

TWENTY-THIRD DAY

St. Paul, Minnesota, Monday, March 20, 1989

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

Prayer was offered by the Chaplain, Sister Frances Nosbisch.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Metzen was excused from the Session of today. Mr. Frederickson, D.J. was excused from the Session of today from 2:00 to 2:15 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 14, 1989

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Board of the Arts are hereby respectfully submitted to the Senate for confirmation as required by law:

James Nardone, 2606 Audrey Ln., Grand Rapids, Itasca County, has been

appointed by me, effective February 1, 1989, for a term expiring the first Monday in January, 1993.

Leonard Nadasdy, 5515 Lake Sarah Hts. Dr., Loretto, Hennepin County, has been appointed by me, effective February 1, 1989, for a term expiring the first Monday in January, 1993.

Bunny (Isabelle) Robinson, 6921 Olson Memorial Hwy., Golden Valley, Hennepin County, has been appointed by me, effective February 1, 1989, for a term expiring the first Monday in January, 1993.

(Referred to the Committee on General Legislation and Public Gaming.)

March 9, 1989

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Public Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Gena Doyscher, 5801 - 216th St. N., Forest Lake, Washington County, has been appointed by me, effective February 1, 1989, for a term expiring the first Monday in January, 1993.

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

Sincerely,
Rudy Perpich, Governor

March 17, 1989

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. No. 644.

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 644.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 16, 1989

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. 121: A bill for an act relating to towns; authorizing town boards to provide for the collection of unpaid service charges; proposing coding for new law in Minnesota Statutes, chapter 366.

Senate File No. 121 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 16, 1989

CONCURRENCE AND REPASSAGE

Mrs. Adkins moved that the Senate concur in the amendments by the House to S.F. No. 121 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 121 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Knaak	Mehrkens	Pogemiller
Anderson	DeCramer	Knutson	Merriam	Purfeirst
Beckman	Dicklich	Kroening	Moe, D.M.	Ramstad
Belanger	Diessner	Laidig	Moe, R.D.	Reichgott
Benson	Frank	Langseth	Morse	Samuelson
Berg	Frederickson, D.R.	Lantry	Olson	Schmitz
Berglin	Freeman	Larson	Pariseau	Spear
Bernhagen	Gustafson	Lessard	Pehler	Storm
Bertram	Hughes	Luther	Peterson, D.C.	Taylor
Brandl	Johnson, D.E.	McGowan	Peterson, R.W.	Vickerman
Dahl	Johnson, D.J.	McQuaid	Piper	Waldorf

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 adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 16, 1989

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 29:

H.F. No. 29: A bill for an act relating to examiners of title; increasing

number of deputy examiners of title in second and fourth judicial districts; amending Minnesota Statutes 1988, section 508.12, subdivision 3.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Rest, Kelly and Seaberg have been appointed as such committee on the part of the House.

House File No. 29 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 16, 1989

Ms. Reichgott moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 29, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 76, 101, 897, 135, 331, 461 and 702.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 16, 1989

FIRST READING OF HOUSE BILLS

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

H.F. No. 76: A bill for an act relating to juveniles; prohibiting the detention of juveniles in jails or lockups for longer than 24 hours before a detention hearing is held; prohibiting the detention of juveniles in jails or lockups after August 1, 1991, for longer than 24 hours unless a reference motion has been filed; amending Minnesota Statutes 1988, sections 260.171, subdivisions 2 and 4; and 260.172, subdivisions 1 and 2.

Referred to the Committee on Judiciary.

H.F. No. 101: A bill for an act relating to education; requiring the student member of the board of regents to be a student at the time of election; amending Minnesota Statutes 1988, section 137.023.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 27.

H.F. No. 897: A bill for an act relating to local government; clarifying certain procedures for adoption of town optional plans of government; amending Minnesota Statutes 1988, sections 367.31, subdivisions 1, 2, 3, and 5; and 367.33, subdivisions 1 and 5.

Referred to the Committee on Elections and Ethics.

H.F. No. 135: A bill for an act relating to juvenile court; limiting the court's authority to transfer legal custody of a child for the purpose of obtaining special treatment or care; clarifying the grounds for terminating parental rights to a child; clarifying the liability of persons who provide outreach services to runaways; amending Minnesota Statutes 1988, sections 260.015, subdivision 2a; 260.191, subdivision 1; 260.221, subdivisions 1 and 3; and 260.315.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 220.

H.F. No. 331: A bill for an act relating to employment; limiting the employment hours of certain minors during the school year; amending Minnesota Statutes 1988, sections 181A.04, by adding a subdivision; and 181A.12, subdivision 1.

Referred to the Committee on Employment.

H.F. No. 461: A bill for an act relating to crime victims; modifying the limitations provision governing damage actions brought by sexual assault victims; requiring that victims of crimes against the person be informed of the conditions governing the convicted offender's release from confinement and the identity of the corrections agent supervising the offender; requiring that sexual assault victims be notified when the alleged sex offender is released from pretrial detention; amending Minnesota Statutes 1988, sections 541.07; 611A.03, subdivision 1; and 611A.06; proposing coding for new law in Minnesota Statutes, chapters 541 and 629.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 315, now on General Orders.

H.F. No. 702: A bill for an act relating to crime; expanding the crime of failure to appear for a criminal court appearance; specifying the attorney with jurisdiction to prosecute the crime; prescribing penalties; amending Minnesota Statutes 1988, section 609.49.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 675, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S.F. No. 676: A bill for an act relating to agriculture; changing voting rights in certain cooperative associations; amending Minnesota Statutes 1988, section 308.07, subdivision 4.

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

Page 1, after line 19, insert:

"Sec. 2. If S.F. No. 848 is enacted in the 1989 legislative session, Minnesota Statutes, section 308.07, subdivision 4, as amended by section 1 of this act, is repealed and S.F. No. 848, article 1, section 35, is amended

to read:

Sec. 35. [308A.641] [VOTE OF COOPERATIVE CONSTITUTED OF OTHER COOPERATIVES.]

A cooperative that is constituted entirely or partially of other cooperatives or associations may authorize by the articles or the bylaws for affiliated cooperative members to have an additional vote for:

(1) a stipulated amount of business transacted between the member cooperative and the cooperative central organization ~~or~~:

(2) a stipulated number of members in the member cooperative;

(3) a certain stipulated amount of equity allocated to or held by the member cooperative in the cooperative's central organization; or

(4) a combination of methods in clauses (1) to (3). [308.07 s. 4]"

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

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

S.F. No. 264: A bill for an act relating to health; requiring that health care providers timely furnish patient health records and reports; amending Minnesota Statutes 1988, section 144.335, subdivisions 2 and 3.

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

Page 1, line 15, delete ", within a reasonable time," and insert "promptly"

Page 2, line 22, delete ", within a reasonable time," and insert "promptly"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 331: A bill for an act relating to notaries public; eliminating the requirement that notaries be bonded; amending Minnesota Statutes 1988, sections 359.02 and 359.071.

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

Page 2, line 9, strike "was" and insert "were"

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

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

S.F. No. 391: A bill for an act relating to civil actions; excluding certain structures from the limitation period provided by the uniform commercial code; amending Minnesota Statutes 1988, section 336.2-725.

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

Page 2, line 8, delete "grain storage"

Page 2, line 9, after the period, insert "Improvement to real property"

includes a commercial grain storage bin."

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

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

S.F. No. 621: A bill for an act relating to courts; declaring that money or assets in court-supervised settlement accounts are not available to a minor child or the child's parent or guardian, until released by the court, for purposes of determining eligibility for human services programs; amending Minnesota Statutes 1988, section 540.08.

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 1988, section 540.08, is amended to read:

540.08 [INJURY TO CHILD OR WARD; SUIT BY PARENT OR GUARDIAN.]

A parent may maintain an action for the injury of a minor son or daughter. A general guardian may maintain an action for an injury to the ward. A guardian of a dependent, neglected, or delinquent child, appointed by a court having jurisdiction, may maintain an action for the injury of the child. If no action is brought by the father or mother, an action for the injury may be brought by a guardian ad litem, either before or after the death of the parent. Before a parent receives property as a result of the action, the parent shall file a bond as the court prescribes and approves as security therefor. In lieu of this bond, upon petition of the parent, the court may order that the property received be invested in securities issued by the United States, which shall be deposited pursuant to the order of the court, or that the property be invested in a savings account, savings certificate, or certificate of deposit, in a bank, savings and loan association, or trust company, or an annuity or other form of structured settlement, subject to the order of the court. A copy of the court's order and the evidence of the deposit shall be filed with the court administrator. *Money or assets in an account established by the court under this section are not available to the minor child or the child's parent or guardian until released by the court to the child or the child's parent or guardian. No settlement or compromise of the action is valid unless it is approved by a judge of the court in which the action is pending.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to issues concerning the availability of funds that arise on and after the effective date."

Delete the title and insert:

"A bill for an act relating to courts; declaring that money or assets in court-supervised settlement accounts are not available to a minor child or the child's parent or guardian until released by the court; amending Minnesota Statutes 1988, section 540.08."

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

adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 46: A bill for an act relating to taxation; exempting leased hangars at airports in small cities from property taxation; amending Minnesota Statutes 1988, section 272.02, subdivision 1.

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 1988, section 272.01, subdivision 2, is amended to read:

Subd. 2. (a) When any real or personal property which ~~for any reason~~ is exempt from ad valorem taxes, and taxes in lieu thereof, is leased, loaned, or otherwise made available and used by a private individual, association, or corporation in connection with a business conducted for profit, there shall be imposed a tax, for the privilege of so using or possessing such real or personal property, in the same amount and to the same extent as though the lessee or user was the owner of such property.

(b) The tax imposed by this subdivision shall not apply to:

(1) property leased or used ~~by way of as~~ a concession in or relative to the use in whole or part of a public park, market, fairgrounds, port authority, economic development authority established under chapter 458C, municipal auditorium, ~~airport owned by a city, town, county, or group thereof but not the airports owned or operated by the metropolitan airports commission or a city of over 50,000 population or an airport authority therein, municipal museum, or municipal stadium or:~~

(2) *property of an airport owned by a city, town, county, or group thereof which is:*

(i) leased to or used by any person or entity including a fixed base operator; and

(ii) used as a hangar for the storage or repair of aircraft or to provide aviation goods, services, or facilities to the airport or general public;

the exception from taxation provided in this clause does not apply to:

(i) property located at an airport owned or operated by the metropolitan airports commission or by a city of over 50,000 population according to the most recent federal census or such a city's airport authority; or

(ii) hangars leased by a private individual, association, or corporation in connection with a business conducted for profit other than an aviation-related business;

(3) property constituting or used as a public pedestrian ramp or concourse in connection with a public airport; or

~~(3)~~ *(4) property constituting or used as a passenger check-in area or ticket sale counter, boarding area, or luggage claim area in connection with a public airport but not the airports owned or operated by the metropolitan airports commission or cities of over 50,000 population or an airport*

authority therein. Real estate owned by a municipality in connection with the operation of a public airport and leased or used for agricultural purposes shall be exempt.

(c) Taxes imposed by this subdivision shall be due and are payable as in the case of personal property taxes and such taxes shall be assessed to such the lessees or users of real or personal property in the same manner as taxes assessed to owners of real or personal property, except that such taxes shall not become a lien against the property. When due, the taxes shall constitute a debt due from the lessee or user to the state, township, city, county and school district for which the taxes were assessed and shall be collected in the same manner as personal property taxes. If property subject to the tax imposed by this subdivision is leased or used jointly by two or more persons, each lessee or user shall be jointly and severally liable for payment of the tax.

Sec. 2. Minnesota Statutes 1988, section 273.19, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 3 or 4, *tax-exempt* property held under a lease for a term of at least one year, and not taxable under section 272.01, subdivision 2, or under a contract for the purchase thereof, *when the property belongs to the United States, to the state, or to any religious, scientific, or benevolent society or institution, incorporated or unincorporated, or to any railroad company or other corporation whose property is not taxed in the same manner as other property, or when the property is school or other state lands,* shall be considered, for all purposes of taxation, as the property of the person so holding the same. *In this subdivision, "tax-exempt property" means property owned by the United States, the state, a school, or any religious, scientific, or benevolent society or institution, incorporated or unincorporated, or any corporation whose property is not taxed in the same manner as other property.* This subdivision does not apply to property exempt from taxation under section 272.01, subdivision 2, ~~clause~~ paragraph (b), clauses (2), (3), and (4).

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for taxes levied in 1989, payable in 1990, and thereafter."

Amend the title as follows:

Page 1, line 4, delete "section 272.02," and insert "sections 272.01, subdivision 2; and 273.19, subdivision 1."

Page 1, delete line 5

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 119: A bill for an act relating to local government; authorizing towns to establish subordinate service districts; proposing coding for new law as Minnesota Statutes, chapter 365B.

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

Page 1, delete section 1

Page 1, line 12, delete "365B.02" and insert "365B.01"

Page 1, line 19, delete "365B.03" and insert "365B.02"

Page 2, line 5, delete "365B.04" and insert "365B.03"

Page 2, line 6, after "by" insert "at least"

Page 2, line 7, after "voters" insert "who reside"

Page 2, line 25, delete "365B.05" and insert "365B.04"

Page 2, line 35, delete "365B.06" and insert "365B.05"

Page 3, line 1, after "by" insert "at least" and after "voters" insert "who reside"

Page 3, line 3, delete "5" and insert "4"

Page 3, line 19, delete "365B.07" and insert "365B.06"

Page 3, line 22, delete "4 to 7" and insert "3 to 6"

Page 3, line 24, after "unless" insert "at least"

Page 3, line 28, delete "365B.08" and insert "365B.07"

Page 4, line 9, delete "365B.09" and insert "365B.08"

Page 4, line 10, after "by" insert "at least"

Page 4, line 11, after "voters" insert "residing"

Page 4, line 26, delete "365B.10" and insert "365B.09"

Renumber the sections in sequence

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 205: A bill for an act relating to taxation; making technical corrections and clarifications and administrative changes to premium taxes, cigarette taxes, sales taxes, motor vehicle excise taxes, gasoline and special fuel taxes, liquor taxes, marijuana and controlled substances taxes, lodging taxes, and the metropolitan solid waste landfill fee; providing for unmarked vehicles for use by the department of revenue; providing for sales of unstamped tobacco products and liquor to Indian tribes; providing for cancellation of sales tax permits; exempting liquor used in law enforcement training; repealing obsolete or unnecessary terms or provisions; repealing express company, freight line company, and sleeping car company gross earnings taxes; requiring notification of the commissioner prior to selling cigarettes at prices other than those presumed by law; imposing cigarette distributor fees; appropriating money; amending Minnesota Statutes 1988, sections 16B.54, subdivision 2; 41A.09, subdivision 3; 69.011, subdivision 2; 69.54; 168.011, by adding a subdivision; 168.012, subdivision 1, and by adding a subdivision; 270.06; 270.60; 296.18, subdivision 1; 297.041, subdivisions 1, 2, and 4; 297A.06; 297A.17; 297A.20; 297A.21, subdivision 4; 297A.25, subdivisions 11 and 16; 297B.01, subdivision 5; 297B.02, subdivision 1;

297B.03; 297C.02, subdivision 4; 297C.07; 297D.13, by adding a subdivision; 325D.32, subdivision 10; 325D.37, by adding a subdivision; 469.190, subdivision 1; 473.843, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 297, 297A, 297C, 297D, and 325D; repealing Minnesota Statutes 1988, sections 295.01, subdivisions 4, 5, 6, 7, and 8; 295.15; 295.21; 295.23; 295.24; 295.25; 295.27; 295.29; 295.30; 295.31; 297A.19; 297A.253; 477A.018; and 477A.019.

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

Page 25, line 19, delete "equal"

Page 25, delete lines 20 to 24 and insert "as follows:

(1) a fee of \$2,500 is due from those distributors whose annual cigarette tax collections exceed \$2,000,000; and

(2) a fee of \$1,200 is due from those distributors whose annual cigarette tax collections are \$2,000,000 or less."

Page 25, line 27, delete everything after "into" and insert "the general fund."

Page 25, delete lines 28 and 29

Page 27, delete section 36

Page 27, line 24, delete "36, and 37" and insert "and 36"

Renumber the sections in sequence

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

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

S.F. No. 722: A bill for an act relating to employment; requiring prevailing wages to be paid on certain railroad projects assisted with state money; amending Minnesota Statutes 1988, section 222.50, subdivision 5.

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

Page 2, delete lines 15 to 19 and insert:

"(e) To the extent not prohibited by federal law or regulation, require the payment of prevailing wages, to be determined in the same manner as in section 177.43 by the commissioner of labor and industry, to laborers or persons working on rail line rehabilitation or other rail service improvement."

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

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

S.F. No. 220: A bill for an act relating to juvenile court; clarifying the grounds for terminating parental rights to a child; authorizing the filing of a CHIPS petition when a child is engaging repeatedly in sexually aggressive behavior and the person responsible for the child fails or refuses to intervene; authorizing the detention of chronic runaways in secure custody within

a shelter care facility; amending Minnesota Statutes 1988, sections 260.015, subdivision 2a; 260.155, subdivision 4; 260.173, subdivision 3; and 260.221, subdivisions 1 and 3.

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 1988, section 260.015, subdivision 2a, is amended to read:

Subd. 2a. [CHILD IN NEED OF PROTECTION OR SERVICES.] “Child in need of protection or services” means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2) has been a victim of physical or sexual abuse or resides with a victim of domestic child abuse as defined in subdivision 24;

(3) is without necessary food, clothing, shelter, education, or other required care for the child’s physical or mental health or morals because the child’s parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child’s parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term “withholding of medically indicated treatment” means the failure to respond to the infant’s life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician’s or physicians’ reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician’s or physicians’ reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant’s life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child’s care and custody;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child’s parent, guardian, or other custodian;

(9) is one whose ~~occupation, behavior, condition, or environment, or associations are~~ is such as to be injurious or dangerous to the child or others;

- (10) has committed a delinquent act before becoming ten years old;
- (11) is a runaway; or
- (12) is an habitual truant.

Sec. 2. Minnesota Statutes 1988, section 260.191, subdivision 1, is amended to read:

Subdivision 1. **[DISPOSITIONS.]** (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the county welfare board or child placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;

(2) transfer legal custody to one of the following:

- (i) a child placing agency; or
- (ii) the county welfare board.

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3:

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. *The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care.* If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child

to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license be canceled, the court may recommend to the commissioner of public safety that the child's license be canceled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize; or

(8) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

Sec. 3. Minnesota Statutes 1988, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 11; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the

parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child; or

(5) That following upon a determination of *neglect or dependency, or of a child's need for protection or services*, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, *need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9)*, or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home; or

(6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

Sec. 4. Minnesota Statutes 1988, section 260.221, subdivision 3, is amended to read:

Subd. 3. [WHEN PRIOR FINDING REQUIRED.] For purposes of subdivision 1, clause (b), no prior judicial finding of dependency, neglect, *need for protection or services*, or neglected and in foster care is required, except as provided in subdivision 1, clause (b), item (5).

Sec. 5. Minnesota Statutes 1988, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO NEED FOR PROTECTION OR SERVICES OR DELINQUENCY.]

Any person who by act, word, or omission encourages, causes, or contributes to the need for protection or services or delinquency of a child, or to a child's status as a juvenile petty offender, is guilty of a misdemeanor. *This section does not apply to licensed social service agencies and outreach workers who, while acting within the scope of their professional duties, provide services to runaway children.*

Sec. 6. [EFFECTIVE DATE.]

Sections 3 and 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to juvenile court; limiting the court's authority to transfer legal custody of a child for the purpose of obtaining special treatment or care; clarifying the grounds for terminating parental rights to a child; clarifying the liability of persons who provide outreach services to runaways; amending Minnesota Statutes 1988, sections 260.015, subdivision 2a; 260.191, subdivision 1; 260.221, subdivisions 1 and 3; and 260.315."

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

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

S.F. No. 260: A bill for an act relating to probate; providing for a statutory will; enacting the uniform statutory will act; proposing coding as Minnesota Statutes, chapter 524A.

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

Page 1, delete line 7 and insert:

"Subdivision 1. [GENERAL.] For purposes of this chapter, the following terms have the meanings given them."

Page 1, line 8, delete "(1)" and insert "Subd. 2. [CHILD.]" and delete "paragraph" and insert "subdivision"

Page 1, line 18, delete "(2)" and insert "Subd. 3. [ISSUE.]"

Page 1, line 20, delete "being"

Page 1, line 22, delete "(3)" and insert "Subd. 4. [PERSONAL REPRESENTATIVE.]"

Page 1, line 24, delete "and" and insert "or"

Page 2, line 1, delete "their" and insert "the person's"

Page 2, line 2, delete "(4)" and insert "Subd. 5. [PROPERTY.]"

Page 2, line 4, delete "(5)" and insert "Subd. 6. [REPRESENTATION.]"

Page 2, line 11, delete "(6)" and insert "Subd. 7. [STATUTORY-WILL ESTATE.]"

Page 2, line 13, delete "(7)" and insert "Subd. 8. [SURVIVING SPOUSE.]"

Page 2, lines 19 and 24, delete "divorce" and insert "dissolution"

Page 2, line 27, delete "(8)" and insert "Subd. 9. [TESTAMENTARY ESTATE.]"

Page 2, line 30, delete "(9)" and insert "Subd. 10. [TESTATOR'S RESIDENCE.]"

Page 3, line 7, delete "(10)" and insert "Subd. 11. [TRUSTEE.]"

Page 3, line 15, after "REFERENCE" insert ";" NOTICE"

Page 3, line 16, before "(a)" insert "Subdivision 1. [INCORPORATION BY REFERENCE.]"

Page 3, after line 29, insert:

"Subd. 2. [NOTICE.] A form for a statutory will that is available for public distribution must contain the following notice:

NOTICE TO THE PERSON WHO SIGNS THIS WILL:

THIS IS A LEGALLY BINDING DOCUMENT. THIS DOCUMENT MAY HAVE A SIGNIFICANT TAX IMPACT ON YOUR ESTATE UPON YOUR DEATH. IF YOU HAVE QUESTIONS ABOUT THE EFFECT OF THIS WILL OR WHETHER IT FITS YOUR NEEDS, YOU SHOULD TALK WITH A LAWYER.

YOU SHOULD PERIODICALLY REVIEW THIS DOCUMENT TO CONSIDER WHETHER IT CONTINUES TO SERVE YOUR NEEDS OR WHETHER CHANGES ARE NEEDED."

Page 3, delete line 34

Page 3, line 35, delete "(1) if" and insert "(a) If" and after the comma, insert "the share of the surviving spouse is"

Page 3, line 36, delete ";" or" and insert a period

Page 4, line 1, delete "(2) if" and insert "(b) If" and before the colon, insert ", the share of the surviving spouse is"

Page 4, line 2, delete "(i)" and insert "(1)"

Page 4, line 6, delete "(ii)" and insert "(2)"

Page 4, line 8, delete "(iii)" and insert "(3)" and delete "(b)" and insert "(c)"

Page 4, line 10, delete "item (i) or (ii)" and insert "clause (1) or (2)"

Page 4, line 13, delete "(b)" and insert "(c)"

Page 4, line 18, before "Property" insert "Subdivision 1. [GENERAL.]" and delete "(a)" and insert "(b)"

Page 4, line 19, delete "(2). item (iii)" and insert "(3)" and delete "following" and delete the colon and insert "provided in this section."

Page 4, line 20, delete "(1)" and insert "Subd. 2. [DISTRIBUTION OF INCOME DURING LIFE OF SURVIVING SPOUSE.]"

Page 4, line 28, delete "(2)" and insert "Subd. 3. [DISTRIBUTION OF PRINCIPAL DURING LIFE OF SURVIVING SPOUSE.] (a)"

Page 4, line 30, delete "and" and insert "or"

Page 4, line 34, delete "those"

Page 5, line 4, after the period, insert:
"(b)"

Page 5, line 11, delete "If"

Page 5, delete lines 12 to 14

Page 5, line 15, delete "surviving spouse."

Page 5, line 18, delete "thereafter" and insert "later"

Page 5, line 20, after the period, insert:

"(c)"

Page 5, line 21, delete "pursuant"

Page 5, line 22, delete "to" and insert "under" and delete "paragraph" and insert "subdivision"

Page 5, delete line 27 and insert:

"(d) If the trustee, other than the surviving spouse, determines that continuation of the trust is uneconomical, the trustee may terminate the trust by distribution of the principal to the surviving spouse."

Page 5, line 28, delete "unless" and insert:

"Subd. 4. [DISTRIBUTION AFTER DEATH OF SURVIVING SPOUSE.] Unless the principal is" and delete ", must be paid." and insert "and"

Page 5, line 29, delete "paragraph (2)," and insert "subdivision 3, on the death of the surviving spouse the principal must be paid:

(1)"

Page 5, line 32, delete "or," and insert "; or

(2)"

Page 5, line 35, delete "had then" and after "state" insert a comma

Page 6, line 10, delete "had"

Page 6, line 21, delete "(a)" and insert "Subdivision 1. [WHEN REQUIRED.]" and delete "clause"

Page 6, line 22, delete "(3)" and insert "subdivision 4"

Page 6, line 26, delete "paragraphs (b) and (c)" and insert "subdivisions 2 and 3"

Page 6, line 29, delete "(b)" and insert "Subd. 2. [DURATION.]"

Page 6, line 30, delete "paragraph (a)" and insert "subdivision 1"

Page 6, line 35, delete "(c)" and insert "Subd. 3. [EARLY DISTRIBUTION.]"

Page 7, line 3, delete "paragraph" and insert "subdivision" and delete "thereafter must" and insert "may"

Page 7, line 6, delete "(d)" and insert "Subd. 4. [TERMINATION.]"

Page 7, line 10, delete "(e)" and insert "Subd. 5. [FINAL DISTRIBUTION.]" and delete "paragraph (c)" and insert "subdivision 3"

Page 7, line 13, delete "clause (3)" and insert "subdivision 4"

Page 7, lines 17 and 18, delete "paragraph (c)" and insert "subdivision 3"

Page 7, line 19, delete "paragraph (b)" and insert "subdivision 2"

Page 7, line 26, delete "(f)" and insert "Subd. 6. [LIMITATION ON TRUSTEE'S DISCRETION.]"

Page 7, line 33, delete "(a)" and insert "Subdivision 1. [SPECIAL DISTRIBUTION.]"

Page 8, line 3, delete "deficiency" and insert "disability"

Page 8, line 4, delete "(i)" and insert:

"(1)"

Page 8, line 9, delete "(ii)" and insert:

"(2)"

Page 8, line 10, delete "item (iii); or (iii)" and insert "clause (3); or (3)"

Page 8, line 12, delete "thereafter at any time" and insert "after that"

Page 8, line 15, delete "(b)" and insert "Subd. 2. [TERMINATION.]" and delete "paragraph (a)" and insert "subdivision 1"

Page 8, line 16, delete "item (iii)" and insert "clause (3)"

Page 8, line 21, delete "(c)" and insert "Subd. 3. [EXCEPTION.]"

Page 8, line 25, delete "(i)" and insert :

(1)"

Page 8, line 27, delete ", (ii)" and insert ";

(2)" and delete the second comma and insert a semicolon

Page 8, line 28, delete "(iii)" and insert:

"(3)"

Page 8, line 34, delete "nor" and insert "not"

Page 9, line 33, delete "which" and insert "that"

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

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

S.F. No. 134: A bill for an act relating to government data practices; authorizing release of certain data to state committee of blind vendors; amending Minnesota Statutes 1988, section 13.791, subdivision 1.

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 1988, section 13.791, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Unless the data is summary data or is otherwise classified by statute or federal law, all data collected and maintained by the department of jobs and training that pertain to individuals applying for or receiving rehabilitation services is private data on individuals. ~~The commissioner of jobs and training may release the name, business address, and business telephone number of an individual licensed under section 248.07, subdivision 8.~~

Sec. 2. Minnesota Statutes 1988, section 13.791, is amended by adding a subdivision to read:

Subd. 1a. [DATA ON BLIND VENDORS.] The commissioner of jobs and training may release the name, business address, and business telephone number of an individual licensed under section 248.07, subdivision 8. The state committee of blind vendors organized in accordance with Code of Federal Regulations, title 34, section 395.14, has access to private data in the department of jobs and training on an individual licensed under section 248.07, subdivision 8, to the extent necessary to complete its duties.

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 5, before the period, insert "., and by adding a subdivision"

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

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

S.F. No. 155: A bill for an act relating to crimes; prohibiting the intentional distribution of computer programs that are designed to destroy or modify computer software, computer data, or other property; imposing penalties; amending Minnesota Statutes 1988, sections 609.87, by adding subdivisions; and 609.88.

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 1988, section 609.87, is amended by adding a subdivision to read:

Subd. 11. [DESTRUCTIVE COMPUTER PROGRAM.] "Destructive computer program" means a computer program that performs a destructive function or produces a destructive product. A program performs a destructive function if it degrades performance of the affected computer, associated peripherals or a computer program; disables the computer, associated peripherals or a computer program; or destroys or alters computer programs or data. A program produces a destructive product if it produces unauthorized data, including data that make computer memory space unavailable; results in the unauthorized alteration of data or computer programs; or produces a destructive computer program, including a self-replicating computer program.

Sec. 2. Minnesota Statutes 1988, section 609.88, subdivision 1, is amended to read:

Subdivision 1. [ACTS.] Whoever does any of the following is guilty of computer damage and may be sentenced as provided in subdivision 2:

(a) Intentionally and without authorization damages or destroys any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6: ~~or~~

(b) Intentionally and without authorization and with intent to injure or defraud alters any computer, computer system, computer network, computer software, or any other property specifically defined in section 609.87, subdivision 6: *or*

(c) *Intentionally and without authorization distributes a destructive computer program.*

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1989, and apply to crimes committed after that date.

Delete the title and insert:

"A bill for an act relating to crimes: prohibiting the intentional distribution of destructive computer programs: imposing penalties: amending Minnesota Statutes 1988, sections 609.87, by adding a subdivision: and 609.88, subdivision 1."

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

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

S.F. No. 1: A bill for an act relating to waste management: restoring powers and duties to the waste management board.

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 1988, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;

Commissioner of education;

Commissioner of transportation;

Commissioner of human services;

Commissioner of revenue;
Executive director, state board of
investment;

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of public safety;
Commissioner of trade and economic development;
~~Chair, waste management board~~;
Chief administrative law judge; office of
administrative hearings;
Commissioner, pollution control agency;
Commissioner, state planning agency;
Director, office of waste management;
Executive director, housing finance
agency;
Executive director, public employees
retirement association;
Executive director, teacher's
retirement association;
Executive director, state retirement
system;
Chair, metropolitan council;
Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;
Commissioner, department of public service;
Commissioner of veterans' affairs;
Commissioner, bureau of mediation services;

Commissioner, public utilities commission:

Member, transportation regulation board:

Ombudsman for corrections:

Ombudsman for mental health and retardation.

Sec. 2. Minnesota Statutes 1988, section 115A.03, is amended by adding a subdivision to read:

Subd. 8a. [DIRECTOR.] "Director" means the director of the office of waste management.

Sec. 3. Minnesota Statutes 1988, section 115A.03, is amended by adding a subdivision to read:

Subd. 22a. [OFFICE.] "Office" means the office of waste management.

Sec. 4. [115A.055] **[OFFICE OF WASTE MANAGEMENT.]**

The office of waste management is an agency in the executive branch headed by a director appointed by the governor, with the advice and consent of the senate, to serve in the unclassified service. The director may appoint two assistant directors in the unclassified service and may appoint other employees, as needed, in the classified service.

Sec. 5. Minnesota Statutes 1988, section 116C.03, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP] The members of the board are the commissioner of the state planning agency, the commissioner of public service, the commissioner of the pollution control agency, the commissioner of natural resources, the ~~chair~~ director of the office of waste management ~~board~~, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Sec. 6. [WASTE MANAGEMENT BOARD: POWERS AND DUTIES.]

Except for the office of waste tire management in the pollution control agency, the responsibilities of the waste management board transferred from it by reorganization order under Minnesota Statutes, section 16B.37, are transferred to the office of waste management established by section 4 under Minnesota Statutes, section 15.039.

Sec. 7. [INSTRUCTIONS TO REVISOR.]

The revisor of statutes is directed to change the words and terms in Column A wherever they appear in Minnesota Statutes, chapter 115A, to the words and terms in Column B in Minnesota Statutes 1990 and subsequent editions of the statutes.

Column A

board

board, through its chair

chair

Column B

office

director

director

*chair of the board
waste management board*

*director
office of waste management*

Sec. 8. [REPEALER.]

Minnesota Statutes 1988, sections 115A.03, subdivision 3; 115A.04; 115A.05; 115A.06, subdivisions 1 and 3; and 115A.11, subdivision 3, are repealed.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to waste management; establishing the office of waste management; transferring to the office of waste management the powers and duties of the waste management board; amending Minnesota Statutes 1988, sections 15A.081, subdivision 1; 115A.03, by adding subdivisions; and 116C.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1988, sections 115A.03, subdivision 3; 115A.04; 115A.05; 115A.06, subdivisions 1 and 3; and 115A.11, subdivision 3.”

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 831: A bill for an act relating to counties; permitting county appropriations for the arts; amending Minnesota Statutes 1988, section 375.18, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. [471.94] [APPROPRIATION FOR ARTISTIC ACTIVITIES.]

For the purposes of this section, “artistic organization” means an association, corporation, or other group of persons that provides an opportunity for persons to participate in the creation, performance, or appreciation of artistic activities which include but are not limited to: music, dance, drama, folk art, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, television, radio, tape and sound records, activities related to the presentation, performance, execution, and exhibition of the art forms, and the study of the arts and their application to the human environment.

A county, statutory or home rule charter city, or town may appropriate money to support artistic organizations. The appropriation may be divided among organizations in the proportions that the county board, city council, or town board determines.”

Amend the title as follows:

Page 1, line 2, delete “counties” and insert “local government” and delete “county” and insert “local government”

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4 and insert "proposing coding for new law in Minnesota Statutes, chapter 471."

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

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

S.F. No. 357: A bill for an act relating to the capital budget; creating a legislative building commission; appropriating money; amending Minnesota Statutes 1988, section 16A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Page 1, line 11, delete the comma

Page 1, line 12, delete everything before "and"

Page 1, line 14, delete everything after "speaker" and insert ". *Membership of both the house of representatives and the senate must be proportional to the majority and minority group membership of each body.*"

Page 1, delete line 15

Page 2, line 6, delete from "The" through page 2, line 7, to "commission."

Page 2, line 28, after the period, insert "*The recommendations may include proposed legislative responses to requests:*

(1) to acquire or improve state land or buildings or to undertake other public improvements of a capital nature;

(2) to repair, rehabilitate, or maintain state buildings;

(3) to authorize the sale of state general obligation bonds; or

(4) to authorize the sale of state revenue bonds if the proceeds of the bonds will be used to acquire or improve state land or buildings or to undertake other public improvements of a capital nature."

Page 2, after line 28, insert:

"Subd. 7. [STAFF] The commission may hire staff members and may use existing legislative staff for additional assistance when necessary.

Subd. 8. [ADMINISTRATIVE SUPPORT.] The commissioners of administration and finance shall provide assistance, information, and administrative support to the commission and the commission staff.

Subd. 9. [COOPERATION OF AGENCIES.] State agencies shall cooperate with the commission and shall promptly furnish information requested by it."

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

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

S.F. No. 210: A bill for an act relating to real property; providing that purchaser's right to cancel applies to condominiums created before August 1, 1980; providing that lien on real estate added in expansion of flexible

condominiums does not affect existing condominiums; empowering home-owner associations to foreclose assessment liens; amending Minnesota Statutes 1988, sections 515A.1-102; and 515A.2-111; proposing coding for new law as Minnesota Statutes, chapter 515B.

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

Page 3, line 16, delete "Any" and insert "A" and delete "affecting" and insert "upon" and delete the comma

Page 3, line 17, delete "does" and insert "is" and delete "affect" and insert "upon" and delete ", shall remain as" and insert "is"

Page 3, line 19, delete "which" and insert "that"

Page 3, line 20, delete the comma

Page 3, line 21, delete "shall be" and insert "are" and delete "which" and insert "that"

Page 3, line 23, delete "such" and insert "the"

Page 3, delete lines 25 and 26

Pages 3 to 5, delete sections 3 to 7

Amend the title as follows:

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete everything before "amending"

Page 1, line 9, delete everything after "515A.2-111" and insert a period

Page 1, delete line 10

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

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

S.F. No. 723: A bill for an act relating to occupations and professions; regulating nursing; proposing the Minnesota nurse practice act; providing penalties; amending Minnesota Statutes 1988, sections 144A.43, subdivision 3; 145A.02, subdivision 18; 148.171; 148.181; 148.191; 148.211; 148.231; 148.241; 148.251; 148.261; 148.271; 148.281; and 148.283; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1988, sections 145A.06, subdivision 3; 148.191, subdivision 3; 148.221; 148.251, subdivision 2; 148.261, subdivision 3; 148.272; 148.281, subdivision 1a; 148.286; 148.29; 148.291; 148.292; 148.293; 148.294; 148.295; 148.296; 148.297; 148.298; and 148.299.

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

Page 3, delete line 36

Page 4, delete lines 1 to 4

Page 7, line 17, after the period, insert "Nothing herein may be construed to allow access to any records protected by section 145.64."

Page 7, line 19, delete "section 13.39" and insert "chapter 13"

Page 14, line 32, delete "potential"

Page 14, lines 33 and 34, delete "in a safe, effective, and competent manner" and insert "with reasonable skill and safety"

Page 22, line 22, delete "private" and insert "investigative"

Page 22, line 23, delete "on individuals" and delete "section 13.02" and insert "chapter 13"

Page 23, line 3, after "records" insert "in the nurse's possession"

Page 27, after line 25, insert:

"Sec. 20. Minnesota Statutes 1988, section 319A.02, subdivision 2, is amended to read:

Subd. 2. "Professional service" means personal service rendered by a professional pursuant to a license or certificate issued by the state of Minnesota to practice medicine and surgery pursuant to sections 147.01 to 147.29, chiropractic pursuant to sections 148.01 to 148.105, registered nursing pursuant to sections 148.171 to 148.285, optometry pursuant to sections 148.52 to 148.62, psychology pursuant to sections 148.88 to 148.98, dentistry pursuant to sections 150A.01 to 150A.12, pharmacy pursuant to sections 151.01 to 151.40, podiatric medicine pursuant to Laws 1987, chapter 108, sections 1 to 16, veterinary medicine pursuant to sections 156.001 to 156.14, architecture, engineering, surveying and landscape architecture pursuant to sections 326.02 to 326.15, accountancy pursuant to sections 326.17 to 326.23, or law pursuant to sections 481.01 to 481.17, or pursuant to a license or certificate issued by another state pursuant to similar laws."

Page 27, line 26, delete "20" and insert "21"

Amend the title as follows:

Page 1, line 7, delete "and"

Page 1, line 8, after the semicolon, insert "and 319A.02, subdivision 2;"

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

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

S.E. No. 504: A bill for an act relating to human services; authorizing the commissioner to establish case management for people with brain injuries; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1988, section 256B.0625, subdivision 21.

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

Page 1, lines 8 and 9, delete "CASE MANAGEMENT FOR BRAIN INJURED AND OTHER INDIVIDUALS" and insert "SERVICES FOR PERSONS WITH BRAIN INJURIES"

Page 1, after line 9, insert:

"Subdivision 1. [STATE COORDINATOR.] The commissioner of human services shall designate a full-time position within the long-term care

management division of the department of human services to supervise and coordinate services for persons with brain injuries.”

Page 1, line 15, delete “*head injury or traumatic*”

Page 2, line 34, delete “*Head injury*” or “*traumatic*”

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “*creating a state coordinator of services for people with brain injuries:*”

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

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

S.F. No. 489: A bill for an act relating to human services; clarifying and expanding the duties of the ombudsman for older Minnesotans; amending Minnesota Statutes 1988, sections 256.974; 256.9741, subdivisions 3 and 5; 256.9742; 256.9744, subdivision 1; and 256.975, subdivision 2, and by adding a subdivision.

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 1988, section 256.974, is amended to read:

256.974 [OFFICE OF OMBUDSMAN FOR OLDER MINNESOTANS; LOCAL PROGRAMS.]

The ombudsman for older Minnesotans serves in the classified service under section 256.01, subdivision 7, in an office within the Minnesota board on aging that incorporates the long-term care ombudsman program required by the Older Americans Act, Public Law Number 98-456 100-75, United States Code, title 42, section 3027(a)(12), and established within the Minnesota board on aging. The Minnesota board on aging may make grants to and designate local programs or area agencies on aging for the provision of ombudsman services to clients in county or multicounty areas. Individuals providing local ombudsman services must be qualified to perform the duties required by section 256.9742. The local program may not be an agency engaged in the provision of nursing home care, hospital care, or home care services either directly or by contract, or have the responsibility for planning, coordinating, funding, or administering nursing home care, hospital care, or home care services.

Sec. 2. Minnesota Statutes 1988, section 256.9741, subdivision 3, is amended to read:

Subd. 3. “Client” means an individual who requests, or on whose behalf a request is made for, ombudsman services and is (a) a resident of a long-term care facility or (b) a patient in an acute care facility who is eligible for Medicare and beneficiary who requests assistance relating to admission or discharge from an acute care facility access, discharge, or denial of inpatient or outpatient services, or (c) an individual reserving or requesting

a home care service.

Sec. 3. Minnesota Statutes 1988, section 256.9741, subdivision 5, is amended to read:

Subd. 5. "Office" means the office of ombudsman established within the Minnesota board on aging or local ombudsman programs that the board on aging designates.

Sec. 4. Minnesota Statutes 1988, section 256.9741, is amended by adding a subdivision to read:

Subd. 6. "Home care service" means health, social, or supportive services provided to an individual in the individual's residence and in the community to promote, maintain, or restore health, or maximize the individual's level of independence, while minimizing the effects of disability and illness.

Sec. 5. Minnesota Statutes 1988, section 256.9742, is amended to read:

256.9742 [DUTIES AND POWERS OF THE OFFICE.]

Subdivision 1. [DUTIES.] The ombudsman shall:

(1) gather information and evaluate any act, practice, policy, procedure, or administrative action of a long-term care facility, acute care facility, *home care service provider*, or government agency that may adversely affect the health, safety, welfare, or rights of any client;

(2) mediate or advocate on behalf of clients;

(3) monitor the development and implementation of federal, state, or local laws, *rules*, regulations, and policies affecting the rights and benefits of clients;

(4) comment on and recommend to the legislature and public and private agencies regarding laws, *rules*, regulations, and policies affecting clients;

(5) inform public agencies about the problems of clients;

(6) provide for training of volunteers and promote the development of citizen participation in the work of the office;

(7) conduct public forums to obtain information about and publicize issues affecting clients;

(8) provide public education regarding the health, safety, welfare, and rights of clients; and

(9) collect and analyze data relating to complaints and, conditions in long term care facilities, and services.

Subd. 1a. [DESIGNATION; LOCAL OMBUDSMAN REPRESENTATIVES.] (a) In designating an individual to perform duties under this section, the ombudsman must determine that the individual is qualified to perform the duties required by section 256.9742.

(b) An individual designated under this section must successfully complete an orientation training conducted under the direction of the ombudsman or approved by the ombudsman. Orientation training shall be at least 20 hours and will consist of training in: investigation; dispute resolution; health care regulation; confidentiality; resident and patients' rights; and health care reimbursement.

(c) The ombudsman shall develop and implement a continuing education program for individuals designated under this section. The continuing education program shall be at least 60 hours annually.

(d) The ombudsman may withdraw an individual's designation if the individual fails to perform duties of this section or meet continuing education requirements. The individual may request a reconsideration of such action by the board on aging whose decision shall be final.

Subd. 2. [IMMUNITY FROM LIABILITY.] ~~A person designated as an ombudsman~~ The ombudsman or designee under this section is immune from civil liability that otherwise might result from the person's actions or omissions if the person's actions are in good faith, are within the scope of the person's responsibilities as an ombudsman, and do not constitute willful or reckless misconduct.

Subd. 3. [POSTING.] Every long-term care facility and acute care facility shall post in a conspicuous place the address and telephone number of the office. *A home care service provider shall provide all recipients with the address and telephone number of the office.* The posting or notice is subject to approval by the ombudsman.

Subd. 4. [ACCESS TO LONG-TERM CARE AND ACUTE CARE FACILITIES AND CLIENTS.] The ombudsman or designee may:

- (1) enter any long-term care facility without notice at any time;
- (2) enter any acute care facility without notice during normal business hours;
- (3) enter any acute care facility without notice at any time to interview a patient or observe services being provided to the patient as part of an investigation of a matter that is within the scope of the ombudsman's authority, but only if the ombudsman's or designee's presence does not intrude upon the privacy of another patient or interfere with routine hospital services provided to any patient in the facility;
- (4) communicate privately and without restriction with any client in accordance with section 144.651; and

~~(4)~~ (5) inspect records of a long-term care facility, *home care service provider*, or acute care facility that pertain to the care of the client according to sections 144.335 and 144.651; and

(6) with the consent of a client or client's legal guardian, have access to review records pertaining to the care of the client according to sections 144.335 and 144.651. If a client cannot consent and has no legal guardian, access to the records is authorized by this section.

A person who violates this subdivision or aids, abets, invites, compels, or coerces another to do so is guilty of a misdemeanor.

Subd. 5. [ACCESS TO STATE RECORDS.] The ombudsman or designee has access to data of a state agency necessary for the discharge of the ombudsman's duties, including records classified confidential or private under chapter 13, or any other law. The data requested must be related to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the ombudsman or designee shall first obtain the individual's consent. *If the individual cannot consent and has no legal guardian, then access to the data is authorized by this section.*

Each state agency responsible for licensing, regulating, and enforcing state and federal laws and regulations concerning long-term care, *home care service providers*, and acute care facilities shall forward to the ombudsman on a quarterly basis, copies of all correction orders, penalty assessments, and complaint investigation reports, for all long-term care facilities and, acute care facilities, and *home care service providers*.

Subd. 6. [PROHIBITION AGAINST DISCRIMINATION OR RETALIATION.] *No entity shall take discriminatory, disciplinary, or retaliatory action against an employee or volunteer, or a patient, resident, or guardian or family member of a patient, resident, or guardian for filing in good faith a complaint with or providing information to the ombudsman or designee.*

A person who violates this subdivision or who aids, abets, invites, compels, or coerces another to do so is guilty of a misdemeanor.

There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of report, is discriminatory, disciplinary, or retaliatory. For the purpose of this clause, the term "adverse action" refers to action taken by the entity involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) *discharge or transfer from a facility;*
- (2) *termination of service;*
- (3) *restriction or prohibition of access to the facility or its residents;*
- (4) *discharge from or termination of employment;*
- (5) *demotion or reduction in remuneration for services; and*
- (6) *any restriction of rights set forth in section 144.651 or 144A.44.*

Sec. 6. Minnesota Statutes 1988, section 256.9744, subdivision 1, is amended to read:

Subdivision 1. [CLASSIFICATION.] Except as provided in this section, data maintained by the office under sections 256.974 to 256.9744 are private data on individuals or nonpublic data as defined in section 13.02, subdivision 9 or 12, and must be maintained in accordance with the requirements of Public Law Number 98-459 100-75, United States Code, title 42, section 3027(a)(12)(D).

Sec. 7. Minnesota Statutes 1988, section 256.975, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The board shall carry out the following duties:

- (a) to advise the governor and heads of state departments and agencies regarding policy, programs, and services affecting the aging;
- (b) to provide a mechanism for coordinating plans and activities of state departments and citizens' groups as they pertain to aging;
- (c) to create public awareness of the special needs and potentialities of older persons;
- (d) to gather and disseminate information about research and action programs, and to encourage state departments and other agencies to conduct needed research in the field of aging;

(e) to stimulate, guide, and provide technical assistance in the organization of local councils on aging;

(f) to provide continuous review of ongoing services, programs and proposed legislation affecting the elderly in Minnesota; and

(g) to administer and to make policy relating to all aspects of the older americans act of 1965, as amended, including implementation thereof; and

(h) to award grants, enter into contracts, and adopt rules the Minnesota board on aging deems necessary to carry out the purposes of this section.

Sec. 8. [APPROPRIATION.]

\$508,000 is appropriated from the general fund to the board on aging for the biennium ending June 30, 1991, for the purposes of sections 1 to 7."

Delete the title and insert:

"A bill for an act relating to human services: clarifying and expanding the duties of the ombudsman for older Minnesotans; appropriating money; amending Minnesota Statutes 1988, sections 256.974; 256.9741, subdivisions 3 and 5, and by adding a subdivision: 256.9742; 256.9744, subdivision 1; and 256.975, subdivision 2."

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

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

S.F. No. 587: A bill for an act relating to housing; exempting relocated residential buildings from certain provisions of the state building code; amending Minnesota Statutes 1988, section 16B.61, subdivision 3.

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 1988, section 16B.61, subdivision 3, is amended to read:

Subd. 3. [SPECIAL REQUIREMENTS.] (a) [SPACE FOR COMMUTER VANS.] The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) [SMOKE DETECTION DEVICES.] The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299E.362 comply with the provisions of section 299E.362.

(c) [DOORS IN NURSING HOMES AND HOSPITALS.] The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) [CHILD CARE FACILITIES IN CHURCHES.] A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) [FAMILY AND GROUP FAMILY DAY CARE.] The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(f) [MINED UNDERGROUND SPACE.] Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, construction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(g) [ENCLOSED STAIRWAYS.] No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(h) [DOUBLE CYLINDER DEAD BOLT LOCKS.] No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(i) [RELOCATED RESIDENTIAL BUILDINGS.] *A residential building relocated within or into a political subdivision of the state need not comply with the state energy code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.*

Sec. 2. Minnesota Statutes 1988, section 462.357, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY FOR ZONING.] For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other

open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, access to direct sunlight for solar energy systems as defined in section 116J.06, flood control or other purposes, and may establish standards and procedures regulating such uses. No regulation may prohibit earth sheltered construction as defined in section 116J.06, subdivision 2, *relocated residential buildings*, or manufactured homes built in conformance with sections 327.31 to 327.35 that comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the surface, above surface, and subsurface areas of the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to housing: providing for relocating residential buildings; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3; and 462.357, subdivision 1."

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

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

H.F. No. 481 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS	CONSENT CALENDAR	CALENDAR			
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
481	546				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 481 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 481 and insert the language after the enacting clause of S.F. No. 546, the first

engrossment; further, delete the title of H.F. No. 481 and insert the title of S.F. No. 546, the first engrossment.

And when so amended H.F. No. 481 will be identical to S.F. No. 546, and further recommends that H.F. No. 481 be given its second reading and substituted for S.F. No. 546, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 664 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS	CONSENT CALENDAR	CALENDAR			
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
664	591				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 664 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 664 and insert the language after the enacting clause of S.F. No. 591, the first engrossment; further, delete the title of H.F. No. 664 and insert the title of S.F. No. 591, the first engrossment.

And when so amended H.F. No. 664 will be identical to S.F. No. 591, and further recommends that H.F. No. 664 be given its second reading and substituted for S.F. No. 591, and that the Senate File be indefinitely postponed.

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

Mr. Hughes from the Committee on Elections and Ethics, to which was referred the following appointment as reported in the Journal for February 16, 1989:

STATE ETHICAL PRACTICES BOARD

William Heaney

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

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

S.F. No. 466: A bill for an act relating to workers' compensation; regulating self-insurance; defining various terms; regulating certain administrative duties, powers, and procedures; regulating various benefits; amending Minnesota Statutes 1988, sections 79A.01, by adding a subdivision; 79A.04, subdivision 14; 129A.05, subdivision 2; 175.171; 176.011, subdivisions

15, 21 and 24; 176.021, subdivision 3; 176.081, subdivision 1; 176.101, subdivision 3e; 176.102, subdivisions 3, 3a, 4, and 11; 176.103, subdivision 3; 176.104, subdivision 1; 176.106, subdivisions 7, 8, and 9; 176.111, subdivisions 7 and 8; 176.131, subdivision 1; 176.135, subdivisions 1, 3, 6, 7, and by adding a subdivision; 176.136, subdivision 5; 176.155, subdivision 1; 176.181, subdivision 2; 176.191, subdivision 3; 176.221, subdivision 9; 176.225, subdivision 5; 176.231, subdivisions 8 and 9; 176.238, subdivisions 1, 6, and 9; 176.239, subdivisions 1, 2, 3, and 6; 176.291; 176.305, subdivisions 1 and 4; 176.421, subdivision 7; 176.451, subdivision 4; 176.521, subdivision 1; and 176.83, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing Minnesota Statutes 1988, sections 176.021, subdivision 3a; 176.111, subdivision 8a; and 176.136, subdivision 3.

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

Page 2, after line 32, insert:

“Sec. 4. Minnesota Statutes 1988, section 175.007, subdivision 2, is amended to read:

Subd. 2. The advisory council shall study and present to the legislature and the governor, on or before November 15 ~~March 1~~ of each even numbered odd-numbered year, its findings relative to the costs, methods of financing, and the formula to be used to provide supplementary compensation to workers who have been determined permanently and totally disabled prior to July 1, 1969, and its findings relative to alterations in the scheduled benefits for permanent partially disabled, and other aspects of the workers' compensation act. The council shall also study and present to the legislature and the governor on or before November 15 of 1984 and by November 15 of each even numbered year thereafter a report on the financial, administrative, and personnel needs of the workers' compensation division, and on recommendations for changes, if necessary, concerning the administration and operation of the workers' compensation law.”

Page 11, line 24, strike “the commissioner or a designee, who”

Page 11, line 25, strike “shall serve as an ex officio member and”

Page 11, line 27, after “chiropractors” reinstate the stricken comma

Page 11, line 28, delete “/medical” and insert “one member representing medical”

Page 17, after line 11, insert:

“Sec. 19. Minnesota Statutes 1988, section 176.106, subdivision 3, is amended to read:

Subd. 3. [CONFERENCE.] The matter shall be scheduled for an administrative conference within 60 days after receipt of the request for a conference. Notice of the conference shall be served on all parties no later than 14 days prior to the conference, ~~unless the commissioner determines that a conference shall not be held~~. The commissioner may order an administrative conference whether or not a request for conference is filed.

The commissioner may refuse to hold an administrative conference and issue a decision based on the written submissions of the parties or refer the matter for a settlement or pretrial conference or may certify the matter

to the office of administrative hearings for a full hearing before a compensation judge."

Page 20, line 4, after the first comma, insert "PSYCHOLOGICAL."

Page 20, line 5, after the second comma, insert "psychological."

Page 22, line 15, strike "Health"

Page 22, strike lines 16 and 17

Page 22, line 18, strike "payment is sought under this chapter."

Pages 28 to 30, delete sections 33 and 34

Page 34, lines 17 and 28, before "benefits" insert "wage loss"

Page 35, lines 6 and 20, before "benefits" insert "wage loss"

Page 38, after line 21, insert:

"Sec. 48. Minnesota Statutes 1988, section 176.351, subdivision 2a, is amended to read:

Subd. 2a. [SUBPOENAS NOT PERMITTED.] A member of the rehabilitation review panel or medical services board or an employee of the department who has conducted an administrative or settlement conference or hearing *or issued a decision* under section 176.106 or 176.239, shall not be subpoenaed to testify regarding the conference, hearing, *decision*, or concerning a mediation session. A member of the rehabilitation review panel, medical services board, or an employee of the department may be required to answer written interrogatories limited to the following questions:

(a) Were all statutory and administrative procedural rules adhered to in reaching the decision?

(b) If the answer to question (a) is no, what deviations took place?

(c) Did the person making the decision consider all the information presented prior to rendering a decision?

(d) Did the person making the decision rely on information outside of the information presented at the conference or hearing in making the decision?

(e) If the answer to question (d) is yes, what other information was relied upon in making the decision?

In addition, for a hearing with a compensation judge and with the consent of the compensation judge, an employee of the department who conducted an administrative conference, hearing, or mediation session, may be requested to answer written interrogatories relating to statements made by a party at the prior proceeding. These interrogatories shall be limited to affirming or denying that specific statements were made by a party."

Page 41, delete line 10 and insert:

"This act is effective July 1, 1989; except that portion of section 26 relating to an employer furnishing psychological treatment to an injured employee is effective retroactively to any such treatment provided after May 26, 1988."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "2;" insert "175.007, subdivision 2;"

Page 1, line 12, after "subdivisions" insert "3,"

Page 1, line 17, delete everything after "3,"

Page 1, line 18, delete "subdivision 5;"

Page 1, line 20, after "4;" insert "176.351, subdivision 2a;"

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

SECOND READING OF SENATE BILLS

S.F Nos. 264, 331, 391, 621, 46, 205, 220, 260, 134, 155, 1, 831, 210, 723, 587 and 466 were read the second time.

SECOND READING OF HOUSE BILLS

H.F Nos. 481 and 664 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Marty be added as a co-author to S.F No. 510. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Frederickson, D.R. be added as a co-author to S.F No. 676. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Lessard be added as a co-author to S.F No. 956. The motion prevailed.

Mr. Cohen moved that the name of Mr. Spear be added as a co-author to S.F No. 1006. The motion prevailed.

Mr. Luther moved that the name of Mr. Spear be added as a co-author to S.F No. 1044. The motion prevailed.

Mr. Berg moved that the names of Messrs. Frederickson, D.R. and Lessard be added as co-authors to S.F No. 1085. The motion prevailed.

Mr. Brandl moved that S.F No. 384 be withdrawn from the Committee on Health and Human Services and returned to its author. The motion prevailed.

Mr. McGowan introduced—

Senate Resolution No. 74: A Senate resolution congratulating the Osseo High School Girls Basketball Team for winning the 1989 Class AA State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Messrs. Cohen; Spear; Moe, R.D.; Johnson, D.E. and Metzen introduced—

Senate Resolution No. 75: A Senate resolution supporting the spirit of "Glasnost," human rights, and the rights of Soviet Jews and Christians to emigrate.

Referred to the Committee on Rules and Administration.

Mrs. McQuaid introduced—

Senate Resolution No. 76: A Senate resolution congratulating the St. Louis Park High School Girls Basketball Team for their third-place finish at the 1989 Class AA State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Ms. Berglin moved that S.F. No. 621, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Frederickson, D.J. moved that S.F. No. 594, No. 43 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Frank moved that S.F. No. 775, No. 45 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Messrs. Davis; Morse; Vickerman; Frederickson, D.J. and Renneke introduced—

Senate Resolution No. 77: A Senate resolution declaring Monday, March 20, 1989, as Agriculture Day.

WHEREAS, agriculture is Minnesota's largest industry; and

WHEREAS, Minnesota is blessed with a wide variety and great abundance of crops and livestock produced on 94,000 farms; and

WHEREAS, the market value of this production approximates seven billion dollars annually; and

WHEREAS, one-third of our population derives its income from the production, processing, transportation, and marketing of these products; and

WHEREAS, Minnesota is one of the key agricultural processing states in the nation which, in turn, adds a significant increase in the value of the goods produced; and

WHEREAS, it is essential that farmers, business people, and consumers work to understand each other's needs for the benefit of all; and

WHEREAS, Agriculture Day is set aside to salute the achievements of the working men and women in the agribusiness area of Minnesota's economy; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it declares Monday, March 20, 1989, as Agriculture Day in Minnesota. All the people of Minnesota should take note of the benefits the industry of agriculture brings to our state and people.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chairman of the Senate Rules and Administration Committee, and present it to representatives of the Minnesota agricultural community.

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

CALENDAR

H.F. No. 27: A bill for an act relating to crimes; expanding the definition of "bodily harm" in the crime of third degree assault of an unborn child to include premature birth; amending Minnesota Statutes 1988, section 609.2672.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 104: A bill for an act relating to agriculture; making changes in the rural finance authority loan program; amending Minnesota Statutes 1988, sections 41B.02, subdivisions 12, 15, and 18; 41B.03, subdivision 3, and by adding a subdivision; 41B.039, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 1988, sections 41B.03, subdivision 4; and 41B.039, subdivisions 3, 4, and 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 382: A bill for an act relating to animals; clarifying regulations pertaining to dangerous dogs; granting certain powers to animal control officers; prohibiting local ordinances that define specific breeds of dogs as dangerous; amending Minnesota Statutes 1988, sections 343.20, by

adding a subdivision; 343.29, subdivision 1; 347.50, subdivisions 4, 5, and by adding a subdivision; 347.51, subdivisions 5 and 6, and by adding subdivisions; 347.53; 347.54; and 609.226, subdivision 1.

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	Merriam	Ramstad
Anderson	Davis	Knutson	Moe, D.M.	Reichgott
Beckman	Decker	Kroening	Moe, R.D.	Renneke
Belanger	DeCramer	Laidig	Morse	Samuelson
Benson	Dicklich	Langseth	Novak	Schmitz
Berg	Diessner	Lantry	Olson	Spear
Berglin	Frank	Larson	Pariseau	Storm
Bernhagen	Frederickson, D.J.	Lessard	Pehler	Stumpf
Bertram	Frederickson, D.R.	Luther	Peterson, D.C.	Vickerman
Brandl	Freeman	Marty	Peterson, R.W.	Waldorf
Bratas	Hughes	McGowan	Piper	
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	
Cohen	Johnson, D.J.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 512: A bill for an act relating to local government; authorizing towns to require a bond or other security in establishing cartways; amending Minnesota Statutes 1988, section 164.08, 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	Davis	Knutson	Moe, D.M.	Reichgott
Anderson	Decker	Kroening	Moe, R.D.	Renneke
Beckman	DeCramer	Laidig	Morse	Samuelson
Belanger	Dicklich	Langseth	Novak	Schmitz
Benson	Diessner	Lantry	Olson	Solon
Berg	Frank	Larson	Pariseau	Spear
Berglin	Frederickson, D.J.	Lessard	Pehler	Storm
Bernhagen	Frederickson, D.R.	Luther	Peterson, D.C.	Stumpf
Bertram	Freeman	Marty	Peterson, R.W.	Taylor
Brandl	Hughes	McGowan	Piper	Vickerman
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Cohen	Johnson, D.J.	Mehrkens	Purfeerst	
Dahl	Knaak	Merriam	Ramstad	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

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:

H.F. No. 29: Ms. Reichgott, Messrs. Peterson, R.W. and Laidig.

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

GENERAL ORDERS

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

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

S.F. No. 218 and H.F. Nos. 95, 509 and 410, which the committee recommends to pass.

S.F. No. 126, which the committee recommends to pass with the following amendment offered by Mr. Diessner:

Page 1, line 17, after "appear" insert "*in court in response to a notice to appear prepared under section 169.91, subdivision 3.*" and after "or" insert "*fails to*"

Page 1, line 20, after "nonappearance" insert "*or noncompliance*"

The motion prevailed. So the amendment was adopted.

H.F. No. 387, which the committee recommends to pass, subject to the following motion:

Mrs. Lantry moved that the amendment made to H.F. No. 387 by the Committee on Rules and Administration in the report adopted March 9, 1989, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 203, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1988, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre and, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for dramatic performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests."

Page 1, line 21, delete "*and 2*" and insert "*to 3*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "center" insert ", the Orpheum Theatre, and the State Theatre; amending Minnesota Statutes 1988, section 340A.404, subdivision 2"

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.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Bertram introduced—

S.F. No. 1100: A bill for an act relating to highways; providing for paving of road in town of Clearwater.

Referred to the Committee on Transportation.

Messrs. Solon; Dicklich; Johnson, D.J. and Gustafson introduced—

S.F. No. 1101: A bill for an act relating to St. Louis county; regulating budget procedures; providing for certain recorder's fees; proposing coding for new law in Minnesota Statutes, chapter 383C; repealing Minnesota Statutes 1988, sections 383C.01, 383C.011, 383C.012, 383C.013, 383C.014, 383C.015, 383C.016, 383C.017, 383C.018, and 383C.019.

Referred to the Committee on Local and Urban Government.

Messrs. Frederickson, D.J.; Pehler; Peterson, R. W.; Langseth and Knaak introduced—

S.F. No. 1102: A bill for an act relating to education; authorizing school district participation in certain energy efficiency projects; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Solon, Dicklich and Gustafson introduced—

S.F. No. 1103: A bill for an act relating to St. Louis county; allowing the county to assess the cost of maintenance of television relay service.

Referred to the Committee on Local and Urban Government.

Mr. Pogemiller introduced—

S.F. No. 1104: A bill for an act relating to probate; adopting the uniform anatomical gift act (1987); correcting cross-references; amending Minnesota Statutes 1988, sections 65B.44, subdivision 4; 171.07, subdivision 5; and 390.36; proposing coding for new law in Minnesota Statutes, chapter 525; repealing Minnesota Statutes 1988, sections 525.921 to 525.93.

Referred to the Committee on Judiciary.

Mr. Langseth introduced—

S.F. No. 1105: A bill for an act relating to motor vehicles; providing for suspension of apportioned license plates and fuel tax compact licenses for certain interstate vehicle fleet owners who are delinquent in required filings or payments; providing for installment payments by interstate fleet owners; amending Minnesota Statutes 1988, sections 168.187, by adding a subdivision; and 168.31, subdivision 4, and by adding a subdivision.

Referred to the Committee on Transportation.

Mses. Piper and Reichgott introduced—

S.F. No. 1106: A bill for an act relating to adoption; changing the minimum age at which an adopted person may request original birth certificate information; changing time periods during which birth parents may consent to disclosure; authorizing disclosure of information on the consenting parent when only one birth parent consents; amending Minnesota Statutes 1988, section 259.49, subdivisions 1, 2, and 4.

Referred to the Committee on Judiciary.

Mr. Solon, Mrs. McQuaid, Messrs. Kroening, Luther and Metzen introduced—

S.F. No. 1107: A bill for an act relating to insurance; accident and health; regulating coverage for dental procedures; amending Minnesota Statutes 1988, section 62A.043, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Dicklich, Kroening and Morse introduced—

S.F. No. 1108: A bill for an act relating to housing; creating a housing initiative grant program; appropriating money; amending Minnesota Statutes 1988, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

Referred to the Committee on Economic Development and Housing.

Mr. Solon introduced—

S.F. No. 1109: A bill for an act relating to insurance; accident and health; clarifying certification of nurses in advanced nursing practice for purposes of payment of insurance benefits; amending Minnesota Statutes 1988, section 62A.15, subdivision 3a.

Referred to the Committee on Commerce.

Mr. Renneke introduced—

S.F. No. 1110: A bill for an act relating to utilities; providing that the seven-county metropolitan area comprise one local telephone service area for the purpose of determining local telephone service rates; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and Energy.

Messrs. Purfeerst; Peterson, R.W.; Pogemiller; Pehler and Mehrkens introduced—

S.F. No. 1111: A bill for an act relating to education; imposing educational conditions on juveniles to enroll in driver's education courses and to receive driver's permits and licenses; amending Minnesota Statutes 1988, sections 171.04; 171.05, by adding a subdivision; and 171.18; proposing coding for new law in Minnesota Statutes, chapters 126 and 171.

Referred to the Committee on Education.

Mr. Pehler, Ms. Piper, Messrs. DeCramer, Frank and Larson introduced—

S.F. No. 1112: A bill for an act relating to taxation; exempting certain capital equipment used in the printing industry from the sales and use tax; amending Minnesota Statutes 1988, section 297A.25, subdivision 10, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pehler, Ms. Piper, Messrs. DeCramer, Frank and Larson introduced—

S.F. No. 1113: A bill for an act relating to taxation; exempting certain printed materials from the sales tax; amending Minnesota Statutes 1988, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 1114: A bill for an act relating to exotic species of plants and animals; establishing an interagency task force.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 1115: A bill for an act relating to economic development; establishing a cold weather resource center at International Falls; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 116Q.

Referred to the Committee on Economic Development and Housing.

Ms. Piper introduced—

S.F. No. 1116: A bill for an act relating to retirement; Albert Lea police pensions and disability benefits.

Referred to the Committee on Governmental Operations.

Messrs. Anderson, Benson, Mrs. Pariseau, Messrs. Bernhagen and Decker introduced—

S.F. No. 1117: A bill for an act relating to taxation; repealing accelerated payment of June sales tax liability; modifying local government aid payment dates; modifying school aid payment schedules so that 90 percent of aid entitlements are paid in the current year; appropriating money; amending Minnesota Statutes 1988, sections 124.195, subdivisions 7 and 10; 297A.27,

subdivision 1; 477A.015; repealing Minnesota Statutes 1988, section 297A.275.

Referred to the Committee on Education.

Messrs. Pehler; Langseth; Frederickson, D.J.; Morse and Dicklich introduced—

S.F No. 1118: A bill for an act relating to education; establishing powers and duties of the Minnesota Academic Excellence Foundation; appropriating money; amending Minnesota Statutes 1988, section 121.612; repealing Laws 1988, chapter 718, article 5, section 4.

Referred to the Committee on Education.

Mr. Cohen introduced—

S.F No. 1119: A bill for an act relating to taxation; exempting public parking facilities; amending Minnesota Statutes 1988, sections 272.01, subdivision 2; 459.14, by adding a subdivision; 469.012, by adding a subdivision; and 469.040, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F No. 1120: A bill for an act relating to economic development; providing for funding to the Minnesota marketplace program; appropriating money.

Referred to the Committee on Economic Development and Housing.

Mr. Chmielewski introduced—

S.F No. 1121: A bill for an act relating to occupations and professions; regulating unlicensed mental health service providers; appropriating money; amending Minnesota Statutes 1988, sections 148B.01, subdivision 5; 148B.40, by adding a subdivision; 148B.41; 148B.42; 148B.44, subdivision 1; 148B.45, subdivision 1; 148B.46, subdivision 1; and 148B.48; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 1988, section 148B.43.

Referred to the Committee on Health and Human Services.

Messrs. Chmielewski and Hughes introduced—

S.F No. 1122: A bill for an act relating to workers' compensation; limiting the payment of temporary partial benefits under certain circumstances; amending Minnesota Statutes 1988, section 176.101, subdivision 2.

Referred to the Committee on Employment.

Messrs. Solon, Cohen, Purfeerst, Belanger and Metzen introduced—

S.F No. 1123: A bill for an act relating to commerce; industrial loan and thrift companies; regulating lending practices; prescribing the qualifications of the directors of certain companies; regulating the lending practices of regulated lenders; specifying the loan fees and charges that may be imposed by regulated lenders; regulating delinquency and collection charges

on retail installment contracts; regulating mortgage foreclosure notices; amending Minnesota Statutes 1988, sections 53.04, subdivision 3a, and by adding a subdivision; 53.06; 56.12; 56.131, subdivisions 1, 2, and 6; 56.14; 168.71; and 580.03.

Referred to the Committee on Commerce.

Messrs. Pogemiller; Freeman; Frederickson, D.J.; Waldorf and Renneke introduced—

S.F. No. 1124: A bill for an act relating to retirement; public pension plans; establishing, codifying, clarifying, and revising the obligations, responsibilities, and liabilities of public pension plan fiduciaries; amending Minnesota Statutes 1988, sections 11A.01; 11A.04; 11A.07, subdivision 4; 11A.09; 11A.13, subdivision 1; 69.77, subdivision 2g; 69.775; 136.84; 352.03, subdivision 7; 352.92, by adding a subdivision; 352.96, subdivision 3; 352B.03, subdivision 1; 352C.091, subdivision 1; 352D.09, subdivision 1; 353.03, subdivision 1; 354.06, subdivision 1; 354A.021, subdivision 6; 422A.05, subdivisions 2a and 2d; 423.374; 423.45; 423.805; 423A.21, subdivision 4; 424.06; 424A.001, subdivision 7; 424A.04, subdivision 2; and 490.122; proposing coding for new law in Minnesota Statutes, chapters 3A and 490; proposing coding for new law as Minnesota Statutes, chapter 356A.

Referred to the Committee on Governmental Operations.

Messrs. Davis and Morse introduced—

S.F. No. 1125: A bill for an act relating to agriculture: developing a portable computerized system adapting fertilization rates to soil characteristics; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Anderson, Vickerman, Decker, Gustafson and Mehrkens introduced—

S.F. No. 1126: A bill for an act relating to drivers' licenses; providing for living will designation on driver's license; amending Minnesota Statutes 1988, sections 171.06, subdivision 3; and 171.07, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Johnson, D.E. and Larson introduced—

S.F. No. 1127: A bill for an act relating to conservation: authorizing state cost-sharing for replanting of certain trees; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.E. introduced—

S.F. No. 1128: A bill for an act relating to gambling; establishing a compulsive gambling fund with one-fourth of one percent of all revenues from taxes imposed on charitable gambling; directing the commissioner of human services to establish a program of assistance to compulsive gamblers and their families; amending Minnesota Statutes 1988, section 349.212, subdivisions 2 and 4; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Messrs. Stumpf; Frederickson, D.R.; Berg and Merriam introduced—

S.F. No. 1129: A bill for an act relating to natural resources; requiring written notice to the commissioner of natural resources of the vacation of roads, highways, streets, alleys, and similar public grounds that terminate at or abut upon any public water; amending Minnesota Statutes 1988, sections 161.16, subdivision 6; 163.11, by adding a subdivision; 164.07, subdivision 2; 412.851; 440.13; 440.135, subdivision 2; and 505.14.

Referred to the Committee on Environment and Natural Resources.

Messrs. Anderson; Knaak; Storm; Johnson, D.E. and McGowan introduced—

S.F. No. 1130: A resolution memorializing Congress of ratification of a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M.; Renneke and Waldorf introduced—

S.F. No. 1131: A bill for an act relating to retirement; Minnesota state retirement system; administrative and operational changes in the governing law; establishing an appeal procedure; amending Minnesota Statutes 1988, sections 352.01, subdivision 11; 352.021, subdivision 5; 352.03, subdivision 11; 352.116, subdivision 3; 352.22, subdivisions 1 and 2a; 352.93, subdivision 3; 352B.08, subdivision 3; 352B.10, subdivision 5; 352B.11, subdivision 2; 352D.06, subdivision 1; and 352D.075, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 352; repealing Minnesota Statutes 1988, sections 352.03, subdivision 13; and 352.73, subdivision 3.

Referred to the Committee on Governmental Operations.

Mrs. Pariseau introduced—

S.F. No. 1132: A bill for an act relating to state historic sites; authorizing sale of state bonds; appropriating money for the William G. LeDuc House.

Referred to the Committee on Finance.

Messrs. Solon, Metzen, Benson, Mrs. McQuaid and Mr. Luther introduced—

S.F. No. 1133: A bill for an act relating to financial institutions; industrial loan and thrifts; regulating capital stock and surplus requirements; regulating the publication of application notices; imposing a residency requirement on directors of certain companies; imposing special dividend conditions for deposit companies; amending Minnesota Statutes 1988, sections 53.015; 53.02; 53.03, subdivisions 1 and 5; 53.05; 53.06; 53.08; and 53.09, subdivision 3.

Referred to the Committee on Commerce.

Ms. Berglin introduced—

S.F. No. 1134: A bill for an act relating to human services; amending general assistance and work readiness programs for people who are functionally illiterate; amending Minnesota Statutes 1988, sections 256D.05, subdivision 1; 256D.051, subdivisions 1, 2, 3, and 6a; and 256D.052.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 1135: A bill for an act relating to public health; limiting the sale of certain kinds of products; requiring warning signs; prescribing penalties; amending Minnesota Statutes 1988, sections 145.38, subdivision 1; and 145.39, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 1136: A bill for an act relating to health and human services; requiring the commissioner of health to distribute information on toxic substances; requiring the commissioner of human services to establish an inhalant abuse demonstration project; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 145 and 254A.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 1137: A bill for an act relating to health; establishing a blood lead level screening program for children; requiring local health boards to conduct environmental inspections; providing subsidized lead abatement services; requiring a report on soil and blood lead; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Metzen and Laidig introduced—

S.F. No. 1138: A bill for an act relating to local government; permitting the Dakota and Washington county housing and redevelopment authorities to waive performance bonds for single family housing construction; amending Laws 1971, chapter 333; and Laws 1974, chapter 475.

Referred to the Committee on Economic Development and Housing.

Mr. Vickerman, Ms. Berglin, Messrs. Moe, D.M.; Storm and Solon introduced—

S.F. No. 1139: A bill for an act relating to occupations and professions; providing that psychologists licensed by the board of psychology and competent in the area may practice marriage and family therapy and present themselves to the public as marriage and family therapists without being licensed by the board of marriage and family therapy examiners; amending Minnesota Statutes 1988, section 148B.32, subdivisions 1 and 2.

Referred to the Committee on Health and Human Services.

Messrs. Ramstad and Luther introduced—

S.F. No. 1140: A bill for an act relating to insurance; requiring notice before changes in beneficiaries, or changes and cancellations in coverages; amending Minnesota Statutes 1988, sections 61A.12, subdivision 4; 65B.15, subdivision 2, and by adding a subdivision; and 65B.43, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 72A.

Referred to the Committee on Commerce.

Mr. Johnson, D.E. introduced—

S.F. No. 1141: A bill for an act relating to charitable gambling; authorizing tax credits and tax refunds for contributions made by licensed organizations to certain qualifying lawful purposes; appropriating money; amending Minnesota Statutes 1988, section 349.12, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 349.

Referred to the Committee on General Legislation and Public Gaming.

Mr. Pehler introduced—

S.F. No. 1142: A bill for an act relating to claims; appropriating money for payment of a certain World War II veteran's bonus claim.

Referred to the Committee on Finance.

Mr. Davis introduced—

S.F. No. 1143: A bill for an act relating to the environment; regulating genetic engineering; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116C.

Referred to the Committee on Environment and Natural Resources.

Mr. Frank introduced—

S.F. No. 1144: A bill for an act relating to Anoka county; permitting the appointment of the auditor, recorder, and treasurer; authorizing the reorganization of county offices.

Referred to the Committee on Local and Urban Government.

Mr. Peterson, R.W. introduced—

S.F. No. 1145: A bill for an act relating to the education code; revising the text of certain chapters of the code without changing their meaning; amending Minnesota Statutes 1988, chapters 128; 128A; 128B; and 129; repealing Minnesota Statutes 1988, sections 128.04; 128.06; 128.069; 128A.04; 129.02; and 129.05 to 129.10.

Referred to the Committee on Education.

Messrs. Morse and Renneke introduced—

S.F. No. 1146: A bill for an act relating to retirement; permitting repayment of refunds received from the judges' retirement fund; amending Minnesota Statutes 1988, section 490.124, subdivision 12.

Referred to the Committee on Governmental Operations.

Mr. Morse introduced—

S.F. No. 1147: A bill for an act relating to education; authorizing transportation aid for pupils who are custodial parents and their children; appropriating money; amending Minnesota Statutes 1988, section 124.223.

Referred to the Committee on Education.

Messrs. Morse, Waldorf, Decker and Pehler introduced—

S.F. No. 1148: A bill for an act relating to retirement; individual retirement account plan; providing that members of the plan are members of the teachers retirement association for purposes of social security coverage; changing the effective date of the plan; amending Minnesota Statutes 1988, sections 354.05, subdivisions 2a and 5; 354.66, subdivision 2; 354B.02; 354B.04, subdivision 2; and 354B.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 354B.

Referred to the Committee on Governmental Operations.

Messrs. Morse, Pehler, Decker and Waldorf introduced—

S.F. No. 1149: A bill for an act relating to retirement; state university and community college faculty; authorizing collective bargaining for matching employer contributions to the supplemental retirement plan instead of the Minnesota deferred compensation plan; amending Minnesota Statutes 1988, sections 136.80, subdivision 1; 136.81, subdivision 1; and 356.24.

Referred to the Committee on Governmental Operations.

Mr. Luther and Ms. Reichgott introduced—

S.F. No. 1150: A bill for an act relating to creditors remedies; regulating executions and garnishments; amending Minnesota Statutes 1988, section 550.142; proposing coding for new law in Minnesota Statutes, chapters 550 and 557; proposing coding for new law as Minnesota Statutes, chapter 551; repealing Minnesota Statutes 1988, sections 550.041; 550.05; 550.14; 550.141; 571.41; 571.42; 571.43; 571.44; 571.45; 571.46; 571.471; 571.495; 571.50; 571.51; 571.52; 571.53; 571.54; 571.55; 571.56; 571.57; 571.58; 571.59; 571.60; 571.61; 571.62; 571.63; 571.64; 571.65; 571.66; 571.67; 571.68; and 571.69.

Referred to the Committee on Judiciary.

Mr. Metzen, Ms. Reichgott and Mr. Novak introduced—

S.F. No. 1151: A bill for an act relating to tax increment financing; excluding certain levies in the computation of tax increment revenues; amending Minnesota Statutes 1988, section 469.177, subdivisions 1a, as amended, and 9.

Referred to the Committee on Economic Development and Housing.

Mr. Solon introduced—

S.F. No. 1152: A bill for an act relating to capital improvements; appropriating money for the Lake Superior Zoological Gardens; providing for the issuance of state building bonds.

Referred to the Committee on Finance.

Messrs. Chmielewski, Larson, Frank, Knaak and Brandl introduced—

S.F. No. 1153: A bill for an act relating to taxation; property tax; allowing cities and counties to adopt a two-rate tax structure; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin introduced—

S.F. No. 1154: A bill for an act relating to health; requiring a fee for an application for a home care provider license; authorizing the commissioner to seek injunctive relief and use subpoenas in regulating home care providers; imposing requirements for disclosure of criminal convictions by home care providers; imposing a penalty for providing home care without a license; requiring public members in the mortuary science advisory council; allowing use of a trainee's name in the advertising or title of a funeral establishment; establishing a hearing instrument security fund; establishing a human services occupational account; amending Minnesota Statutes 1988, sections 144A.45, subdivision 2; 144A.46; 149.02; 149.06; and 153A.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 144; 144A; 145; and 214; repealing Minnesota Statutes 1988, section 153A.16.

Referred to the Committee on Health and Human Services.

Mr. Pogemiller, Ms. Peterson, D.C.; Messrs. Brandl, Solon and Waldorf introduced—

S.F. No. 1155: A bill for an act relating to education; authorizing the issuance of state bonds; appropriating money for the desegregation capital improvement grant act; proposing coding for new law in Minnesota Statutes, chapter 129B.

Referred to the Committee on Finance.

Messrs. Chmielewski and Waldorf introduced—

S.F. No. 1156: A bill for an act relating to waters; prohibiting appropriation or use for once-through cooling or heating systems; proposing coding for new law in Minnesota Statutes, chapter 105.

Referred to the Committee on Environment and Natural Resources.

Messrs. DeCramer, Stumpf, Hughes, Bernhagen and Mehrkens introduced—

S.F. No. 1157: A bill for an act relating to education; changing the name of technical institutes to technical colleges; amending Minnesota Statutes 1988, section 136C.02, subdivision 2.

Referred to the Committee on Education.

Messrs. Laidig and Merriam introduced—

S.F. No. 1158: A resolution memorializing the Minnesota District Judges Association to set suggested fines and sentences for littering that reflect the resulting environmental damage and costs of cleanup.

Referred to the Committee on Environment and Natural Resources.

Mr. Davis introduced—

S.F. No. 1159: A bill for an act relating to agriculture; funding pseudorabies research and pseudorabies control; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Mr. Davis, by request introduced—

S.F. No. 1160: A bill for an act relating to agriculture; repealing a provision that sellers of grain may require that multiple loads delivered within two days be averaged; repealing Minnesota Statutes 1988, section 17B.048.

Referred to the Committee on Agriculture and Rural Development.

Mrs. Lantry introduced—

S.F. No. 1161: A bill for an act relating to metropolitan transit; changing the responsibilities of the regional transit board and metropolitan council; altering the membership of the transit board and transit commission; eliminating certain restrictions on the council, the board, and the commission; abolishing regional rail authorities in the metropolitan area; amending Minnesota Statutes 1988, sections 473.169, subdivision 7; 473.373, subdivisions 1, 1a, 4, 5, and by adding a subdivision; 473.375, subdivisions 1, 6, 8, 11, 13, 16, and 17; 473.38, subdivision 2; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, and 7; 473.386, subdivision 2; 473.387, subdivision 4; 473.388, subdivisions 2 and 4; 473.392; 473.404, subdivisions 2, 3, 6, and 7; 473.436, subdivisions 6 and 7; 473.446, subdivisions 1, 1a, 7, and 8; proposing coding for new law in Minnesota Statutes, chapter 398A; repealing Minnesota Statutes 1988, sections 473.1691; 473.17; 473.373, subdivision 6; 473.375, subdivisions 2, 4, 5, and 7; 473.38, subdivisions 1, 3, and 4; 473.394; and 473.398.

Referred to the Committee on Transportation.

Mr. Vickerman introduced—

S.F. No. 1162: A bill for an act relating to drivers' licenses; providing that court administrators forward driver's license or permit applications and fees to the department of public safety by the next working day; requiring commissioner of public safety to conduct background study on applicant for school bus endorsement; amending Minnesota Statutes 1988, sections 171.06, subdivision 4; and 171.321, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Waldorf introduced—

S.F. No. 1163: A bill for an act relating to human services; requiring proposals for decreasing the size of intermediate care facilities for persons with mental retardation; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health and Human Services.

Mr. Brandl, Ms. Piper, Mrs. Lantry and Mr. Knutson introduced—

S.F. No. 1164: A bill for an act relating to human services; requiring a pilot project for subsidies to certain persons with case management training;

appropriating money; amending Minnesota Statutes 1988, section 252.32, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Messrs. Metzen, Luther and Laidig introduced—

S.F. No. 1165: A bill for an act relating to commerce; motor fuel franchises; regulating franchise agreements; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 80C.

Referred to the Committee on Commerce.

Mr. Frank introduced—

S.F. No. 1166: A bill for an act relating to professional hockey games; imposing a civil penalty on team owners for player fights; proposing coding for new law as Minnesota Statutes, chapter 341A.

Referred to the Committee on General Legislation and Public Gaming.

Messrs. Frederickson, D.J.; Vickerman; Mrs. Adkins, Messrs. Renneke and Johnson, D.E. introduced—

S.F. No. 1167: A bill for an act relating to local government; permitting cities and towns to contribute to certain hospitals; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on Local and Urban Government.

Mr. Luther, Ms. Peterson, D.C.; Messrs. Solon and Freeman introduced—

S.F. No. 1168: A bill for an act relating to insurance; requiring insurers to pay the insured's deductible first when recovering from an uninsured motorist under a subrogation claim; amending Minnesota Statutes 1988, section 72A.201, subdivision 6.

Referred to the Committee on Commerce.

Mr. Luther, Ms. Peterson, D.C.; Messrs. Solon and Freeman introduced—

S.F. No. 1169: A bill for an act relating to insurance; prohibiting insurance companies from terminating agents who contact the commerce department; amending Minnesota Statutes 1988, section 72A.20, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Luther and Cohen introduced—

S.F. No. 1170: A bill for an act relating to insurance; property and casualty; regulating rates, trade practices, and claims settlement practices; eliminating the bond requirement for notary publics; providing remedies; prescribing a penalty; amending Minnesota Statutes 1988, sections 70A.01, subdivision 2; 70A.04, subdivision 2; 70A.05; 70A.06, subdivision 1; 70A.07; 70A.19; 70A.21, subdivision 3; 72A.20, by adding a subdivision; 72A.201, by adding a subdivision; 359.02; and 359.071; proposing coding for new law in Minnesota Statutes, chapters 70A; and 72A; repealing Minnesota

Statutes 1988, sections 70A.10; and 70A.21, subdivision 2.

Referred to the Committee on Commerce.

Ms. Peterson, D.C. and Mr. Luther introduced—

S.F. No. 1171: A bill for an act relating to insurance; life and health; regulating policy and contract provisions, coverages, certain cost-containment mechanisms, cancellations and nonrenewals, trade and marketing practices, and remedies in these and other lines; making technical changes; amending Minnesota Statutes 1988, sections 45.025, subdivision 8; 45.027, subdivision 7; 45.028, subdivision 1; 61A.011, subdivision 1; 61A.092, subdivision 3; 61B.03, subdivision 6; 62A.01; 62A.041; 62A.08; 62A.09; 62A.17, subdivision 2; 62A.46, by adding a subdivision; 62A.48, subdivision 1; 62B.01; 62B.04, subdivision 1; 62D.12, by adding a subdivision; 62E.06, subdivision 1; 72A.20, subdivision 15, and by adding subdivisions; 72A.325; and 149.11; proposing coding for new law in Minnesota Statutes, chapters 60A; 62A; 65A; and 72A; repealing Minnesota Statutes 1988, sections 60A.23, subdivision 7; and 72A.13, subdivision 2.

Referred to the Committee on Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 1172: A bill for an act relating to insurance; trade practices; regulating penalties and remedies; amending Minnesota Statutes 1988, sections 8.31, subdivision 3a; and 72A.201, subdivision 1.

Referred to the Committee on Commerce.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 22, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate