

FIFTY-SECOND DAY

St. Paul, Minnesota, Thursday, May 14, 1987

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. 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. Craig A. Boehlke.

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 communications were received.

May 7, 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
	26	72	May 11	May 12
	29	73	May 11	May 12
	510	74	May 11	May 12
	668	75	May 11	May 12
	823	76	May 11	May 12
	830	77	May 11	May 12
	1034	78	May 11	May 12
53		79	May 11	May 12
296		80	May 11	May 12
333		81	May 11	May 12
345		82	May 11	May 12
420		83	May 11	May 12
480		84	May 11	May 12
673		85	May 11	May 12
737		86	May 11	May 12
916		87	May 11	May 12

Sincerely,

Joan Anderson Growe

Secretary of State

May 13, 1987

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 25, 123, 557, 578, 751, 1081 and 1313.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 10: A House concurrent resolution saluting the 60th anniversary of Charles A. Lindbergh's solo nonstop flight from New York to Paris in the Spirit of St. Louis.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Moe, R.D. moved that House Concurrent Resolution No. 10 be laid on the table. 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 concurrence of the Senate is respectfully requested:

S.F. No. 677: A bill for an act relating to public utilities; providing for the reduced regulation of certain competitive telephone services, with limitations and procedures; requiring persons providing private shared tenant service to grant certain access; requiring a study and report on universal service assistance; amending Minnesota Statutes 1986, sections 237.01, subdivision 3; 237.081, subdivision 1a; 237.11; 237.12; 237.16, subdivision 1; 237.17; and 237.22; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1986, sections 237.13; 237.41; 237.42; and 237.43.

Senate File No. 677 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

Mr. Dicklich moved that S.F. No. 677 be laid on the table. 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 concurrence of the Senate is respectfully requested:

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.

Senate File No. 51 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 51 and that the bill be placed on its repassage as amended. The motion prevailed.

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

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 735: A bill for an act relating to human services; providing for a statewide interpreter service for hearing impaired persons; altering membership on Minnesota council for the hearing impaired; amending Minnesota Statutes 1986, sections 256C.24, subdivisions 2 and 3; 256C.25, subdivisions 1 and 2; and 256C.28, subdivisions 1 and 3.

Senate File No. 735 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

Mrs. Adkins moved that S.F. No. 735 be laid on the table. 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. 1045, 1183, 1210, 606, 1351, 1399, 727 and 938.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

FIRST READING OF HOUSE BILLS

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

H.F. No. 1045: A bill for an act relating to insurance; establishing a demonstration project to provide medical insurance to certain low income persons; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

H.F. No. 1183: A bill for an act relating to human services; establishing service principles and rate-setting procedures for day training and habilitation services provided to persons with mental retardation and related conditions; amending Minnesota Statutes 1986, sections 245.782, subdivision 5; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 256B.02, subdivision 8; 256B.501, subdivisions 1, 2, and 8; 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 252; repealing Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a; repealing Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310.

Referred to the Committee on Finance.

H.F. No. 1210: A bill for an act relating to human services; regulating the licensure of programs for the care of children or of adults with certain disabilities; providing penalties; replacing the existing licensure law; amending Minnesota Statutes 1986, sections 256D.01, by adding a subdivision; and 256D.37, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1986, sections 245.781; 245.782; 245.783; 245.791; 245.792; 245.801; 245.802; 245.803; 245.804; 245.805; 245.811; 245.812; 245.88; 245.881; 245.882; 245.883; 245.884; and 245.885.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1113, now on General Orders.

H.F. No. 606: A bill for an act relating to environment; establishing a petroleum tank release cleanup program; authorizing state action to prevent or correct health and environmental damage resulting from releases from petroleum storage tanks; establishing a petroleum tank release cleanup fund; establishing a petroleum tank release compensation board; authorizing reimbursement from the fund; requiring rulemaking; providing for administration by the pollution control agency and the department of commerce; requiring certification of tank installers; appropriating money; amending Minnesota Statutes 1986, sections 116.46, by adding subdivisions; 116.47; and 116.48, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 115C; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 536, now on General Orders.

H.F. No. 1351: A bill for an act relating to natural resources; authorizing the taking of elk and amending related laws; authorizing compensation for certain crop damage caused by elk; appropriating money; amending Minnesota Statutes 1986, sections 97A.421, subdivision 6; 97A.431; 97A.465, subdivisions 1 and 3; 97A.471, subdivision 3; 97A.475, subdivision 2; 97A.525, subdivision 1; 97A.535; and 97B.201; proposing coding for new

law in Minnesota Statutes, chapters 3 and 97B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1240.

H.F. No. 1399: A bill for an act relating to economic development; authorizing certain entities involved in economic development to participate in secondary markets; authorizing the use of appropriated money for secondary market purposes; amending Minnesota Statutes 1986, sections 116M.04, by adding a subdivision; 116M.08, by adding a subdivision; 362A.03, by adding a subdivision; 458.192, by adding a subdivision; 458C.14, by adding a subdivision; and 462.445, subdivision 4.

Referred to the Committee on Finance.

H.F. No. 727: A bill for an act relating to state government; amending the process for establishing salaries for the chair of the regional transit board and directors of statewide pension systems; amending Minnesota Statutes 1986, section 15A.081, subdivisions 1 and 7, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 674, now on General Orders.

H.F. No. 938: A bill for an act relating to retirement; legal advisor for public pension funds; regulating workers' compensation offsets to public employee retirement association benefits; amending Minnesota Statutes 1986, sections 8.07; 353.29, subdivision 2; 353.33, subdivision 5, and by adding a subdivision; 353.651, subdivision 2; 353.656, subdivision 2, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 916: A bill for an act relating to state government; amending, creating, and deleting various duties of the commissioner of administration; creating the productivity loan fund; providing definitions; requiring interest earned on the revolving fund for vocational rehabilitation of the blind to be credited to the fund; amending Minnesota Statutes 1986, sections 4.31, subdivisions 1, 5, and by adding a subdivision; 14.04; 16B.06, subdivision 4; 16B.08, subdivisions 3 and 7; 16B.09, subdivision 1; 16B.17, subdivision 2; 16B.24, subdivision 6; 16B.29; 16B.39, by adding a subdivision; 16B.51, subdivision 3; 138.17, subdivision 7; 139.19; 248.07, subdivision 8; and Laws 1979, chapter 333, section 18; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1986, sections 16B.39, subdivision 1; and 138.22.

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

Page 2, line 10, delete "*shall*" and insert "*must*"

Page 2, line 11, delete "*continually*" and delete "*office*" and insert "*director*"

Pages 5 to 7, delete sections 9 and 10

Page 7, line 20, delete "continually"

Page 7, line 36, delete "Notwithstanding any other"

Page 8, line 1, delete everything before the second "the" and insert "To offset"

Page 8, lines 11 and 20, delete "shall" and insert "must"

Page 8, line 21, delete "continually"

Page 9, line 1, delete "shall" and insert "must" and delete ", created" and insert "established"

Page 9, lines 2, 5, and 36, delete "shall" and insert "must"

Page 9, delete section 17 and insert:

"Sec. 15. [PRODUCTIVITY LOAN ACCOUNT.]

The productivity loan account is a special account in the state treasury. Money in the account is appropriated to the commissioner of administration to make loans to finance agency projects that will result in either reduced operating costs or increased revenues, or both, for a state agency."

Page 9, line 22, delete "is established. The committee"

Page 9, line 25, delete "shall serve" and insert "serves"

Page 9, line 28, delete "for that purpose"

Page 9, line 30, delete "any" and insert "a"

Page 9, line 33, delete "shall" and insert "may"

Page 9, line 36, delete "principle" and insert "principal"

Page 10, line 4, delete "an annual" and insert "a"

Page 10, line 5, before the comma, insert "by January 15 each year"

Page 16, line 5, delete "shall" and insert "must"

Page 19, line 23, delete everything after "6," and insert "9 to 12, 14, and 18 are effective"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "appropriating money;"

Page 1, line 11, delete everything after the first semicolon

Page 1, line 12, delete "subdivision 6;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 381: A bill for an act relating to elections; providing for school district elections to be conducted according to Minnesota election law; amending Minnesota Statutes 1986, sections 6.54; 122.22, subdivisions 2 and 4; 122.23, subdivisions 2, 9, and 10; 122.25, subdivision 1; 123.11, subdivision 7; 123.33, subdivision 4; 123.351, subdivision 1; 123.51; 127.09;

127.11; 200.01; 200.015; 200.02, by adding a subdivision; 201.016, subdivision 2; 201.018, subdivision 2; 201.061, subdivisions 3 and 6; 201.071, subdivision 3, and by adding a subdivision; 201.221, subdivision 3; 201.27, subdivision 2; 203B.01, subdivision 2; 203B.04, subdivision 1; 203B.05, subdivision 2; 203B.06, subdivision 2; 203B.08, subdivision 4; 203B.10; 203B.12, subdivision 6; 203B.13; 203B.15; 203B.19; 203B.23; 204B.02; 204B.09, subdivision 2; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.19, subdivision 1; 204B.25, subdivision 1; 204B.29; 204B.31; 204B.32; 204B.34, by adding a subdivision; 204B.35, subdivision 1; 204C.02; 204C.06, subdivision 2; 204C.07, subdivision 3; 204C.08, subdivision 4; 204C.19, subdivision 2; 204C.20, subdivision 4; 204C.24, subdivision 2; 204C.25; 204C.26, subdivisions 2 and 3; 204C.27; 204C.28, by adding a subdivision; 204C.29, subdivision 1; 204C.36; 206.56, by adding a subdivision; 206.58, subdivision 2; 209.02; 209.021, subdivision 3; 210A.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1986, sections 123.015; 123.32; and 201.095.

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

Page 25, line 6, delete everything after the period and insert "*The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district.*"

Page 25, delete lines 7 to 10

Page 25, line 11, delete everything before "A"

Page 25, delete lines 18 and 19 and insert "*20 days before and the 30 days after any regularly scheduled statewide election or election of a municipality wholly or partially within the school district.*"

Page 35, after line 33, insert:

"Sec. 67. [APPROPRIATION.]

\$25,000 is appropriated from the special revenue fund to the secretary of state for the purposes of this article, to be available until June 30, 1989."

Page 36, line 1, delete "67" and insert "68"

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 414: A bill for an act relating to children; regulating the trust fund for prevention of child abuse; continuing an advisory council; appropriating money; amending Minnesota Statutes 1986, sections 299A.23,

subdivision 2; 299A.25, subdivisions 3 and 6.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1986, section 144.226, subdivision 3, is amended to read:

Subd. 3. [BIRTH CERTIFICATE COPY SURCHARGE.] In addition to any fee prescribed under subdivision 1, there shall be a surcharge of \$2 \$3 for each certified copy of a birth certificate. The local or state registrar shall forward this amount to the commissioner of finance for deposit into the account for the children's trust fund for the prevention of child abuse established under section 299A.22. This surcharge shall not be charged under those circumstances in which no fee for a certified copy of a birth certificate is permitted under subdivision 1, paragraph (a). Upon certification by the commissioner of finance that the assets in that fund exceed \$20,000,000, this surcharge shall be discontinued."

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 1986, section 299A.23, subdivision 3, is amended to read:

Subd. 3. [PLAN FOR DISBURSEMENT OF FUNDS.] By June 1, 1987, ~~and biennially thereafter~~, the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. *Biennially thereafter* the commissioner shall send the plan to the legislature and the governor by ~~June~~ January 1 of each odd-numbered year."

Page 2, line 16, reinstate the stricken "may keep up to"

Page 2, lines 16 and 17, delete "*is appropriated \$100,000*" and insert "\$200,000"

Page 2, delete section 4 and insert:

"Sec. 6. Minnesota Statutes 1986, section 299A.26, is amended to read:

299A.26 [ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.]

The commissioner may accept federal money and gifts, donations, and bequests for the purposes of Laws 1986, chapter 423. Money so received *and proceeds from the sale of promotional items, minus sales promotional costs*, must be deposited in the trust fund and must be made available annually to the commissioner ~~for disbursement~~."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "sections" insert "144.226, subdivision 3;" and delete "subdivision 2" and insert "subdivisions 2 and 3"

Page 1, line 6, before the period, insert "; and 299A.26"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1479: A bill for an act relating to economic development; establishing the Minnesota council on productivity and quality; assigning its powers and duties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 1, line 19, delete "four" and insert "two"

Pages 3 and 4, delete section 4

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1428: A bill for an act relating to the attorney general; creating a consumer protection account; providing for its administration; amending Minnesota Statutes 1986, section 8.31, subdivisions 2b, 3, and by adding subdivisions.

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

Page 2, line 12, delete "All"

Page 2, delete lines 13 and 14 and insert "*The money credited to the account may be expended only as appropriated by law for the following purposes:*"

Page 3, after line 23, insert:

"Sec. 5. [APPROPRIATION.]

\$20,000 is appropriated from the consumer education account for the purposes of this act to be available until June 30, 1989."

Amend the title as follows:

Page 1, line 3, delete "protection" and insert "education" and after the second semicolon, insert "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 384: A bill for an act relating to employment; providing for retraining of dislocated workers; requiring the commissioner of jobs and training to coordinate services to dislocated workers; requiring notification of employment termination; providing for the monitoring of dislocated workers and plant closings; providing a state match for federal dislocated worker funding; appropriating money; amending Minnesota Statutes 1986, sections 267.02, subdivision 3; 268.0111, subdivision 4; 268.0122, subdivision 3; and 268.89, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Pages 1 and 2, delete section 1

Page 5, delete section 7

Page 5, line 36, delete "COORDINATOR" and insert "COMMISSIONER"

Page 6, line 1, delete "*full productivity and opportunity coordinator*" and insert "*commissioner of jobs and training*"

Page 6, line 6, delete "*commissioner of jobs and training and the*"

Page 6, lines 7 and 8, delete "*coordinator*" and insert "*commissioner*"

Page 6, delete section 9

Page 6, line 30, delete "APPROPRIATION" and insert "MONITORING"

Page 6, delete line 31

Page 6, line 32, delete everything before "*the*"

Page 6, line 33, delete the first "*to*" and insert "*must*"

Page 7, line 3, before the period, insert "*over a six month period*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8

Page 1, line 9, delete "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 862: A bill for an act relating to public safety; school buses; requiring training for school bus drivers; providing for transitional requirements; appropriating money; amending Minnesota Statutes 1986, section 171.321, subdivisions 1 and 2, and by adding a subdivision.

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

Page 2, line 19, delete "*department*" and insert "*commissioner*"

Page 3, line 5, delete "*department*" and insert "*commissioner*"

Page 3, line 11, delete "\$535,000" and insert "\$50,000"

Page 3, line 13, delete "\$280,000" and insert "\$25,000"

Page 3, line 14, delete "\$255,000" and insert "\$25,000"

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 601: 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; clarifying provisions relating to the burden of proof and evidence of negligence; amending Minnesota Statutes 1986, sections 88.17, subdivision 2; 88.75, subdivision 1; and 88.76.

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

Page 1, delete section 1

Page 2, lines 15 to 19, delete the new language and insert "*Expenses recovered by the state shall be deposited in the fund from which the expenses were originally paid and are available for expenditure for the purposes for which originally appropriated.*"

Page 2, line 21, delete "of" and reinstate the stricken "guilty" and delete "evidence"

Page 3, delete section 3 and insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 1986, section 88.76, is repealed.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete everything after the semicolon

Page 1, delete line 7

Page 1, line 8, delete "negligence;" and delete "sections" and insert "section"

Page 1, line 9, delete "88.17; subdivision 2;" and delete "and" and insert "repealing Minnesota Statutes 1986, section"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 708: A bill for an act relating to waste management; regulating disposal of wastes; providing for a solid waste management policy; providing for recycling policy and marketing; managing household hazardous wastes; regulating the sale and disposal of motor oil and lead acid batteries; providing for waste pesticide collection; appropriating money; amending Minnesota Statutes 1986, sections 115A.03, subdivisions 9 and 21; 115A.06, subdivision 14; 115A.11, subdivision 2; 115A.15, subdivision 6; 115A.152; 115A.154; 115A.156, subdivisions 1, 2, and 5; 115A.158, subdivisions 1 and 2; 115A.42; 115A.45; 115A.49; 115A.51; 115A.52; 115A.53; 115A.54, subdivision 2a; 115A.81, subdivision 2; 115A.921; 115A.95; 116.07, subdivision 4b; 116.41, subdivision 2; 116M.07, by adding a subdivision; 169.872, subdivisions 2, 3, and by adding a subdivision; 176.011, subdivision 9; 239.09; 239.52; 325E.11; 473.149, subdivisions 2d and 6; 473.803, by adding a subdivision; 473.834, subdivision 2; 473.842, subdivision 2; 473.844, subdivisions 1 and 4; and 473.846; Laws 1984, chapter 644, section 85; proposing coding for new law in Minnesota Statutes,

chapters 115A; 239; 325E; and 473; repealing Minnesota Statutes 1986, sections 115A.13; 115A.43; 115A.44; 473.834, subdivision 3; and 473.844, subdivisions 2 and 5.

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

Pages 37 to 39, delete section 54 and insert:

"Sec. 54. [APPROPRIATIONS; COMPLEMENT.]

Subdivision 1. [APPROPRIATIONS.] The following amounts are appropriated from the solid and hazardous waste account to the agencies and for the purposes and fiscal years specified:

	1988	1989
(a) <i>To the waste management board:</i>		
(1) <i>For nonhazardous and industrial waste grants and technical assistance under section 3</i>	\$ 25,000	\$ 25,000
(2) <i>For public education under section 4</i>	95,000	95,000
(3) <i>For the solid waste management policy report under section 14</i>	30,000	30,000
(4) <i>For market development for recyclables under section 17</i>	100,000	100,000
(5) <i>For waste reduction and separation projects and technical assistance under section 21</i>	150,000	150,000
(b) <i>To the pollution control agency:</i>		
(1) <i>For the solid waste management policy report under section 14</i>	30,000	30,000
(2) <i>For household hazardous waste management under section 29</i>	215,800	300,200
(3) <i>For pilot waste pesticide collection under section 51</i>	145,800	70,000
(c) <i>To the department of public service for the notice and inspection program under section 39</i>	3,600	3,600

Amounts unexpended in one fiscal year are available for expenditure in the other fiscal year.

Subd. 2. [COMPLEMENT.] The approved complement of the following agencies is increased as specified:

(a) *Waste management board, four positions.*

(b) *Pollution control agency, five positions.*

Subd. 3. [APPROPRIATION; USED OIL.] The transfer from the motor vehicle transfer fund in Laws 1985, First Special Session chapter 13, section 28, subdivision 8, for waste tire recycling may be used by the authority also for loans for used oil processing equipment and grants for used oil storage tanks under section 32.

Subd. 4. [APPROPRIATION; METROPOLITAN LANDFILL ABATEMENT.] All money in the metropolitan landfill abatement fund is appropriated to the pollution control agency for transfer to the metropolitan council. The council shall use the funds for the purposes of section 473.844,

as amended, and section 49. The council shall use \$1,500,000 for grants under section 49. By July 1 of 1987 and 1988 the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund for the following fiscal year. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only.

Subd. 5. [CONTINGENCY ACTION FUND; WORK PROGRAM REQUIRED.] Each year, the agency shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing anticipated expenditures from the metropolitan landfill contingency action fund for the following fiscal year. The agency may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only."

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 1112: A bill for an act relating to human services; defining directors, officers, and partners as vendors of medical care for the purpose of medical assistance; allowing the commissioner to charge interest on money recovered from certain medical assistance providers; allowing sanction authority; amending Minnesota Statutes 1986, sections 256B.02, subdivision 7; 256B.064, subdivision 1c; and 256B.27, subdivisions 3 and 4.

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 256B.02, subdivision 7, is amended to read:

Subd. 7. "Vendor of medical care" means any person or persons furnishing, within the scope of the vendor's respective license, any or all of the following goods or services: medical, surgical, hospital, optical, visual, dental and nursing services; drugs and medical supplies; appliances; laboratory, diagnostic, and therapeutic services; nursing home and convalescent care; screening and health assessment services provided by public health nurses; health care services provided at the residence of the patient if the services are performed by a public health nurse and the nurse indicates in a statement submitted under oath that the services were actually provided; and such other medical services or supplies provided or prescribed by persons authorized by state law to give such services and supplies. *The term includes, but is not limited to, directors and officers of corporations or members of partnerships who, either individually or jointly with another or others, have the legal control, supervision, or responsibility of submitting claims for reimbursement to the medical assistance program. The term only includes directors and officers of corporations who personally receive a portion of the distributed assets upon liquidation or dissolution, and their liability is limited to the portion of the claim that bears the same proportion to the total claim as their share of the distributed assets bears to the total distributed assets.*

Sec. 2. Minnesota Statutes 1986, section 256B.064, subdivision 1c, is amended to read:

Subd. 1c. The commissioner may obtain monetary recovery for the conduct described in subdivision 1a by the following methods: assessing and recovering moneys erroneously paid and debiting from future payments any moneys erroneously paid, except that patterns need not be proven as a precondition to monetary recovery for false claims, duplicate claims, claims for services not medically necessary, or false statements. *The commissioner may charge interest on money to be recovered if the recovery is to be made by installment payments or debits. The interest charged shall be the rate established by the commissioner of revenue under section 270.75.*

Sec. 3. Minnesota Statutes 1986, section 256B.27, subdivision 3, is amended to read:

Subd. 3. The commissioner of human services, with the written consent of the recipient, on file with the local welfare agency, shall be allowed access to all personal medical records of medical assistance recipients solely for the purposes of investigating whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a cost report or a rate application which ~~the vendor knows to be is duplicative, erroneous, or false in whole or in part, or which results in the vendor obtaining greater compensation than the vendor is legally entitled to;~~ or (b) the medical care was medically necessary. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. The determination of provision of services not medically necessary shall be made by the commissioner in consultation with an advisory committee of vendors as appointed by the commissioner on the recommendation of appropriate professional organizations. Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner of human services pursuant to this section.

Sec. 4. Minnesota Statutes 1986, section 256B.27, subdivision 4, is amended to read:

Subd. 4. [AUTHORIZATION OF COMMISSIONER TO EXAMINE RECORDS.] A person determined to be eligible for medical assistance shall be deemed to have authorized the commissioner of human services in writing to examine, *for the investigative purposes identified in subdivision 3,* all personal medical records developed while receiving medical assistance ~~for the purpose of investigating whether or not a vendor has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part, or in order to determine whether or not the medical care provided was medically necessary.~~

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1267: A bill for an act relating to energy; authorizing loans to cities, towns, and counties for energy conservation investments and authorizing repayment of those loans; amending Minnesota Statutes 1986, sections 116J.37; 275.50, subdivision 5; 471.65; and 475.51, subdivision 4.

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

Mr. Merriam from the Committee on Finance, to which was referred

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.

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1468: A bill for an act relating to state government; creating an international music and communications arts center task force; appropriating money.

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

Page 1, line 20, delete everything after the period

Page 1, delete lines 21 and 22

Page 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete “; appropriating money”

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 909: A bill for an act relating to natural resources; establishing a state flood hazard mitigation grant program; authorizing grants-in-aid to local government units; revising qualifications for the office of director of the division of waters; authorizing an additional assistant commissioner of natural resources; appropriating money; amending Minnesota Statutes 1986, sections 84.01, subdivision 3; 84.081, subdivision 1; 104.02; 105.40, subdivision 1; and 105.482, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 104.

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

Page 4, line 25, delete “*practicability*” and insert “*practicality*”

Page 5, line 5, delete “*that*” and insert “*to which*”

Page 5, line 8, delete “*capabilities*” and insert “*capability*”

Page 5, line 12, delete “*funds*” and insert “*money*”

Page 5, line 13, delete "*funding*" and insert "*financial*"

Page 5, line 23, delete "*The maximum amount of*"

Page 6, line 20, after the stricken "*council*" insert "*commissioner of finance after consulting with the*" and delete "*on*"

Page 6, line 21, delete the new language

Page 6, line 29, delete "*general*" and insert "*water pollution control*"

Page 6, line 34, delete "____" and insert "5"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 313: A bill for an act relating to veterans; providing for special motor vehicle license plates for former prisoners of war free of charge; amending Minnesota Statutes 1986, section 168.125.

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

Page 2, line 4, delete "*not*"

Page 2, line 6, strike the period and insert "*but*"

Page 2, delete lines 12 and 13

Page 2, line 14, delete "*Ic*" and insert "*Ib*"

Page 2, lines 18 to 20, delete the new language and reinstate the stricken language

Page 2, line 21, delete "*Ic*" and insert "*Ic*"

Amend the title as follows:

Page 1, line 4, delete "*free of*" and insert "*without an additional*" and after the semicolon, insert "*changing the certification procedure for obtaining former prisoner of war status;*"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1200: A bill for an act relating to family law; appropriating money to the University of Minnesota for the Center for Urban and Regional Affairs Conflict and Change Project to study mediation in marriage dissolution cases.

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

Delete everything after the enacting clause and insert:

"Section 1. [MEDIATION STUDY.]

The legislature finds that an unbiased study is needed to analyze the effectiveness of mediation in resolving issues relating to child custody, child support, maintenance, and the division of property in marriage dissolution cases. The center for urban and regional affairs conflict and

change project of the University of Minnesota is an appropriate agency for conducting a study of this nature. Because of the unavailability of state funding, the center is encouraged to seek funding from other sources for the purpose of studying the effectiveness of mediation in marriage dissolution cases."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "the" and insert "encouraging"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1253: A bill for an act relating to human services; providing training of welfare fraud prosecutors and investigators; providing staff for fraud control functions; defining amounts of assistance indirectly paid; providing for joint trials; changing the date of payment of certain periodic support to the assistance unit; regulating certain property transfers; providing for incorrect assistance amounts recovered; appropriating money; amending Minnesota Statutes 1986, sections 256.98; 256D.05; and 393.07, subdivision 10.

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

Page 2, delete section 3

Page 4, delete lines 1 to 26 and insert:

"Subd. 5. [TRANSFERS OF PROPERTY.] The equity value of real and personal property transferred without reasonable compensation within 12 months preceding the date of application for general assistance must be included in determining the resources of an assistance unit in the same manner as in the aid to families with dependent children program under chapter 256."

Page 6, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "providing"

Page 1, line 4, delete "staff for fraud control functions;"

Page 1, line 9, delete "appropriating money;"

Page 1, line 11, after "256D.05" insert ", by adding a subdivision"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1240: A bill for an act relating to natural resources; authorizing the taking of elk and amending related laws; authorizing compensation for certain crop damage caused by elk; appropriating money; amending Minnesota Statutes 1986, sections 3.736, subdivision 3; 97A.421, subdivision

6; 97A.431, subdivision 3; 97A.465, subdivisions 1 and 3; 97A.471, subdivision 3; 97A.475, subdivision 2; 97A.525, subdivision 1; 97A.535; and 97B.201; proposing coding for new law in Minnesota Statutes, chapters 3, 97A, and 97B; repealing Laws 1985, chapter 272, sections 2 and 3.

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

Page 3, line 16, after "*located*" insert a comma

Page 4, delete lines 1 to 4

Renumber the subdivisions in sequence

Page 9, after line 4, insert:

"Sec. 15. [APPROPRIATION.]

Subdivision 1. [AGRICULTURE.] \$29,000 is appropriated from the general fund to the commissioner of agriculture for the purposes specified in this section, to be available for the fiscal year ending June 30 in the years indicated.

	1988	1989
(a) <i>For elk damage claims</i>	\$10,000	\$10,000
(b) <i>Administrative costs</i>	\$ 6,500	\$ 2,500

Subd. 2. [NATURAL RESOURCES.] \$10,000 is appropriated from the game and fish fund to the commissioner of natural resources to develop the elk management plan required by section 14, to be available until June 30, 1989."

Page 9, line 8, delete "15" and insert "16"

Page 9, line 12, delete "*January*" and insert "*July*" and delete "1985" and insert "1987"

Renumber the sections in sequence

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 1621: A bill for an act relating to unemployment compensation; appropriating federal money received for unemployment compensation administration.

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

Page 1, line 8, delete "*, representing*" and insert "*of federal*"

Page 2, line 18, after "*computer*" insert "*facility*"

Page 2, line 23, before the first "*In*" insert "*If the full \$2,000,000 appropriated in section 1 is not available out of federal money, the appropriations are proportionately reduced as necessary to remain within the amount of available federal money.*" and after "*of*" insert "*the*"

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 290: A bill for an act relating to occupations and professions; establishing an office of social work and mental health boards; establishing a board of social work; regulating and licensing social workers; establishing a board of marriage and family therapy; licensing and regulating marriage and family therapists; establishing a board of unlicensed mental health service providers; regulating unlicensed health service providers; providing penalties; appropriating money; amending Minnesota Statutes 1986, 144.335, subdivision 1; 148A.01, subdivision 5; 214.01, subdivision 2; 214.04, subdivision 3; and 609.341, subdivision 17; proposing coding for new law as Minnesota Statutes, chapter 148B.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

BOARD OF SOCIAL WORK

Section 1. [148B.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 13, the following terms have the meanings given.

Subd. 2. [ACCREDITED PROGRAM OF SOCIAL WORK.] "Accredited program of social work" means a school of social work or other educational program that has been accredited by the council on social work education.

Subd. 3. [BOARD.] "Board" means the social work licensing board created in section 2.

Subd. 4. [COUNTY AGENCY SOCIAL WORKER.] "County agency social worker" means an individual who is employed by a county social service agency in Minnesota in social work practice or clinical social work.

Subd. 5. [STATE AGENCY SOCIAL WORKER.] "State agency social worker" means an individual who is employed by a state social service agency in Minnesota in social work practice or clinical social work.

Subd. 6. [PUBLIC AGENCY SOCIAL WORKER.] "Public agency social worker" means an individual who is employed by the federal government or the state of Minnesota or any of its political subdivisions in social work practice or clinical social work.

Subd. 7. [PRIVATE AGENCY SOCIAL WORKER.] "Private agency social worker" means an individual who is employed by an entity not listed in subdivision 6 in the practice of social work or clinical social work.

Subd. 8. [PRIVATE PRACTICE.] "Private practice" means social work practice conducted by an individual who is either self-employed, or a member of a partnership or of a group practice, rather than being employed by an agency, clinic, or other similar entity.

Subd. 9. [PSYCHOTHERAPY.] "Psychotherapy" means treatment of a person or persons who have cognitive, emotional, behavioral, or social dysfunctions through psychological or interpersonal methods. The treatment is a planned and structured program, conducted by a qualified mental health professional and based on information from a differential diagnostic

examination, and is directed toward the accomplishment of goals provided in a plan of care.

Subd. 10. [QUALIFIED MENTAL HEALTH PROFESSIONAL.] "Qualified mental health professional" means a psychiatrist licensed under chapter 147 who is board-certified or eligible for board certification; a psychologist licensed under sections 148.88 to 148.98; a licensed independent clinical social worker; or a psychiatric registered nurse licensed under section 148.211 with a master's degree from an accredited school of nursing and at least two years of post master's supervised experience in direct clinical practice.

Subd. 11. [SOCIAL WORK PRACTICE.] "Social work practice" includes the use of psychosocial theory and methods in the prevention, treatment, or resolution of social or psychological dysfunction caused by environmental stress, interpersonal or intrapersonal conflict, physical or mental disorders, or a combination of these causes, with particular attention to the person-in-situation configuration. Social work practice also includes psychosocial evaluation, counseling, group work, family therapy, family development education, referral to community resources, and, to the extent authorized by sections 1 to 13, psychotherapy and professional services for the diagnosis, treatment, and prevention of mental and emotional disorders. Social work practice does not include medical care or any other type of remedial care that may be reimbursable by medical assistance, under chapter 256B, except to the extent the care is reimbursed under section 256B.02, subdivision 8, clause (5), or as provided under Minnesota Rules, parts 9500.1070, 9505.1020, or their successor parts.

Subd. 12. [LICENSED SOCIAL WORKER.] "Licensed social worker" means a social worker licensed under section 4, subdivision 3, to engage in social work practice.

Subd. 13. [LICENSED GRADUATE SOCIAL WORKER.] "Licensed graduate social worker" means a social worker licensed under section 4, subdivision 4, to engage in social work practice including psychotherapy when conducted under supervision.

Subd. 14. [LICENSED INDEPENDENT SOCIAL WORKER.] "Licensed independent social worker" means a social worker licensed under section 4, subdivision 5, to engage in social work practice including psychotherapy when conducted under supervision.

Subd. 15. [LICENSED INDEPENDENT CLINICAL SOCIAL WORKER.] "Licensed independent clinical social worker" means a social worker licensed under section 4, subdivision 6, to engage in social work practice, including professional services for the diagnosis, treatment, and prevention of mental and emotional disorders and psychotherapy without supervision.

Subd. 16. [SUPERVISION.] "Supervision" means the direction of social work practice in face-to-face sessions according to standards in section 5 and in rules established by the board of social work.

Sec. 2. [148B.02] [SOCIAL WORK LICENSING BOARD.]

Subdivision 1. [CREATION.] The social work licensing board is created. The board consists of nine members appointed by the governor, including six social workers licensed under sections 1 to 13, and three public members as defined in section 214.02.

Subd. 2. [QUALIFICATIONS OF BOARD MEMBERS.] The social worker

members of the board must consist of two licensed independent clinical social workers, two licensed independent social workers, and two licensed social workers. The social worker members must include two members who are public agency social workers, two members who are private agency social workers, one member who is engaged in private practice, and one member who is an educator engaged in regular teaching duties at an accredited program of social work. At least two members must represent racial minorities and at least two members must reside outside of the seven-county metropolitan area.

Subd. 3. [MEMBERS OF FIRST BOARD APPOINTED.] Members of the first board appointed according to subdivisions 1 and 2 need not be licensed, but must meet all qualifications, other than payment of fees, to be eligible for licensure under sections 1 to 13.

Subd. 4. [OFFICERS AND EXECUTIVE SECRETARY.] The board shall annually elect from its membership a chair, vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. The board shall appoint and employ an executive secretary who is not a member of the board.

Subd. 5. [TERMS AND SALARIES.] Chapter 214 applies to the social work licensing board unless superseded by sections 1 to 13.

Sec. 3. [148B.03] [DUTIES OF THE BOARD.]

Subdivision 1. [GENERAL.] The social work licensing board shall:

(1) adopt and enforce rules for licensure of social workers and for regulation of their professional conduct. The rules must be designed to protect the public;

(2) adopt rules establishing standards and methods of determining whether applicants and licensees are qualified under sections 4 to 6. The rules must make provision for examinations; establish standards for professional conduct, including adoption of a code of professional ethics; and establish continuing education requirements;

(3) hold examinations at least twice a year to assess applicants' knowledge and skills. The examinations may be written or oral and may be administered by the board or a designee. Examinations must test the knowledge and skills of each of the four groups of social workers. Examinations must minimize cultural bias and must be balanced in theory;

(4) issue licenses to individuals qualified under sections 1 to 13;

(5) issue copies of the rules for licensure to all applicants;

(6) establish and implement procedures, including a standard disciplinary process, to ensure that individuals licensed as social workers will comply with the board's rules;

(7) establish, maintain, and publish annually a register of current licensees;

(8) establish initial and renewal application and examination fees sufficient to cover operating expenses of the board and its agents;

(9) educate the public about the existence and content of the rules for social work licensing to enable consumers to file complaints against licensees who may have violated the rules; and

(10) evaluate its rules in order to refine the standards for licensing social

workers and to improve the methods used to enforce the board's standards.

Subd. 2. [CONTINUING EDUCATION COMMITTEE.] *The board shall appoint a continuing education committee to advise the board on the administration of continuing education requirements. The committee chair must be appointed by the board and be a member of the board. Additional committee members must be appointed by the board and need not be board members. The committee must include licensed social workers, licensed independent social workers, and licensed independent clinical social workers and shall include:*

(1) a social worker engaged in regular teaching duties at an accredited program of social work;

(2) a public agency social worker;

(3) a private agency social worker;

(4) a social worker engaged in private practice;

(5) a public member as defined in section 214.02;

(6) at least one member who is a person of color; and

(7) at least one member who resides outside the seven-county metropolitan area.

Sec. 4. [148B.04] [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [CATEGORIES OF LICENSEES.] *The board shall issue licenses for the following four groups of individuals qualified under sections 1 to 13 to practice social work:*

(1) social workers;

(2) graduate social workers;

(3) independent social workers; and

(4) independent clinical social workers.

Subd. 2. [FEE.] *Each applicant shall pay a nonrefundable fee set by the board. Fees paid to the board must be deposited in the special revenue fund.*

Subd. 3. [SOCIAL WORKER.] *To be licensed as a social worker, an applicant must provide evidence satisfactory to the board that the applicant:*

(1) has received a baccalaureate degree from an accredited program of social work;

(2) has passed the examination provided for in section 3, subdivision 1;

(3) will engage in social work practice only under supervision for at least two years in full-time employment or 4,000 hours; and

(4) will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the board.

Subd. 4. [GRADUATE SOCIAL WORKER.] *To be licensed as a graduate social worker, an applicant must provide evidence satisfactory to the board that the applicant:*

(1) has received a master's degree from an accredited program of social

work or doctoral degree in social work;

(2) has passed the examination provided for in section 3, subdivision 1;

(3) will engage in social work practice only under supervision; and

(4) will conduct all professional activities as a graduate social worker in accordance with standards for professional conduct established by the rules of the board.

Subd. 5. [INDEPENDENT SOCIAL WORKER.] *To be licensed as an independent social worker, an applicant must provide evidence satisfactory to the board that the applicant:*

(1) has received a master's degree from an accredited program of social work or doctoral degree in social work;

(2) has passed the examination provided for in section 3, subdivision 1;

(3) has practiced social work for at least two years in full-time employment or 4,000 hours under supervision after receiving the master's or doctoral degree in social work; and

(4) will conduct all professional activities as an independent social worker in accordance with standards for professional conduct established by the rules of the board.

Subd. 6. [INDEPENDENT CLINICAL SOCIAL WORKER.] *To be licensed as an independent clinical social worker, an applicant must provide evidence satisfactory to the board that the applicant:*

(1) has received a master's degree from an accredited program of social work, or doctoral degree in social work, that included an advanced concentration of clinically oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or post master's clinical training that is found by the board to be equivalent to that course work and field placement;

(2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours under supervision after receiving the master's or doctoral degree in social work;

(3) has passed the examination provided for in section 3, subdivision 1; and

(4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the rules of the board.

Sec. 5. [148B.05] [SUPERVISION.]

When supervision is required under sections 1 to 13, it must be provided by a social worker licensed at least at the level of the worker being supervised and qualified to practice without supervision; or, when the social work licensing board determines that supervision by a qualified social worker is unobtainable and in other situations considered appropriate by the board of social work, by another qualified professional.

Sec. 6. [148B.06] [PSYCHOTHERAPY.]

Social workers qualified to practice psychotherapy are licensed inde-

pendent clinical social workers; or licensed graduate or licensed independent social workers who have training required by section 4, subdivision 6, and practice under the supervision of a qualified mental health professional.

Sec. 7. [148B.07] [LICENSE RENEWAL REQUIREMENTS.]

Subdivision 1. [RENEWAL.] Licensees shall renew licenses at the time and in the manner established by the rules of the board.

Subd. 2. [CONTINUING EDUCATION.] At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each three-year period at least the equivalent of 45 clock hours of continuing professional post-degree education in programs approved by the board and continues to be qualified to practice under sections 1 to 13.

Sec. 8. [LICENSES; TRANSITION PERIOD.]

Subdivision 1. [EXEMPTION FROM EXAMINATION.] For two years from the effective date of sections 1 to 13, the board shall issue a license without examination to an applicant:

(1) for a licensed social worker, if the board determines that the applicant has received a baccalaureate degree from an accredited program of social work, or that the applicant has at least a baccalaureate degree from an accredited college or university and two years in full-time employment or 4,000 hours of experience in the supervised practice of social work within the five years before the effective date of sections 1 to 13;

(2) for a licensed graduate social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board;

(3) for a licensed independent social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board; and, after receiving the degree, has practiced social work for at least two years in full-time employment or 4,000 hours under the supervision of a social worker meeting these requirements, or of another qualified professional; and

(4) for a licensed independent clinical social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline as approved by the board; and, after receiving the degree, has practiced clinical social work for at least two years in full-time employment or 4,000 hours under the supervision of a clinical social worker meeting these requirements, or of another qualified mental health professional.

Subd. 2. [OTHER REQUIREMENTS.] An applicant licensed under this section must also agree to:

(1) engage in social work practice only under the applicable supervision requirements for each category of licensee; and

(2) to conduct all professional activities as a social worker in accordance with standards for professional conduct established by the board by rule.

Subd. 3. [EMERGENCY RULEMAKING AUTHORITY.] The board is authorized to adopt emergency and permanent rules to implement this section.

Sec. 9. [148B.08] [RECIPROCITY.]

The board shall issue an appropriate license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in sections 4 to 6.

Sec. 10. [148B.09] [NONTRANSFERABILITY OF LICENSES.]

A social work license is not transferable.

Sec. 11. [148B.10] [DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.]

Subdivision 1. [GROUNDS.] The board may refuse to renew or to grant a license to, or may suspend, revoke, or restrict the license of an individual whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) is incompetent to engage in social work practice, or is found to be engaged in social work practice in a manner harmful or dangerous to a client or to the public;

(2) has violated the rules of the board or the statutes the board is empowered to enforce;

(3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation; or

(4) has knowingly made a false statement on a form required by the board for licensing or license renewal.

Subd. 2. [RESTORING A LICENSE.] For reasons it finds sufficient, the board may grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction of a license.

Subd. 3. [REVIEW.] Suspension, revocation, or restriction of a license shall be reviewed by the board at the request of the licensee against whom the disciplinary action was taken.

Sec. 12. [148B.11] [PROHIBITION AGAINST UNLICENSED PRACTICE OR USE OF TITLES; PENALTY.]

Subdivision 1. [PRACTICE.] After the board adopts rules, no individual shall engage in social work practice for remuneration unless that individual holds a valid license as a licensed social worker, licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker or is listed under article 2, section 3.

Subd. 2. [USE OF TITLES.] After the effective date of rules adopted by the board, no individual shall be presented to the public by any title incorporating the words "social work" or "social worker" unless that individual holds a valid license issued under sections 1 to 13. County agency social workers and state agency social workers who are not licensed under sections 1 to 11 may use the title county agency social worker or state agency social worker.

Subd. 3. [PENALTY.] A person who violates sections 4 to 11 is guilty of a misdemeanor.

Sec. 13. [148B.12] [EXCEPTIONS TO LICENSE REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 1 to 11 shall be construed to prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes but is not limited to licensed physicians; registered nurses; licensed practical nurses; licensed psychologists; probation officers; members of the clergy; attorneys; marriage and family therapists; chemical dependency counselors; professional counselors; school counselors; and registered occupational therapists, and certified occupational therapist assistants. These persons must not, however, hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of social work, or that they are licensed to engage in the practice of social work.

Subd. 2. [STUDENTS.] Nothing in sections 1 to 13 shall be construed to prevent students enrolled in an accredited program of social work from engaging in the practice of social work, or to prevent social work practice by individuals preparing for licensed independent clinical social work practice under qualified supervision in a social work setting.

Subd. 3. [FEDERALLY RECOGNIZED TRIBES AND PRIVATE NON-PROFIT AGENCIES WITH A MINORITY FOCUS.] The licensing of social workers who are employed by federally recognized tribes or by private nonprofit agencies, whose primary service focus addresses ethnic minority populations, and who are themselves members of ethnic minority populations, is voluntary.

Sec. 14. [APPROPRIATION.]

\$378,800 is appropriated from the special revenue fund to the social work licensing board for purposes of sections 1 to 13; \$158,000 to be available for the fiscal year ending June 30, 1988, and \$220,800 to be available for the fiscal year ending June 30, 1989.

ARTICLE 2

BOARD OF MENTAL HEALTH SERVICE PROVIDERS

Section 1. [148B.21] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 1 to 9, the following terms have the meanings given them in this section.

Subd 2. [BOARD.] "Board" means the board of mental health service providers established in section 2.

Subd. 3. [MENTAL HEALTH SERVICE PROVIDER.] "Mental health service provider" or "provider" means any person who provides, for a remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical examiners under chapter 147; the board of nursing under sections 148.171 to 148.285; or the board of psychology under sections 148.88 to 148.98; the board of social work under article 1, sections 1 to 13; or another licensing board if the person is practicing within the scope of the license.

Subd. 4. [MENTAL HEALTH SERVICES.] "Mental health services" means the professional treatment, assessment, or counseling of another person for a cognitive, behavioral, emotional, mental, or social dysfunction, including intrapersonal or interpersonal dysfunctions.

Subd. 5. [MENTAL HEALTH CLIENT.] "Mental health client" or "client" means a person who receives the services of a mental health service provider.

Sec. 2. [148B.22] [BOARD OF MENTAL HEALTH SERVICE PROVIDERS.]

Subdivision 1. [COMPOSITION.] The board of mental health service providers consists of 17 members, including two chemical dependency counselors, two professional counselors, two pastoral counselors, five members representing other identifiable specialties and subgroups of providers subject to filing requirements, and six public members as defined in section 214.02. Within 90 days after the effective date of rules adopted by the board to implement sections 1 to 9, members of the board specified must be mental health service providers who have filed with the board pursuant to section 3.

Subd. 2. [APPOINTMENT.] Members of the board are appointed by the governor and serve under section 214.09.

Subd. 3. [BOARD ADMINISTRATION.] The board shall elect from among its members a chair and a vice-chair to serve for one year or until a successor is elected and qualifies. The members of the board have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. Nine members of the board constitute a quorum for the transaction of business.

Subd. 4. [RULEMAKING.] The board shall adopt rules necessary to implement, administer, or enforce sections 1 to 9 under chapter 14 and section 214.001, subdivisions 2 and 3. The board shall consult with the commissioner of health, the commissioner of human services, and the commissioner of employee relations in the development of rules. The board may not adopt rules that restrict or prohibit persons from providing mental health services on the basis of education, training, experience, or supervision; or that restrict the use of any title.

Sec. 3. [148B.23] [FILING REQUIRED.]

Subdivision 1. [FILING.] All mental health service providers shall file with the state, on a form provided by the board, their name; home and business address; telephone number; degrees held, if any, major field, and whether the degrees are from an accredited institution and how the institution is accredited; and any other relevant experience. An applicant for filing who has practiced in another state shall authorize, in writing, the licensing or regulatory entity in the other state or states to release to the board any information on complaints or disciplinary actions pending against that individual, as well as any final disciplinary actions taken against that individual. The board shall provide a form for this purpose. The board may reject a filing if there is evidence of a violation of or failure to comply with this chapter.

Subd. 2. [ACKNOWLEDGEMENT OF FILING.] The board shall issue an acknowledgement of filing to each mental health service provider who files under subdivision 1 and relevant rules of the board, and who is determined by the board to be in compliance with this chapter. The acknowledgement of filing must not be displayed in any manner nor shall it be shown to mental health clients. The acknowledgement of filing shall contain in bold print the phrase: "This acknowledgement of filing does not imply or certify in any way that this mental health professional has met any standards or criteria of education or training."

Subd. 3. [NONTRANSFERABILITY.] Acknowledgements of filing are nontransferable.

Subd. 4. [PENALTIES.] Failure to file with the board, or supplying false or misleading information on the filing form, application for registration, or any accompanying statements shall constitute grounds for adverse action.

Subd. 5. [PROVISION OF MENTAL HEALTH SERVICES WITHOUT FILING.] Except as otherwise provided in this chapter, it is unlawful for any person not filing with the board to provide mental health services in this state as defined in section 1, subdivision 4. Any person violating subdivision 1 is guilty of a gross misdemeanor.

Sec. 4. [148B.235] [FEES.]

The board shall by rule establish fees, including late fees, for filings and renewals so that the total fees collected by the board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128. Fees must be credited to the special revenue fund.

Sec. 5. [148B.24] [PROHIBITED USE OF ACKNOWLEDGEMENT.]

No mental health service provider may display the acknowledgement received under section 3, subdivision 2, or refer to it in any advertising, on stationery, or in any communication to a client or the public, or otherwise use the fact that the provider has filed with the state as an indication of state approval or endorsement or satisfaction of standards of conduct, training, or skill.

Sec. 6. [148B.25] [PROHIBITED CONDUCT.]

Subdivision 1. [PROHIBITED CONDUCT.] Notwithstanding any law to the contrary, the board may reject a filing or application, or may impose adverse action as described in section 7 against any mental health service provider for failure to comply with the provisions of this chapter. The following conduct is prohibited and is grounds for adverse action:

(a) Conviction of a crime reasonably related to the provision of mental health services. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of crimes against persons. For the purposes of this chapter, a crime against a person means violations of the following sections: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.23; 609.231; 609.235; 609.24; 609.245; 609.25; 609.255; 609.265; 609.26, subdivision 1, clause (1) or (2); 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, clause (1); 609.561; 609.562; and 609.595.

(c) Revocation, suspension, restriction, limitation, or other disciplinary action against the mental health professional's license, certificate, registration, or right of practice in another state or jurisdiction, for offenses that would be subject to disciplinary action in this state, or failure to report to the board that charges regarding the person's license, certificate, registration, or right of practice have been brought in another state or jurisdiction.

(d) Advertising that is false or misleading.

(e) Filing with the board false or misleading statements of credentials, training, or experience.

(f) Conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent, or as a person who has a psychopathic personality as defined in section 526.09 or who is dangerous to himself or herself, or adjudication pursuant to chapter 253B as chemically dependent, mentally ill, mentally retarded, or mentally ill and dangerous to the public.

(h) Inability to provide mental health services with reasonable safety to clients by reason of physical, mental, or emotional illness; drunkenness; or use of legend drugs, chemicals, controlled substances, or any other similar materials or mood-altering substances.

(i) Revealing a communication from, or relating to, a client except when otherwise required or permitted by law.

(j) Failure to comply with a client's request made under section 144.335 or to furnish a client record or report required by law.

(k) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client.

(l) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(m) Engaging in sexual contact with a client or former client as defined in section 148A.01.

(n) Failure to make reports as required by section 6, or cooperate with an investigation of the board as required by section 8.

(o) Obtaining money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

(p) Undertaking or continuing a professional relationship with a client in which the objectivity of the professional would be impaired.

(q) Failure to provide the client with a copy of the client bill of rights, or violation of any provision of the client bill of rights.

Subd. 2. [EVIDENCE.] In adverse actions alleging a violation of subdivision 1, paragraph (a), (b), or (c), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of its contents.

Subd. 3. [MENTAL EXAMINATION; ACCESS TO MEDICAL DATA.]
(a) If the board has probable cause to believe that a mental health service provider comes under subdivision 1, paragraph (g) or (h), it may direct

the provider to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision every mental health service provider is deemed to have consented to submit to a mental or physical examination or chemical dependency evaluation when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians', psychologists', or mental health professional's testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a mental health service provider to submit to an examination when directed constitutes an admission of the allegations against the provider, unless the failure was due to circumstance beyond the provider's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A mental health service provider affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the provider can resume the provision of mental health services with reasonable safety to clients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a mental health service provider in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.42, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a mental health service provider without the provider's consent if the board has probable cause to believe that a provider comes under subdivision 1, paragraph (g), (h), or (m). The medical data may be requested from a health care professional, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A health care professional, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the person or organization giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is private data under sections 13.01 to 13.87.

Sec. 7. [148B.26] [ADVERSE ACTIONS.]

Subdivision 1. [FORMS OF ADVERSE ACTION.] When the board finds that a mental health service provider has violated a provision or provisions of this chapter, it may do one or more of the following:

- (1) deny or reject the filing;
- (2) revoke the right to practice;
- (3) suspend the right to practice;
- (4) impose limitations or conditions on the provider's provision of mental health services, the imposition of rehabilitation requirements, or the requirement of practice under supervision;
- (5) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the provider of any economic advantage gained by reason of the violation charged or to reimburse the board for all costs of the investigation and proceeding;

(6) order the provider to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or

(7) censure or reprimand the provider.

Subd. 2. [PROCEDURES.] The board shall adopt a written statement of internal operating procedures for receiving and investigating complaints reviewing misconduct cases, and imposing adverse actions.

Subd. 3. [MANDATORY SUSPENSION OR REVOCATION OF RIGHT OF PRACTICE.] The board shall suspend or revoke the right of a provider to provide mental health services for violations of section 5, subdivision 1, paragraphs (a), (b), and (m).

Sec. 8. [148B.27] [MENTAL HEALTH CLIENT BILL OF RIGHTS.]

Subdivision 1. [SCOPE.] All mental health service providers other than those providing services in a facility regulated under section 144.651 shall provide to each client prior to providing treatment a written copy of the mental health client bill of rights. A copy must also be posted in a prominent location in the office of the mental health service provider. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not read or speak English. The mental health client bill of rights shall include the following:

(a) The name, title, business address, and telephone number of the provider.

(b) The degrees, training, experience, or other qualifications of the provider, followed by the following statement in bold print:

THE STATE OF MINNESOTA HAS NOT ADOPTED UNIFORM EDUCATIONAL AND TRAINING STANDARDS FOR MENTAL HEALTH SERVICE PROVIDERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATIONAL PURPOSES ONLY.

(c) The name, business address, and telephone number of the provider's supervisor, if any.

(d) Notice that a client has the right to file a complaint with the provider's supervisor, if any, and the procedure for filing complaints.

(e) The name, address, and telephone number of the board and notice that a client may file complaints with the board.

(f) The provider's fees per unit of service, the provider's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the provider, or health maintenance organizations with whom the provider contracts to provide service, whether the provider accepts Medicare, medical assistance, or general assistance medical care, and whether the provider is willing to accept partial payment, or to waive payment, and in what circumstances.

(g) A statement that the client has a right to reasonable notice of changes in services or charges.

(h) A brief summary, in plain language, of the theoretical approach used by the provider in treating patients.

(i) Notice that the client has a right to complete and current information concerning the provider's assessment and recommended course of treatment, including the expected duration of treatment.

(j) A statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the provider.

(k) A statement that client records and transactions with the provider are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law.

(l) A statement of the client's right to be allowed access to records and written information from records in accordance with section 144.335.

(m) A statement that other services may be available in the community, including where information concerning services is available.

(n) A statement that the client has the right to choose freely among available providers, and to change providers after services have begun, within the limits of health insurance, medical assistance, or other health programs.

(o) A statement that the client has a right to coordinated transfer when there will be a change in the provider of services.

(p) A statement that the client may refuse services or treatment, unless otherwise provided by law.

(q) A statement that the client may assert the client's rights without retaliation.

Subd. 2. [ACKNOWLEDGMENT BY CLIENT.] Prior to the provision of any service, the client must sign a written statement attesting that the client has received the client bill of rights.

Sec. 9. [148B.28] [RENEWALS.]

Notwithstanding any other law, the board shall adopt rules providing for the renewal of filings. The rules shall specify the period of time for which a filing is valid, procedures and information required for the renewal, and renewal fees.

Sec. 10. [REPORTS.]

Subdivision 1. [BOARD OF MENTAL HEALTH SERVICE PROVIDERS.] The board of mental health service providers must report on the board's findings and recommendations regarding licensure of mental health service providers to the commissioner of health and the legislature by July 1, 1990. The board shall report to the legislature on or before January 15, 1991, with recommendations on whether providers who are not trained should be allowed to continue to practice.

Subd. 2. [LEGISLATIVE INTENT.] Nothing in this section is intended to require the commissioner of health to delay review of applications for credentialing pursuant to sections 214.13 and 214.141 pending the outcome of the reports required under this section.

Sec. 11. [APPROPRIATION.]

\$378,800 is appropriated from the special revenue fund to the board of mental health service providers for purposes of sections 1 to 10; \$158,000 to be available for the fiscal year ending June 30, 1988, and \$220,800 to be available for the fiscal year ending June 30, 1989.

Sec. 12. [SUNSET.]

Article 2, sections 1 to 9, are repealed effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to occupations and professions; establishing a board of social work; regulating and licensing social workers; establishing a board of mental health service providers; regulating mental health service providers; providing penalties; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 148B."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 381, 414, 1479, 1428, 384, 862, 708, 1267, 1468, 909, 313, 1200, 1253 and 1240 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 916, 601, 1112, 894, 1621 and 290 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Luther moved that the name of Mr. Hughes be added as a co-author to S.F. No. 1529. The motion prevailed.

Mr. Bertram moved that House Concurrent Resolution No. 9 be taken from the table. The motion prevailed.

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.

WHEREAS, the State of Minnesota is proud of the veterans of this nation's wars; and

WHEREAS, 8,800 Americans including 121 Minnesotans remain unaccounted for from the Korean conflict and 2,421 Americans including 44 Minnesotans remain unaccounted for from the Vietnam conflict; and

WHEREAS, the Legislature of the State of Minnesota promotes the displaying and flying of the "POW/MIA" flag as flown on the State Capitol and throughout the state; NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring, that it establishes an official symbol in memory of those Americans who are missing and unaccounted for. The symbol is a "Red Ribbon" and that the Red Ribbon shall be displayed in all public buildings and other appropriate locations on the national day of recognition, designated by the Congress of the United States, Friday, September 18, 1987, and until the issue is resolved.

BE IT FURTHER RESOLVED that the Chief Clerk of the House and the Secretary of the Senate are directed to prepare enrolled copies of this resolution, to be authenticated by their signatures and those of the Speaker of the House and the President of the Senate and present them to representatives of the various Minnesota veterans organizations.

Mr. Bertram moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 529 at 10:30 a.m.:

Messrs. Brandl, Stumpf, Pogemiller, Novak and Johnson, D.J. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kroening moved that the following members be excused for a Conference Committee on H.F. No. 1315:

Messrs. Kroening, Luther, Merriam, Moe, D.M. and Frederickson, D.R. 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 Calendar. The motion prevailed.

CALENDAR

H.F. No. 236: A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 123.015; 200.015; 201.275; 204C.04; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A.

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 43 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Kroening	Moe, R.D.	Spear
Anderson	DeCramer	Langseth	Morse	Storm
Beckman	Dicklich	Lantry	Novak	Stumpf
Belanger	Diessner	Lessard	Peterson, D.C.	Vickerman
Berg	Frank	Marty	Piper	Waldorf
Berglin	Frederickson, D.J.	McQuaid	Reichgott	Wegscheid
Bertram	Frederickson, D.R.	Mehrkins	Renneke	Willet
Chmielewski	Johnson, D.E.	Metzen	Schmitz	
Cohen	Jude	Moe, D.M.	Solon	

Those who voted in the negative were:

Benson	Frederick	Laidig	Olson	Ramstad
Bernhagen	Knaak	Larson	Peterson, R.W.	Taylor
Brataas	Knutson			

So the bill passed and its title was agreed to.

H.F. No. 14: 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.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

H.F. No. 643: A bill for an act relating to domestic abuse; prohibiting modification or vacation of certain orders for protection in a marriage dissolution proceeding; providing that certain actions are not violations of an order for protection; requiring written notice to respondents of penalties for violation of an order; requiring notice to peace officers; requiring recording of hearings; amending Minnesota Statutes 1986, sections 518.131, subdivision 2; and 518B.01, subdivisions 4, 6, 14, and by adding subdivisions.

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

So the bill passed and its title was agreed to.

H.F. No. 654: A bill for an act relating to metropolitan government; providing for the composition of the metropolitan airports commission; requiring plans and reports on noise, capacity, and other matters at Minneapolis-St. Paul International Airport; amending Minnesota Statutes 1986, sections 473.604, subdivision 1; 473.612; and 473.621, subdivision 1a.

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

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby H.F. No. 654 was passed by the Senate on May 14, 1987, be now reconsidered. The motion prevailed.

H.F. No. 654 was then progressed.

H.F. No. 990: A bill for an act relating to crimes; providing that persons convicted of a crime of violence may not ship, transport, possess, or receive a firearm for ten years following restoration of civil rights, the setting aside of a conviction, or a pardon; amending Minnesota Statutes 1986, sections 609.165, by adding a subdivision; 609.168; 624.712, subdivision 5; and 638.02, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 35 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Lessard	Pehler	Reichgott
Benson	Frederickson, D.J.	Luther	Peterson, D.C.	Samuelson
Berg	Frederickson, D.R.	Marty	Peterson, R.W.	Schmitz
Bernhagen	Johnson, D.E.	McQuaid	Piper	Solon
Bertram	Langseth	Moe, D.M.	Pogemiller	Spear
Brandl	Lantry	Moe, R.D.	Purfeerst	Taylor
Brataas	Larson	Olson	Ramstad	Willet

Those who voted in the negative were:

Anderson	Cohen	Frank	Laidig	Renneke
Beckman	Dahl	Johnson, D.J.	Mehrkens	Stumpf
Belanger	DeCramer	Jude	Metzen	Vickerman
Berglin	Dicklich	Knaak	Morse	Wegscheid
Chmielewski	Diessner	Knutson	Novak	

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 905: A bill for an act relating to appropriations; appropriating money to the commissioner of natural resources to replace income lost to state trust funds when certain timber permits were canceled; releasing timber from the trust for a five-year period; authorizing the commissioner of natural resources to sell, recycle or dispose of the timber; directing the disposition of income.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 587: A bill for an act relating to state government; adding certain emergency personnel to the list of people eligible for benefits from the peace officers benefit fund; amending Minnesota Statutes 1986, section 176B.01, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	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	Purfeerst	Wegscheid
Brataas	Johnson, D.E.	McQuaid	Ramstad	Willet
Chmielewski	Johnson, D.J.	Mehrkins	Reichgott	
Cohen	Jude	Metzen	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 508: A bill for an act relating to transportation; requiring a license for the transportation of hazardous waste; providing for license administration, suspension, and revocation; requiring rulemaking; providing penalties; specifying articles that may be carried as household goods; revising fees for certain motor carrier permits and certificates; appropriating money; amending Minnesota Statutes 1986, sections 221.061; 221.121, subdivision 7, and by adding a subdivision; 221.131, subdivisions 2 and 3; 221.291, subdivision 3; 221.296, subdivision 5; and 221.60, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 221.

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	Dahl	Knaak	Moe, D.M.	Renneke
Anderson	DeCramer	Knutson	Moe, R.D.	Samuelson
Beckman	Dicklich	Kroening	Morse	Schmitz
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	Johnson, D.E.	McQuaid	Purfeerst	Willet
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	
Cohen	Jude	Metzen	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 841: A bill for an act relating to natural resources; amending requirements for eligibility, applications, agreements, payments, and other terms and conditions of the conservation reserve program; changing requirements to drain privately owned inventoried wetlands and public waters; amending and changing requirements for the waterbank program; changing requirements for persons selling land under a waterbank agreement; establishing a native prairie bank program; providing for prairie management applications, agreements, payments, and other terms and conditions; appropriating funds; amending Minnesota Statutes 1986, sections 40.41; 40.42, subdivision 5, and by adding subdivisions; 40.43, subdivisions 2, 5, 6, and 7; 40.44, subdivision 2; 84.943, subdivisions 1, 3, and 5; 84.944, subdivision 1; 84.95, subdivision 2, and by adding a subdivision; 105.391, subdivision 3; 105.392, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 84.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 612: A bill for an act relating to health; creating exceptions to the nursing home moratorium; establishing a review process for approval of additional exceptions to the moratorium; prohibiting renewal of licenses for nursing home and boarding care home beds in rooms with more than four beds; providing for changes in property-related costs for reduced licensed bed capacity; allowing for depreciation recapture; providing for a new appeals procedure for appraised value appeal requests; appropriating money; amending Minnesota Statutes 1986, sections 144.55, subdivision 6; 144A.05; 144A.071, subdivision 3; 144A.27; 256B.431, subdivisions 2b, 2c, 3a, 4, and by adding subdivisions; and 256B.50, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

Ms. Berglin moved that S.F. No. 612, No. 13 on the Calendar, be stricken and placed at the bottom of General Orders. The motion prevailed.

S.F. No. 717: A bill for an act relating to agriculture; providing for pesticide registration and regulation; licensing applicators; clarifying and recodifying pesticide laws; providing penalties; requiring a report; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 18B; repealing Minnesota Statutes 1986, sections 18A.21; 18A.22; 18A.23; 18A.24; 18A.25; 18A.26; 18A.27; 18A.28; 18A.29; 18A.30; 18A.31; 18A.32; 18A.33; 18A.34; 18A.35; 18A.36; 18A.37; 18A.38; 18A.39; 18A.40; 18A.41; 18A.42; 18A.43; 18A.44; 18A.45; and 18A.48.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

The question recurred on H.F. No. 654.

H.F. No. 654: A bill for an act relating to metropolitan government; providing for the composition of the metropolitan airports commission; requiring plans and reports on noise, capacity, and other matters at Minneapolis-St. Paul International Airport; amending Minnesota Statutes 1986, sections 473.604, subdivision 1; 473.612; and 473.621, subdivision 1a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Brandl moved that the vote whereby S.F. No. 1191 failed to pass the Senate on May 13, 1987, be now reconsidered. The motion prevailed. So the vote was reconsidered.

RECONSIDERATION

Having voted on the prevailing side, Mr. Brandl moved that the vote whereby the Frank amendment to S.F. No. 1191 was adopted on May 13, 1987, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 1191: A bill for an act relating to utilities; authorizing the public utilities commission to order refunds to reflect the impact of the Tax Reform Act.

Mr. Frank moved to amend S.F. No. 1191 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [216A.096] [ADJUSTMENT TO UTILITY REVENUE REQUIREMENT DUE TO TAX REFORM ACT.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given them.

(b) "Commission" means the public utilities commission.

(c) "Expedited proceeding" means a proceeding before the commission where the commission provides a public utility or telephone company 20 days to file its proposed tariffs and supporting statements of fact, provides other interested persons 20 days to file written statements of fact in argument in response to the proposed tariffs, provides ten days to reply, either in writing or orally or both, and makes a final decision within 30

days after all replies are received based on the record. All pleadings in an expedited proceeding must be verified, and oral statements of fact must be made under oath or affirmation. An expedited proceeding is exempt from sections 14.40 to 14.62.

(d) "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4.

(e) "Tax Reform Act" means the Tax Reform Act of 1986, Public Law Number 99-514.

(f) "Telephone company" has the meaning given it in section 237.01, subdivision 2, except a telephone company does not include an independent telephone company as defined under section 237.01, subdivision 3.

Subd. 2. [RATE ADJUSTMENT.] Notwithstanding chapters 216, 216B, and 237, the commission shall, on its own motion or upon request of a public utility or telephone company, order a public utility or a telephone company, after notice and an expedited proceeding, to adjust the rates charged for its services on the basis of the impact on its revenue requirements caused by changes in federal, state, or local tax laws, including, but not limited to, the provisions of the Tax Reform Act.

Subd. 3. [INTERIM RATES; REFUND.] With regard to any revenue requirements impact of the Tax Reform Act, a rate of a public utility or telephone company in effect on July 1, 1987, that has not been adjusted in a general rate case, in any commission order, or under this section to reflect the impact of the Tax Reform Act is an interim rate and is subject to a refund under sections 216B.16, subdivision 3, and 237.075, subdivision 3, to reflect adjustments due to the Tax Reform Act.

Subd. 4. [OPTION.] A public utility or a telephone company may elect to adjust its rates under a general rate case under section 216B.16 or 237.075 to reflect adjustments in addition to the impact of the Tax Reform Act.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to utilities; providing for expedited hearings by public utilities commission to review adjustments to rates of public utilities and telephone companies due to law changes; proposing coding for new law in Minnesota Statutes, chapter 216A."

Mr. Frederick moved to amend the Frank amendment to S.F. No. 1191 as follows:

Page 1, line 35, before the period, insert " , or changes in workers compensation or unemployment insurance law,"

CALL OF THE SENATE

Mr. Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 1191. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Frederick amendment to the Frank amendment. The motion prevailed. So the amendment to the amendment was

adopted.

The question recurred on the Frank amendment, as amended.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Johnson, D.E.	Mehrrens	Solon
Anderson	Chmielewski	Jude	Metzen	Storm
Belanger	Diessner	Knaak	Olson	Taylor
Benson	Frank	Knutson	Pehler	Wegscheid
Berg	Frederick	Laidig	Purfeerst	
Bernhagen	Frederickson, D.R.	Larson	Ramstad	
Bertram	Gustafson	McQuaid	Renneke	

Those who voted in the negative were:

Beckman	Dicklich	Lessard	Peterson, D.C.	Spear
Berglin	Frederickson, D.J.	Luther	Peterson, R.W.	Stumpf
Brandl	Freeman	Marty	Piper	Vickerman
Cohen	Johnson, D.J.	Moe, D.M.	Pogemiller	Waldorf
Dahl	Kroening	Moe, R.D.	Reichgott	Willet
Davis	Langseth	Morse	Samuelson	
DeCramer	Lantry	Novak	Schmitz	

The motion did not prevail. So the Frank amendment, as amended, was not adopted.

S.F. No. 1191 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 43 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Lantry	Pehler	Solon
Beckman	Davis	Lessard	Peterson, D.C.	Spear
Benson	DeCramer	Luther	Peterson, R.W.	Stumpf
Berg	Dicklich	Marty	Piper	Taylor
Berglin	Frederickson, D.J.	Metzen	Pogemiller	Vickerman
Bertram	Freeman	Moe, D.M.	Purfeerst	Waldorf
Brandl	Johnson, D.J.	Moe, R.D.	Reichgott	Willet
Chmielewski	Jude	Morse	Samuelson	
Cohen	Langseth	Novak	Schmitz	

Those who voted in the negative were:

Anderson	Diessner	Gustafson	Laidig	Olson
Belanger	Frank	Johnson, D.E.	Larson	Ramstad
Bernhagen	Frederick	Knaak	McQuaid	Renneke
Brataas	Frederickson, D.R.	Knutson	Mehrrens	Storm

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on H.F. No. 243:

Messrs. Samuelson, Spear, Knutson, Mrs. Lantry and Ms. Berglin. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 31 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 31: A bill for an act relating to labor; prohibiting the charging of a fee in connection with a job application; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

Mr. Pehler moved to amend H.F. No. 31 as follows:

Page 1, line 10, after "*employment*" insert "*where the application has been publicly solicited by advertisement*"

The motion prevailed. So the amendment was adopted.

H.F. No. 31 was then progressed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1138 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1138: A bill for an act relating to small business; requiring use of certain socially and economically disadvantaged subcontractors; removing a five-year eligibility limitation; modifying the definition of small business; amending Minnesota Statutes 1986, sections 16B.19, subdivision 6; 16B.22; and 645.445, subdivisions 2 and 3.

Ms. Peterson, D.C. moved that the amendment made to H.F. No. 1138 by the Committee on Rules and Administration in the report adopted May 5, 1987, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Ms. Peterson, D.C. then moved to amend H.F. No. 1138 as follows:

Page 4, after line 9, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Ms. Peterson, D.C. moved that the vote whereby the Peterson, D.C. amendment to H.F. No. 1138 was adopted on May 14, 1987, be now reconsidered. The motion prevailed. So the vote was reconsidered.

RECONSIDERATION

Having voted on the prevailing side, Mr. Frederick moved that the vote whereby the motion to strike the Rule 49 amendment to H.F. No. 1138 was adopted on May 14, 1987, be now reconsidered. The motion prevailed. So the vote was reconsidered.

H.F. No. 1138 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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Gustafson	Mehrkens	Ramstad
Anderson	Cohen	Johnson, D.E.	Moe, R.D.	Reichgott
Beckman	Dahl	Jude	Morse	Renneke
Belanger	DeCramer	Knaak	Olson	Storm
Benson	Diessner	Laidig	Pehler	Taylor
Berg	Frank	Larson	Peterson, D.C.	Vickerman
Bernhagen	Frederick	Luther	Peterson, R.W.	Waldorf
Bertram	Frederickson, D.J.	Marty	Piper	Willet
Brataas	Freeman	McQuaid	Purfeerst	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1029 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1029: A bill for an act relating to utilities; establishing program to provide communication-impaired people with devices enabling their use of telephones; creating advisory committee and requiring report; providing for payment of costs of program; proposing coding for new law in Minnesota Statutes, chapter 237.

Mr. Marty moved to amend S.F. No. 1029 as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1986, section 237.01, subdivision 2, is amended to read:

Subd. 2. [TELEPHONE COMPANY.] "Telephone company," means and applies to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public.

A "telephone company" does not include a radio common carrier as defined in subdivision 4. A telephone company which also conforms with the definition of a radio common carrier is subject to regulation as a telephone company. However, none of chapter 237 applies to telephone company activities which conform to the definition of a radio common carrier.

A telephone company does not include a coin telephone business as defined under section 2.

Sec. 2. Minnesota Statutes 1986, section 237.01, is amended by adding a subdivision to read:

Subd. 6. [COIN TELEPHONE BUSINESS.] "Coin telephone business" means a person, firm, association, or corporation that furnishes telephone service to the public solely by means of a customer-owned, coin-operated telephone set connected to the lines or transmission facilities of a telephone company, or other customer-owned telephone set provided to the public that requires payment for each local call made that is connected to the lines or transmission facilities of a telephone company.

Sec. 3. [237.245] [CHANGE, AMENDMENT, RESCISSION OF ORDERS.]

The commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the telephone company and after

opportunity to be heard, rescind, alter or amend an order fixing rates, tolls, charges or schedules, or any other order made by the commission, and may reopen a case following the issuance of an order in the case, for the taking of further evidence or for any other reason. An order rescinding, altering, amending, or reopening a prior order has the same effect as an original order.

Sec. 4. [237.48] [COIN AND PAY TELEPHONES; REQUIREMENTS.]

Subdivision 1. [SCOPE.] Except as provided in this section, chapter 237 does not apply to a coin telephone business or to the provision of coin-operated or other public pay telephones by a telephone company.

Subd. 2. [SERVICES PROVIDED.] A coin telephone business and a telephone company for coin-operated or other public pay telephones it provides shall offer telephone service that:

- (1) provides access for local telephone calls of unlimited duration;*
- (2) permits long-distance telephone calls through any interexchange carrier; and*
- (3) without charge and without requiring the use of a coin, permits telephone calls:*
 - (i) to an operator; and*
 - (ii) to 911 emergency telephone service; or*
 - (iii) in an area that does not have 911 emergency telephone service, to emergency telephone service.*

Subd. 3. [MAXIMUM CHARGE.] The commission may by order establish a maximum per-call rate for coin-operated and other public pay telephones.

Subd. 4. [REQUIRED INFORMATION DISPLAYED.] On or near the coin-operated or other public pay telephones must be a statement conveying the owner of the telephone, the procedure for reporting service difficulties, the method of obtaining customer refunds, and a statement comparing the owner's charges for long-distance calls to those of the largest interstate long-distance telephone company doing business in Minnesota. The statement must either declare that the owner's charges are the same or less than those of the largest interstate long-distance telephone company, or must state the percentage by which the owner's charges exceed that company's charges.

Subd. 5. [LOCAL TELEPHONE COMPANIES.] The commission may require a telephone company to provide coin-operated telephones in certain locations within the areas served by the telephone company, and provide for a maximum per-call rate for those coin-operated telephones.

Subd. 6. [PENALTY.] A coin telephone business or telephone company that violates subdivisions 1 to 5 is guilty of a petty misdemeanor."

Renumber the sections in sequence and correct the internal references
Amend the title as follows:

Page 1, line 2, after the semicolon, insert "permitting the public utilities commission to reopen certain cases; imposing certain minimum requirements for public pay telephones;"

Page 1, line 6, after the semicolon, insert "section 237.01, subdivision 2, and by adding a subdivision;"

Mr. Knaak questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Marty amendment. The motion did not prevail. So the amendment was not adopted.

S.F. No. 1029 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 54 and nays 1; as follows:

Those who voted in the affirmative were:

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

Mr. Davis voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 908 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 908: A bill for an act relating to human services; establishing a community services conversion project; requiring counties to consider the opinions of parents when developing service plans for persons with mental retardation and related conditions; amending Minnesota Statutes 1986, section 256B.092, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 252.

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 44 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Brandl	Frederick	Larson	Reichgott
Anderson	Brataas	Frederickson, D.J.	McQuaid	Samuelson
Beckman	Chmielewski	Frederickson, D.R.	Morse	Schmitz
Belanger	Cohen	Gustafson	Olson	Spear
Benson	Dahl	Jude	Pehler	Storm
Berg	Davis	Knaak	Peterson, D.C.	Taylor
Berglin	DeCramer	Knutson	Piper	Vickerman
Bernhagen	Diessner	Laidig	Purfeerst	Willet
Bertram	Frank	Lantry	Ramstad	

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1030 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1030: A bill for an act relating to water pollution; providing for grants and loans for the construction and rehabilitation of wastewater treatment facilities and systems; authorizing rulemaking; amending Minnesota Statutes 1986, sections 116.16, subdivision 5; 116.167; 116.18, subdivisions 2a, 3a, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

Mr. Dahl moved to amend H.F. No. 1030, as amended pursuant to Rule 49, adopted by the Senate May 11, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 1497.)

Page 5, after line 30, insert:

“Sec. 4. [STATE MATCHING GRANTS.]

For projects providing wastewater treatment to a federal correctional institution that are tendered, on or after January 1, 1987, a grant of federal money under section 201(g), section 202, 203, or 206(f) of the Federal Water Pollution Control Act, as amended, United States Code, title 33, sections 1251 to 1376, at 55 percent or more of the eligible cost for construction of the treatment works, state money appropriated under Minnesota Statutes, section 116.18, subdivision 1, must be expended for 50 percent of the nonfederal share of the eligible cost of construction for municipalities with populations of 25,000 or less.”

The motion prevailed. So the amendment was adopted.

Mr. Bernhagen moved to amend H.F. No. 1030, as amended pursuant to Rule 49, adopted by the Senate May 11, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 1497.)

Page 3, line 31, before the period, insert “*unless it pertains to the plan finally adopted*”

The motion prevailed. So the amendment was adopted.

H.F. No. 1030 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	Chmielewski	Frederickson, D.R.	Morse	Samuelson
Anderson	Cohen	Gustafson	Olson	Schmitz
Beckman	Dahl	Jude	Pehler	Solon
Belanger	Davis	Knaak	Peterson, D.C.	Spear
Benson	DeCramer	Knutson	Piper	Storm
Berg	Diessner	Laidig	Purfeerst	Taylor
Bernhagen	Frank	Lantry	Ramstad	Wegscheid
Bertram	Frederick	Larson	Reichgott	Willet
Brataas	Frederickson, D.J.	McQuaid	Renneke	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 526 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 526: A bill for an act relating to human services; authorizing the department of human services to enter into shared service agreements; amending Minnesota Statutes 1986, section 246.57, subdivisions 1, 2, and by adding a subdivision; repealing Minnesota Statutes 1986, sections 246.57, subdivision 3; 246.61; 246.62; and 246.63.

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 40 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Frederickson, D.R.	Olson	Samuelson
Anderson	Cohen	Gustafson	Pehler	Schmitz
Beckman	Dahl	Jude	Peterson, D.C.	Spear
Belanger	Davis	Knutson	Piper	Storm
Berg	DeCramer	Lantry	Purfeerst	Taylor
Bernhagen	Frank	Larson	Ramstad	Vickerman
Bertram	Frederick	McQuaid	Reichgott	Wegscheid
Brataas	Frederickson, D.J.	Morse	Renneke	Willet

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on S.F. No. 1515 at 2:00 p.m.:

Messrs. Waldorf, Dicklich, Hughes, Taylor and Johnson, D.E. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Langseth moved that the following members be excused for a Conference Committee on S.F. No. 1516 at 1:30 p.m.:

Messrs. Langseth, Metzen, Purfeerst, Lessard and Mehrkens. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mrs. Lantry moved that the Senate take up the General Orders Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. 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. Chmielewski

reported that the committee had considered the following:

S.F. Nos. 858, 405, H.F. Nos. 1054 and 834, which the committee recommends to pass.

S.F. No. 514, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 514.

The roll was called, and there were yeas 36 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Pehler	Spear
Beckman	Davis	Knutson	Peterson, D.C.	Storm
Belanger	DeCramer	Lantry	Piper	Vickerman
Berglin	Dicklich	Luther	Purfeerst	Willet
Bertram	Frank	Marty	Ramstad	
Brataas	Frederickson, D.J.	McQuaid	Reichgott	
Chmielewski	Frederickson, D.R.	Morse	Renneke	
Cohen	Jude	Novak	Schmitz	

The motion prevailed. So S.F. No. 514 was recommended to pass.

S.F. No. 1202, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 1202.

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Olson	Storm
Anderson	Davis	Knaak	Pehler	Stumpf
Beckman	Diessner	Knutson	Peterson, D.C.	Vickerman
Belanger	Frank	Lantry	Peterson, R.W.	Waldorf
Berglin	Frederick	Larson	Piper	Wegscheid
Bernhagen	Frederickson, D.J.	Marty	Ramstad	Willet
Bertram	Frederickson, D.R.	McQuaid	Reichgott	
Chmielewski	Freeman	Merriam	Renneke	
Cohen	Gustafson	Morse	Schmitz	

The motion prevailed. So S.F. No. 1202 was recommended to pass.

S.F. No. 612, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 1, after line 18, insert:

"ARTICLE 1"

Page 26, after line 35, insert:

"ARTICLE 2"

Section 1. Minnesota Statutes 1986, section 245.782, subdivision 5, is amended to read:

Subd. 5. "Day care facility" means any facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers *for children, day training and habilitation services for adults*, day

treatment programs, adult day care centers, and day services.

Sec. 2. Minnesota Statutes 1986, section 252.21, is amended to read:

252.21 [COUNTY BOARDS MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTER SERVICES FOR PERSONS CHILDREN WITH MENTAL RETARDATION OR RELATED CONDITIONS.]

In order to assist county boards in carrying out responsibilities for the provision of daytime developmental achievement center services for eligible ~~persons children~~, the county board or boards are hereby authorized to make grants, within the limits of the money appropriated, to developmental achievement centers for services to ~~persons children~~ with mental retardation or related conditions. In order to fulfill its responsibilities to ~~persons children~~ with mental retardation or related conditions as required by ~~section sections 120.17 and 256E.08~~, subdivision 1, a county board may, beginning January 1, 1983, contract with developmental achievement centers or other providers.

Sec. 3. Minnesota Statutes 1986, section 252.22, is amended to read:

252.22 [APPLICANTS FOR ASSISTANCE; TAX LEVY.]

Any city, town, or ~~governmental entity~~, nonprofit corporation, or any combination thereof, may apply to the county board for assistance in establishing and operating a developmental achievement center and program for ~~persons children~~ with mental retardation or related conditions. Application for such assistance shall be on forms supplied by the board. Each applicant shall annually submit to the board its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the board.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a developmental achievement center for ~~persons children~~ with mental retardation or related conditions. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

Sec. 4. Minnesota Statutes 1986, section 252.23, is amended to read:

252.23 [ELIGIBILITY REQUIREMENTS.]

A developmental achievement center shall ~~satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:~~

(1) ~~provide daytime activities for any or all of the following classes of persons: developmental services to children with mental retardation or related conditions who can benefit from the program of services; including those school age children who have been excused or excluded from school;~~

~~Children and adults with mental retardation or related conditions who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities; and~~

(2) ~~Provide counseling services to parents or guardians of persons with mental retardation or related conditions who may register at the center;~~

(3) ~~comply with all rules duly promulgated adopted by the commissioner~~

of human services.

Sec. 5. Minnesota Statutes 1986, section 252.24, subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall administer developmental achievement services; ~~including training and habilitation services provided by licensed developmental achievement centers to residents of intermediate care facilities for the mentally retarded.~~ The county board shall ensure that transportation is provided for ~~persons~~ *children* who fulfill the eligibility requirements of section 252.23, clause (1), utilizing the most efficient and reasonable means available. The county board may contract for developmental achievement services and transportation from a center which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime developmental achievement services for ~~persons~~ *children* with mental retardation or related conditions within the appropriation and ~~medical assistance~~ resources made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2 and applicable federal regulations.

Sec. 6. Minnesota Statutes 1986, section 252.24, subdivision 4, is amended to read:

Subd. 4. [FEES.] The county board may, with the approval of the commissioner, establish a schedule of fees for daytime developmental achievement services as provided in section 256E.08, subdivision 6. No ~~person~~ *child, or family of a child*, with mental retardation or a related condition shall be denied daytime developmental achievement services because of an inability to pay such a fee.

Sec. 7. Minnesota Statutes 1986, section 252.25, is amended to read:
252.25 [BOARD OF DIRECTORS.]

Every city, town, ~~or governmental entity~~, nonprofit corporation, or combination thereof, establishing a developmental achievement center for ~~persons~~ *children* with mental retardation or related conditions shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the center program. When any city or town singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chair of the governing board of the town. When any combination of cities, towns, or nonprofit corporations, establishes such a center, the chief executive officers of the cities or nonprofit corporations and the chair of the governing bodies of the towns shall appoint the board of directors. If a nonprofit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation and related conditions, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to such board of directors, ~~or public schools from administering programs under their present administrative structure.~~

Sec. 8. [252.40] [SERVICE PRINCIPLES AND RATE-SETTING PROCEDURES FOR DAY TRAINING AND HABILITATION SERVICES FOR ADULTS WITH MENTAL RETARDATION AND RELATED CONDITIONS.]

Sections 8 to 15 apply to day training and habilitation services for adults with mental retardation and related conditions when the services are authorized to be funded by a county and provided under a contract between a county board and a vendor as defined in section 9. Nothing in sections 8 to 15 absolves intermediate care facilities for persons with mental retardation or related conditions of the responsibility for providing active treatment and habilitation under federal regulations with which those facilities must comply to be certified by the Minnesota department of health.

Sec. 9. [252.41] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 8 to 15.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of the department of human services.

Subd. 3. [DAY TRAINING AND HABILITATION SERVICES FOR ADULTS WITH MENTAL RETARDATION, RELATED CONDITIONS.] "Day training and habilitation services for adults with mental retardation and related conditions" means services that:

(1) include supervision, training, assistance, and supported employment, work-related activities, or other community-integrated activities designed and implemented in accordance with the individual service and individual habilitation plans required under Minnesota Rules, parts 9525.0015 to 9525.0165, to help an adult reach and maintain the highest possible level of independence, productivity, and integration into the community;

(2) are provided under contract with the county where the services are delivered by a vendor licensed under sections 245.781 to 245.812 and 252.28, subdivision 2, to provide day training and habilitation services; and

(3) are regularly provided to one or more adults with mental retardation or related conditions in a place other than the adult's own home or residence.

Day training and habilitation services reimbursable under this section do not include special education and related services as defined in the Education of the Handicapped Act, United States Code, title 20, chapter 33, section 1401, clauses (6) and (17), or vocational services funded under section 110 of the Rehabilitation Act of 1973, United States Code, title 29, section 720, as amended.

Subd. 4. [INDEPENDENCE.] "Independence" means the extent to which persons with mental retardation or related conditions exert control and choice over their own lives.

Subd. 5. [INTEGRATION.] "Integration" means that persons with mental retardation and related conditions:

(1) use the same community resources that are used by and available to individuals who are not disabled;

(2) participate in the same community activities in which nondisabled individuals participate; and

(3) regularly interact and have contact with nondisabled individuals.

Subd. 6. [PRODUCTIVITY.] "Productivity" means that persons with mental retardation or a related condition:

(1) engage in income-producing work designed to improve their income level, employment status, or job advancement; or

(2) engage in activities that contribute to a business, household, or community.

Subd. 7. [REGIONAL CENTER.] "Regional center" means any one of the eight state-operated facilities under the direct administrative authority of the commissioner that serve persons with mental retardation and related conditions. The following facilities are regional centers: Anoka-Metro Regional Treatment Center; Brainerd Regional Human Services Center; Cambridge Regional Treatment Center; Faribault Regional Center; Fergus Falls Regional Treatment Center; Moose Lake Regional Treatment Center; St. Peter Regional Treatment Center; and Willmar Regional Treatment Center.

Subd. 8. [SUPPORTED EMPLOYMENT.] "Supported employment" means employment of a person with a disability so severe that the person needs ongoing training and support to get and keep a job in which:

(1) the person engages in paid work at a work site where individuals without disabilities who do not require public subsidies also may be employed;

(2) public funds are necessary to provide ongoing training and support services throughout the period of the person's employment; and

(3) the person has the opportunity for social interaction with individuals who do not have disabilities and who are not paid caregivers.

Subd. 9. [VENDOR.] "Vendor" means a nonprofit legal entity that:

(1) is licensed under sections 245.781 to 245.812 and 252.28, subdivision 2, to provide day training and habilitation services to adults with mental retardation and related conditions; and

(2) does not have a financial interest in the legal entity that provides residential services to the same person or persons to whom it provides day training and habilitation services. This clause does not apply to regional centers or vendors licensed prior to April 15, 1983.

Sec. 10. [252.42] [SERVICE PRINCIPLES.]

The design and delivery of services eligible for reimbursement under the rates established in section 14 should reflect the following principles:

(1) Services must suit a person's chronological age and be provided in the least restrictive environment possible, consistent with the needs identified in the person's individual service and individual habilitation plans under Minnesota Rules, parts 9525.0015 to 9525.0165.

(2) A person with mental retardation or a related condition whose individual service and individual habilitation plans authorize employment or employment-related activities shall be given the opportunity to participate in employment and employment-related activities in which nondisabled persons participate.

(3) A person with mental retardation or a related condition participating in work shall be paid wages commensurate with the rate for comparable

work and productivity except as regional centers are governed by section 246.151.

(4) A person with mental retardation or a related condition shall receive services which include services offered in settings used by the general public and designed to increase the person's active participation in ordinary community activities.

(5) A person with mental retardation or a related condition shall participate in the patterns, conditions, and rhythms of everyday living and working that are consistent with the norms of the mainstream of society.

Sec. 11. [252.43] [COMMISSIONER'S DUTIES.]

The commissioner shall supervise county boards' provision of day training and habilitation services to adults with mental retardation and related conditions. The commissioner shall:

(1) determine the need for day training and habilitation services under section 252.28;

(2) approve payment rates established by a county under section 14, subdivision 1;

(3) adopt rules for the administration and provision of day training and habilitation services under sections 8 to 15 and sections 245.781 to 245.812 and 252.28, subdivision 2;

(4) enter into interagency agreements necessary to ensure effective coordination and provision of day training and habilitation services;

(5) monitor and evaluate the costs and effectiveness of day training and habilitation services; and

(6) provide information and technical help to county boards and vendors in their administration and provision of day training and habilitation services.

Sec. 12. [252.44] [COUNTY BOARD RESPONSIBILITIES.]

(a) When the need for day training and habilitation services in a county has been determined under section 252.28, the board of commissioners for that county shall:

(1) authorize the delivery of services according to the individual service and habilitation plans required as part of the county's provision of case management services under Minnesota Rules, parts 9525.0015 to 9525.0165. For calendar years for which section 252.46, subdivisions 2 to 10, apply, the county board shall not authorize a change in service days from the number of days authorized for the previous calendar year unless there is documentation for the change in the individual service plan. An increase in service days must also be supported by documentation that the goals and objectives assigned to the vendor cannot be met more economically and effectively by other available community services and that without the additional days of service the individual service plan could not be implemented in a manner consistent with the service principles in section 252.42;

(2) contract with licensed vendors, as specified in paragraph (b), under sections 256E.01 to 256E.12 and 256B.092 and rules adopted under those sections;

(3) ensure that transportation is provided or arranged by the vendor in the most efficient and reasonable way possible;

(4) set payment rates under section 14;

(5) monitor and evaluate the cost and effectiveness of the services; and

(6) reimburse vendors for the provision of authorized services according to the rates, procedures, and regulations governing reimbursement.

(b) With all vendors except regional centers, the contract must include the approved payment rates, the projected budget for the contract period, and any actual expenditures of previous and current contract periods. With all vendors, including regional centers, the contract must also include the amount, availability, and components of day training and habilitation services to be provided, the performance standards governing service provision and evaluation, and the time period in which the contract is effective.

Sec. 13. [252.45] [VENDOR'S DUTIES.]

A vendor's responsibility under clauses (1), (2), and (3) extends only to the provision of services that are reimbursable under state and federal law. A vendor under contract with a county board to provide day training and habilitation services shall:

(1) provide the amount and type of services authorized in the individual service plan and specified in the individual habilitation plan under Minnesota Rules, parts 9525.0015 to 9525.0165;

(2) design the services to achieve the outcomes assigned to the vendor in the individual service plan and specified in the individual habilitation plan;

(3) provide or arrange for transportation of persons receiving services to and from service sites;

(4) enter into agreements with community-based intermediate care facilities for persons with mental retardation and related conditions to ensure compliance with applicable federal regulations; and

(5) comply with state and federal law.

Sec. 14. [252.46] [PAYMENT RATES.]

Subdivision 1. [RATES ESTABLISHED THROUGH 1988.] Payment rates to vendors, except regional centers, for county-funded day training and habilitation services and transportation provided to persons receiving day training and habilitation services established by a county board before January 1, 1989, are governed by subdivisions 2 to 10.

"Payment rate" as used in subdivisions 2 to 10 refers to three kinds of payment rates: a full-day service rate for persons who receive at least six service hours a day, including the time it takes to transport the person to and from the service site; a partial-day service rate that must not exceed 75 percent of the full-day service rate for persons who receive less than a full day of service; and a transportation rate for providing, or arranging and paying for, transportation of a person to and from the person's residence to the service site.

Subd. 2. [1987 AND 1988 MINIMUM.] Unless a variance is granted under subdivision 6, the minimum payment rates set by a county board for each vendor for 1987 and 1988 must be equal to the payment rates

approved by the commissioner for that vendor in effect January 1, 1986, and January 1, 1987, respectively.

Subd. 3. [1987 AND 1988 MAXIMUM.] Unless a variance is granted under subdivision 6, the maximum payment rates for each vendor for 1987 and 1988 must be equal to the payment rates approved by the commissioner for that vendor in effect December 1, 1986, and December 1, 1987, respectively, increased by no more than the projected percentage change in the urban consumer price index, all items, published by the United States Department of Labor, for the upcoming calendar year over the current calendar year.

Subd. 4. [NEW VENDORS.] Payment rates established by a county before January 1, 1989, for a new vendor for which there were no previous rates must not exceed 125 percent of the average payment rates in the regional development commission district under sections 462.381 to 462.396 in which the new vendor is located.

Subd. 5. [SUBMITTING RECOMMENDED RATES.] The county board shall submit recommended payment rates to the commissioner on forms supplied by the commissioner by November 1, 1987, and at least 60 days before revised payment rates or payment rates for new vendors are to be effective. The forms must require the county board's written verification of the individual documentation required under section 12, clause (a). If the number of days of service provided by a licensed vendor are projected to increase, the county board must recommend payment rates based on the projected increased days of attendance and resulting lower per unit fixed costs. If a vendor provides services at more than one licensed site, the county board may recommend the same payment rates for each site based on the average rate for all sites. The county board may also recommend differing payment rates for each licensed site if it would result in a total annual payment to the vendor that is equal to or less than the total annual payment that would result if the average rates had been used for all sites. For purposes of this subdivision, the average payment rate for all service sites used by a vendor must be computed by adding the amounts that result when the payment rates for each licensed site are multiplied by the projected annual number of service units to be provided at that site and dividing the sum of those amounts by the total units of service to be provided by the vendor at all sites.

Subd. 6. [VARIANCES.] A variance from the minimum or maximum payment rates in subdivisions 2 and 3 may be granted by the commissioner when the vendor requests and the county board submits to the commissioner a written variance request with the recommended payment rates. The county board shall review all vendors' payment rates that are 20 percent lower than the average rates for the regional development commission district to which the county belongs. If the county determines that the payment rates do not provide sufficient revenue to the vendor for authorized service delivery the county must recommend a variance under this section. This review must occur prior to November 1, 1987. When the county board contracts for increased services from any vendor for some or all individuals receiving services from the vendor, the county board shall review the vendor's payment rates to determine whether the increase requires that a variance to the minimum rates be recommended under this section to reflect the vendor's lower per unit fixed costs. The written variance request must include documentation that all the following criteria have been met:

(1) *The commissioner and the county board have both conducted a review and have identified a need for a change in the payment rates to change the number of direct service staff or the level of qualifications of the staff.*

(2) *The proposed changes are required for the vendor to deliver authorized individual services in an effective and efficient manner.*

(3) *The proposed changes demonstrate compliance with minimum licensing standards governing minimum staffing ratios and staff qualifications.*

(4) *The vendor documents that the change in staff numbers or qualifications cannot be achieved by reallocating current staff or by reallocating financial resources to provide or purchase the necessary services.*

(5) *The county board submits evidence that the need for additional staff cannot be met by using temporary special needs rate exceptions under Minnesota Rules, parts 9510.1020 to 9510.1140.*

(6) *The county board submits a description of the nature and cost of the proposed changes. Allowable costs are limited to salaries, related fringe benefits, and payroll taxes.*

(7) *The county board's recommended payment rates do not exceed 125 percent of the average payment rates in the regional development commission district in which the vendor is located.*

Subd. 7. [TIME REQUIREMENTS AND APPEALS PROCESS FOR VARIANCES.] *The commissioner shall notify in writing county boards requesting variances within 60 days of receiving the variance request from the county board. The notification shall give reasons for denial of the variance, if it is denied.*

Subd. 8. [COMMISSIONER'S NOTICE TO BOARDS, VENDORS.] *The commissioner shall notify the county boards and vendors of:*

(1) *the average regional payment rates and 125 percent of the average regional payments rates for each of the regional development commission districts designated in sections 462.381 to 462.396; and*

(2) *the projected inflation rate for the year in which the rates will be effective equal to the most recent projected change in the urban consumer price index, all items, published by the United States Department of Labor, for the upcoming calendar year over the current calendar year.*

Subd. 9. [APPROVAL OR DENIAL OF RATES.] *The commissioner shall approve the county board's recommended payment rates when the rates and verification justifying the projected service units comply with subdivisions 2 to 10. The commissioner shall notify the county board in writing of the approved payment rates within 60 days of receipt of the rate recommendations. If the rates are not approved, or if rates different from those originally recommended are approved, the commissioner shall within 60 days of receiving the rate recommendation notify the county board in writing of the reasons for denying or substituting a different rate for the recommended rates. Approved payment rates remain effective until the commissioner approves different rates in accordance with subdivisions 2 and 3.*

Subd. 10. [VENDOR'S REPORT; AUDIT.] *The vendor shall report to the commissioner and the county board on forms prescribed by the commissioner at times specified by the commissioner. The reports shall include programmatic and fiscal information. Fiscal information shall be provided*

in accordance with an annual audit that complies with the requirements of Minnesota Rules, parts 9550.0010 to 9550.0092. The audit must be done in accordance with generally accepted auditing standards to result in statements that include a balance sheet, income statement, changes in financial position, and the certified public accountant's opinion.

Subd. 11. [IMPROPER TRANSACTIONS.] Transactions that have the effect of circumventing subdivisions 1 to 10 must not be considered by the commissioner for the purpose of payment rate approval under the principle that the substance of the transaction prevails over the form.

Subd. 12. [RATES ESTABLISHED AFTER 1988.] Payment rates established by a county board on or after January 1, 1989, must be determined under permanent rules adopted by the commissioner. No county shall pay a rate that is less than the minimum rate determined by the commissioner.

In developing procedures for setting minimum payment rates and procedures for establishing payment rates, the commissioner shall consider the following factors:

- (1) a vendor's payment rate and historical cost in the previous year;
- (2) current economic trends and conditions;
- (3) costs that a vendor must incur to operate efficiently, effectively and economically and still provide training and habilitation services that comply with quality standards required by state and federal regulations;
- (4) increased liability insurance costs;
- (5) costs incurred for the development and continuation of supported employment services;
- (6) cost variations in providing services to people with different needs;
- (7) the adequacy of reimbursement rates that are more than 15 percent below the statewide average; and
- (8) other appropriate factors.

The commissioner may develop procedures to establish differing hourly rates that take into account variations in the number of clients per staff hour, to assess the need for day training and habilitation services, and to control the utilization of services.

In developing procedures for setting transportation rates, the commissioner may consider allowing the county board to set those rates or may consider developing a uniform standard.

Medical assistance rates for home and community-based services provided under section 256B.501 by licensed vendors of day training and habilitation services must not be greater than the rates for the same services established by counties under sections 8 to 15.

Sec. 15. [252.47] [RULES.]

To implement sections 8 to 15, the commissioner shall adopt permanent rules under sections 14.01 to 14.38. The commissioner shall establish an advisory task force to advise and make recommendations to the commissioner during the rulemaking process. The advisory task force must include legislators, vendors, residential service providers, counties, consumers, department personnel, and others as determined by the commissioner.

Sec. 16. Minnesota Statutes 1986, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section ~~256B.50, subdivision 1~~ 252.41, subdivision 3, for persons with mental retardation or related conditions who are residing in intermediate care facilities for persons with mental retardation or related conditions. Medical assistance must not be used to pay the costs of nursing care provided to a patient in a swing bed as defined in section 144.562;

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services or physician-directed clinic services. The physician-directed clinic staff shall include at least two physicians, one of whom is on the premises whenever the clinic is open, and all services shall be provided under the direct supervision of the physician who is on the premises. Hospital outpatient departments are subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(5) Community mental health center services, as defined in rules adopted by the commissioner pursuant to section 256B.04, subdivision 2, and provided by a community mental health center as defined in section 245.62, subdivision 2;

(6) Home health care services;

(7) Private duty nursing services;

(8) Physical therapy and related services;

(9) Dental services, excluding cast metal restorations;

(10) Laboratory and X-ray services;

(11) The following if prescribed by a licensed practitioner: drugs, eye-

glasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two-year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products for which there is no federal funding; over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; or any other over-the-counter drug identified by the commissioner, in consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate and cost effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the administrative procedure act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and the commissioner's determination shall not be subject to chapter 14, the administrative procedure act. The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act;

(12) Diagnostic, screening, and preventive services;

(13) Health care prepayment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act;

(14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by nonambulatory persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be nonambulatory;

(16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining nonemergency medical care;

(17) Personal care attendant services provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse. Payments to personal care attendants shall be adjusted annually to reflect changes in the cost of living or of providing services by the average annual adjustment granted to vendors such as nursing homes and home health agencies; and

(18) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law, except licensed chemical dependency treatment programs or primary treatment or extended care treatment units in hospitals that are covered under Laws 1986, chapter 394, sections 8 to 20. The commissioner shall include chemical dependency services in the state medical assistance plan for federal reporting purposes,

but payment must be made under Laws 1986, chapter 394, sections 8 to 20.

Sec. 17. Minnesota Statutes 1986, section 256B.501, subdivision 1, is amended to read:

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

(a) "Commissioner" means the commissioner of human services.

(b) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144, and certified as an intermediate care facility for persons with mental retardation or related conditions.

(c) "Waivered service" means home or community-based service authorized under United States Code, title 42, section 1396n(c), as amended through December 31, 1982, and defined in the Minnesota state plan for the provision of medical assistance services. Waivered services include, at a minimum, case management, family training and support, developmental training homes, supervised living arrangements, semi-independent living services, respite care, and training and habilitation services.

(d) "Training and habilitation services" are those health and social services needed to ensure optimal functioning of persons with mental retardation or related conditions. Training and habilitation services shall be provided to a client away from the residence unless medically contraindicated by an organization which does not have a direct or indirect financial interest in the organization which provides the person's residential services. This requirement shall not apply to any developmental achievement center which has applied for licensure prior to April 15, 1983.

Sec. 18. Minnesota Statutes 1986, section 256B.501, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions which qualify as ~~vendors~~ *providers* of medical assistance, ~~and~~ *waivered services*, ~~and for provision of training and habilitation services~~. Approved rates shall be established on the basis of methods and standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.

Sec. 19. Minnesota Statutes 1986, section 256B.501, subdivision 8, is amended to read:

Subd. 8. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for medical assistance reimbursement ~~for waived services or training and habilitation services~~ for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, ~~and 4, 5, and 6,~~ *including rates established under section 252.46 when they apply to services provided to residents of intermediate care facilities for persons with mental retardation or related conditions*, and procedures to be followed

for rate limitation exemptions for intermediate care facilities for persons with mental retardation or related conditions. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a basis for estimated cost of the services.

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

Sec. 20. Minnesota Statutes 1986, section 256E.09, subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;

(d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: *daytime developmental achievement services for children, day training and habilitation services for adults, subacute detoxification services, residential services and nonresidential social support services* as appropriate for the groups identified in section 256E.03, subdivision 2;

(e) The amount of money proposed to be allocated to each service;

(f) An inventory of public and private resources including associations of volunteers which are available to the county for social services;

(g) Evidence that serious consideration was given to the purchase of services from private and public agencies; and

(h) Methods whereby community social service programs will be monitored and evaluated by the county.

Sec. 21. [TASK FORCE.]

Subdivision 1. [TASK FORCE CREATED.] The director of the state planning agency shall form and chair a task force to review and make recommendations by February 1, 1988, regarding the appropriate roles of development achievement centers and sheltered workshops in providing supported work opportunities to people with disabilities.

Subd. 2. [MEMBERSHIP] The task force must include the chairs of the

health and human services committees of the Minnesota senate and house of representatives, or their designees, sheltered workshops, developmental achievement centers, county government, the departments of human services and jobs and training, the special education unit of the department of education, the state planning agency, advocacy organizations and the Minnesota supported employment project advisory committee. The state planning agency shall consult with the associations representing sheltered workshops and developmental achievement centers and attempt to select service provider members representing all programmatic and philosophical perspectives.

Subd. 3. [EXTENDED EMPLOYMENT PROGRAMS.] For purposes of this section, "extended employment programs" means programs providing paid work and service hours as a step in the rehabilitation process for those who cannot readily be absorbed in the competitive labor market, or during such time as employment opportunities for them in the competitive labor market do not exist. Extended employment programs include the following:

(1) long-term employment programs as defined at Minnesota Rules, part 3300.2050, subpart 16;

(2) work activity programs as defined at Minnesota Rules, part 3300.2050, subpart 33;

(3) work component programs as defined at Minnesota Rules, part 3300.2050, subpart 34;

(4) community-based employment programs as defined at Minnesota Rules, part 3300.2050, subpart 3.

Subd. 4. [SCOPE OF THE TASK FORCE.] The task force shall review and make recommendations to the legislature and affected state departments on the following:

(1) the role and function of developmental achievement centers, sheltered workshops, and other services providing employment to people who are severely disabled;

(2) mechanisms for identifying and placing clients in appropriate services;

(3) current and recommended funding methods for developmental achievement centers and extended employment programs and the relationship between funding and placement of clients;

(4) current regulations and program standards including accountability requirements and outcome measures. Recommendations for common standards for all similar programs shall be included;

(5) improved ways of providing employment services to all disabled persons regardless of the severity of their disabilities, including persons not currently receiving services through existing programs; and

(6) the need and scope of demonstration projects to determine how existing funding can be consolidated or unified to expand community-based/supported employment opportunities for persons with severe disabilities and whether specific rule waiver authority is required to accomplish this purpose.

Subd. 5. [COSTS.] The costs of the task force, if any, shall be shared equally by the state planning agency, the department of human services,

and the department of jobs and training.

Subd. 6. [COOPERATION OF STATE DEPARTMENTS.] The commissioners shall cooperate with the task force and provide information and support as requested.

Sec. 22. [REPEALER.]

(a) Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a, are repealed.

(b) Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310, are repealed.

Sec. 23. [EFFECTIVE DATE.]

Except as otherwise provided in section 14, sections 1 to 21 are effective the day following final enactment. The rates established under section 14, subdivision 11, are effective January 1, 1989. Except as specifically repealed by this act, the provisions of Minnesota Rules, parts 9525.1200 to 9525.1330 remain in effect until amended or repealed by the commissioner."

Delete the title and insert:

"A bill for an act relating to health; creating exceptions to the nursing home moratorium; establishing a review process for approval of additional exceptions to the moratorium; prohibiting renewal of licenses for nursing home and boarding care home beds in rooms with more than four beds; providing for changes in property-related costs for reduced licensed bed capacity; allowing for depreciation recapture; providing for a new appeals procedure for appraised value appeal requests; establishing service principles and rate-setting procedures for day training and habilitation services to persons with mental retardation and related conditions; appropriating money; amending Minnesota Statutes 1986, sections 144.55, subdivision 6; 144A.05; 144A.071, subdivision 3; 144A.27; 245.782, subdivision 5; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 256B.02, subdivision 8; 256B.431, subdivisions 2b, 2e, 3a, 4, and by adding subdivisions; 256B.50, subdivision 2; 256B.501, subdivisions 1, 2, and 8; and 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 144A and 252; repealing Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a; repealing Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310."

The motion prevailed. So the amendment was adopted.

S.F. No. 834, which the committee recommends to pass with the following amendments offered by Mr. Wegscheid:

Mr. Wegscheid moved to amend S.F. No. 834 as follows:

Page 1, delete lines 11 to 17 and insert:

"Subdivision 1. [MENTAL HEALTH DIVISION.] A mental health division is created in the department of human services. The division shall enforce and coordinate the laws administered by the commissioner of human services, relating to mental illness, which the commissioner assigns to the division. The mental health division shall be under the supervision of an assistant commissioner of mental health appointed by the commissioner. The"

Page 1, line 19, delete "persons" and insert "people"

Page 2, line 5, after "*chapter*" insert a semicolon

Page 2, delete lines 6 and 7 and insert:

"(4) as part of the biennial budget process, report to the legislature on staff use and staff performance, including in the report a description of duties performed by each person in the mental health division;"

Renumber the clauses in sequence

Page 3, delete lines 13 to 26 and insert:

"Subdivision 1. [CREATION.] A state advisory council on mental health is created. The council must have 25 members appointed by the governor in accordance with federal requirements. The council must be composed of:

(1) the assistant commissioner of mental health for the department of human services;

(2) a representative of the department of human services responsible for the medical assistance program;

(3) one member of each of the four core mental health professional disciplines (psychiatry, psychology, social work, nursing);

(4) one representative from each of the following advocacy groups: mental health association of Minnesota, Minnesota alliance for the mentally ill, and Minnesota mental health law project;"

Page 3, after line 29, insert:

"(8) legislators;"

Page 3, line 33, after "*interests*" insert "*, as the United States secretary of health and human services may prescribe by regulation or as may be selected by the governor.*

Terms, compensation, and removal of members and filling of vacancies are governed by section 15.059, except that members shall not receive a per diem. The council does not expire as provided in section 15.059."

Renumber the clauses in sequence

Page 3, line 36, after "*governor*" insert "*, the legislature,*"

Page 4, after line 2, insert:

"(2) advise the commissioner of human services on all phases of the development of mental health aspects of the biennial budget;"

Renumber the clauses in sequence

Page 4, line 12, after "*governor*" insert "*, the legislature,*"

The motion prevailed. So the amendment was adopted.

Mr. Wegscheid then moved to amend S.F. No. 834 as follows:

Page 2, line 2, after "*communities*" insert "*and advocacy groups*."

Page 4, line 7, delete "*and*"

Page 4, line 9, delete the period and insert "*; and*

(5) review and comment on all grants dealing with mental health and on the development and implementation of state and local mental health

plans.”

Page 4, after line 18, insert:

“Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after final enactment.”

The motion prevailed. So the amendment was adopted.

H.F. No. 1127, which the committee recommends to pass with the following amendments offered by Messrs. Freeman and Luther:

Mr. Freeman moved to amend H.F. No. 1127, the unofficial engrossment, as follows:

Page 1, line 17, delete “fuel oil, propane, coal” and insert “the same, equivalent or substitutable energy supplies or service, except indigenous biomass energy supplies composed of wood products, grain, biowaste, and cellulosic materials,”

Page 1, line 18, delete “fuel, or other natural gas”

Page 2, line 9, before the period, insert “and a gas utility may not apply a flexible tariff or otherwise reduce its rates to compete with indigenous biomass energy supplies”

Page 2, line 13, delete “fuel oil, propane, coal fuel,” and insert “an alternative energy supply or service other than indigenous biomass energy supplies”

Page 2, line 14, delete “or natural gas”

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend the Freeman amendment to H.F. No. 1127, adopted by the Senate May 14, 1987, as follows:

Page 1, line 10, after “supplies” insert “, or with customers of district heating facilities as of June 1, 1987”

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

H.F. No. 1113, which the committee recommends to pass with the following amendment offered by Mr. Frederickson, D.J.:

Amend H.F. No. 1113, as amended pursuant to Rule 49, adopted by the Senate May 1, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 1452.)

Page 3, line 7, after the period, insert “Appointed agents must have training and experience in activities relating to prevention of cruelty to animals or enforcement of laws relating to cruelty to animals.”

Page 3, line 10, strike “It” and insert “The federation”

Page 4, line 27, after “county” insert “and a district society for the prevention of cruelty to animals may be formed in any group of two or more contiguous or noncontiguous counties or parts of counties”

Page 4, line 28, strike everything after “incorporators”

Page 4, strike lines 29 and 30

Page 4, line 31, strike “have qualified” and delete the new language

and insert a period

Page 4, lines 32 and 33, delete the new language and insert "*County and district societies shall be created as corporations under*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1008, which the committee recommends to pass with the following amendment offered by Mr. Wegscheid:

Page 15, line 20, after "*provider*" insert "*or chiropractor*"

The motion prevailed. So 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.

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.

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. 865: Messrs. Dahl, Willet and Marty.

H.F. No. 1170: Messrs. Jude; Moe, D.M. and Wegscheid.

H.F. No. 841: Messrs. Jude, Spear and Ramstad.

H.F. No. 1073: Messrs. Kroening, Frank and Willet.

H.F. No. 596: Messrs. Freeman, Merriam and Beckman.

H.F. No. 1209: Ms. Peterson, D.C.; Messrs. Cohen and Ramstad.

H.F. No. 638: Messrs. Dicklich, Pogemiller and Luther.

H.F. No. 1374: Messrs. Luther; Moe, D.M. and Knaak.

H.F. No. 1622: Messrs. Cohen, Spear and Knaak.

H.F. No. 1304: Messrs. Luther, Metzen and Anderson.

H.F. No. 234: Ms. Peterson, D.C.; Mr. Frank and Ms. Piper.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Marty moved that the following members be excused for a Conference Committee on S.F. No. 1323 from 4:00 to 4:30 p.m.:

Messrs. Marty, Belanger and Jude. 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 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. 915: A bill for an act relating to crime; amending trespass law to prohibit harassment on private property; prohibiting following and stalking with intent to harass, abuse, or threaten; removing requirement that caller not disclose identity for purposes of misdemeanor harassing telephone calls; prohibiting intentional harassment by delivering a letter or object; providing penalties; amending Minnesota Statutes 1986, sections 609.605, subdivision 1; 609.746; 609.79, subdivision 1; and 609.795.

There has been appointed as such committee on the part of the House: Pappas, Kelly and Carruthers.

Senate File No. 915 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1987

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1152, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1152: A bill for an act relating to alcoholic beverages; limiting imports by individuals; maximum volume for volume prices; purchases by delinquent licensees; restricting employment of minors in nonintoxicating liquor premises; providing for inspections; amending Minnesota Statutes 1986, sections 297C.09; 340A.302, subdivision 1; 340A.312, subdivision 2; 340A.318, subdivisions 1 and 3; and 340A.411, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 340A.

Senate File No. 1152 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1987

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 168, and repassed said bill in accordance with the report of the Committee,

so adopted.

S.F. No. 168: A bill for an act relating to human rights; clarifying certain provisions relating to discrimination in the extension of credit because of sex or marital status; amending Minnesota Statutes 1986, section 363.03, subdivision 8.

Senate File No. 168 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1987

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 674, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 674 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1987

CONFERENCE COMMITTEE REPORT ON 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.

May 12, 1987

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 674, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 674 be further amended as follows:

Page 1, line 24, delete everything after "at"

Page 1, delete line 25 and insert "a"

Page 2, line 2, delete "a term of"

Page 2, line 3, delete "that is proportional"

Page 2, line 4, delete "to defendant's prior record"

Page 2, line 5, delete "completes" and insert "complete"

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

House Conferees: (Signed) Kathleen A. Blatz, Randy C. Kelly, Douglas G. Swenson

Senate Conferees: (Signed) Linda Berglin, Donna C. Peterson, Fritz Knaak

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on H.F. No. 674 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 674 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 43 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Gustafson	Mehrkens	Reichgott
Anderson	Dahl	Hughes	Moe, R.D.	Renneke
Benson	Davis	Johnson, D.E.	Morse	Schmitz
Berglin	DeCramer	Knutson	Novak	Storm
Bernhagen	Dicklich	Laidig	Olson	Stumpf
Bertram	Diessner	Lantry	Pehler	Vickerman
Brandl	Frank	Larson	Peterson, D.C.	Willet
Brataas	Frederickson, D.J.	Luther	Piper	
Chmielewski	Freeman	McQuaid	Ramstad	

So the bill, as amended by the Conference Committee, 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 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 committee indicated.

Mr. Peterson, R.W. introduced—

S.F. No. 1538: A bill for an act relating to education; allowing school districts to withhold transcripts for the nonpayment of fees; amending Minnesota Statutes 1986, section 120.74, subdivision 2.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1539: A bill for an act relating to education; allowing school districts to require chemical dependency assessments of suspended pupils as a part of a readmission plan; amending Minnesota Statutes 1986, section 127.30, by adding a subdivision.

Referred to the Committee on Education.

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 Mrs. Lantry reported that the committee had considered the following:

S.F. No. 326, which the committee recommends to pass.

H.F. No. 291, which the committee recommends to pass with the following amendments offered by Ms. Peterson, D.C., Messrs. Freeman, Wegscheid and Luther:

Amend H.F. No. 291, as amended pursuant to Rule 49, adopted by the Senate April 30, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 11, line 23, after "code" insert "or"

Page 31, lines 30, 33, and 34, delete "*commissioner*" and insert "*administrator*"

Page 31, line 34, delete "*commissioner's*" and insert "*administrator's*"

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. then moved to amend H.F. No. 291, as amended pursuant to Rule 49, adopted by the Senate April 30, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 33, delete lines 17 to 28 and insert:

"(6) The amount of the ~~time price differential~~ *finance charge*;

(7) The ~~time balance~~ *total of payments* payable by the retail buyer to the retail seller and the number of installment payments required and the amount of each installment expressed in dollars or percentages, and date of each payment necessary finally to pay the ~~time balance~~ *total of payments* which is the sum of item five and item six.

Provided, however, that said items one to seven inclusive need not be stated in the *terms*, sequence or order set forth above ~~and that additional items may be included which serve to explain the calculations involved in determining the stated time balance to be paid by the retail buyer. Provided further, that clauses (6) and (7) may be disclosed on the assumption that all scheduled payments under the contract will be made when due.~~

In lieu of the above clauses, the retail seller may give the retail buyer disclosures which satisfy the requirements of the Federal Truth-In-Lending Act in effect as of the time of the contract, notwithstanding whether or not that act applies to the transaction."

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. then moved to amend H.F. No. 291, as amended

pursuant to Rule 49, adopted by the Senate April 30, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 7, delete section 11 and insert:

"Sec. 11. [47.76] [TRANSFER OF ACCOUNTS PROHIBITED; NOTICE ON CLOSING.]

(a) No financial institution shall initiate a transfer of a deposit account to another deposit account bearing different identification information without sending at least 30 days prior notice to at least one of the deposit account holders at the last known address on file with the financial institution. If the new account is subject to different terms, the financial institution must obtain the written consent of at least one of the deposit account holders before the new terms become effective.

(b) No financial institution shall initiate a closure of a deposit account without first sending at least one of the deposit account holders a notice of intent to close the deposit account. The notice must be sent to the deposit account holder's last known address on file with the financial institution at least 30 days before the financial institution closes the deposit account; except that, if the financial institution has reasonable suspicion to believe that account is being used in connection with a check-related fraud or other crime or that funds will not be available to pay items drawn on the account, the notice may be sent the same day as the account is closed.

(c) As used in this section, the following terms have the meanings given them. "Deposit account" means a contract of deposit of funds between a depositor and a financial institution, and includes a checking account, savings account, certificate of deposit share account, and other like arrangement. "Financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan associations, industrial loan and thrift companies, and credit unions."

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. then moved to amend H.F. No. 291, as amended pursuant to Rule 49, adopted by the Senate April 30, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 23, after line 22, insert:

"Sec. 33. Minnesota Statutes 1986, section 53.05, is amended to read:
53.05 [POWERS, LIMITATION.]

No industrial loan and thrift company may do any of the following:

(1) carry demand banking accounts; use the word "savings" unless the institution's investment certificates, savings accounts, and savings deposits are insured by the federal deposit insurance corporation and then only if the word is not followed by the words "and loan" in its corporate name; use the word "bank" or "banking" in its corporate name; operate as a savings bank;

(2) have outstanding at any one time certificates of indebtedness, savings accounts, and savings deposits, exclusive of those held by the company, as security for loans made by it of more than seven times the sum of the

contributed capital and appropriated reserves of the company until July 1, 1985, or the date an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, whichever is earlier, and thereafter 15 times the sum of contributed capital and appropriated reserves of the company;

(3) accept trusts, except as provided in section 47.75, subdivision 1, or act as guardian, administrator, or judicial trustee in any form;

(4) deposit any of its funds in any banking corporation, unless that corporation has been designated by vote of a majority of directors or of the executive committee present at a meeting duly called, at which a quorum was in attendance;

(5) change any allocation of capital made pursuant to section 53.03 or reduce or withdraw in any way any portion of the contributed capital and appropriated reserves without prior written approval of the commissioner of commerce;

(6) take any instrument in which blanks are left to be filled in after execution;

(7) lend money in excess of ~~ten~~ 15 percent of its contributed capital and appropriated reserves to a person primarily liable. "Contributed capital and appropriated reserves" means the total of the company's contributed capital and appropriated reserves at all its authorized locations.

If a loan has been made to a person primarily liable and payments have been made on a certificate of indebtedness securing it, the amount of the payments may be added to the limitation contained in this clause for the purpose of determining whether additional loans may be made to that person; or

(8) issue cashier's checks pursuant to section 48.151, unless and at all times the aggregate liability to all creditors on these instruments is protected by a special fund in cash or due from banks to be used solely for payment of the cashier's checks."

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Freeman moved to amend H.F. No. 291, as amended pursuant to Rule 49, adopted by the Senate April 30, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 16, line 9, after "association" insert "*whether or not the subsidiary of a savings and loan holding company,*" and after the third comma, insert "*purchase and assumption of some or all of the assets and liabilities,*"

Page 16, line 12, after "establish" insert "*or operate*"

Page 16, line 13, after "state" insert "*by acquisition, merger, purchase, and assumption of some or all of the assets or liabilities or consolidation*"

Page 16, line 15, after "a" insert "*savings and loan holding company,*"

Page 16, line 16, after "association" insert a comma

Page 16, line 16, after "state" insert "*, and a savings and loan holding*"

company with its headquarters in a reciprocating state, may acquire by direct or indirect ownership or control the voting shares of a savings and loan holding company, a savings and loan association, or savings bank located in this state, and may acquire and merge with a savings and loan holding company with its headquarters in this state"

Page 16, line 19, delete "or" and insert "and"

The motion prevailed. So the amendment was adopted.

Mr. Wegscheid moved to amend H.F. No. 291, as amended pursuant to Rule 49, adopted by the Senate April 30, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 691.)

Page 25, line 9, after "chapter" insert "*, except that this limitation does not apply to an open end loan under section 56.125*"

Page 25, line 11, after "section" insert "*and section 56.125, subdivision 2*"

Page 26, after line 29, insert:

"Sec. 37. Minnesota Statutes 1986, section 56.125, subdivision 2, is amended to read:

Subd. 2. [REAL ESTATE AS SECURITY.] A licensee may take a lien upon real estate as security for any open-end loan ~~at or after such time as the outstanding balance first exceeds \$2,700. A subsequent reduction in the balance below \$2,700 has no effect on the lien.~~ A licensee may retain the security interest until it terminates the open-end account. If there is no outstanding balance in the account and there is no commitment by the licensee to a line of credit ~~in excess of \$2,700~~, the licensee shall, within 20 days following written demand by the borrower, deliver to the borrower a release of the mortgage on any real property taken as security for the open-end loan agreement. A real estate mortgage authorized for a financial institution secures all advances and obligations thereunder from the date of recording.

Sec. 38. Minnesota Statutes 1986, section 56.125, subdivision 3, is amended to read:

Subd. 3. [CHARGES.] In addition to the charges authorized in subdivision 1, a licensee may contract for and receive in connection with an open-end loan agreement *an annual charge of not more than the amount authorized in section 48.185, subdivision 4, paragraph (a), payable in advance and the additional charges, fees, costs, and expenses with respect to the line of credit limit permitted by sections 56.131, subdivisions 1, paragraph (f), clauses (4) and (5), 2, 5, and 6; and 56.155 with respect to other loans, with the following variations:*

(1) If credit life or disability insurance is provided and if the insured dies or becomes disabled when there is an outstanding open-end loan indebtedness, the amount of the insurance may not exceed the total balance of the loan due on the date of the borrower's death or on the date of the last billing statement in the case of credit life insurance, or all minimum payments which become due on the loan during the covered period of disability in the case of credit disability insurance. The additional charge for credit life insurance or credit disability insurance must be calculated in each billing cycle by applying the current monthly premium rate for the insurance to the unpaid balances in the borrower's account.

(2) The amount, terms, and conditions of any credit insurance against loss or damage to property must be reasonable in relation to the character and value of the property insured."

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1345, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 12, delete lines 18 to 21 and insert:

"(e) Money appropriated to the state board of public defense and the public defender must be spent with the approval of the state board of public defense for the board's administration and for the state public defender and public defense corporations in amounts determined by the board. Funds may also be distributed by the state board of public defense to district public defenders including those in Hennepin and Ramsey counties. In making distributions to district public defenders, priority must be given, to the extent feasible and reasonable, to those districts having the greatest number of felonies and gross misdemeanors, and to those districts having the greatest number of distressed counties designated under section 297A.257. The board shall further consider each district's number of dispositions, such as jury trials, court trials and guilty pleas, the number of court appearances, and other trial-related financial data, and any special needs of districts organized in the calendar year 1987."

Page 13, after line 6, insert:

"Sec. 19. [COMPLEMENT.]

The complement of the state board of public defense is increased by one position in the unclassified service."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1524, which the committee recommends to pass with the following amendment offered by Mr. Frederick:

Page 4, delete lines 1 to 5 and insert:

"Subdivision 1. The sums set forth in this section are appropriated from the trunk highway fund to the commissioner of transportation for payment to the persons named in this section in full and final payment of claims against the state. These appropriations are available until June 30, 1988."

Page 4, after line 8, insert:

"Subd. 3. To the following towns in Dodge county for damage to town roads due to traffic avoiding an official department of transportation detour:

(a) Claremont_____ \$1,217.00.

(b) Concord_____ \$10,000.00.

(c) Ellington_____ \$1,968.75.

(d) Wasioja_____ \$8,215.00."

The motion prevailed. So the amendment was adopted.

H.F. No. 1542, which the committee recommends to pass with the following amendment offered by Mr. Wegscheid:

Page 18, after line 3, insert:

"(j) The value of any meals and lodgings furnished by or on behalf of the employer, if at the time of such furnishings it is reasonable to believe that the employee will be able to exclude such items from income under United States Code, title 26, section 119;"

Page 18, line 4, delete "(j)" and insert "(k)"

Page 18, line 15, delete "(k)" and insert "(l)"

Correct the internal references

The motion prevailed. So the amendment was adopted.

S.F. No. 1437, which the committee recommends to pass with the following amendment offered by Mr. Morse:

Page 2, line 34, delete everything after "terms" and insert a semicolon

Page 2, delete line 35

Page 3, after line 9, insert:

"At least one member must be appointed from each of the regions established in subdivision 2.

Subd. 2. [RURAL REGION REPRESENTATION.] The department of energy and economic development shall divide the part of the state located outside of the metropolitan area as defined in section 473.121, subdivision 2, into six regions. A region's boundaries must be coterminous with the boundaries of one or more of the development regions established under section 462.385."

Renumber the subdivisions in sequence and correct the internal references

The motion prevailed. So 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

S.F. No. 353 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 353

A bill for an act relating to metropolitan water management; authorizing metropolitan counties to adopt ground water plans; relating to notice procedures in certain counties; amending Minnesota Statutes 1986, sections 112.53, subdivision 2; 473.875; 473.876, by adding subdivisions; 473.878, subdivisions 3, 5, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 473.

May 11, 1987

The Honorable Jerome M. Hughes

President of the Senate

The Honorable Fred C. Norton

Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 353, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 353 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 112.60, is amended by adding a subdivision to read:

Subd. 1a. [ASSESSMENT NOTICE FOR METROPOLITAN WATERSHEDS.] For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to property owners and corporations benefited and damaged before the assessment is made in subdivision 1. The assessment notice must include:

- (1) the amount to be specially assessed against the property;*
- (2) the right of the property owner to prepay the entire assessment and to whom prepayment must be made;*
- (3) whether partial prepayment of the assessment is authorized;*
- (4) the time within which prepayment may be made without interest being charged; and*
- (5) the rate of interest to be charged if the assessment is not prepaid within the required time period.*

Sec. 2. Minnesota Statutes 1986, section 112.60, is amended by adding a subdivision to read:

Subd. 5. [PREPAYMENT FOR METROPOLITAN WATERSHED DISTRICTS.] (a) For a watershed district entirely within the metropolitan area, a property owner or corporation may prepay the entire assessment at any time before the first installment of the assessment is entered on the tax lists for the year with the interest that has accrued to the date of payment, except that interest may not be charged on an assessment that is prepaid within 30 days after the assessment notice is mailed.

(b) After the first installment of an assessment is entered on the tax list, a property owner or corporation may prepay the entire assessment remaining due before November 15 with interest accrued to December 31 of the year in which the prepayment is made.

Sec. 3. Minnesota Statutes 1986, section 112.64, is amended by adding a subdivision to read:

Subd. 3a. [NOTICE AND PREPAYMENT FOR METROPOLITAN WATERSHEDS.] For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to the owners of affected property as provided in section 112.60, subdivision 1a, before the assessment is levied. The assessment may be prepaid as provided in section 112.60, subdivision 5.

Sec. 4. Minnesota Statutes 1986, section 473.875, is amended to read:
473.875 [SURFACE METROPOLITAN WATER MANAGEMENT PRO-

GRAM PROGRAMS; PURPOSES.]

The purpose of the ~~surface~~ water management programs required by sections 473.875 to 473.883 is to *protect*, preserve and use natural *surface and ground* water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff, (b) *protect and improve surface and ground* water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of *surface and ground* water.

Sec. 5. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 2a. [GROUND WATER PLAN.] "Ground water plan" means a county plan adopted under section 12.

Sec. 6. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 2b. [GROUND WATER SYSTEM.] "Ground water system" means one of the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled "Designation of Principal Water Supply Aquifers in Minnesota" (August 1981), and its revisions.

Sec. 7. Minnesota Statutes 1986, section 473.878, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS.] (a) The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five.

(b) The plan must be updated before the expiration of the period covered by the plan. The plan must be reviewed for consistency with an adopted county ground water plan, and revised as necessary, whenever the watershed plan undergoes substantial revision or updating. In counties that adopt or amend ground water plans within five years following the effective date of section 12, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than six years following the effective date of section 12. In counties that adopt or amend ground water plans after five years following the effective date of section 12, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than one year following the adoption or amendment of the ground water plan. Upon the request of a watershed management organization, the county shall provide a written statement that: (1) identifies any substantial inconsistencies between the watershed plan and the ground water plan and any substantial adverse effects of the watershed plan on the ground water plan, and (2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.

(c) The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic con-

ditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.

(d) The plan shall be prepared and submitted for review under subdivision 5 not later than December 31, 1986.

(e) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 473.875 to 473.883. Existing or amended plans of a watershed management organization which meet the requirements of sections 473.875 to 473.883 may be submitted for review under subdivision 5.

Sec. 8. Minnesota Statutes 1986, section 473.878, subdivision 5, is amended to read:

Subd. 5. [LOCAL REVIEW.] (a) Upon completion of the plan but before final adoption by the organization, the organization shall submit the plan for review and comment to all counties, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed. Any local government unit which expects that substantial amendment of its local comprehensive plan will be necessary in order to bring local water management into conformance with the watershed plan shall describe as specifically as possible, within its comments, the amendments to the local plan which it expects will be necessary. *If the county has a ground water plan, the county shall review and comment on the consistency of the watershed plan with the county ground water plan. Differences among local governmental agencies regarding the plan must be mediated.*

(b) Sixty days after the submission to local government units for comment, the organization shall submit the plan, any comments received, and any appropriate amendments to the plan, to the board of the county or counties having territory within the watershed. The county shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 112.60, subdivision 2, or 473.883. The county shall have 60 days to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the water resources board for review pursuant to subdivision 7.

Sec. 9. Minnesota Statutes 1986, section 473.878, subdivision 6, is amended to read:

Subd. 6. [REVIEW BY METROPOLITAN COUNCIL.] After completion of the review under subdivision 5, the plan *and all comments received* shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans. *The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.*

Sec. 10. Minnesota Statutes 1986, section 473.878, subdivision 7, is amended to read:

Subd. 7. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 6, the plan *and all comments received* shall be submitted to the ~~commissioner~~ *commissioners* of natural resources and *health and the director of* the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883. If the capital improvement program is the subject of a dispute between counties, the water resources board shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Sec. 11. Minnesota Statutes 1986, section 473.878, subdivision 9, is amended to read:

Subd. 9. [AMENDMENTS.] To the extent and in the manner required by the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, and other agencies for review in accordance with the provisions of subdivisions 5, 6, and 7. *Amendments necessary to revise the plan to be consistent with county ground water plan, as required by subdivision 3, must be submitted for review in accordance with subdivisions 5, 6, and 7.*

Sec. 12. [473.8785] [GROUND WATER PLANS.]

Subdivision 1. [AUTHORITY.] A metropolitan county may prepare and adopt ground water plans in accordance with this section.

Subd. 2. [RESPONSIBLE UNITS.] The county may prepare and adopt the plan or, upon request of a soil and water conservation district, the county may delegate to the soil and water conservation district the preparation and adoption of all or part of a plan and the performance of other county responsibilities regarding the plan under this section and section 473.878.

Subd. 3. [LOCAL COORDINATION.] To assure the coordination of efforts of all units of government during the preparation and implementation of watershed and ground water plans, the county shall conduct meetings with local units of government and watershed management organizations, and may enter into agreements with local units of government and watershed management organizations establishing the responsibilities during the preparation and implementation of the water plans.

Subd. 4. [ASSISTANCE; ADVISORY COMMITTEE.] The county may contract with the Minnesota geological survey, the United States geological survey, a soil and water conservation district, or other public or private agencies or persons for services in performing the county's responsibilities regarding the plan under this section and section 473.878. Counties may enter into agreements with other counties or local units of government under section 471.59 for the performance of these responsibilities. To assist in the development of the ground water plan, the county shall seek the

advice of the Minnesota geological survey, the departments of health and natural resources, the pollution control agency, and other appropriate local, state, and federal agencies, and shall name an advisory committee of 15 members. The committee must include representatives of various interests, including construction, agriculture, hydrogeology, and well drilling. At least four members of the committee must be from the public at large with no direct pecuniary interest in any project involving ground water protection. At least seven members must be appointed from watershed management organizations, statutory and home rule charter cities, and towns, and these local government representatives must be geographically distributed so that at least one is appointed from each county commissioner district. The county shall consult the advisory committee on the development, content, and implementation of the plan, including the relationship of the ground water plan and existing watershed and local water management plans, the effect of the ground water plan on the other plans, and the allocation of costs and governmental authority and responsibilities during implementation.

Subd. 5. [GENERAL STANDARDS.] The ground water plan must extend through the year 1995 or any year thereafter which is evenly divisible by five. The plan must contain the elements required by subdivision 6. Each element must be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated ground water management problems in the county. To the fullest extent possible in a manner consistent with ground water protection, a county shall make maximum use of existing and available data and studies in preparing the ground water plan and incorporate into its ground water plan relevant data from existing plans and studies and the relevant provisions of existing plans adopted by watershed management organizations having jurisdiction wholly or partly within the county.

Subd. 6. [CONTENTS.] A ground water plan must:

- (1) cover the entire area within the county;
- (2) describe existing and expected changes to the physical environment, land use, and development in the county;
- (3) summarize available information about the ground water and related resources in the county, including existing and potential distribution, availability, quality, and use;
- (4) state the goals, objectives, scope, and priorities of ground water protection in the county;
- (5) contain standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, or previously contaminated areas;
- (6) describe relationships and possible conflicts between the ground water plan and the plans of other counties, local government units, and watershed management organizations in the affected ground water system;
- (7) set forth standards and guidelines for implementation of the plan by watershed management organizations and local units of government; and
- (8) include a procedure for amending the ground water plan.

Subd. 7. [LOCAL REVIEW AND COMMENT.] Upon completion of the ground water plan but before final adoption by the county, the county shall submit the plan for review and comment to each soil and water conservation district, town, statutory and home rule charter city, and watershed management organization having territory within the county. The county also shall submit the plan to any other county or watershed management organization or district in the affected ground water system that could affect or be affected by implementation of the plan. Any political subdivision or watershed management organization that expects that substantial amendment of its plans would be necessary in order to bring them into conformance with the county ground water plan shall describe as specifically as possible, within its comments, the amendments that it expects would be necessary and the cost of amendment and implementation. Reviewing entities have 60 days to review and comment. Differences among local governmental agencies regarding the plan must be mediated.

Subd. 8. [REVIEW BY METROPOLITAN COUNCIL.] After completion of the review under subdivision 7, the plan and all comments received must be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to watershed plans and local comprehensive plans. The council shall summarize and evaluate the cost of rectifying inconsistencies between the ground water plan and watershed plans. If the council finds that significant funding problems, needs, or inequities will result from the ground water plan, the council shall report to the legislature on the matter and on appropriate means of allocating and paying costs. The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.

Subd. 9. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 8, the plan and all comments received must be submitted to the commissioners of natural resources and health and the director of the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board may not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883.

Subd. 10. [ADOPTION; IMPLEMENTATION.] The county shall adopt and implement its ground water plan within 120 days after approval of the plan by the water resources board.

Subd. 11. [AMENDMENTS.] To the extent and in the manner required by the adopted plan, all amendments to the adopted plan must be submitted to the towns, cities, counties, and other agencies for review in accordance with the provisions of subdivisions 7 to 9.

Sec. 13. [APPLICATION.]

Sections 4 to 12 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan water management; providing assessment and notice procedures; providing for county ground water plans; amending Minnesota Statutes 1986, sections 112.60, by adding subdivisions; 112.64, by adding a subdivision; 473.875; 473.876, by adding subdivisions; and 473.878, subdivisions 3, 5, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 473."

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

Senate Conferees: (Signed) Tad Jude, Gene Merriam, Gen Olson

House Conferees: (Signed) Darby Nelson, Sidney J. Pauly, Ernest A. Larsen

Mr. Jude moved that the foregoing recommendations and Conference Committee Report on S.F. No. 353 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 353 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 42 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Gustafson	Moe, R.D.	Schmitz
Anderson	Cohen	Jude	Morse	Spear
Beckman	Dahl	Knutson	Olson	Storm
Belanger	Davis	Laidig	Pehler	Stumpf
Benson	DeCramer	Lantry	Peterson, D.C.	Wegscheid
Berglin	Diessner	Larson	Peterson, R.W.	Willet
Bernhagen	Frank	Luther	Piper	
Bertram	Frederick	Mehrkens	Purfeerst	
Brandl	Freeman	Metzen	Renneke	

Mrs. McQuaid, Mr. Ramstad and Ms. Reichgott voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mrs. Adkins moved that S.F. No. 735 be taken from the table. The motion prevailed.

S.F. No. 735: A bill for an act relating to human services; providing for a statewide interpreter service for hearing impaired persons; altering membership on Minnesota council for the hearing impaired; amending Minnesota Statutes 1986, sections 256C.24, subdivisions 2 and 3; 256C.25, subdivisions 1 and 2; and 256C.28, subdivisions 1 and 3.

CONCURRENCE AND REPASSAGE

Mrs. Adkins moved that the Senate concur in the amendments by the House to S.F. No. 735 and that the bill be placed on its repassage as amended.

The motion prevailed.

S.F. No. 735 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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Knaak	Moe, R.D.	Renneke
Anderson	Dahl	Knutson	Morse	Schmitz
Beckman	Davis	Laidig	Olson	Spear
Belanger	DeCramer	Lantry	Pehler	Storm
Benson	Diessner	Larson	Peterson, D.C.	Stumpf
Berglin	Frank	Lessard	Peterson, R.W.	Wegscheid
Bernhagen	Freeman	Luther	Piper	Willet
Bertram	Gustafson	McQuaid	Purfeerst	
Brandl	Johnson, D.J.	Mehrkins	Ramstad	
Chmielewski	Jude	Metzen	Reichgott	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dahl moved that S.F. No. 200, No. 27 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1281 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1281: A bill for an act relating to local government; authorizing Lake county to issue seasonal on-sale liquor licenses; authorizing St. Louis county to set the compensation of certain board and commission members; amending Minnesota Statutes 1986, section 383C.073.

Mr. Johnson, D.J. moved that the amendment made to H.F. No. 1281 by the Committee on Rules and Administration in the report adopted April 30, 1987, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1281 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Jude	Moe, R.D.	Reichgott
Anderson	Dahl	Knaak	Morse	Renneke
Beckman	Davis	Laidig	Olson	Schmitz
Belanger	DeCramer	Lantry	Pehler	Solon
Benson	Diessner	Larson	Peterson, D.C.	Spear
Berglin	Frank	Lessard	Peterson, R.W.	Storm
Bernhagen	Frederickson, D.J.	Luther	Piper	Stumpf
Bertram	Freeman	McQuaid	Pogemiller	Wegscheid
Brandl	Gustafson	Mehrkins	Purfeerst	Willet
Chmielewski	Johnson, D.J.	Metzen	Ramstad	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules

and Administration, designated H.F. No. 88 a Special Order to be heard immediately.

SPECIAL ORDER

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.

Mr. Peterson, R.W. moved that the amendment made to H.F. No. 88 by the Committee on Rules and Administration in the report adopted May 6, 1987, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 88 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnson, D.J.	Metzen	Reichgott
Anderson	Dahl	Jude	Moe, R.D.	Renneke
Beckman	Davis	Knaak	Morse	Schmitz
Belanger	DeCramer	Laidig	Olson	Spear
Benson	Diessner	Lantry	Pehler	Storm
Berglin	Frank	Larson	Peterson, D.C.	Stumpf
Bernhagen	Frederick	Lessard	Peterson, R.W.	Vickerman
Bertram	Frederickson, D.J.	Luther	Piper	Willet
Brandl	Freeman	McQuaid	Purfeerst	
Chmielewski	Gustafson	Mehrkins	Ramstad	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Johnson, D.J. moved that House Concurrent Resolution No. 8 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 8: A House concurrent resolution commemorating the life and work of John Mariucci.

WHEREAS, John Mariucci was born May 18, 1916, in Eveleth, Minnesota, the son of Italian immigrants; and

WHEREAS, John Mariucci began playing hockey in his junior year of high school and then played Golden Gopher football and Golden Gopher ice hockey as a defenseman. He was the first University of Minnesota hockey player named All-American; and

WHEREAS, in the 1940's, he played for the National Hockey League Chicago Blackhawks for five years and was an outstanding enforcer and gamebreaker; and

WHEREAS, John Mariucci, also known as "Maroosh" and "The Old Roman," was head coach for the University of Minnesota hockey program from 1952 to 1966. He was regarded as a tough coach but a gentle man with a big heart. As some of his players later became coaches, the foundation was being established for hockey's growth in Minnesota; and

WHEREAS, the 1956 United States Olympic Team, under his coaching, won a silver medal; and

WHEREAS, since 1967, he was assistant general manager, scout, and goodwill ambassador for the North Stars; and

WHEREAS, his love and dedication to hockey's development at every competitive level was rewarded by seeing hockey grow from a minor sport at a dozen high schools to a major sport at over 150 high schools, and seeing attendance at the state tournaments increase from 15,000 in 1952, to 100,000 in 1982. He was honored as "Mr. Hockey" by the high school coaches; and

WHEREAS, it is because of the lifetime work of John Mariucci that the modern game of hockey is what it is in the United States; and

WHEREAS, John Mariucci Day in Minnesota was proclaimed by Governor Rudy Perpich on March 2, 1985, and the University of Minnesota hockey building was renamed Mariucci Arena; and

WHEREAS, he was a charter inductee in the United States Hockey Hall of Fame, located in Eveleth, and was named to the National Hockey League Hall of Fame in Montreal, May 1, 1985, and to the Minnesota Sports Hall of Fame in 1986; and

WHEREAS, his life was lived as a tender, caring, sensitive humanitarian and as an inspiration and role model. He was blessed with a great sense of humor that endeared him to many; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring, that it commemorates the life and work of John Mariucci. Hockey players, fans, and personnel are grateful and appreciative of his lifelong dedication to American hockey. He was admired, loved, and respected and will be remembered and missed not only by Minnesotans but throughout the country.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and those of the Speaker, the President of the Senate, and the Secretary of the Senate.

BE IT FURTHER RESOLVED that this resolution be presented to the Governor for his approval and, upon his approval, deposited with the Secretary of State and published with the laws of the State of Minnesota. The Secretary of State shall prepare certified copies of this resolution and present them to the family of John Mariucci and to the United States Hockey Hall of Fame.

Mr. Johnson, D.J. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

MEMBERS EXCUSED

Mr. Davis was excused from the Session of today from 10:30 to 11:30 a.m. Mr. Freeman was excused from the Session of today from 10:00 a.m. to 1:10 p.m. Mr. Gustafson was excused from the Session of today from 10:00 to 11:00 a.m. Mr. Hughes was excused from the Session of today from 10:30 a.m. to 2:00 p.m. Mr. Solon was excused from the Session of today from 12:40 to 1:40 p.m. Mr. Vickerman was excused from the Session of today from 4:45 to 5:15 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m. Friday, May 15, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate