdivision 1; 501.66, subdivision 28; and 524.2-202; proposing coding for new law in Minnesota Statutes, chapter 501; repealing Minnesota Statutes 1986, sections 501.125, subdivision 1a; and 501.66, subdivision 6a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 538, now on General Orders.

H.F. No. 624: A bill for an act relating to conciliation courts; providing for entry of judgment; providing for vacation of default judgment in certain circumstances; providing for time limitation and service by mail on removal to county court; allowing a party to proceed without payment of a filing fee; amending Minnesota Statutes 1986, section 487.30, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 349, now on General Orders.

H.F. No. 1524: A bill for an act relating to human services; setting forth appeal procedure for recipients of case management services; amending Minnesota Statutes 1986, sections 256.045, subdivisions 1, 3, 4, 5, 6, 7, and 10, and by adding a subdivision; repealing Minnesota Statutes 1986, section 256.045, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1396.

H.F. No. 1204: A bill for an act relating to Hennepin county; providing for the management of county health facilities; permitting the county board to hold closed meetings on certain medical center business; permitting

certain data to be treated as trade secret information; amending Minnesota Statutes 1986, section 383B.217, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1351, now on General Orders.

H.F. No. 1252: A bill for an act relating to eminent domain; authorizing court having jurisdiction over an eminent domain proceeding to compel occupants of condemned real estate to deliver possession; proposing coding for new law in Minnesota Statutes, chapter 117.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 882, now on General Orders.

H.F. No. 1590: A bill for an act relating to education; clarifying the authority of school boards to appoint directors of area vocational technical institutes; amending Minnesota Statutes 1986, section 136C.05, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 649, now on General Orders.

H.F. No. 389: A bill for an act relating to retirement; local police and firefighters relief associations; authorized administrative expenses; amending Minnesota Statutes 1986, section 69.80.

Referred to the Committee on Governmental Operations.

H.F. No. 1319: A bill for an act relating to state government; authorizing the use of certain mechanical lifting devices in public buildings; amending Minnesota Statutes 1986, section 16B.61, subdivision 5.

Referred to the Committee on Governmental Operations.

H.F. No. 1374: A bill for an act relating to the office of the attorney general; removing the numerical limit on the number of assistant attorneys general; authorizing the attorney general to delegate contract review duties; amending Minnesota Statutes 1986, section 8.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1174, now on General Orders.

H.F. No. 1043: A bill for an act relating to metropolitan government; providing for qualifications, terms, compensation, and duties of members of various metropolitan agencies; requiring various publications, plans, and reports; regulating routes and service bidding; amending Minnesota Statutes 1986, sections 473.141, subdivision 2, and by adding a subdivision; 473.161, subdivision 1c; 473.1623, subdivisions 2, 4, and 5; 473.303, by adding a subdivision; 473.373, by adding a subdivision; 473.377, subdivision 1, and by adding subdivisions; 473.38, subdivision 2; and 473.604, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1241.

H.F. No. 1174: A bill for an act relating to crime victims; requiring courts to impose minimum fines on persons convicted of assault or sexual abuse; requiring that the proceeds of these minimum fines be forwarded to local victim assistance programs and the state crime victim and witness advisory council; clarifying certain ambiguous language; amending Minnesota Stat-



utes 1986, section 609.101.

Referred to the Committee on Judiciary.

H.F. No. 1274: A bill for an act relating to crimes; taxes; providing for collection from convicted person's tax refund of court-ordered restitution to crime victims; altering the priority of claims payments; amending Minnesota Statutes 1986, sections 270A.02; 270A.03, subdivisions 2, 5, and by adding a subdivision; 270A.10; and 611A.04, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1117, now on General Orders.

H.F. No. 384: A bill for an act relating to crimes; providing for prosecution of certain gross misdemeanor violations; increasing the maximum fine for petty misdemeanor violations; creating a gross misdemeanor crime of damage to property; creating the crimes of check forgery and offering a forged check; increasing the maximum bail for certain misdemeanors and gross misdemeanors; prescribing penalties; amending Minnesota Statutes 1986, sections 171.07, subdivision 1a; 487.25, subdivision 10; 609.02, subdivision 4a; 609.224, subdivision 2; 609.52, subdivisions 1, 2, and 3; 609.595; 609.625; 609.821, subdivisions 1, 2, and 3; 626A.05, subdivision 2; and 629.47; proposing coding for new law in Minnesota Statutes, chapters 609 and 629.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 286, now on General Orders.

H.F. No. 574: A bill for an act relating to manufactured homes; defining terms; clarifying the termination of a park lease for substantial annoyance to other residents; allowing certain new or amended rule violations to be cured; regulating park closings; requiring an impact report; providing for a public hearing; creating a right of first refusal; clarifying remedies; amending Minnesota Statutes 1986, sections 327C.01, by adding subdivisions; 327C.02, subdivision 5, and by adding a subdivision; 327C.09, subdivisions 1, 4, and 5; and 327C.11, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 327C; repealing Minnesota Statutes 1986, section 327C.09, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 631, now on the Calendar.

H.F. No. 647: A bill for an act relating to human services; providing for the establishment of a mental illness information management system; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Finance.

H.F. No. 1328: A bill for an act relating to human services; extending the deadline for community work experience program pilot projects; amending Minnesota Statutes 1986, section 256.737, subdivision 1.

Referred to the Committee on Finance.

H.F. No. 1475: A bill for an act relating to state government; civil service; providing opportunities for persons with disabilities; amending Minnesota Statutes 1986, section 43A.10, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1150, now on General Orders.

H.F. No. 1563: A bill for an act relating to public safety; providing that local governing body may appoint local board of appeal for order issued under the state fire code; providing for notice; providing for smoke detector maintenance; providing penalties; amending Minnesota Statutes 1986, sections 299E011, subdivision 6, and by adding subdivisions; and 299F362, subdivisions 5, 6, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1273, now on General Orders.

H.F. No. 894: A bill for an act relating to human services; creating a new chapter establishing a single, unitary process for the determination of residence and financial responsibility for all human service programs; amending Minnesota Statutes 1986, section 253B.23, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 256G; repealing Minnesota Statutes 1986, sections 256.73, subdivision 4; 256.76, subdivision 2; 256.79; 256B.02, subdivisions 1, 2, and 3; 256D.18; 256D.37, subdivision 3; and 256E.08, subdivision 7.

Referred to the Committee on Finance.

H.F. No. 1417: A bill for an act relating to human services; providing for hospice care payments under medical assistance; amending Minnesota Statutes 1986, section 256B.02, subdivision 8.

Referred to the Committee on Finance.

H.F. No. 1421: A bill for an act relating to insurance; regulating the formation and operation of risk retention groups; prescribing the powers and duties of the commissioner; defining terms; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 60E.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1043, now on General Orders.

H.F. No. 1078: A bill for an act relating to natural resources; amending drainage law definitions; prescribing payment of attorney fees on certain drainage issues appealed by the commissioner; prescribing general provisions for petitions; amending petition requirements; allowing drainage proceedings to be delayed; prescribing conditions for assessments against property within a municipality; prescribing extent of benefits and damages; requiring a benefits and damages statement and a property owner's report; providing drainage liens to be recorded against tracts of property; changing rates of interest to be paid during drainage proceedings; amending definition of repair; authorizing conditions for repair if design elevation is different than original construction elevation; providing easement for drainage authority to inspect drainage system; requiring permanent grass strips; apportioning repair costs; providing penalties; amending Minnesota Statutes 1986, sections 105.40, subdivision 11; 106A.005, subdivisions 2, 3, 4, 9, 10, 11, 12, 13, 14, 19, and by adding subdivisions; 106A.011, subdivisions 3 and 4; 106A.015; 106A.021, by adding subdivisions; 106A.031; 106A.051; 106A.055; 106A.081, subdivisions 2 and 3; 106A.091, subdivision 4; 106A.095, subdivisions 1, 3, and 4; 106A.101, subdivisions 2 and 4; 106A.215, subdivisions 4 and 5; 106A.221; 106A.225; 106A.231; 106A.235, subdivisions 1 and 2; 106A.241, subdivisions 1, 2, and 5; 106A.245; 106A.251; 106A.261, subdivisions 1, 3, 4, 5, 6, and 7; 106A.265, subdivision 1; 106A.271, subdivision 1; 106A.275; 106A.281; 106A.285, subdivisions 2, 4, 5, 6, 9, and 10; 106A.295; 106A.301; 106A.305, subdivision 1; 106A.311; 106A.315, subdivisions 1, 2, 5, 6, and by adding

subdivisions; 106A.321, subdivision 1, and by adding a subdivision; 106A.325, subdivisions 2 and 3; 106A.335, subdivisions 1 and 3; 106A.341; 106A.345; 106A.351; 106A.401, subdivisions 2, 6, and by adding subdivisions; 106A.405; 106A.411, subdivisions 3 and 4; 106A.501, subdivisions 4, 6, and 7; 106A.505, subdivisions 1, 2, 3, 7, and 8; 106A.511, subdivisions 1, 2, 3, and 5; 106A.515; 106A.525, subdivisions 2, 3, and 4; 106A.541; 106A.555, subdivision 2; 106A.601; 106A.605; 106A.611, subdivisions 2, 3, 6, and 7; 106A.615, subdivisions 4 and 7; 106A.635, subdivisions 1 and 10; 106A.645, subdivision 7; 106A.651, subdivision 1; 106A.655, subdivision 1; 106A.701, subdivision 1, and by adding a subdivision; 106A.705; 106A.715, subdivision 6; 106A.731, subdivision 1; 106A.741, subdivision 5; 106A.811, subdivisions 2, 4, and 5; 112.431, subdivision 2; 112.48, subdivision 1; 112.59; 112.60, subdivision 1; and 112.65, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1986, sections 106A.005, subdivision 25; 106A.201; 106A.205; 106A.211; and 111.01 to 111.421.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 956, now on General Orders.

H.F. No. 196: A bill for an act relating to public safety; manufactured homes; requiring manufactured home park owners to provide shelter for residents during severe weather; amending Minnesota Statutes 1986, section 327.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 327.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 935.

H.F. No. 285: A bill for an act relating to liquor laws; eliminating vicarious criminal liability for the employer of an individual who violates a liquor law; reenacting certain amendments to the dram shop act; providing for liability of professional review organizations; amending Minnesota Statutes 1986, sections 145.63; 340A.501; and 340A.801, subdivision 1; repealing Minnesota Statutes 1986, section 340A.801, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 261, now on General Orders.

H.F. No. 1366: A bill for an act relating to occupations and professions; creating the Minnesota task force on interior designers and decorators and providing for its duties.

Mr. Moe, R.D. moved that H.F. No. 1366 be laid on the table. The motion prevailed.

H.F. No. 533: A bill for an act relating to taxation; imposing nondiscrimination requirements on private golf clubs qualifying for taxation under the open space property tax law; providing notification to the taxpayer in certain cases; amending Minnesota Statutes 1986, section 273.112, subdivisions 3 and 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1032.

H.F. No. 1200: A bill for an act relating to human rights; defining "employee" to include commission salespersons for certain purposes; clarifying certain provisions; amending Minnesota Statutes 1986, sections 181.81, subdivision 1; and 363.01, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 979, now on General Orders.

H.F. No. 1420: A bill for an act relating to public safety; allowing bureau of criminal apprehension to permit amateur radio operators to use radio equipment capable of receiving police emergency radio frequency; amending Minnesota Statutes 1986, section 299C.37, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 611, now on General Orders.

H.F. No. 1304: A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1137, now on General Orders.

H.F. No. 1419: A bill for an act relating to human rights; changing certain procedures in cases before the department of human rights; providing for access to case files; amending Minnesota Statutes 1986, sections 363.05, subdivision 1; 363.06, subdivisions 1 and 4; 363.061; and 363.071, subdivisions 1, 1a, and 6.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted with the exception of the report on H.F. No. 391. The motion prevailed.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 393: A bill for an act relating to unemployment compensation; regulating the receipt of benefits; providing that wages for volunteer firefighter services not be deducted for benefit calculation purposes; amending Minnesota Statutes 1986, section 268.07, subdivision 2.

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 268.06, subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.] Benefits paid to an individual pursuant to a valid claim shall be charged against the account of the individual's employer as and when paid, except that benefits paid to an individual who earned base period wages for part-time employment shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer if the employer: (1) provided weekly base period part-time employment; (2) continues to provide weekly employment equal to at least 90 percent of the part-time employment provided in the base period, *or, for a fire department or firefighting corporation or operator of a life support transportation service, continues to provide employment for a volunteer firefighter or volunteer ambulance service personnel on the same basis that employment*

was provided in the base period; and (3) is an interested party because of the individual's loss of other employment. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all the individual's base period employers.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer for unemployment (1) that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 (United States Code, title 42, section 5122(2)), if the unemployed individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits, or (2) that is directly caused by a fire, flood, or act of God where 70 percent or more of the employees employed in the affected location become unemployed as a result and the employer substantially reopens its operations in that same area within 360 days of the fire, flood, or act of God. Benefits shall be charged to the employer's account where the unemployment is caused by the willful act of the employer or a person acting on behalf of the employer.

Sec. 2. Minnesota Statutes 1986, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 15, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during the individual's benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be 66-2/3 percent of the average weekly wage, except as provided in clause (d).

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a

benefit year which begins subsequent to June 30 of each year.

(d) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1983, shall be \$184.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1983, and prior to July 1, 1984, shall be \$191.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times the individual's weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times the individual's weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to the individual's weekly benefit amount less that part of the individual's earnings, including holiday pay, payable to the individual with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit; *provided that no deduction may be made from the weekly benefit amount for earnings from service as a volunteer firefighter or volunteer ambulance service personnel.* Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983."

Delete the title and insert:

"A bill for an act relating to unemployment compensation; limiting benefit charges to fire departments and emergency transportation services; regulating the receipt of benefits; providing that wages for volunteer firefighter or ambulance services not be deducted for benefit calculation purposes; amending Minnesota Statutes 1986, sections 268.06, subdivision 5; and 268.07, subdivision 2."

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

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

H.F. No. 391: A bill for an act relating to crimes; increasing penalties for distributing controlled substances to a minor or employing a minor to distribute controlled substances; defining measurement and purity requirements of controlled substances for criminal and tax law purposes; amending Minnesota Statutes 1986, sections 152.15, subdivisions 1 and 4; 297D.01, subdivision 3; and 297D.07.

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

Pages 1 to 3, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1986, section 152.15, subdivision 1, is amended to read:

Subdivision 1. Any person who violates section 152.09, subdivision 1, clause (1) with respect to:

(1) ~~Seven or more grams or ten or more dosage units, when the substance is not sold by weight,~~ of Any controlled substance classified in schedule I or II which is a narcotic drug, or of phencyclidine or any hallucinogen listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, except marijuana or tetrahydrocannabinols, is guilty of a crime and upon conviction may be imprisoned for not more than 20 years or fined not more than \$60,000, or both for a first violation, and for a second or subsequent violation, upon conviction, shall be imprisoned for not less than two years nor more than 30 years or fined not more than \$100,000, or both if:

(i) *the total weight of the mixture containing the controlled substance is 16 grams or more, regardless of purity; or*

(ii) *the mixture contains a total of seven grams (one-quarter ounce) or more of the pure controlled substance as determined by analysis; or*

(iii) *the controlled substance is a schedule I or II narcotic drug, not normally sold by weight, is packaged in dosage units, and equals 200 or more dosage units;*

(iv) *the controlled substance is phencyclidine or any hallucinogen listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, except marijuana or tetrahydrocannabinols, is packaged in dosage units, and equals ten or more dosage units; or*

(v) *the offender sells or distributes any quantity of the controlled substance to a person under the age of 15; or*

(vi) *the offender conspires with or employs a person under the age of 18 to sell or distribute any quantity of the controlled substance;*

(2) Any other amount of any controlled substance classified in schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than 15 years or fined not more than \$40,000, or both for a first violation, and for a second or subsequent violation, upon conviction, shall be imprisoned for not less than one year nor more than 30 years or fined not more than \$50,000, or both;

(3) Any other controlled substance classified in schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than \$30,000, or both for a first violation, and for a second or subsequent violation, upon conviction, shall be imprisoned for not less than one year nor more than ten years or fined not more than \$45,000, or both;

(4) A substance classified in schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$20,000, or both for a first violation, and for a second or subsequent violation, upon conviction, shall be imprisoned for not less than six months nor more than six years or fined not more than \$35,000, or both;

(5) A substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$3,000, or both;

(6) The distribution of a small amount of marijuana for no remuneration, shall be treated as provided in subdivision 2, clause (5)."

Page 3, line 27, after "units" delete the comma

Page 3, line 28, delete everything after the period and insert "*A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.*"

Page 3, delete lines 29 and 30

Page 4, line 1, after "units" delete the comma

Page 4, line 2, delete everything after the period and insert "*A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.*"

Page 4, delete lines 3 and 4

Page 4, line 6, delete "3, and 4" and insert "to 3" and delete ". Section" and insert ", and apply to crimes committed on or after that date."

Page 4, delete lines 7 and 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "subdivisions 1 and 4" and insert "subdivision 1"

And when so amended the bill do pass:

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 730 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				730	764

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 730 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 730 and insert the language after the enacting clause of S.F. No. 764, the first engrossment; further, delete the title of H.F. No. 730 and insert the title of S.F. No. 764, the first engrossment.

And when so amended H.F. No. 730 will be identical to S.F. No. 764, and further recommends that H.F. No. 730 be given its second reading and substituted for S.F. No. 764, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.



Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1629 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1629	1504		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1209 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1209	1156				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1209 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1209 and insert the language after the enacting clause of S.F. No. 1156, the first engrossment; further, delete the title of H.F. No. 1209 and insert the title of S.F. No. 1156, the first engrossment.

And when so amended H.F. No. 1209 will be identical to S.F. No. 1156, and further recommends that H.F. No. 1209 be given its second reading and substituted for S.F. No. 1156, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1138 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1138	1249				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1138 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1138 and insert the language after the enacting clause of S.F. No. 1249, the first engrossment; further, delete the title of H.F. No. 1138 and insert the title of S.F. No. 1249, the first engrossment.

And when so amended H.F. No. 1138 will be identical to S.F. No. 1249, and further recommends that H.F. No. 1138 be given its second reading and substituted for S.F. No. 1249, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1314 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1314	1250				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1314 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1314 and insert the language after the enacting clause of S.F. No. 1250, the first engrossment; further, delete the title of H.F. No. 1314 and insert the title of S.F. No. 1250, the first engrossment.

And when so amended H.F. No. 1314 will be identical to S.F. No. 1250, and further recommends that H.F. No. 1314 be given its second reading and substituted for S.F. No. 1250, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1365 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1365	1290				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 388 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
388	421				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 388 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 388 and insert the language after the enacting clause of S.F. No. 421, the first engrossment; further, delete the title of H.F. No. 388 and insert the title of S.F. No. 421, the first engrossment.

And when so amended H.F. No. 388 will be identical to S.F. No. 421, and further recommends that H.F. No. 388 be given its second reading and substituted for S.F. No. 421, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. No. 393 was read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 730, 1629, 1209, 1138, 1314, 1365 and 388 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Willet moved that the name of Mr. Pehler be added as a co-author to S.F. No. 802. The motion prevailed.

Mr. Merriam moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 811. The motion prevailed.

Mr. Merriam moved that the name of Mr. Spear be added as a co-author to S.F. No. 928. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Marty be added as a co-author to S.F. No. 1181. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Marty be added as a co-author to S.F. No. 1415. The motion prevailed.

Ms. Peterson, D.C. moved that S.F. No. 420 be taken from the table. The motion prevailed.

S.F. No. 420: A bill for an act relating to crimes; metropolitan transit; authorizing peace officers hired by the metropolitan transit commission to make arrests within the metropolitan area; amending Minnesota Statutes 1986, section 629.40, by adding a subdivision.

### CONCURRENCE AND REPASSAGE

Ms. Peterson, D.C. moved that the Senate concur in the amendments by the House to S.F. No. 420 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 420: A bill for an act relating to crimes; metropolitan transit; authorizing peace officers hired by the metropolitan transit commission to make arrests within the metropolitan area; amending Minnesota Statutes 1986, sections 352.01, subdivision 2B; and 629.40, by adding a subdivision.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Peterson D.C. moved that S.F. No. 296 be taken from the table. The motion prevailed.

S.F. No. 296: A bill for an act relating to eminent domain; regulating relocation benefits for displaced persons; amending Minnesota Statutes 1986, section 117.52, subdivision 1.

### CONCURRENCE AND REPASSAGE

Ms. Peterson, D.C. moved that the Senate concur in the amendments by the House to S.F. No. 296 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 296 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

### CALENDAR

S.F. No. 1012: A bill for an act relating to education; requiring notice and a hearing for nonrenewal of an athletic coach's contract; requiring grievance procedures for discharge of an athletic coach during the contract period; amending Minnesota Statutes 1986, section 125.121.

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 57 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Belanger, Knutson, Larson and Mehrkens voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1193: A bill for an act relating to independent school district No. 206, Alexandria; providing for elections of the school board.

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

So the bill passed and its title was agreed to.

S.F. No. 928: A bill for an act relating to medical records; providing for patient access to medical records; amending Minnesota Statutes 1986, section 144.335, 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 18 and nays 42, as follows:

Those who voted in the affirmative were:

Beckman	Freeman	Marty	Peterson, R.W.	Waldorf
Berg	Jude	Merriam	Piper	Wegscheid
Davis	Kroening	Metzen	Reichgott	
Dicklich	Luther	Peterson, D.C.	Spear	

Those who voted in the negative were:

Adkins	Chmielewski	Johnson, D.E.	Mehrkens	Solon
Anderson	DeCramer	Johnson, D.J.	Moe, R.D.	Storm
Belanger	Diessner	Knaak	Olson	Stumpf
Benson	Frank	Knutson	Pehler	Taylor
Berglin	Frederick	Laidig	Purfeerst	Vickerman
Bernhagen	Frederickson, D.J.	Langseth	Ramstad	Willet
Bertram	Frederickson, D.R.	Lantry	Renneke	
Brandl	Gustafson	Larson	Samuelson	
Brataas	Hughes	McQuaid	Schmitz	

So the bill failed to pass.

H.F. No. 283: A bill for an act relating to elections; requiring confidentiality of certain matters before the ethical practices board; raising certain campaign contribution disclosure limits; changing the method of calculating certain campaign expenditure limits; amending Minnesota Statutes 1986, sections 10A.02, subdivision 11; 10A.12, subdivision 5; 10A.20, subdivisions 3 and 5; 10A.25, subdivisions 2 and 7; 10A.255; and Laws 1980, chapter 362, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 210A.

Mr. Laidig moved that H.F. No. 283, No. 6 on the Calendar, be stricken and placed at the top of General Orders. The motion did not prevail.

H.F. No. 283 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 34 and nays 29, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson, D.J.	Lantry	Pehler	Solon
Bertram	Freeman	Lessard	Peterson, D.C.	Spear
Chmielewski	Hughes	Luther	Piper	Stumpf
DeCramer	Johnson, D.J.	Marty	Purfeerst	Vickerman
Dicklich	Jude	Metzen	Reichgott	Wegscheid
Diessner	Kroening	Moe, D.M.	Samuelson	Willet
Frank	Langseth	Moe, R.D.	Schmitz	

Those who voted in the negative were:

Anderson	Bernhagen	Gustafson	McQuaid	Ramstad
Beckman	Brandl	Johnson, D.E.	Mehrken's	Renneke
Belanger	Brataas	Knaak	Merriam	Storm
Benson	Davis	Knutson	Olson	Taylor
Berg	Frederick	Laidig	Peterson, R.W.	Waldorf
Berglin	Frederickson, D.R.	Larson	Pogemiller	

So the bill passed and its title was agreed to.

S.F. No. 321: A bill for an act relating to public safety; expanding the crimes of driving a motor vehicle or a motorboat while under the influence of alcohol or certain substances; amending Minnesota Statutes 1986, sections 169.121, subdivisions 1 and 2; and 361.12, subdivisions 1 and 4.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Solon, Gustafson and Dicklich introduced—

S.F. No. 1522: A bill for an act relating to the city of Duluth; limiting the increase in assessed value for taxes payable in 1987.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Lantry, Messrs. Freeman; Johnson, D.E.; Merriam and Ms. Berglin introduced—

S.F. No. 1523: A bill for an act relating to child abuse; requiring a clergyman who knows or has reason to believe a child is being abused to report the information to law enforcement authorities or the local welfare agency; amending Minnesota Statutes 1986, section 626.556, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Dahl, Taylor, Mrs. Lantry and Mr. Merriam introduced—

S.F. No. 1524: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### **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. Nos. 1057, 175, 577, 1223 and H.F. No. 489, which the committee recommends to pass.

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

### **RECESS**

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **RECESS**

Mr. Moe, R.D. moved that the Senate do now recess until 7:00 p.m. The motion prevailed.

The hour of 7:00 p.m. having arrived, the President called the Senate to order.

### **CALL OF THE SENATE**

Mr. Johnson, D.J. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.



### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Peterson, R.W. moved that the following members be excused for a Conference Committee on H.F. No. 753 at 7:00 p.m.:

Mr. Peterson, R.W.; Ms. Peterson, D.C.; Messrs. DeCramer, Pehler and Ms. Reichgott. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

### REPORTS OF COMMITTEES

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

House Concurrent Resolution No. 9: A House concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 478: A bill for an act relating to insurance; requiring notification of group life or health coverage changes; eliminating mandatory temporary insurance agent licenses; requiring those who solicit insurance to act as agent for the insured; regulating surplus lines insurance; regulating rates and forms; regulating insurance plan administrators; regulating trust funds; regulating the renewal, nonrenewal, and cancellation of commercial liability and property insurance policies; authorizing employers to jointly self-insure for property or casualty liability and regulating these plans; providing continued group life coverage upon termination or layoff; providing for the establishment and operation of the insurance guaranty association and the life and health guaranty association; regulating accident and health insurance; requiring group coverage for the treatment of eating disorders; regulating joint self-insurance employee health plans; requiring the treatment of pregnancy-related conditions in the same manner as other illnesses; mandating certain coverages; clarifying coverage for handicapped dependents; providing continued group accident and health coverage upon termination or layoff; requiring coverage of current spouse and children; imposing surety bond or securities requirements on certain health benefit plans; regulating Medicare supplement plan premium refunds; authorizing the renewal of certain long-term health policies; providing for the establishment and operation of the comprehensive health association and the joint underwriting association; providing comprehensive health insurance coverage for certain employees not eligible for Medicare; regulating fra-

ternal benefit associations; regulating automobile insurance; providing for exemption from certain legal process of cash value, proceeds, or benefits under certain life insurance or annuity contracts; limiting the cancellation of fire insurance binders and policies; providing for administration of the FAIR plan; requiring accident prevention course premium reductions; limiting the grounds for cancellation or reduction in limits during the policy period; providing for the priority of security for payment of basic economic loss benefits; extending basic economic loss benefit protection; requiring coverages for former spouses; specifying membership on the assigned claims bureau; extending no-fault benefits to pedestrians who are struck by motorcycles; regulating township mutual insurance companies; providing for mandatory arbitration of certain claims; establishing a demonstration project to provide medical insurance to certain low income persons; requiring the commissioner to set rates for cooperative housing and neighborhood real estate trust insurance; authorizing investments in certain insurers; regulating trade practices; requiring life and health insurers to substantiate the underwriting standards they use; providing assigned risk plan coverage for certain vehicles used by the handicapped; regulating motor vehicle repairs; regulating certain self-insurance by political subdivisions; granting immunity from liability for volunteer coaches, managers, and officials; clarifying the statute of limitations applicable to actions regarding manufacturers or suppliers of material containing asbestos; modifying discounting of future damages; prescribing penalties; amending Minnesota Statutes 1986, sections 16A.133, subdivision 1; 45.024, subdivision 2; 60A.17, subdivisions 1a, 2c, 11, and 13; 60A.1701, subdivisions 7, and 8; 60A.196; 60A.197; 60A.198, subdivision 3; 60A.23, subdivision 8; 60A.29, subdivisions 2, 5, and 16, and by adding subdivisions; 60A.30; 60A.31; 60B.44, subdivisions 1, 4, 5, and 9; 60C.08, subdivision 1; 60C.09; 60C.12; 61A.28, subdivision 12; 61B.05, subdivision 1; 61B.09; 62A.041; 62A.043, by adding a subdivision; 62A.141; 62A.146; 62A.152, subdivision 2; 62A.17; 62A.21; 62A.27; 62A.31, subdivision 1a; 62A.43, subdivision 2, and by adding a subdivision; 62A.46, by adding a subdivision; 62A.48, subdivisions 1, 2, 6, and by adding a subdivision; 62A.50, subdivision 3; 62D.05, by adding a subdivision; 62D.102; 62E.06, subdivision 1; 62E.10, subdivision 2, and by adding subdivisions; 62E.14, by adding a subdivision; 62F.041, subdivision 2; 62F.06, subdivision 1; 62H.01; 62H.02; 62H.04; 62I.02, subdivisions 1, and 3, and by adding a subdivision; 62I.03, subdivision 5; 62I.04; 62I.12, subdivision 1; 62I.13, by adding a subdivision; 62I.16, subdivision 3; 62I.22, subdivision 2, and by adding a subdivision; 64B.11, subdivision 4; 64B.18; 64B.27; 65A.01, subdivision 3a; 65A.03, subdivision 1; 65A.10; 65A.29, by adding a subdivision; 65A.35, subdivision 5; 65A.39; 65B.03, subdivision 1; 65B.12; 65B.1311; 65B.16; 65B.21, subdivision 2; 65B.28; 65B.46; 65B.49, by adding a subdivision; 65B.525, subdivision 1; 65B.63, subdivision 1; 67A.05, subdivision 2; 67A.06; 67A.231; 70A.06, by adding a subdivision; 70A.08, subdivision 3; 72A.20, subdivisions 11, 17, and by adding subdivisions; 72A.31, subdivision 1; 169.045, subdivision 1, and by adding a subdivision; 471.98, subdivision 2; 604.07, subdivisions 2, 3, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 62A; 62E; 65A; 65B; 72A; 256B; 541; and 604; proposing coding for new law as Minnesota Statutes, chapter 60E; repealing Minnesota Statutes 1986, sections 62A.12; and 67A.43, subdivision 3; and Minnesota Rules, parts 2700.2400 to 2700.2440.

Reports the same back with the recommendation that the report from

the Committee on Judiciary, shown in the Journal for May 4, 1987, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 187: A bill for an act relating to liens; personal property; establishing a lien on personal property held in self-service storage facilities; providing for the enforcement of these liens; regulating rental agreements and advertising; proposing coding for new law in Minnesota Statutes, chapter 514.

Reports the same back with the recommendation that the report from the Committee on Commerce, shown in the Journal for April 29, 1987, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

H.F. No. 137: A bill for an act relating to criminal procedure; providing a procedure for ordering joint or separate trials for jointly charged defendants; permitting the prosecution to offer a rebuttal closing argument; allowing the prosecution and the defense an equal number of peremptory challenges when the offense charged is not punishable by life imprisonment; amending Minnesota Statutes 1986, section 631.07; proposing coding for new law in Minnesota Statutes, chapter 631.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for May 4, 1987, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 777: A bill for an act relating to natural resources; providing that money recovered by the state for forest fire fighting expenses be restored to the fund of origination; increasing the amount that may be paid for tips related to forest fire crimes; amending Minnesota Statutes 1986, section 88.75, subdivision 1; repealing Minnesota Statutes 1986, section 88.76.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 29, 1987, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1259: A bill for an act relating to crime; extending the crimes of murder in the second degree and manslaughter in the first degree to deaths caused by the sale or distribution of controlled substances; imposing penalties; amending Minnesota Statutes 1986, sections 609.19; and 609.20; proposing coding for new law in Minnesota Statutes, chapter 609.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for May 4, 1987, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

### SECOND READING OF SENATE BILLS

S.F. Nos. 187 and 1259 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. No. 137 was read the second time.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that House Concurrent Resolution No. 9 be laid on the table. The motion prevailed.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Peterson, R.W., moved that the following members be excused for a Conference Committee on H.F. No. 753 at 5:45 p.m.:

Mr. Peterson, R.W.; Ms. Peterson, D.C.; Messrs. DeCramer, Pehler and Ms. Reichgott. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 51 a Special Order to be heard immediately.

### SPECIAL ORDER

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; 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.

Mrs. Lantry moved to amend S.F. No. 51 as follows:

Page 11, line 11, after the second comma, insert "*nutrition services,*"

The motion prevailed. So the amendment was adopted.

S.F. No. 51 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	McQuaid	Ramstad
Beckman	Davis	Kroening	Mehrkens	Schmitz
Berg	Dicklich	Laidig	Merriam	Solon
Berglin	Diessner	Langseth	Moe, R.D.	Spear
Bernhagen	Frank	Lantry	Morse	Stumpf
Bertram	Frederickson, D.J.	Larson	Olson	Vickerman
Brandl	Freeman	Lessard	Piper	Wegscheid
Chmielewski	Gustafson	Luther	Pogemiller	Willet
Cohen	Johnson, D.E.	Marty	Purfeerst	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 184: Messrs. Spear, Dahl and Belanger.

H.F. No. 200: Ms. Berglin; Peterson, D.C. and Mr. Ramstad.

H.F. No. 529: Messrs. Johnson, D.J.; Stumpf; Novak; Brandl and Pogemiller.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

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

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

S.F. Nos. 1099, 973, 865, 377, 1272, 971, 90, 703 and 300, which the committee recommends to pass.

S.F. No. 1258, which the committee recommends be re-referred to the Committee on Taxes and Tax Laws.

S.F. No. 449, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Page 1, line 13, after "coach" insert "that meets the standards of section 219.56 and is"

Page 2, line 1, delete "an occupied" and insert "a" and after "caboose" insert "that is occupied by at least one member of the train crew"

Page 2, line 7, delete "Subdivisions 1 and 3 do" and insert "This section

does" and after "to" insert ":

(1)"

Page 2, line 9, delete ", or to" and insert ";

(2)"

Page 2, line 11, before the period, insert ";

(3) *a railroad company that operates a railway in this state and in two adjoining states, if the total trackage of the railroad company, including trackage rights, is more than 950 miles and less than 1,000 miles;*

(4) *a unit grain train while it is transporting only grain as defined in section 17.41; or*

(5) *a unit taconite train while it is transporting only taconite ore, tailings, or other mined mineral ore"*

The motion prevailed. So the amendment was adopted.

S.F. No. 855, which the committee recommends to pass with the following amendment offered by Mr. Storm:

Page 13, after line 29, insert:

"Sec. 20. [BENEFIT CONVERSION IN CERTAIN CASES.]

*Subdivision 1. [ENTITLEMENT.] A retired member of the public employees retirement association, who was born on May 4, 1921, was employed by the city of Edina from September 1, 1965, to March 16, 1984, who elected a joint and survivor annuity pursuant to Minnesota Statutes, section 353.30, subdivision 3, who had their second marriage dissolved on August 20, 1986, shall be entitled to make the election specified in subdivision 2.*

*Subd. 2. [ELECTION.] A retired member described in subdivision 1 may elect to convert the joint and survivor annuity from the public employees retirement association covering the spouse of the second marriage to a single life annuity. Notice of the election must be filed with the association within 90 days after the effective date of this section. The single life annuity shall be the actuarial equivalent of the joint and survivor annuity payable on the date of the election of the benefit conversion."*

Page 13, line 31, delete "and" and insert a comma and after "13" insert ", and 20"

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 506, which the committee recommends to pass with the following amendment offered by Mr. Morse:

Page 4, line 12, delete "any" and insert "a"

Page 6, line 20, delete "shall be" and insert "are"

Page 6, line 29, delete "shall be" and insert "is"

Page 8, line 4, delete the second "and" and insert ";(2)"

Page 8, line 6, delete "(2)" and insert "(3)"

The motion prevailed. So the amendment was adopted.

S.F. No. 1044, which the committee recommends to pass with the following amendment offered by Mr. Dahl:

Pages 2 and 3, delete section 3

Amend the title as follows:

Page 1, line 4, delete "and"

Page 1, line 5, delete "tuitioning agreements"

Page 1, line 7, after the first semicolon, insert "and" and delete "; and 123.39,"

Page 1, line 8, delete "subdivision 4"

The motion prevailed. So the amendment was adopted.

S.F. No. 555, which the committee recommends to pass with the following amendment offered by Mr. Brandl:

Page 2, lines 5 to 9, delete the new language and insert "*For any persons receiving faradic shock, a plan to reduce and eliminate the use of faradic shock shall be in effect upon implementation of the procedure.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 281, which the committee recommends to pass, subject to the following motions:

Mr. Marty moved to amend S.F. No. 281 as follows:

Page 5, line 8, delete everything after "(e)"

Page 5, delete lines 9 to 21

Page 5, line 22, delete "(f)"

Page 6, line 4, delete "(g)" and insert "(f)" and delete "books and accounts" and insert "financial records"

Page 6, line 13, delete "(h)" and insert "(g)"

Page 7, line 6, before the period, insert "*and may retain the filing fee imposed by section 168.33, subdivision 7*"

Amend the title as follows:

Page 1, lines 18 and 19, delete "regulating courier services;"

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved that S.F. No. 281, No. 95 on General Orders, be stricken and returned to its author.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 19 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Knutson	McQuaid	Ramstad
Belanger	Frederick	Laidig	Mehrkens	Schmitz
Benson	Gustafson	Larson	Metzen	Storm
Bertram	Johnson, D.E.	Lessard	Olson	

Those who voted in the negative were:

Adkins	Davis	Lantry	Pehler	Solon
Beckman	DeCramer	Luther	Peterson, D.C.	Stumpf
Berg	Dicklich	Marty	Peterson, R.W.	Vickerman
Berglin	Frederickson, D.J.	Merriam	Piper	Waldorf
Brandl	Frederickson, D.R.	Moe, D.M.	Pogemiller	Wegscheid
Chmielewski	Freeman	Moe, R.D.	Purfeerst	
Cohen	Jude	Morse	Reichgott	
Dahl	Langseth	Novak	Renneke	

The motion did not prevail.

Mr. Laidig moved to amend S.F. No. 281 as follows:

Page 7, line 6, after the period, insert *"In the event of the death of a deputy registrar covered by this subdivision, the appointing authority shall, upon the request of the surviving spouse of the deputy, transfer the deputy's appointment to the surviving spouse, who may then serve as a deputy registrar until the spouse retires, dies, or voluntarily terminates operations."*

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

The question was taken on the recommendation to pass S.F. No. 281.

The roll was called, and there were yeas 37 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Hughes	Merriam	Taylor
Beckman	Davis	Johnson, D.J.	Moe, D.M.	Vickerman
Berg	Dicklich	Jude	Morse	Waldorf
Berglin	Diessner	Kroening	Novak	Wegscheid
Brandl	Frederickson, D.J.	Langseth	Piper	Willett
Brataas	Frederickson, D.R.	Lantry	Pogemiller	
Chmielewski	Freeman	Luther	Solon	
Cohen	Gustafson	Marty	Stumpf	

Those who voted in the negative were:

Anderson	Frederick	Larson	Metzen	Renneke
Belanger	Johnson, D.E.	Lessard	Olson	Schmitz
Benson	Knutson	McQuaid	Purfeerst	Storm
Bertram	Laidig	Mehrkins	Ramstad	

The motion prevailed. So S.F. No. 281 was recommended to pass.

S.F. No. 1048, which the committee recommends to pass with the following amendments offered by Mrs. Lantry, Messrs. Benson, Merriam and Frederick:

Mrs. Lantry moved to amend S.F. No. 1048 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 115B.28, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] *The board may appoint an executive director who is not a member of the board. The executive director is in the unclassified service. The commissioner of health shall provide staff assistance, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for the staff, services, and space provided. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. When requesting health data as defined in section 13.38 or sections 144.67 to 144.69, the board must submit a written release signed by the subject of the data or, if the subject is deceased, a representative of the deceased, authorizing*



*release of the data in whole or in part.* The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations and may assign agency or institution employees to assist the board in performing its duties under sections 115B.25 to 115B.37.

Sec. 2. Minnesota Statutes 1986, section 144.0722, is amended to read:

**144.0722 [RESIDENT REIMBURSEMENT CLASSIFICATIONS; PROCEDURES FOR RECONSIDERATION.]**

**Subdivision 1. [RESIDENT REIMBURSEMENT CLASSIFICATIONS.]** The commissioner of health shall establish resident reimbursement classifications based upon the assessments of residents of nursing homes and boarding care homes conducted under sections 144.072 and 144.0721, or under rules established by the commissioner of human services under sections 256B.41 to 256B.48. The reimbursement classifications established by the commissioner must conform to the rules established by the commissioner of human services.

**Subd. 2. [NOTICE OF RESIDENT REIMBURSEMENT CLASSIFICATION.]** The commissioner of health shall notify each resident, and the nursing home or boarding care home in which the resident resides, of the reimbursement classification established under subdivision 1. The notice must inform the resident of the classification that was assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification from the commissioner, and the opportunity to request a reconsideration of the classification. The notice of resident classification must be sent by first-class mail. The individual resident notices may be sent to the resident's nursing home or boarding care home for distribution to the resident. *The nursing home or boarding care home is responsible for the distribution of the notice to each resident, to the person responsible for the payment of the resident's nursing home expenses, or to another person designated by the resident. This notice must be distributed within three working days after the facility's receipt of the notices from the department.*

**Subd. 3. [REQUEST FOR RECONSIDERATION.]** The resident or the nursing home or boarding care home may request that the commissioner reconsider the assigned reimbursement classification. The request for reconsideration must be submitted in writing to the commissioner within ~~ten~~ *working* 30 days of the receipt of the notice of resident classification. *For reconsideration requests submitted by or on behalf of the resident, the time period for submission of the request begins as of the date the resident or the resident's representative receives the classification notice.* The request for reconsideration must include the name of the resident, the name and address of the facility in which the resident resides, the reasons for the reconsideration, the requested classification changes, and documentation supporting the requested classification. The documentation accompanying the reconsideration request is limited to documentation establishing that the needs of the resident at the time of the assessment resulting in the disputed classification justify a change of classification.

**Subd. 3a. [ACCESS TO INFORMATION.]** *Upon written request, the nursing home or boarding care home must give the resident or the resident's representative a copy of the assessment form and the other documentation that was given to the department to support the assessment findings. The nursing home or boarding care home shall also provide access to and a*

copy of other information from the resident's record that has been requested by or on behalf of the resident to support a resident's reconsideration request. A copy of any requested material must be provided within three working days of receipt of a written request for the information. If a facility fails to provide the material within this time, it is subject to the issuance of a correction order and penalty assessment under sections 144.653 and 144A.10. Notwithstanding those sections, any correction order issued under this subdivision must require that the facility immediately comply with the request for information and that as of the date of the issuance of the correction order, the facility shall forfeit to the state a \$100 fine the first day of noncompliance, and an increase in the \$100 fine by \$50 increments for each day the noncompliance continues. For the purposes of this section, "representative" includes the resident's guardian or conservator, the person authorized to pay the nursing home expenses of the resident, a representative of the nursing home ombudsman's office whose assistance has been requested, or any other individual designated by the resident.

**Subd. 3b. [FACILITY'S REQUEST FOR RECONSIDERATION.]** In addition to the information required in subdivision 3, a reconsideration request from a nursing home or boarding care home must contain the following information: the date the resident reimbursement classification notices were received by the facility; the date the classification notices were distributed to the resident or the resident's representative; and a copy of a notice sent to the resident or to the resident's representative. This notice must tell the resident or the resident's representative that a reconsideration of the resident's classification is being requested, the reason for the request, that the resident's rate will change if the request is approved by the department and the extent of the change, that copies of the facility's request and supporting documentation are available for review, and that the resident also has the right to request a reconsideration. If the facility fails to provide this information with the reconsideration request, the request must be denied, and the facility may not make further reconsideration requests on that specific reimbursement classification.

**Subd. 4. [RECONSIDERATION.]** The commissioner's reconsideration must be made by individuals not involved in reviewing the assessment that established the disputed classification. The reconsideration must be based upon the initial assessment and upon the information provided to the commissioner under subdivision 3. If necessary for evaluating the reconsideration request, the commissioner may conduct on-site reviews. In its discretion, the commissioner may review the reimbursement classifications assigned to all residents in the facility. Within 15 working days of receiving the request for reconsideration, the commissioner shall affirm or modify the original resident classification. The original classification must be modified if the commissioner determines that the assessment resulting in the classification did not accurately reflect the needs of the resident at the time of the assessment. The resident and the nursing home or boarding care home shall be notified within five working days after the decision is made. The commissioner's decision under this subdivision is the final administrative decision of the agency.

**Subd. 5. [AUDIT AUTHORITY.]** The department of health may audit assessments of nursing home and boarding care home residents. These audits may be in addition to the assessments completed by the department under section 144.0721. The audits may be conducted at the facility, and the department may conduct the audits on an unannounced basis.

Sec. 3. Minnesota Statutes 1986, section 144.092, is amended to read:  
144.092 [COORDINATED NUTRITION DATA COLLECTION.]

The commissioner of health ~~shall~~ *may* develop and coordinate a reporting system to improve the state's ability to document inadequate nutrient and food intake of Minnesota's children and adults and to identify problems and determine the most appropriate strategies for improving inadequate nutritional status. The board on aging ~~shall~~ *may* develop a method to evaluate the nutritional status and requirements of the elderly in Minnesota. The commissioner of health and the board on aging ~~shall~~ *may* report to the legislature on each July 1, beginning in 1988, on the results of their investigation and their recommendations on the nutritional needs of Minnesotans.

Sec. 4. [144.4171] [SCOPE.]

*Subdivision 1. [AUTHORITY.] Under the powers and duties assigned to the commissioner in sections 144.05 and 144.12, the commissioner shall proceed according to sections 4 to 19 with respect to persons who pose a health threat to others or who engage in noncompliant behavior.*

*Subd. 2. [PREEMPTION.] Sections 4 to 19 preempt and supersede any local ordinance or rule concerning persons who pose a health threat to others or who engage in noncompliant behavior.*

Sec. 5. [144.4172] [DEFINITIONS.]

*Subdivision 1. [CARRIER.] "Carrier" means a person who harbors or who the commissioner reasonably suspects of harboring a specific infectious agent whether or not there is present discernible clinical disease and who serves as a potential source of infection. In the absence of a medically accepted test, the commissioner may reasonably suspect an individual of carrier status only when a determination based upon specific facts justifies an inference that the individual harbors a specific infectious agent.*

*Subd. 2. [COMMUNICABLE DISEASE.] "Communicable disease" means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.*

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

*Subd. 4. [CONTACT NOTIFICATION PROGRAM.] "Contact notification program" means an ongoing program established by the commissioner to encourage carriers of a communicable disease whose primary route of transmission is through an exchange of blood, semen, or vaginal secretions, such as treponema pallidum, neisseria gonorrhea, chlamydia trachomatis, and human immunodeficiency virus, to identify others who may be at risk by virtue of contact with the carrier.*

*Subd. 5. [DIRECTLY TRANSMITTED.] "Directly transmitted" means predominately:*

- (1) sexually transmitted;*
- (2) blood-borne; or*
- (3) transmitted through direct or intimate skin contact.*

*Subd. 6. [HEALTH DIRECTIVE.] "Health directive" means a written*

statement, or, in urgent circumstances, an oral statement followed by a written statement within three days, from the commissioner, or local board of health with delegated authority from the commissioner, issued to a carrier who constitutes a health threat to others. A health directive must be individual, specific, and cannot be issued to a class of persons. The directive may require a carrier to cooperate with health authorities in efforts to prevent or control transmission of communicable disease, including participation in education, counseling, or treatment programs, and undergoing medical tests necessary to verify the person's carrier status. The written directive shall be served in the same manner as a summons and complaint under the Minnesota Rules of Civil Procedure.

Subd. 7. [LICENSED HEALTH PROFESSIONAL.] "Licensed health professional" means a person licensed in Minnesota to practice those professions described in section 214.01, subdivision 2.

Subd. 8. [HEALTH THREAT TO OTHERS.] "Health threat to others" means that a carrier demonstrates an inability or unwillingness to conduct himself or herself in such a manner as to not place others at risk of exposure to infection that causes serious illness, serious disability, or death. It includes one or more of the following:

(1) with respect to an indirectly transmitted communicable disease:

(a) behavior by a carrier which has been demonstrated epidemiologically to transmit or which evidences a careless disregard for the transmission of the disease to others; or

(b) a substantial likelihood that a carrier will transmit a communicable disease to others as is evidenced by a carrier's past behavior, or by statements of a carrier that are credible indicators of a carrier's intention.

(2) With respect to a directly transmitted communicable disease:

(a) repeated behavior by a carrier which has been demonstrated epidemiologically to transmit or which evidences a careless disregard for the transmission of the disease to others;

(b) a substantial likelihood that a carrier will repeatedly transmit a communicable disease to others as is evidenced by a carrier's past behavior, or by statements of a carrier that are credible indicators of a carrier's intention;

(c) affirmative misrepresentation by a carrier of his or her carrier status prior to engaging in any behavior which has been demonstrated epidemiologically to transmit the disease; or

(d) the activities referenced in subdivision 8, clause (1) if the person whom the carrier places at risk is: (i) a minor, (ii) of diminished capacity by reason of mood altering chemicals, including alcohol, (iii) has been diagnosed as having significantly subaverage intellectual functioning, (iv) has an organic disorder of the brain or a psychiatric disorder of thought, mood, perception, orientation, or memory which substantially impairs judgment, behavior, reasoning or understanding; (v) adjudicated as an incompetent; or (vi) a vulnerable adult as defined in section 626.557.

(3) Violation by a carrier of any part of a court order issued pursuant to this chapter.

Subd. 9. [INDIRECTLY TRANSMITTED.] "Indirectly transmitted" means any transmission not defined by subdivision 5.

*Subd. 10. [NONCOMPLIANT BEHAVIOR.] "Noncompliant behavior" means a failure or refusal by a carrier to comply with a health directive.*

*Subd. 11. [RESPONDENT.] "Respondent" means any person against whom an action is commenced under sections 4 to 19.*

**Sec. 6. [144.4173] [CAUSE OF ACTION.]**

*Subdivision 1. [COMPLIANCE WITH DIRECTIVE.] Failure or refusal of a carrier to comply with a health directive is grounds for proceeding under subdivision 2.*

*Subd. 2. [COMMENCEMENT OF ACTION.] The commissioner, or a local board of health with express delegated authority from the commissioner, may commence legal action against a carrier who is a health threat to others and, unless an emergency court order is sought under section 15, who engages in noncompliant behavior, by filing with the district court in the county in which respondent resides, and serving upon respondent, a petition for relief and notice of hearing.*

**Sec. 7. [144.4174] [STANDING.]**

*Only the commissioner, or a local board of health, with express delegated authority from the commissioner, may commence an action under sections 4 to 19.*

**Sec. 8. [144.4175] [REPORTING.]**

*Subdivision 1. [VOLUNTARY REPORTING.] Any licensed health professional or other human services professional regulated by the state who has knowledge or reasonable cause to believe that a person is a health threat to others or has engaged in noncompliant behavior, as defined in section 5, may report that information to the commissioner.*

*Subd. 2. [LIABILITY FOR REPORTING.] A licensed health professional or other human services professional regulated by the state who has knowledge or reasonable cause to believe that a person is a health threat to others or has engaged in noncompliant behavior, and who makes a report in good faith under subdivision 1, is not subject to liability for reporting in any civil, administrative, disciplinary, or criminal action.*

*Subd. 3. [FALSIFIED REPORTS.] Any person who knowingly or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.*

*Subd. 4. [WAIVER OF PRIVILEGE.] Any privilege otherwise created in section 595.02, clauses (d), (e), (g) and (j), with respect to persons who make a report under subdivision 1, is waived regarding any information about a carrier as a health threat to others or about a carrier's noncompliant behavior in any investigation or action under sections 4 to 19.*

**Sec. 9. [144.4176] [PETITION; NOTICE.]**

*Subdivision 1. [PETITION.] The petition must set forth the following:*

*(1) the grounds and underlying facts that demonstrate that the respondent is a health threat to others and, unless an emergency court order is sought under section 15, has engaged in noncompliant behavior;*

*(2) the petitioner's efforts to alleviate the health threat to others prior*

to the issuance of a health directive, unless an emergency court order is sought under section 15;

(3) the petitioner's efforts to issue the health directive to the respondent in person, unless an emergency court order is sought under section 15;

(4) the type of relief sought; and

(5) a request for a court hearing on the allegations contained in the petition.

*Subd. 2. [HEARING NOTICE.] The notice must contain the following information:*

(1) the time, date, and place of the hearing;

(2) respondent's right to appear at the hearing;

(3) respondent's right to present and cross-examine witnesses; and

(4) respondent's right to counsel, including the right, if indigent, to representation by counsel designated by the court or county of venue.

**Sec. 10. [144.4177] [TIME OF HEARING AND DUTIES OF COUNSEL.]**

*Subdivision 1. [TIME OF HEARING.] A hearing on the petition must be held before the district court in the county in which respondent resides as soon as possible, but no later than 14 days from service of the petition and hearing notice.*

*Subd. 2. [DUTIES OF COUNSEL.] In all proceedings under this section, counsel for the respondent shall (1) consult with the person prior to any hearing; (2) be given adequate time to prepare for all hearings; (3) continue to represent the person throughout any proceedings under this charge unless released as counsel by the court; and (4) be a vigorous advocate on behalf of the client.*

**Sec. 11. [144.4178] [CRIMINAL IMMUNITY.]**

*In accordance with section 609.09, subdivision 2, no person shall be excused in an action under sections 4 to 19 from giving testimony or producing any documents, books, records, or correspondence, tending to be self-incriminating; but the testimony or evidence, or other testimony or evidence derived from it, must not be used against the person in any criminal case, except for perjury committed in the testimony.*

**Sec. 12. [144.4179] [STANDARD OF PROOF; EVIDENCE.]**

*Subdivision 1. [CLEAR AND CONVINCING.] The commissioner must prove the allegations in the petition by clear and convincing evidence.*

*Subd. 2. [ALL RELEVANT EVIDENCE.] The court shall admit all reliable relevant evidence. Medical and epidemiologic data must be admitted if it otherwise comports with section 145.30, chapter 600, Minnesota Rules of Evidence 803(6), or other statutes or rules that permit reliable evidence to be admitted in civil cases.*

*Subd. 3. [CARRIER STATUS.] Upon a finding by the court that the commissioner's suspicion of carrier status is reasonable as established by presentation of facts justifying an inference that the respondent harbors a specific infectious agent, there shall exist a rebuttable presumption that the respondent is a carrier. This presumption may be rebutted if the respondent demonstrates noncarrier status after undergoing medically ac-*

cepted tests.

*Subd. 4. [FAILURE TO APPEAR.] If a party fails to appear at the hearing without prior court approval, the hearing may proceed without the absent party and the court may make its determination on the basis of all reliable evidence submitted at the hearing.*

*Subd. 5. [RECORDS.] The court shall take and preserve an accurate stenographic record of the proceedings.*

**Sec. 13. [144.4180] [REMEDIES.]**

*Subdivision 1. [REMEDIES AVAILABLE.] Upon a finding by the court that the commissioner has proven the allegations set forth in the petition, the court may order that the respondent must:*

- (1) participate in a designated education program;*
- (2) participate in a designated counseling program;*
- (3) participate in a designated treatment program;*
- (4) undergo medically accepted tests to verify carrier status or for diagnosis, or undergo treatment that is consistent with standard medical practice as necessary to make respondent noninfectious;*
- (5) notify or appear before designated health officials for verification of status, testing, or other purposes consistent with monitoring;*
- (6) cease and desist the conduct which constitutes a health threat to others;*
- (7) live part time or full time in a supervised setting for the period and under the conditions set by the court;*
- (8) subject to the provisions of subdivision 2, be committed to an appropriate institutional facility for the period and under the conditions set by the court, but not longer than six months, until the respondent is made noninfectious; or until the respondent completes a course of treatment prescribed by the court, whichever occurs first, unless the commissioner shows good cause for continued commitment; and*
- (9) comply with any combination of the remedies in clauses (1) to (8), or other remedies considered just by the court. In no case may a respondent be committed to a correctional facility.*

*Subd. 2. [COMMITMENT REVIEW PANEL.] The court may not order the remedy specified in subdivision 1, clause (8) unless it first considers the recommendation of a commitment review panel appointed by the commissioner to review the need for commitment of the respondent to an institutional facility.*

*The duties of the commitment review panel shall be to:*

- (1) review the record of the proceeding;*
- (2) interview the respondent. If the respondent is not interviewed, the reasons must be documented; and*
- (3) identify, explore, and list the reasons for rejecting or recommending alternatives to commitment.*

*Subd. 3. [CONSTRUCTION.] This section shall be construed so that the least restrictive alternative is used to achieve the desired purpose of*

*preventing or controlling communicable disease.*

*Subd. 4. [ADDITIONAL REQUIREMENTS.] If commitment or supervised living is ordered, the court shall require the head of the institutional facility or the person in charge of supervision to submit: (a) a plan of treatment within ten days of initiation of commitment or supervised living; and (b) a written report, with a copy to both the commissioner and the respondent, at least 60 days, but not more than 90 days, from the start of respondent's commitment or supervised living arrangement, setting forth the following:*

*(1) the types of support or therapy groups, if any, respondent is attending and how often respondent attends;*

*(2) the type of care or treatment respondent is receiving, and what future care or treatment is necessary;*

*(3) whether respondent has been cured or made noninfectious, or otherwise no longer poses a threat to public health;*

*(4) whether continued commitment or supervised living is necessary; and*

*(5) other information the court considers necessary.*

**Sec. 14. [144.4181] [APPEAL.]**

*The petitioner or respondent may appeal the decision of the district court. The court of appeals shall hear the appeal within 30 days after service of the notice of appeal. However, respondent's status as determined by the district court remains unchanged, and any remedy ordered by the district court remains in effect while the appeal is pending.*

**Sec. 15. [144.4182] [TEMPORARY EMERGENCY HOLD.]**

*Subdivision 1. [APPREHEND AND HOLD.] To protect the public health in an emergency, the court may order a health officer or peace officer to take a person into custody and transport the person to an appropriate emergency care or treatment facility for observation, examination, testing, diagnosis, care, treatment, and, if necessary, temporary detention. If the person is already institutionalized, the court may order the institutional facility to hold the person. These orders may be issued in an ex parte proceeding upon an affidavit of the commissioner or a designee of the commissioner. An order shall issue upon a determination by the court that reasonable cause exists to believe that the person is: (a) for indirectly transmitted diseases, an imminent health threat to others; or (b) for directly transmitted diseases a substantial likelihood of an imminent health threat to others.*

*The affidavit must set forth the specific facts upon which the order is sought and must be served on the person immediately upon apprehension or detention. An order under this section may be executed on any day and at any time.*

*Subd. 2. [DURATION OF HOLD.] No person may be held under subdivision 1 longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, without a court hearing to determine if the emergency hold should continue.*

**Sec. 16. [144.4183] [EMERGENCY HOLD HEARING.]**

*Subdivision 1. [TIME OF NOTICE.] Notice of the emergency hold hear-*



ing must be served upon the person held under section 15, subdivision 1, at least 24 hours before the hearing.

**Subd. 2. [CONTENTS OF NOTICE.]** *The notice must contain the following information:*

- (1) the time, date, and place of the hearing;
- (2) the grounds and underlying facts upon which continued detention is sought;
- (3) the person's right to appear at the hearing;
- (4) the person's right to present and cross-examine witnesses; and
- (5) the person's right to counsel, including the right, if indigent, to representation by counsel designated by the court or county of venue.

**Subd. 3. [ORDER FOR CONTINUED EMERGENCY HOLD.]** *The court may order the continued holding of the person if it finds, by a preponderance of the evidence, that the person would pose an imminent health threat to others if released. However, in no case may the emergency hold continue longer than five days, unless a petition is filed under section 6. If a petition is filed, the emergency hold must continue until a hearing on the petition is held under section 10. That hearing must occur within five days of the filing of the petition, exclusive of Saturdays, Sundays, and legal holidays.*

**Sec. 17. [144.4184] [CONTACT DATA.]**

*Identifying information voluntarily given to the commissioner, or an agent of the commissioner, by a carrier through a contact notification program must not be used as evidence in a court proceeding to determine noncompliant behavior.*

**Sec. 18. [144.4185] [COSTS.]**

**Subdivision 1. [COSTS OF CARE.]** *The court shall determine what part of the cost of care or treatment ordered by the court, if any, the respondent can pay. The respondent shall provide the court documents and other information necessary to determine financial ability. If the respondent cannot pay the full cost of care, the rest must be paid by the county in which respondent resides. If the respondent provides inaccurate or misleading information, or later becomes able to pay the full cost of care, the respondent becomes liable to the county for costs paid by the county.*

**Subd. 2. [COURT-APPOINTED COUNSEL.]** *If the court appoints counsel to represent respondent free of charge, counsel must be compensated by the county in which respondent resides, except to the extent that the court finds that the respondent is financially able to pay for counsel's services. In these situations, the rate of compensation for counsel shall be determined by the court.*

**Subd. 3. [REPORT.]** *The commissioner shall report any recommendations for appropriate changes in the modes of financing of services provided under subdivision 1 by January 15, 1988.*

**Sec. 19. [144.4186] [DATA PRIVACY.]**

**Subdivision 1. [NONPUBLIC DATA.]** *Data contained in a health directive are classified as protected nonpublic data under section 13.02, subdivision 13, in the case of data not on individuals, and private under section 13.02, subdivision 12, in the case of data on individuals. Investigative*

*data shall have the classification accorded it under section 13.39.*

*Subd. 2. [PROTECTIVE ORDER.] Once an action is commenced, any party may seek a protective order to protect the disclosure of portions of the court record identifying individuals or entities.*

*Subd. 3. [RECORDS RETENTION.] A records retention schedule for records developed under sections 4 to 19 shall be established pursuant to section 138.17, subdivision 7.*

Sec. 20. Minnesota Statutes 1986, section 144.50, subdivision 1, is amended to read:

Subdivision 1. (a) No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, operate, conduct, or maintain in the state any hospital, sanatorium or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner provided in sections 144.50 to 144.56. *No person or entity shall advertise a facility providing services required to be licensed under sections 144.50 to 144.56 without first obtaining a license.*

*(b) A violation of this subdivision is a misdemeanor punishable by a fine of not more than \$300. The commissioner may seek an injunction in the district court against the continuing operation of the unlicensed institution. Proceedings for securing an injunction may be brought by the attorney general or by the appropriate county attorney.*

*(c) The sanctions in this subdivision do not restrict other available sanctions.*

Sec. 21. Minnesota Statutes 1986, section 144.50, subdivision 2, is amended to read:

Subd. 2. Hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, in which any accommodation is maintained, furnished, or offered *for five or more persons* for: the hospitalization of the sick or injured; the provision of care in a swing bed authorized under section 144.562; elective outpatient surgery for preexamined, prediagnosed low risk patients; emergency medical services offered 24 hours a day, seven days a week, in an ambulatory or outpatient setting in a facility not a part of a licensed hospital; or the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to a clinic, a physician's office or to hotels or other similar places that furnish only board and room, or either, to their guests.

Sec. 22. [144.555] [HOSPITAL CLOSINGS; PATIENT RELOCATIONS.]

*Subdivision 1. [NOTICE OF CLOSING OR CURTAILING SERVICE.] If a facility licensed under sections 144.50 to 144.56 voluntarily plans to cease operations or to curtail operations to the extent that patients or residents must be relocated, the controlling persons of the facility must notify the commissioner of health at least 90 days before the scheduled cessation or curtailment. The commissioner shall cooperate with the controlling persons and advise them about relocating the patients or residents.*

*Subd. 2. [PENALTY.] Failure to notify the commissioner under subdivision 1 may result in issuance of a correction order under section 144.653, subdivision 5.*

Sec. 23. Minnesota Statutes 1986, section 144.653, subdivision 3, is amended to read:

Subd. 3. [ENFORCEMENT.] With the exception of the department of public safety which has the exclusive jurisdiction to enforce state fire and safety standards, the state commissioner of health is the exclusive state agency charged with the responsibility and duty of inspecting facilities required to be licensed under the provisions of sections 144.50 to 144.58 and enforcing the rules and standards prescribed by it.

*The commissioner may request and must be given access to relevant information, records, incident reports, or other documents in the possession of a licensed facility if the commissioner considers them necessary for the discharge of responsibilities. For the purposes of inspections and securing information to determine compliance with the licensure laws and rules, the commissioner need not present a release, waiver, or consent of the individual. The identities of patients or residents must be kept private as defined by section 13.02, subdivision 12.*

Sec. 24. Minnesota Statutes 1986, section 144.802, subdivision 3, is amended to read:

Subd. 3. (a) Each prospective licensee and each present licensee wishing to offer a new type or types of life support transportation service, to establish a new base of operation, or to expand a primary service area, shall make written application for a license to the commissioner on a form provided by the commissioner.

(b) *For applications for the provision of life support transportation services in a service area located within a county, the commissioner shall promptly send notice of the completed application to the health systems agency or agencies, the county board and to each community health service agency or agencies board, regional emergency medical services system designated under section 144.8093, life support transportation service, and each municipality and county in the area in which life support transportation service would be provided by the applicant. The commissioner shall publish the notice, at the applicant's expense, in the state register and in a newspaper in the municipality in which the service would be provided base of operation will be located, or if no newspaper is published in the municipality or if the service would be provided in more than one municipality, in a newspaper published at the county seat of the county or counties in which the service would be provided.*

(b) (c) *For applications for the provision of life support transportation services in a service area larger than a county, the commissioner shall promptly send notice of the completed application to the municipality in which the service's base of operation will be located and to each community health board, county board, regional emergency medical services system designated under section 144.8093, and life support transportation service located within the service area described by the applicant. The commissioner shall publish this notice, at the applicant's expense, in the State Register and in a newspaper with statewide circulation.*

(d) *The commissioner shall request that the chief administrative law judge appoint an administrative law judge to hold a public hearing in the municipality in which the service's base of operation will be located. The public hearing shall be conducted as contested case hearing under chapter 14.*

(e) Each municipality, county, community health service, *regional emergency medical services system, life support transportation service*, and other person wishing to make recommendations concerning the disposition of the application shall make written recommendations to the *health systems agency in its area administrative law judge* within 30 days of the publication of notice of the application *in the State Register*.

~~(e) (f)~~ The *health systems agency or agencies administrative law judge* shall:

(1) hold a public hearing in the municipality in which the service's base of operations is or will be located;

(2) provide notice of the public hearing in the newspaper or newspapers in which notice was published under part ~~(a)~~ (b) or (c) for two successive weeks at least ten days before the date of the hearing;

(3) allow any interested person the opportunity to be heard, to be represented by counsel, and to present oral and written evidence at the public hearing;

(4) provide a transcript of the hearing at the expense of any individual requesting it; and

~~(5) follow any further procedure not inconsistent with chapter 14, which it deems appropriate.~~

~~(d) (g)~~ The *health systems agency or agencies administrative law judge* shall review and comment upon the application and shall make written recommendations as to its disposition to the commissioner within 90 days of receiving notice of the application. In making the recommendations, the *health systems agency or agencies administrative law judge* shall consider and make written comments as to whether the proposed service, change in base of operations, or expansion in primary service area is needed, based on consideration of the following factors:

(1) the relationship of the proposed service, change in base of operations or expansion in primary service area to the current *health systems and annual implementation plans community health plan as approved by the commissioner under section 145.918*;

(2) the recommendations or comments of the governing bodies of the counties and municipalities in which the service would be provided;

(3) the *deleterious effects on the public health from duplication*, if any, of life support transportation services that would result from granting the license;

(4) the estimated effect of the proposed service, change in base of operation or expansion in primary service area on the public health;

(5) whether any benefit accruing to the public health would outweigh the costs associated with the proposed service, change in base of operations, or expansion in primary service area.

The *health systems agency or agencies administrative law judge* shall recommend that the commissioner either grant or deny a license or recommend that a modified license be granted. The reasons for the recommendation shall be set forth in detail. The *health systems agency or agencies administrative law judge* shall make the recommendations and reasons available to any individual requesting them.

Sec. 25. Minnesota Statutes 1986, section 144.802, subdivision 4, is amended to read:

Subd. 4. Within 30 days after receiving the ~~health systems agency recommendations~~ *administrative law judge's report*, the commissioner shall grant or deny a license to the applicant. In granting or denying a license, the commissioner shall consider the ~~health systems agency recommendations~~ *administrative law judge's report*, the evidence contained in the application, and any hearing record and other applicable evidence; ~~and whether any benefit accruing to the public health would outweigh the costs associated with the proposed service, change in base of operations, or expansion in primary service area.~~ *The commissioner's decision shall be based on a consideration of the factors contained in subdivision 3, clause (f).* If the commissioner's decision is different from the ~~health systems agency administrative law judge's recommendations~~, the commissioner shall set forth in detail the reasons for differing from the recommendations.

Sec. 26. Minnesota Statutes 1986, section 144.804, subdivision 7, is amended to read:

Subd. 7. [DRIVERS OF LIFE SUPPORT TRANSPORTATION SERVICE VEHICLES.] A life support transportation service vehicle may be staffed by a driver possessing a (1) current first responder certificate issued under United States Department of Transportation standards, or (2) a valid class C driver's license provided a siren and flashing lights are not used and the vehicle is driven within legal speed limits; if, in either case, the life support transportation service vehicle is also staffed by two or more attendants meeting the following qualifications: (a) attendants staffing a basic life support transportation service vehicle shall meet the qualifications contained in subdivision 1; and (b) attendants staffing an advanced life support transportation service vehicle shall possess a current certification as an emergency medical technician or an emergency medical technician-paramedic, provided that at least one attendant is an emergency medical technician-paramedic.

Sec. 27. Minnesota Statutes 1986, section 144A.10, subdivision 1, is amended to read:

Subdivision 1. [ENFORCEMENT AUTHORITY.] The commissioner of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under section 144A.02. The commissioner of health shall enforce the rules established pursuant to sections 144A.01 to 144A.17, subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in nursing homes and the responsibility of the commissioner of human services under sections 245.781 to 245.821 or 252.28.

*The commissioner may request and must be given access to relevant information, records, incident reports, or other documents in the possession of a licensed facility if the commissioner considers them necessary for the discharge of responsibilities. For the purposes of inspections and securing information to determine compliance with the licensure laws and rules, the commissioner need not present a release, waiver, or consent of the individual. The identities of patients or residents must be kept private as defined by section 13.02, subdivision 12.*

Sec. 28. Minnesota Statutes 1986, section 144A.10, subdivision 2, is amended to read:

Subd. 2. [INSPECTIONS.] The commissioner of health shall inspect each nursing home to ensure compliance with sections 144A.01 to 144A.17 and the rules promulgated to implement them. The inspection shall be a full inspection of the nursing home. If upon a reinspection provided for in subdivision 5 the representative of the commissioner of health finds one or more uncorrected violations, a second inspection of the facility shall be conducted. The second inspection need not be a full inspection. No prior notice shall be given of an inspection conducted pursuant to this subdivision. Any employee of the commissioner of health who willfully gives or causes to be given any advance notice of an inspection required or authorized by this subdivision shall be subject to suspension or dismissal in accordance with chapter 43A. An inspection required by a federal rule or statute may be conducted in conjunction with or subsequent to any other inspection. Any inspection required by this subdivision may be in addition to or in conjunction with the reinspections required by subdivision 5. Nothing in this subdivision shall be construed to prohibit the commissioner of health from making more than one unannounced inspection of any nursing home during its license year. The commissioner of health shall coordinate inspections of nursing homes with inspections by other state and local agencies *consistent with the requirements of this section and the Medicare and Medicaid certification programs.*

The commissioner shall conduct inspections and reinspections of health facilities with a frequency and in a manner calculated to produce the greatest benefit to residents within the limits of the resources available to the commissioner. In performing this function, the commissioner may devote proportionately more resources to the inspection of those facilities in which conditions present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being.

These conditions include but are not limited to: change in ownership; frequent change in administration in excess of normal turnover rates; complaints about care, safety, or rights; where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; and, where persons involved in ownership or administration of the facility have been indicted for alleged criminal activity. Any facility that has none of the above conditions or any other condition established by the commissioner that poses a risk to resident care, safety, or rights shall be inspected once every two years.

#### Sec. 29. [144A.115] [VIOLATIONS; PENALTIES.]

*Subdivision 1. [OPERATING WITHOUT A LICENSE.] The operation of a facility providing services required to be licensed under sections 144A.02 to 144A.10 without a license is a misdemeanor punishable by a fine of not more than \$300.*

*Subd. 2. [ADVERTISING WITHOUT A LICENSE.] A person or entity that advertises a facility required to be licensed under sections 144A.02 to 144A.10 before obtaining a license is guilty of a misdemeanor.*

*Subd. 3. [OTHER SANCTIONS.] The sanctions in this section do not restrict other available sanctions.*

Sec. 30. Minnesota Statutes 1986, section 144A.16, is amended to read:

#### 144A.16 [CESSATION OF OPERATIONS.]

If a nursing home *voluntarily* plans to cease operations or to curtail operations

to the extent that relocation of residents is necessary, the controlling persons of the facility shall notify the commissioner of health at least 90 days prior to the scheduled cessation or curtailment. The commissioner of health shall cooperate with and advise the controlling persons of the nursing home in the resettlement of residents. Failure to comply with this section shall be a violation of section 144A.10.

Sec. 31. Minnesota Statutes 1986, section 144A.31, is amended to read:

144A.31 [INTERAGENCY BOARD FOR QUALITY ASSURANCE.]

Subdivision 1. [INTERAGENCY BOARD.] The commissioners of health and human services shall establish, by July 1, 1983, an interagency board of employees of their respective departments who are knowledgeable and employed in the areas of long-term care, geriatric care, long-term care facility inspection, or quality of care assurance. The number of interagency board members shall not exceed ~~seven~~ eight; three members each to represent the commissioners of health and human services and one member *each* to represent the ~~commissioner of public safety in the enforcement of fire and safety standards in nursing homes. The commissioner of human services or a designee shall chair and convene the board~~ directors of state planning and housing finance. The board shall identify long-term care issues requiring coordinated interagency policies and shall conduct analyses, coordinate policy development, and make recommendations to the commissioners for effective implementation of these policies. The commissioner of human services and the commissioner of health or their designees shall annually alternate chairing and convening the board. The board may utilize the expertise and time of other individuals employed by either department as needed. The board may recommend that the commissioners contract for services as needed. The board shall meet as often as necessary to accomplish its duties, but at least ~~monthly~~ quarterly. The board shall establish procedures, including public hearings, for allowing regular opportunities for input from residents, nursing homes, and other interested persons.

Subd. 2. [INSPECTIONS.] No later than January 1, ~~1984~~ 1988, the board shall develop and recommend implementation and enforcement of an effective system to ensure quality of care in each nursing home in the state. Quality of care includes evaluating, using the resident's care plan, whether the resident's ability to function is optimized and should not be measured solely by the number or amount of services provided.

The board shall assist the commissioner of health in ~~ensuring~~ developing methods to ensure that inspections and reinspections of nursing homes are conducted with a frequency and in a manner calculated to most effectively and appropriately fulfill its quality assurance responsibilities and achieve the greatest benefit to nursing home residents. *The board shall identify and recommend criteria and methods for identifying those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being.* The commissioner of health shall require a higher frequency and extent of inspections with respect to those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. These concerns include but are not limited to: complaints about care, safety, or rights; situations where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; instances of frequent change in administration in excess of normal turnover rates; and situations where persons involved in ownership or administration of the nursing home have been convicted of engaging in criminal activity. A nursing home that presents none of these concerns or any other concern or condition *recom-*

*mended by the board and established by the board commissioner that poses a risk to resident care, safety, or rights shall be inspected once every two years for compliance with key requirements as determined by the board.*

The board shall develop and recommend to the commissioners mechanisms beyond the inspection process to protect resident care, safety, and rights, including but not limited to coordination with the office of health facility complaints and the nursing home ombudsman program.

Subd. 3. [METHODS FOR DETERMINING RESIDENT CARE NEEDS.] The board shall develop and recommend to the commissioners definitions for levels of care and methods for determining resident care needs for implementation on July 1, 1985 in order to adjust payments for resident care based on the mix of resident needs in a nursing home. The methods for determining resident care needs shall include assessments of ability to perform activities of daily living and assessments of medical and therapeutic needs.

Subd. 4. [ENFORCEMENT.] The board shall develop and recommend for implementation effective methods of enforcing quality of care standards. ~~When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home or certified boarding care home and revocation of the license.~~ The board shall develop *and monitor*, and the commissioner of human services shall implement, a resident relocation plan that instructs ~~a~~ a county in which ~~the a~~ a nursing home or certified boarding care home is located of procedures to ensure that the needs of residents in nursing homes or certified boarding care homes about to be closed are met. The duties of a county under the relocation plan also apply when residents are to be discharged from a nursing home or certified boarding care home as a result of a change in certification, closure, or loss or termination of the facility's medical assistance provider agreement. *The resident relocation plans and county duties required in this subdivision apply to the voluntary or involuntary closure, or reduction in services or size of, an intermediate care facility for the mentally retarded. The relocation plan for intermediate care facilities for the mentally retarded must conform to Minnesota Rules, parts 4655.6810 to 4655.6830, 9525.0015 to 9525.0165, and 9546.0010 to 9546.0060, or their successors. The commissioners of health and human services may waive a portion of existing rules that the commissioners determine does not apply to persons with mental retardation or related conditions. The county shall ensure appropriate placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of residents in licensed and certified facilities or other alternative care such as home health care on a temporary basis, and foster care placement, or other appropriate alternative care.* In preparing for relocation, the board shall ensure that residents and their families or guardians are involved in planning the relocation.

Subd. 5. [REPORTS.] The board shall prepare a report and the commissioners of health and human services shall deliver this report to the legislature no later than January 15, 1984, on the board's proposals and progress on implementation of the methods required under ~~subdivisions~~ *subdivision 2, 3, and 4*. The commissioners shall recommend changes in or additions to legislation necessary or desirable to fulfill their responsibilities. The board shall prepare an annual report and the commissioners shall deliver this report annually to the legislature, beginning in January, 1985, on the implementation ~~and enforcement~~ of the provisions of this section.

Subd. 6. [DATA.] The interagency board may have access to data from the commissioners of health, human services, and public safety for carrying out its du-



ties under this section. The commissioner of health and the commissioner of human services may each have access to data on persons, including data on vendors of services, from the other to carry out the purposes of this section. If the interagency board, the commissioner of health, or the commissioner of human services receives data on persons, including data on vendors of services, that is collected, maintained, used or disseminated in an investigation, authorized by statute and relating to enforcement of rules or law, the board or the commissioner shall not disclose that information except:

- (a) pursuant to section 13.05;
- (b) pursuant to statute or valid court order; or
- (c) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense.

Data described in this subdivision is classified as public data upon its submission to an administrative law judge or court in an administrative or judicial proceeding.

Sec. 32. Minnesota Statutes 1986, section 144A.53, subdivision 1, is amended to read:

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 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 or a health facility;
- (d) Request and receive access to relevant information, records, *incident reports*, or documents in the possession of an administrative agency, a health care provider, or a health facility, *and issue investigative subpoenas to individuals and facilities for oral information and written information, including privileged information which the director deems necessary for the discharge of responsibilities. For purposes of investigation and securing information to determine violations, the director need not present a release, waiver, or consent of an individual. The identities of patients or residents must be kept private as defined by section 13.02, subdivision 12.*
- (e) Enter and inspect, at any time, a health facility *and be permitted to interview staff*; provided that the director shall not unduly interfere with or disturb the provision of care and services within the facility or the activities of a patient or resident unless the patient or 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. *A facility's refusal to cooperate in providing lawfully requested information may also be grounds for a correction order.*
- (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 *patients or* residents of health facilities in the enforcement of their rights under Minnesota law; *and*.

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

Sec. 33. Minnesota Statutes 1986, section 145.881, subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION OF TASK FORCE.] The commissioner shall establish and appoint a maternal and child health advisory task force consisting of 15 members who will provide equal representation from:

- (1) professionals with expertise in maternal and child health services;
- (2) representatives of local health boards as defined in section 145.913; and
- (3) consumer representatives interested in the health of mothers and children.

No members shall be employees of the state department of health. Task force members shall be appointed and removed as provided in section 15.059, ~~subdivision 6. Notwithstanding section 15.059, subdivisions 5 and 6, 2 and 4. The maternal and child health advisory task force shall terminate on June 30, 1987 the date provided by section 15.059, subdivision 5, and members shall receive compensation as provided in section 15.059, subdivision 6.~~

Sec. 34. Minnesota Statutes 1986, section 145.882, subdivision 4, is amended to read:

Subd. 4. [DISTRIBUTION FORMULA.] The amount available for each community health services area is determined according to the following formula:

(a) Each community health services area is allocated an amount based on the following three variables:

- (1) the proportion of resident mothers within the city, county, or counties who are under 20 years of age or over 35 years of age, as determined by averaging the data available for the three most current years;
- (2) the proportion of resident infants within the city, county, or counties whose weight at birth is less than 2,500 grams, as determined by averaging the data available for the three most current years; and
- (3) the proportion of resident children within the city, county, or counties under the age of 19 who are on general assistance or medical assistance and the proportion of resident women within the city, county, or counties aged 19 to 49 who are on general assistance or medical assistance, as determined by using the data available for the most current year.

(b) Each variable is expressed as a city or county score consisting of the city or county frequency of each variable divided by the statewide frequency of the variable.

(c) A total score for each city or county jurisdiction is computed by totaling the scores of the three factors and dividing the total by three. *The resulting amount is added to the total score for the most recent two-year grant period and the sum is divided by two.*

(d) Each community health services area is allocated an amount equal to the total score obtained above for the city, county, or counties in its area multiplied by the amount of money available for special projects of local significance.

Sec. 35. Minnesota Statutes 1986, section 157.01, is amended to read:

157.01 [DEFINITIONS.]

*Subdivision 1. [TYPES OF ESTABLISHMENTS.]* Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week shall for the purpose of this chapter be deemed an hotel.

Every building or other structure or enclosure, or any part thereof and all buildings in connection, kept, used or maintained as, or advertised as, or held out to the public to be an enclosure where meals or lunches are served or prepared for service elsewhere shall for the purpose of this chapter be deemed to be a restaurant, and the person in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this chapter shall be deemed the proprietor of the restaurant, and whenever the word "restaurant" occurs in this chapter, it shall be construed to mean a structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public, shall, for the purpose of this chapter, be deemed a lodging house.

Every building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more, shall, for the purpose of this chapter, be deemed a boarding house.

Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this chapter, be deemed to be a place of refreshment. This chapter shall not be applicable in any manner to a general merchandise store, grocery store, oil station, cigar stand, confectionery store, or drug store not providing meals, lunches, lodging, or fountain, bar, booth, or table service.

For the purpose of this chapter, a resort means any building, structure, or enclosure, or any part thereof, located on, or on property neighboring, any lake, stream, or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

*Subd. 2. [LEVELS OF RISK.] (a) "High-risk establishment" means any lodging house, hotel, motel, restaurant, boarding house, place of refreshment, or resort that:*

- (1) serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating, or holding for service;*
- (2) prepares foods several hours or days before service;*
- (3) serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness;*
- (4) has a public swimming pool;*
- (5) draws its drinking water from a surface water supply; or*
- (6) has an on-site sewage disposal system and is located in an area where conditions are less favorable for the successful operation of such a system.*

(b) "Medium-risk establishment" means a hotel, motel, restaurant, lodging house, boarding house, place of refreshment, or resort that:

(1) serves potentially hazardous foods but with minimal holding between preparation and service;

(2) serves low-risk foods that may or may not be potentially hazardous but require extensive handling, such as baked goods and pizzas;

(3) serves large volumes of food even though the food-borne illness risk is low; or

(4) is a lodging establishment with 25 or more units.

(c) "Low-risk establishment" means a hotel, motel, restaurant, lodging house, boarding house, place of refreshment, or resort that is not a high-risk or medium-risk establishment.

Sec. 36. Minnesota Statutes 1986, section 157.02, is amended to read:

157.02 [HOTEL INSPECTOR INSPECTION RECORDS.]

The ~~hotel inspector~~ commissioner of health shall keep a set of books for public use and inspection showing the condition of all hotels, motels, restaurants, lodging houses, boarding houses, resorts, and places of refreshment, together with the name of the owner, proprietor, or manager thereof, showing their sanitary condition, and any other information that may be for the betterment of the public service, and ~~likewise assist in the enforcement of any orders promulgated by the state commissioner of health and the department of agriculture issue orders for correction of violations~~ relating to hotels, motels, restaurants, lodging houses, boarding houses, resorts, and places of refreshment.

Sec. 37. Minnesota Statutes 1986, section 157.04, is amended to read:

157.04 [ANNUAL INSPECTION.]

It shall be the duty of the ~~hotel inspector~~ commissioner of health to inspect, or cause to be inspected, ~~at least once annually~~; every hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment in this state. ~~The frequency of inspections must be based on the degree of hazard to the public. High-risk establishments must be inspected at least once a year. Medium-risk establishments must be inspected at least once every 18 months. Low-risk establishments must be inspected at least once every two years.~~ For ~~this~~ the purpose of conducting inspections, the ~~inspector~~ commissioner shall have the right to enter and have access thereto at any time during the conduct of business and when, upon inspection, it shall be found that the business and property so inspected is not being conducted, or is not equipped, in the manner required by the provisions of this chapter or the rules of the state commissioner of health, or is being conducted in violation of any of the laws of this state pertaining to the business, it shall thereupon be the duty of the ~~hotel inspector~~ commissioner to notify the owner, proprietor, or agent in charge of the business, or the owner or agent of the buildings so occupied, of the condition so found. Each owner, proprietor, or agent shall forthwith comply with the provisions of this chapter or the rules of the commissioner, unless otherwise herein provided. A reasonable time may be granted by the ~~hotel inspector~~ commissioner for compliance with the provisions of this chapter.

Sec. 38. Minnesota Statutes 1986, section 157.09, is amended to read:

157.09 [REVOCATION OF LICENSE.]

It shall be the duty of the ~~state hotel inspector~~ commissioner of health to revoke

a license, on the ~~inspector's~~ commissioner's finding that a place of business is being operated in violation of the provisions of this chapter or rules of the state commissioner of health, so as to constitute a filthy, unclean, and insanitary condition and dangerous to public health; or, if the owner or proprietor persistently refuses or fails to comply with the provisions of this chapter or rules of the commissioner. Upon revocation of a license, the place of business shall be immediately closed to public patronage until such time as the owner or proprietor shall have complied with the provisions of this chapter, as certified to by the issuance of a new license.

The third revocation of license in any one year and on any one proprietor shall be made permanent for a period of one year from the date of the last revocation.

Sec. 39. Minnesota Statutes 1986, section 157.14, is amended to read:

157.14 [EXEMPTIONS.]

This chapter shall not be construed to apply to interstate carriers under the supervision of the United States Department of Health, Education and Welfare or to any building constructed and primarily used for religious worship, nor to any building owned, operated and used by a college or university in accordance with regulations promulgated by the college or university. Any person, firm or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05 is exempt at that premises from licensure as a place of refreshment or restaurant; provided, that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of the chapter or the rules of the state commissioner of health relating to food and beverage service establishments. *This chapter does not apply to family day-care homes or group family day-care homes governed by sections 245.781 to 245.812.*

Sec. 40. [INSTRUCTION TO REVISOR.]

*In the next and later editions of Minnesota Statutes, the revisor of statutes shall change the words "life support transportation service" to "ambulance service" in sections 144.801 to 144.8093 and 174.29.*

Sec. 41. [REPEALER.]

*Minnesota Statutes 1986, sections 144.422; 144.424; 144.425; 144.471; 144.49, subdivision 5; 144.692; 144.801, subdivision 8; and 144.94, are repealed.*

Sec. 42. [EFFECTIVE DATE.]

*Sections 1 to 41 are effective July 1, 1987."*

Mr. Benson moved to amend the Lantry amendment to S.F. No. 1048 as follows:

Page 21, delete section 26

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Merriam moved to amend the Lantry amendment to S.F. No. 1048 as follows:

Page 6, line 3, delete "suspects of" and insert "believes to be"

Page 6, line 7, delete "suspect" and insert "believe" and delete "of" and insert "to be a"

Page 6, line 8, delete "status"

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Benson moved to amend the Lantry amendment to S.F. No. 1048 as follows:

Page 8, line 29, delete "*an emergency*" and insert "*a*"

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Frederick moved to amend the Lantry amendment to S.F. No. 1048 as follows:

Page 6, line 2, after "*person*" insert "*who serves as a potential source of infection and*"

Page 6, line 5, delete "*and who serves as a potential*"

Page 6, line 6, delete "*source of infection*"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Lantry amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 167, which the committee recommends to pass, subject to the following motions:

Mr. Lessard moved to amend S.F. No. 167 as follows:

Page 1, line 19, after the period, insert "*To the extent possible, the board shall appoint members who are residents of the various geographic regions of the state.*"

Page 1, line 25, before "*One*" insert "*By increasing private sector support for the Minnesota zoological garden, the board shall seek to increase accessibility to the zoo by minimizing admission fees and increasing public transportation to the zoo.*"

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1986, section 85A.01, is amended by adding a subdivision to read:

*Subd. 5. Members of the board are not required to file a statement of economic interest with the state ethical practices board under section 10A.09."*

Page 2, line 15, delete "*2*" and insert "*3*" and after the period, insert "*Section 2 is effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "*exempting members of the board from filing statements of economic interest;*"

Page 1, line 6, before the period, insert "*, and by adding a subdivision*"

Mr. Merriam requested division of the amendment as follows:

First portion:

Page 1, line 19, after the period, insert "*To the extent possible, the board shall appoint members who are residents of the various geographic regions of the state.*"

Page 1, line 25, before "*One*" insert "*By increasing private sector support for the Minnesota zoological garden, the board shall seek to increase accessibility to the zoo by minimizing admission fees and increasing public transportation*

to the zoo."

Second portion:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1986, section 85A.01, is amended by adding a subdivision to read:

*Subd. 5. Members of the board are not required to file a statement of economic interest with the state ethical practices board under section 10A.09."*

Page 2, line 15, delete "2" and insert "3" and after the period, insert "*Section 2 is effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "exempting members of the board from filing statements of economic interest;"

Page 1, line 6, before the period, insert ", and by adding a subdivision"

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the amendment. The motion prevailed. So the second portion of the amendment was adopted.

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 80: A bill for an act relating to insurance; providing flexibility in the amount of coverages other than for the dwelling under a homeowner's policy; proposing coding for new law in Minnesota Statutes, chapter 65A.

There has been appointed as such committee on the part of the House: McLaughlin, Quinn and Milbert.

Senate File No. 80 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1987

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 89: A bill for an act relating to agriculture; clarifying and amending the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 336.9-501; 550.365; 559.209; 581.015; 583.22, subdivisions 2 and 8, and by adding a subdivision; 583.24, subdivisions 1, 3, and by adding a subdivision; 583.26, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, and by adding a subdivision; 583.27, subdivisions 1, 3, and 4; 583.28; and 583.285; proposing coding for new law in Minnesota Statutes, chapter 583.

There has been appointed as such committee on the part of the House: Schoenfeld, Sparby, Steensma, Dille and Olson, E.

Senate File No. 89 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1987

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 94: A bill for an act relating to public health; requiring an itemized billing for hearing aid repairs; amending Minnesota Statutes 1986, section 145.43, by adding a subdivision.

There has been appointed as such committee on the part of the House: Bauerly, Bertram and Omann.

Senate File No. 94 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1987

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 282: A bill for an act relating to metropolitan government; permitting regional railroad authorities to engage in certain activities; amending Minnesota Statutes 1986, section 473.398.

There has been appointed as such committee on the part of the House: Nelson, K.; McLaughlin; Kalis; Segal and Olsen, S.

Senate File No. 282 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives



Returned May 5, 1987

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1515: A bill for an act relating to higher education; appropriating money for education and related purposes to the higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, the Mayo medical foundation, and the Minnesota job skills partnership board, with certain conditions; amending Minnesota Statutes 1986, sections 135A.03, subdivision 1; 136A.101, by adding a subdivision; 136A.111, by adding a subdivision; 136A.121, subdivisions 4 and 5; 136A.132, subdivisions 3, 6, and 7; 136A.233, subdivisions 1 and 2; 136A.85; 136A.86, subdivisions 1 and 2; 136A.87; 137.31, subdivision 3; and 645.445, subdivision 5; Laws 1983, chapter 334, section 7; repealing Minnesota Statutes 1986, section 136.09, subdivision 3.

There has been appointed as such committee on the part of the House: Carlson, L.; Price; Orenstein; Rose and Dorn.

Senate File No. 1515 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1987

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1516: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 28A.08; 32.075; 32.59; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision 7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 138.65; 138.91, by adding a subdivision; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; amending Laws 1975, chapter 235, section 2, as amended.

There has been appointed as such committee on the part of the House: Rice, Lieder, Sarna, Kalis and Seaberg.

Senate File No. 1516 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1987

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 674:

H.F. No. 674: A bill for an act relating to crimes; dictating circumstances in which the court may stay execution of sentence following conviction for a second or subsequent offense relating to criminal sexual conduct; providing that information regarding a sexual assault victim is private; amending Minnesota Statutes 1986, sections 609.346, subdivisions 2 and 3; and 611A.06.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Blatz, Kelly and Swenson have been appointed as such committee on the part of the House.

House File No. 674 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1987

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 674, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 854:

H.F. No. 854: A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1986, sections 548.27; 548.30; 549.09; and 550.04.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Orenstein, Kelly and Dempsey have been appointed as such committee on the part of the House.

House File No. 854 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1987

Mr. Frederickson, D.R. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 854, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 243:

H.F. No. 243: A bill for an act relating to the organization and operation of state government; appropriating money for human services, corrections, health, jobs and training, and other purposes with certain conditions; amending Minnesota Statutes 1986, sections 16B.08, subdivision 7; 62A.046; 144.122; 144.123, subdivision 2; 144A.33, subdivisions 3 and 4; 171.29, subdivision 2; 245.713, subdivision 2; 245.782, subdivision 5; 246.023, subdivision 1; 246.18, subdivision 1, and by adding a subdivision; 246.50, subdivisions 3, 4a, 5, 7, and by adding a subdivision; 246.51; 246.511; 246.57, by adding a subdivision; 251.011, subdivision 6; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 252.275, subdivisions 1, 2, 4, and 7; 252.28, by adding a subdivision; 252.291, subdivision 2; 256.045, subdivision 3; 256.737, subdivisions 1 and 2; 256.969, subdivision 2; 256B.02, subdivision 8, and by adding subdivisions; 256B.03, subdivision 1; 256B.04, subdivision 15; 256B.042, subdivisions 2 and 3, and by adding subdivisions; 256B.06, subdivision 1, and by adding a subdivision; 256B.064, subdivision 1a; 256B.15; 256B.17, subdivisions 4 and 5; 256B.19, subdivision 1; 256B.35, subdivisions 1 and 2; 256B.37, subdivisions 1 and 2, and by adding subdivisions; 256B.421, subdivision 1; 256B.431, subdivisions 2b and 3; 256B.433; 256B.47, subdivision 1, and by adding subdivisions; 256B.48, subdivision 1; 256B.501, subdivisions 1, 2, and 8; 256B.69, subdivisions 6 and 11, and by adding subdivisions; 256D.03, subdivisions 3 and 4, and by adding subdivisions; 256D.37, subdivision 1; 256E.09, subdivision 3; 256E.12, subdivision 3; 257.35; 257.351, subdivision 15, and by adding subdivisions; 257.354, subdivision 4, and by adding a subdivision; 268.121; 268.53, subdivision 1; 268.673, subdivision 5, and by adding a subdivision; 268.6751, subdivision 1; 268.676; 268.677, subdivision 1; 268.678, subdivision 4; 268.681, subdivisions 2 and 3; 473.405, subdivision 13; 514.69; 524.3-1201; and 525.56, subdivision 3; amending Laws 1986, chapter 394, section 24; proposing coding for new law in Minnesota Statutes, chapters 179A, 245, 246, 252, 256, 256B, and 257; repealing Minnesota Statutes, sections 245.69, subdivision 1a; 245.713, subdivisions 1 and 3; 245.73; 245.76; 246.023, subdivisions 2, 3, 4, and 5; 256.966, subdivision 2; 256B.05, subdivision 4; 256B.07; 256B.501, subdivisions 5, 6, 7, and 9; 256D.051, subdivision 12; 256E.06, subdivision 2a; and 256E.12; Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310.

The House respectfully requests that a Conference Committee of five members be appointed thereon.

Wynia; Greenfield; Rodosovich; Anderson, R., and Jennings have been appointed as such committee on the part of the House.

House File No. 243 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1987

Mr. Samuelson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 243, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees

on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Dicklich moved that S.F. No. 134, No. 5 on General Orders, be stricken and re-referred to the Committee on Public Utilities and Energy. The motion prevailed.

Mr. Dicklich moved that S.F. No. 384, No. 195 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Dicklich moved that S.F. No. 791, No. 62 on General Orders, be stricken and re-referred to the Committee on General Legislation and Public Gaming. The motion prevailed.

Ms. Piper moved that H.F. No. 856, No. 132 on General Orders, be stricken and laid on the table. The motion prevailed.

Mr. Wegscheid moved that H.F. No. 1366 be taken from the table, given its second reading and placed on General Orders. The motion prevailed.

### **MEMBERS EXCUSED**

Mr. Cohen was excused from the Session of today from 12:00 noon to 1:20 p.m. Mr. Dahl was excused from the Session of today from 12:00 noon to 1:40 p.m. Mr. Morse was excused from the Session of today from 12:00 noon to 2:00 p.m. Mr. Novak was excused from the Session of today from 12:00 noon to 2:00 p.m. and from 7:00 to 8:20 p.m. Mr. Knaak was excused from the Session of today from 7:00 to 10:00 p.m. Mr. Samuelson was excused from the Session of today from 7:00 to 10:00 p.m. Mr. Spear was excused from the Session of today at 8:30 p.m. Mr. Johnson, D.E. was excused from the Session of today at 10:30 p.m. Mr. Frank was excused from the Session of today at 9:00 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, May 6, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate