

## THIRTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 20, 1989

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Russell E. Connick.

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

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 115 and 560.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 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. 294: A bill for an act relating to animals; providing civil and criminal penalties for the unauthorized release of research animals; amending Minnesota Statutes 1988, section 346.56, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1988, section 346.56, subdivision 1.

Senate File No. 294 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1989

### CONCURRENCE AND REPASSAGE

Mr. Stumpf moved that the Senate concur in the amendments by the House to S.F. No. 294 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 294 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 29, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File No. 29 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1989

Mr. Moe, R.D. moved that H.F. No. 29 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 33, 701, 826, 1492, 1498, 1502, 1626, 1630, 355, 762, 1108, 1353, 1491, 1285 and 1604.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1989

### FIRST READING OF HOUSE BILLS

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

H.F. No. 33: A bill for an act relating to town roads; permitting town ordinances to regulate the burning of vegetation; amending Minnesota Statutes 1988, section 164.02, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 78.

H.F. No. 701: A bill for an act relating to environment; eliminating the PCB exemption program; repealing Minnesota Statutes 1988, sections 116.36; and 116.37.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 263, now on the Calendar.

H.F. No. 826: A bill for an act relating to the collection and dissemination of data; providing access to private and confidential data related to delinquent acts for law enforcement purposes; amending Minnesota Statutes 1988, sections 13.84, subdivision 5a; and 260.161, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 854.

H.F. No. 1492: A bill for an act relating to state parks; special permits for handicapped users; amending Minnesota Statutes 1988, section 85.053, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1369.

H.F. No. 1498: A bill for an act relating to telecommunications devices for communication-impaired people; requiring the metropolitan airports commission and certain bus stations to provide telecommunications devices for communication-impaired people; amending Minnesota Statutes 1988, section 473.608, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256C.

Referred to the Committee on Health and Human Services.

H.F. No. 1502: A bill for an act relating to education; extending the authority of Pine Point experimental school; amending Minnesota Statutes 1988, sections 128B.09 and 128B.10.

Referred to the Committee on Education.

H.F. No. 1626: A bill for an act relating to state lands; conveying easement for sanitary sewer to city of Cambridge.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1630: A bill for an act relating to the city of Austin; providing for the service of the police and fire chiefs.

Referred to the Committee on Local and Urban Government.

H.F. No. 355: A bill for an act relating to veterans; authorizing officers and employees of the Military Order of the Purple Heart to purchase certain insurance benefits; amending Minnesota Statutes 1988, section 43A.27, subdivision 2.

Referred to the Committee on Governmental Operations.

H.F. No. 762: 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 Rules and Administration for comparison with S.F. No. 666, now on General Orders.

H.F. No. 1108: A bill for an act relating to agriculture; changing a provision that allows averaging of certain multiple loads of grain; amending Minnesota Statutes 1988, section 17B.048.

Referred to the Committee on Agriculture and Rural Development.

H.F. No. 1353: 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 Rules and Administration for comparison with S.F. No. 1168, now on General Orders.

H.F. No. 1491: A bill for an act relating to state government; authorizing the use of certain mechanical lifting devices in public buildings; amending Minnesota Statutes 1988, section 16B.61, subdivision 5.

Referred to the Committee on Governmental Operations.

H.F. No. 1285: A bill for an act relating to health insurance; changing coverage and administrative procedures relating to the comprehensive health insurance plan; requiring a report; amending Minnesota Statutes 1988, sections 62E.10, subdivisions 2a, 7, and 9; and 62E.12.

Referred to the Committee on Health and Human Services.

H.F. No. 1604: A bill for an act relating to economic development; clarifying the powers and duties of the Greater Minnesota Corporation; expanding auditing and reporting requirements; amending Minnesota Statutes 1988, sections 116O.02, by adding a subdivision; 116O.03, subdivision 1, and by adding a subdivision; 116O.04, by adding a subdivision; 116O.05; 116O.06, subdivisions 1 and 5; 116O.08, subdivision 2; 116O.14; and 116O.15.

Referred to the Committee on Agriculture and Rural Development.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 510, 1416 and 1227. The motion prevailed.

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

S.F. No. 1055: A bill for an act relating to children; creating a statewide grant program to provide neighborhood-based support to enhance the health, development, and school readiness of preschool children; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Page 5, line 15, delete "*and*" and insert a semicolon

Page 5, line 17, after "*community*" insert "*; and a representative from the local early childhood intervention committee*"

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

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

S.F. No. 510: A bill for an act relating to employment; providing for severance pay and insurance coverage to certain terminated employees; requiring employers to provide advance notice of certain actions related to plant closings and mass layoffs; appropriating money; amending Minnesota Statutes 1988, section 268.07, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 268A.

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

Page 3, line 25, delete "9" and insert "10"

Page 3, line 30, delete the second "1" and insert "2"

Page 3, line 36, delete "50" and insert "100"

Page 4, line 1, delete "50" and insert "100"

Page 4, line 10, after the first "*employment*" insert a comma

Page 4, lines 11 and 19, delete "25" and insert "50"

Page 4, lines 14 and 15, delete ":

(1)"

Page 4, lines 15 and 16, delete "; *and*

(2)" and insert "*and that*"

Page 4, line 18, delete "(*i*)" and insert "(1)"

Page 4, line 21, delete "(*ii*) 250" and insert "(2) 500"

Page 4, line 24, delete "9(*a*) or 8(*f*)" and insert "8(*f*) or 9(*a*)"

Page 4, line 25, delete "159(*a*) or 158(*f*)" and insert "158(*f*) or 159(*a*)"

Page 5, lines 14, 28, and 36, delete "120-day" and insert "60-day"

Page 5, line 21, delete the period and insert " : *except that,*"

Page 6, line 29, after "*period*" insert a comma

Page 7, line 10, before "*This*" insert "(a)" and delete "*shall*" and insert "*does*"

Page 7, line 16, before "*An*" insert "(b)"

Page 7, line 30, before "*An*" insert "(a)"

Page 7, lines 35 and 36, delete " :

(i)"

Page 8, lines 1 and 2, delete " ; *or*

(ii)" and insert " , *or*"

Page 8, line 9, before "*The*" insert "(b)"

Page 8, line 10, delete "120" and insert "60"

Page 8, line 13, before "*The*" insert "(a)"

Page 8, line 23, before "*In*" insert "(b)" and after "*addition*" insert "*to a reduction under paragraph (a)*"

Page 8, line 28, delete "4" and insert "3"

Page 8, line 30, delete the comma and insert a semicolon and after "*that*" insert a comma

Page 9, line 5, before "*A*" insert "(a)"

Page 9, line 12, before "*In*" insert "(b)" and delete "*such*" and after "*suit*" insert "*under paragraph (a)*"

Page 9, line 26, delete the comma and insert a semicolon

Page 9, line 27, after "*that*" insert a comma

Page 10, line 2, before "*The*" insert "(a)"

Page 10, lines 3 and 7, delete "*shall*" and insert "*must*"

Page 10, line 7, before the first "*The*" insert "(b)"

Page 10, line 14, delete "*shall*" and insert "*does*" and delete "*Minnesota Statutes,*"

Page 11, line 31, before "*The*" insert "(a)"

Page 11, line 35, delete "*shall be*" and insert "*is*"

Page 12, line 4, delete "11" and insert "10"

Page 12, line 7, before "*All*" insert "(b)"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Knaak questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 985: A bill for an act relating to transportation; providing that certain information submitted to department of transportation is public data;

defining terms; providing for limousine registration; exempting certain special transportation service providers holding current certificate of compliance from motor carrier regulations; delineating requirements of carriers to display certain information; providing for permits of special passenger carriers and household goods carriers; providing for operation under motor carrier permit on death of holder; providing for amount of insurance, bond, or other security required of motor carriers; giving commissioner of transportation subpoena power for certain enforcement purposes; amending Minnesota Statutes 1988, sections 13.72, by adding a subdivision; 168.011, subdivision 35; 168.128, subdivision 2; 174.30, subdivision 6; 221.011, subdivisions 16, 20, and by adding a subdivision; 221.031, subdivision 6; 221.111; 221.121, subdivision 6a; 221.141, subdivision 1b; and 221.221, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 221.

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

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1988, section 13.72, is amended by adding a subdivision to read:

*Subd. 6. [COMPLAINT DATA.] Names of complainants, complaint letters, and other unsolicited data furnished to the department of transportation by a person other than the data subject or department employee, which provide information that a person who is subject to chapter 221 or rules adopted under that chapter may not be in compliance with those requirements, are classified as confidential data or protected nonpublic data.*

Sec. 2. Minnesota Statutes 1988, section 13.72, is amended by adding a subdivision to read:

*Subd. 7. [PUBLIC INVESTIGATIVE DATA.] The following data created, collected, or maintained about persons subject to chapter 221 and rules adopted under that chapter are public: data contained in inspection and compliance forms and data contained in audit reports that are not prepared under contract to the federal highway administration.”*

Page 2, line 5, strike “van” and insert “*passenger-carrying van-type vehicle*”

Page 3, line 22, after the second “*driver*” insert “*under the terms of the motor vehicle lease*”

Page 3, delete section 6

Page 4, line 2, delete “*for a special*”

Page 4, line 3, delete everything before “*under*”

Page 4, line 7, after the comma, insert “*and*”

Page 4, line 9, delete “*in advance*” and delete everything after “*basis*” and insert a period

Page 4, delete lines 10 and 11 and insert:

“Sec. 8. [221.023] [CARRIERS OF CONSTRUCTION MATERIALS; PERMIT REQUIRED.]

*No person may engage in the intrastate transportation activities referred*

to in section 221.025, paragraph (h), for hire without a certificate or permit from the commissioner.

*The commissioner shall issue a certificate or permit upon payment by the person of a fee established by the commissioner and after compliance with section 221.141.*

*The commissioner shall revoke, suspend, or refuse to reissue or renew a certificate or permit to a person who is not in compliance with this section.*

*This section supersedes any inconsistent provision of section 221.025 or other law."*

Page 5, line 4, delete everything after the period

Page 5, delete lines 5 and 6

Page 5, line 7, delete "transportation."

Page 5, delete section 9 and insert:

"Sec. 10. Minnesota Statutes 1988, section 221.035, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIREMENT.] (a) A person may not transport hazardous waste that is required to have a manifest under Minnesota Rules, part 7045.0261, or is required to have shipping papers under Minnesota Rules, part 7045.0125, without a license issued under this section.

(b) If the applicant complies with the requirements of this section, the commissioner shall issue the license and shall issue a vehicle identification decal for each single unit vehicle or trailer that the licensee will use to transport hazardous waste. The applicant shall pay a fee of \$500 for a three-year license and an annual fee of \$25 for each vehicle identification decal. The license must be maintained at the licensee's principal place of business. The name and address of the licensee must be displayed on both sides of each unit of the vehicle. The vehicle identification decal must be displayed on the single unit vehicle or trailer to which it is assigned, as prescribed by the commissioner. The decal is effective only when the license is effective. The license must be renewed in the third year following the date of the issuance of the license. The licensee must obtain new decals each year. The license may not be transferred to another person. *All decals issued during the year expire each year on the anniversary date of the issuance of the license.*

(c) An applicant for a license under this section, who is not otherwise subject to section 221.141, shall file a certificate of insurance with the commissioner as provided in section 221.141. The certificate must state that the insurer has issued to the applicant a policy that by endorsement provides public liability insurance in the amount required by Code of Federal Regulations, title 49, part 387."

Page 6, after line 10, insert:

"Sec. 12. Minnesota Statutes 1988, section 221.121, is amended by adding a subdivision to read:

*Subd. 6b. [SPECIAL PASSENGER CARRIERS.] A person who has been granted a charter carrier permit by the board may provide special passenger service within the territory or on the routes granted in the order granting the charter carrier permit. A charter carrier that provides special*



*passenger service must file a tariff that shows the rates and charges that apply to the special passenger service."*

Page 6, delete lines 12 to 31 and insert:

*"This section governs the transfer of a permit in the event of the death of the permit holder. Within one year after the transfer of a permit of a deceased permit holder by the deceased permit holder's personal representative, or within one year after the date of a decree or order issued by the probate court transferring the permit of a deceased permit holder, the distributee, as defined in section 524.1-201, who received the permit shall apply to the board to have the permit transferred under the provisions of section 221.151, subdivision 2.*

*If an application to transfer the permit is not filed within the time prescribed above, the permit is revoked and the commissioner shall so notify the person who had received the permit."*

Page 7, delete section 13 and insert:

"Sec. 15. Minnesota Statutes 1988, section 221.141, is amended by adding a subdivision to read:

*Subd. 4. [IRREGULAR ROUTE CARRIERS OF HOUSEHOLD GOODS.] An irregular route common carrier of household goods shall maintain in effect cargo insurance or cargo bond in the amount of \$50,000 and shall file with the commissioner a cargo certificate of insurance or cargo bond. A cargo certificate of insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance, described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform to Form J, described in Code of Federal Regulations, title 49, part 1023. Both Form H and Form J are incorporated by reference. The cargo certificate of insurance or cargo bond must be issued in the full and correct name of the person, corporation, or partnership to whom the irregular route common carrier of household goods permit was issued and whose operations are being insured. A carrier that was issued a permit as an irregular route common carrier of household goods before the effective date of this section shall obtain and file a cargo certificate of insurance or bond within 90 days of the effective date of this section.*

Sec. 16. [221.297] [MOTOR TRANSPORTATION BROKERS; PAYMENT BOND.]

*Every motor transportation broker shall file with the commissioner a bond, policy of insurance, or other security in an amount and form approved by the commissioner, guaranteeing that all money received for the payment of transportation charges is paid to the motor carrier providing the transportation. A motor transportation broker that does not issue invoices or otherwise handle money on behalf of a motor carrier is exempt from this requirement.*

*A motor transportation broker who violates this section is guilty of a misdemeanor.*

*For purposes of this section, "motor transportation broker" means a person in the business of arranging for the intrastate transportation of property or materials described in section 221.025, paragraph (h). This provision shall not prohibit the payment of a brokerage fee as agreed on between a motor carrier and the motor transportation broker.*

Sec. 17. Minnesota Statutes 1988, section 221.60, is amended by adding a subdivision to read:

*Subd. 3a. [FAILURE TO MAINTAIN INSURANCE.] If a carrier fails to maintain and file with the commissioner the insurance or bond required by section 221.141 and the rules of the commissioner, the commissioner shall suspend and cancel the carrier's interstate registration according to the procedure in section 221.185, subdivisions 2, paragraphs (a) and (b), clause (1); and 3. If the carrier fails to comply with section 221.141 within 45 days of the date of suspension, the commissioner shall cancel the carrier's interstate registration until the carrier files and maintains insurance as required by section 221.141 and rules of the commissioner. The commissioner shall notify the carrier of the cancellation.*

Sec. 18. [221.601] [AGREEMENTS WITH OTHER STATES.]

*Subdivision 1. [AUTHORITY.] The commissioner may enter agreements with representatives of other states to allow the cooperative registration of motor carriers transporting property or passengers for hire in interstate commerce. The agreement may authorize representatives of other states to issue interstate registration stamps and trip permits, accept the filing of insurance certificates and interstate commerce commission orders, and collect and disburse fees prescribed by this chapter. The agreement may allow the exchange of information for audit, reporting, and enforcement purposes, and the collection and disbursement of fees provided under this chapter and the laws of other states that participate in the agreement. The agreement must be in writing. The agreement may provide for the gradual adoption of a base state registration system. It may provide that a motor carrier based in another state participating in the agreement, that has filed evidence of financial responsibility in that state that meets the requirements of this chapter and of the agreement, need not file evidence of financial responsibility with the commissioner for its interstate operations in this state.*

*Subd. 2. [DEFINITION.] For purposes of this section, "state" means a state, the District of Columbia, or a state or province of a foreign country."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete everything after the semicolon

Page 1, delete line 15 and insert "providing for suspension of registration of interstate authority for failure to maintain insurance;"

Page 1, line 17, delete "a subdivision" and insert "subdivisions"

Page 1, line 19, delete "subdivisions" and insert "subdivision" and delete "20,"

Page 1, line 20, delete "221.111" and insert "221.035, subdivision 1"

Page 1, delete line 21 and insert "subdivision 6a, and by adding a subdivision; 221.141, subdivision 1b, and by adding a subdivision;"

Page 1, line 22, delete everything before the semicolon and insert "and 221.60, by adding a subdivision"

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

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

S.F. No. 1441: A bill for an act relating to commerce; regulating business relations between manufacturers of heavy and utility equipment and independent retail dealers of those products; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 3, lines 34 and 36, delete "60" and insert "180"

Page 4, line 3, delete "clauses" and insert "paragraphs"

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

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

S.F. No. 1376: A bill for an act relating to commerce; securities regulation; exempting certain over-the-counter securities from registration requirements; amending Minnesota Statutes 1988, section 80A.15, subdivision 1.

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

Page 5, line 7, after "paragraph" insert "; provided that the National Market System provides the commissioner with notice of any material change in its designation requirements. The commissioner may revoke this exemption if the commissioner determines that the designation requirements are not enforced or are amended in a manner that lessens protection to investors"

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

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

S.F. No. 895: A bill for an act relating to conservation; changing certain responsibilities; defining certain terms; adopting eligibility criteria; changing agreement terms and payment procedures; providing for enforcement; authorizing sale of certain bonds; appropriating money; amending Minnesota Statutes 1988, sections 40.42; 40.43; 40.44; 40.45; 84.95, subdivision 2; Laws 1986, chapter 383, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 92.

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

Page 1, after line 12, insert:

"Section 1. [18.189] [LOCAL SUSPENSION OF NOXIOUS WEED CONTROL.]

*During a drought the commissioner of agriculture may authorize town boards to suspend the duty of owners and occupants of land to control noxious weeds under sections 18.191 to 18.272, except under order by the commissioner or the local weed inspector."*

Page 1, line 17, strike "40.45" and insert "40.46"

Page 4, delete lines 26 to 32 and insert:

"Subd. 3. [CONSERVATION EASEMENTS.] The ~~commissioner~~ board may acquire conservation easements on eligible land. An easement may be permanent or of limited duration. An easement acquired on land for wind-break purposes, under subdivision 2, may be only of permanent duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B."

Page 5, line 5, strike "unless" and insert "except, for agreements entered before the effective date of this act, grazing of livestock may be allowed only if"

Page 8, line 21, delete "commissioner" and insert "commissioners" and reinstate the stricken language

Page 8, line 34, delete "commissioner" and insert "commissioners" and after "of" insert "agriculture and"

Page 9, after line 22, insert:

"Sec. 6. [40.46] [RESERVATION OF MARGINAL LAND AND WETLANDS.]

*Subdivision 1. [RESERVATION OF MARGINAL LAND AND WETLANDS.] Notwithstanding any other law, marginal land and wetlands are withdrawn from sale by the state unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section.*

*Subd. 2. [DELINEATION OF WETLAND OR MARGINAL LAND.] (a) Before state land is sold, the land must be submitted to the board of water and soil resources to determine and delineate the marginal land and wetlands to be reserved or restricted by a conservation easement. The delineation of the reservation or conservation easement need not be by legal description and may be a description in general terms that identifies the marginal land or wetlands.*

*(b) Marginal land and wetlands may not be sold unless restricted by a conservation easement with the restrictions provided in section 40.43, subdivision 4, paragraphs (a) and (c), and other restrictions determined necessary by the board of water and soil resources.*

*Subd. 3. [SCHOOL TRUST LAND.] If the sale of school trust land as defined in section 92.025 is restricted by a conservation easement and the restriction results in a reduction of the amount received from the sale, the commissioner of natural resources must determine the amount of the reduction. The amount of the reduction in sale price is appropriated from the general fund and shall be credited to the account to which the proceeds from the sale are credited.*

*Subd. 4. [RELEASE OF CONSERVATION EASEMENT.] The board of water and soil resources may release and terminate a conservation easement created under this section after consultation with the commissioners of agriculture and natural resources. The board of water and soil resources may release and terminate a conservation easement only if the board determines the public interests and general welfare are better served by the release and termination.*

Sec. 7. [84.0276] [LAND TRANSFERS BY A FEDERAL AGENCY.]

*Before the commissioner of natural resources accepts agricultural land or a farm homestead transferred in fee by a federal agency, the commissioner must consult with the board of water and soil resources for a determination of marginal land, tillable farmland, and farm homestead. The commissioner must comply with the acquisition procedure under section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an agricultural preserve as provided in section 40A.10."*

Page 10, after line 12, insert:

"Sec. 9. Minnesota Statutes 1988, section 282.018, is amended to read:

**282.018 [TAX-FORFEITED LAND; MEANDERED LAKES, MARGINAL LAND, AND WETLANDS; SALE; EXCEPTION.]**

*Subdivision 1. [PROPERTY ON OR ADJACENT TO PUBLIC WATERS.] All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.*

Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the water side boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

Any tract or parcel of land which has 50 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

*Subd. 2. [MARGINAL LAND AND WETLANDS.] Marginal land and wetlands on land that is property of the state as a result of forfeiture to the state for nonpayment of taxes is withdrawn from sale unless restricted by a conservation easement as provided in section 40.46.*

Sec. 10. Minnesota Statutes 1988, section 500.221, subdivision 2, is amended to read:

*Subd. 2. [ALIENS AND NON-AMERICAN CORPORATIONS.] Except as hereinafter provided, no natural person shall acquire directly or indirectly*

any interest in agricultural land unless the person is a citizen of the United States or a permanent resident alien of the United States. In addition to the restrictions in section 500.24, no corporation, partnership, limited partnership, trustee, or other business entity shall directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply:

(1) to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership;

(2) to citizens or subjects of a foreign country whose rights to hold land are secured by treaty;

(3) to lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 2;

(4) to lands or interests in lands acquired for use in connection with mining and mineral processing operations. Pending the development of agricultural land for mining purposes the land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation;

(5) to agricultural land operated for research or experimental purposes if the ownership of the agricultural land is incidental to the research or experimental objectives of the person or business entity and the total acreage owned by the person or business entity does not exceed the acreage owned on May 27, 1977; ~~or~~

(6) to the purchase of any tract of 40 acres or less for facilities incidental to pipeline operation by a company operating a pipeline as defined in section 1161.01, subdivision 3; *or*

*(7) to agricultural land and land capable of being used as farmland used as reasonably necessary to meet the requirements of pollution control laws or rules, or in a manner otherwise incidental to this purpose."*

Page 11, delete line 4

Page 11, line 12, delete "plus" and insert "and is subject to"

Page 11, line 23, delete "20" and insert "60"

Page 11, line 34, delete "demand" and insert "shall bring an action for"

Page 12, line 1, delete "demand" and insert "shall bring an action for"

Page 12, after line 16, insert:

*"Subd. 4. [SEPARATE ACTIONS.] The prosecution for criminal trespass and the civil penalty are separate criminal and civil actions. If a trespass occurs, an action may be commenced for the criminal penalty, the civil penalty, or the civil penalty and the criminal penalty."*

Page 13, line 4, delete "9" and insert "14"

Page 14, after line 24, insert:

*"Subd. 5. \$ . . . . . is appropriated from the general fund to the board of water and soil resources to be available until June 30, 1991, to make grants to local soil and water conservation districts to assist in financing the replanting of trees planted during 1987 and 1988 under the conservation reserve program and lost to the drought.*

*Subd. 6. [EXTENSION OF FOREST MANAGEMENT FUND NUISANCE ACCOUNT.] The appropriation of dedicated receipts from the forest management fund nurseries account under Minnesota Statutes, section 89.04, is extended by \$600,000 annually specifically for the purchase, growing, and distribution of seedlings to replace those killed by drought."*

Page 14, line 26, after the period, insert *"Sections 6 and 9 apply to state land and tax-forfeited land sold after March 15, 1990."*

ReNUMBER the sections in sequence

Delete the title and insert:

*"A bill for an act relating to natural resources; amending provisions relating to the conservation reserve program; changing authority over the conservation reserve program from the commissioner of agriculture to the board of water and soil resources; defining certain terms; changing criteria for eligible land; prohibiting grazing of land under future agreements; providing conditions and payment for wetland restoration; providing for enforcement and liability for damages for violation of the terms of a conservation easement or agreement; authorizing the board to adopt rules; authorizing the commissioner of agriculture to allow town boards to suspend the duty of owners and occupants to control noxious weeds under certain conditions; withdrawing certain marginal land and wetlands from sale by the state unless restricted by a conservation easement under certain conditions; requiring certain acquisition procedures before the commissioner of natural resources accepts agricultural land or farm homesteads in fee from the federal government; authorizing aliens and non-Americans to own certain agricultural land to comply with pollution control laws or rules; authorizing sale of certain bonds; appropriating money; amending Minnesota Statutes 1988, sections 40.42; 40.43; 40.44; 40.45; 84.95, subdivision 2; 282.018; 500.221, subdivision 2; Laws 1986, chapter 383, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 18; 40; 84; and 92."*

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

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

S.F. No. 1416: A bill for an act relating to workers' compensation; regulating insurance for truckers and loggers; imposing a tax on certain purchasers of wood to subsidize insurance costs of loggers; regulating coverages and rates; appropriating money; amending Minnesota Statutes 1988, sections 79.251, subdivision 3; 79.252, by adding a subdivision; 176.011, by adding a subdivision; 176.041, subdivision 1; 176.102, by adding a subdivision; 176.184, by adding a subdivision; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 176; proposing coding for new law as Minnesota Statutes, chapter 297E.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

“ARTICLE I

TRUCKERS INSURANCE

Section 1. Minnesota Statutes 1988, section 79.252, is amended by adding a subdivision to read:

*Subd. 6. [COVERAGE OUTSIDE STATE.] Policies issued by the assigned risk plan pursuant to this chapter may also provide workers' compensation coverage required under the laws of states other than Minnesota, including coverages commonly known as "all states coverage." The commissioner, on behalf of the assigned risk plan, may apply for and obtain any licensure required in any other state to issue that coverage.*

Sec. 2. [79.571] [TRUCK DRIVER CLASSIFICATIONS.]

*Subdivision 1. [COMBINING CERTAIN CLASSIFICATIONS.] (a) The purpose of this section is to spread the high cost of workers' compensation premiums for truck drivers among a broader range of classifications in the trucking industry without unnecessarily raising rates in classifications that typically include employees with a relatively low risk of injury.*

*(b) The following classifications from the basic manual for workers' compensation and employers liability insurance, including the Minnesota exceptions, shall be combined into one classification, and all risks in the combined classification must be charged a uniform workers' compensation rate:*

*(1) 7219 - all employees and drivers, not otherwise classified;*

*(2) 7380 - drivers, chauffeurs, and their helpers, not otherwise classified - commercial; and*

*(3) 8293 - furniture moving and storage drivers.*

*(c) The risks in classifications 7219, 7380, and 8293, as of January 1, 1989, and any risks after that date that would have been classified as a risk under the 7219, 7380, or 8293 classification in the basic manual of workers' compensation and employers liability insurance classification system in existence on January 1, 1989, including the Minnesota exceptions, must be assigned to the combined class created by this subdivision.*

*(d) For purposes of this section, the classification 7380 shall no longer include ambulance drivers. Such drivers shall be reclassified by a data service organization into another comparable classification whose rates are equal to or less than the current rates for code 7380.*

*Subd. 2. [MANDATORY USE OF CLASSIFICATION.] An insurer or data service organization is prohibited from filing or using rates or a rating system or a classification system for truck drivers that does not comply with this section. Except as otherwise provided under subdivision 1, paragraph (d), an insurer or data service organization is prohibited from restructuring or varying the risk classification system to eliminate or modify the combined classification created by subdivision 1 or to remove or add any categories of risks from the combined classification without first obtaining approval of the commissioner. The commissioner shall not approve a variation of the uniform classification system that is inconsistent with the purpose of this section.*



*Subd. 3. [MANDATORY EXPERIENCE RATING.] An insurer for a business entity or individual engaged in the truck driving industry must use an experience rated plan. An insurer may not exempt from this requirement trucking businesses for which the workers' compensation insurance premium is less than a certain dollar amount.*

*Subd. 4. [DETERMINATION OF RISK ASSIGNMENT.] If a dispute arises concerning whether or not a risk should be assigned to the combined classification established in subdivision 1, the commissioner shall determine the appropriate classification. If the employer or insurer disagrees with the commissioner's decision, the employer or insurer may request a hearing under chapter 14 by filing a written request with the commissioner within 30 days of the service and filing of the decision, on a form prescribed by the commissioner. The commissioner may adopt emergency and permanent rules to implement this section.*

*Subd. 5. [APPLICABILITY.] Nothing in this section prohibits an employer from dividing a payroll among the rating classifications as provided under section 79.211, subdivision 2.*

Sec. 3. Minnesota Statutes 1988, section 79.60, subdivision 2, is amended to read:

Subd. 2. [PERMITTED ACTIVITY.] In addition to any other activities not prohibited by this chapter, insurers may:

(a) Through licensed data service organizations, individually, or with insurers commonly owned, managed, or controlled, conduct research and collect statistics to investigate, identify, and classify information relating to causes or prevention of losses;

(b) Develop and use classification plans and rates based upon any reasonable factors *subject to section 2*; and

(c) Develop rules for the assignment of risks to classifications *subject to section 2*.

Sec. 4. Minnesota Statutes 1988, section 79.61, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED ACTIVITY.] Any data service organization shall perform the following activities:

(a) File statistical plans, including classification definitions, amendments to the plans, and definitions, with the commissioner for approval, and assign each compensation risk written by its members to its approved classification for reporting purposes *subject to section 2*;

(b) Establish requirements for data reporting and monitoring methods to maintain a high quality data base;

(c) Prepare and distribute a periodic report, in a form prescribed by the commissioner, on ratemaking including, but not limited to the following elements:

(i) development factors and alternative derivations;

(ii) trend factors and alternative derivations and applications;

(iii) pure premium relativities for the approved classification system for which data are reported, provided that the relativities for insureds engaged in similar occupations and presenting substantially similar risks shall, if

different, differ by at least ten percent; and

(iv) an evaluation of the effects of changes in law on loss data.

The report shall also include explicit discussion and explanation of methodology, alternatives examined, assumptions adopted, and areas of judgment and reasoning supporting judgments entered into, and the effect of various combinations of these elements on indications for modification of an overall pure premium rate level change. The pure premium relativities and rate level indications shall not include a loading for expenses or profit and no expense or profit data or recommendations relating to expense or profit shall be included in the report or collected by a data service organization;

(d) Collect, compile, summarize, and distribute data from members or other sources pursuant to a statistical plan approved by the commissioner;

(e) Prepare merit rating plan and calculate any variable factors necessary for utilization of the plan. Such a plan may be used by any of its members, at the option of the member provided that the application of a plan shall not result in rates that are unfairly discriminatory;

(f) Provide loss data specific to an insured to the insured at a reasonable cost;

(g) Distribute information to an insured or interested party that is filed with the commissioner and is open to public inspection; and

(h) Assess its members for operating expenses on a fair and equitable basis.

Sec. 5. Minnesota Statutes 1988, section 176A.03, is amended by adding a subdivision to read:

*Subd. 3. [COVERAGE OUTSIDE STATE.] Policies issued by the fund pursuant to this chapter may also provide workers' compensation coverage required under the laws of states other than Minnesota, including coverages commonly known as "all states coverage." The fund may apply for and obtain any licensure required in any other state to issue the coverage.*

## ARTICLE 2

### TRUCKERS REHABILITATION

Section 1. Minnesota Statutes 1988, section 176.102, is amended by adding a subdivision to read:

*Subd. 4a. [PILOT PROJECT.] (a) The purpose of this pilot project is to test the impact of early and intense rehabilitation efforts in the regulated motor carrier industry, (truckers who are subject to chapter 221 as "for hire" motor carriers), which has high workers' compensation costs in part because of difficulty in bringing injured employees back to work.*

*(b) Within three working days after the filing of the first report of injury, the employer shall refer all truck drivers in the regulated motor carrier industry who have not returned to work to the division of rehabilitation services of the department of jobs and training. The division of rehabilitation services shall provide immediate rehabilitation services to those employees it determines are not likely to return to work within 30 days of the injury. The employee must cooperate with any rehabilitation plan adopted under this section. The employee may change to a different qualified rehabilitation consultant at the division of rehabilitation services but may not change to a private qualified rehabilitation consultant.*

(c) *The rehabilitation plan under this section must give high priority to returning the injured employee to work as soon as possible. When a suitable job under section 176.101, subdivision 3e, is not immediately available, the plan must attempt to get the employee back to a job under section 176.101, subdivision 3f, as soon as possible. After the employee has returned to a job under section 176.101, subdivision 3f, the employee shall make additional efforts to find a suitable job. At the time the plan is developed, the participants shall evaluate the need for retraining, although the need may be reconsidered at any time.*

(d) *Fees for the qualified rehabilitation consultant shall be paid by the division of rehabilitation services and are not recoverable from the employer or insurer. All other rehabilitation costs shall be paid by the employer.*

(e) *The division of rehabilitation services shall report to the legislature by January 1, 1992, regarding the impact of this project on returning injured truckers to work.*

(f) *This subdivision shall apply to all injuries to truck drivers from July 1, 1989, to June 30, 1991.*

#### Sec. 2. [APPROPRIATION.]

*\$381,860 is appropriated for the biennium ending June 30, 1991, from the special compensation fund to the department of jobs and training for the purposes of section 1. The complement of the department of jobs and training is increased by six positions, but only until June 30, 1991.*

### ARTICLE 3

#### LOGGERS

Section 1. Minnesota Statutes 1988, section 79.251, subdivision 3, is amended to read:

Subd. 3. [RATES.] Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan, including a merit rating plan adopted by the commissioner by rule. The commissioner shall annually, not later than January 1 of each year, establish the schedule of rates applicable to assigned risk plan business. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner shall fix the compensation received by the agent of record. *The commissioner shall provide a quarterly payment plan for the logging industry.* The establishment of the assigned risk plan rates and agent fees are not subject to chapter 14.

Sec. 2. Minnesota Statutes 1988, section 176.041, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENTS EXCLUDED.] This chapter does not apply to any of the following:

(a) a person employed by a common carrier by railroad engaged in interstate or foreign commerce and who is covered by the Federal Employers' Liability Act, United States Code, title 45, sections 51 to 60, or other comparable federal law;

(b) a person employed by a family farm as defined by section 176.011, subdivision 11a;

(c) the spouse, parent, and child, regardless of age, of a farmer-employer working for the farmer-employer;

(d) a sole proprietor, or the spouse, parent, and child, regardless of age, of a sole proprietor;

(e) a partner engaged in a farm operation or a partner engaged in a business and the spouse, parent, and child, regardless of age, of a partner in the farm operation or business;

(f) an executive officer of a family farm corporation;

(g) an executive officer of a closely held corporation having less than 22,880 hours of payroll in the preceding calendar year, if that executive officer owns at least 25 percent of the stock of the corporation;

(h) a spouse, parent, or child, regardless of age, of an executive officer of a family farm corporation as defined in section 500.24, subdivision 2, and employed by that family farm corporation;

(i) a spouse, parent, or child, regardless of age, of an executive officer of a closely held corporation who is referred to in paragraph (g);

(j) another farmer or a member of the other farmer's family exchanging work with the farmer-employer or family farm corporation operator in the same community;

(k) a person whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession, or occupation of the employer;

(l) persons who are independent contractors as defined by rules adopted by the commissioner pursuant to section 176.83, except that this exclusion does not apply to an employee of an independent contractor *and to loggers, as defined in section 3, unless the logger qualifies for exclusion under paragraph (d), (e), or (g) of this section;*

(m) an officer or a member of a veterans' organization whose employment relationship arises solely by virtue of attending meetings or conventions of the veterans' organization, unless the veterans' organization elects by resolution to provide coverage under this chapter for the officer or member;

(n) a person employed as a household worker in, for, or about a private home or household who earns less than \$1,000 in cash in a three-month period from a single private home or household provided that a household worker who has earned \$1,000 or more from the household worker's present employer in a three-month period within the previous year is covered by this chapter regardless of whether or not the household worker has earned \$1,000 in the present quarter;

(o) persons employed by a closely held corporation who are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to an officer of the corporation, who is referred to in paragraph (g), if the corporation files a written election with the commissioner to exclude such individuals. A written election is not required for a person who is otherwise excluded from this chapter by this section;

(p) a nonprofit association which does not pay more than \$1,000 in salary or wages in a year;

(q) persons covered under the Domestic Volunteer Service Act of 1973, as amended, United States Code, title 42, sections 5011, et. seq.

Sec. 3. [176.130] [TARGETED INDUSTRY FUND; LOGGERS.]

*Subdivision 1. [DEFINITIONS.] For purposes of this section the following terms have the meaning given them, except where the context clearly indicates a different meaning.*

(a) "Commissioner" is the commissioner of labor and industry unless otherwise provided.

(b) "Logger" is limited to the following occupations:

(1) timber fellers: those who employ chainsaws or other mechanical devices mounted on logging vehicles to fell or delimb trees;

(2) buckers or chippers: those who cut trees into merchantable lengths with either chainsaws or heavier machinery, including slashers, harvesters, and processors;

(3) skidders or forwarders: those who either drag logs or trees to roadside landings, or load and transport logs or short wood (fuel wood or pulp wood) to similar destinations; and

(4) timber harvesters or processors: those who combine two or more of the operations listed in clauses (1) to (3).

(c) "Logging industry" means loggers and employers of loggers.

(d) "Wood mill" means the primary processors of wood or wood chips including, but not limited to, hard board manufacturers, wafer board or oriented strand board manufacturers, pulp and paper manufacturers, sawmills, and other primary manufacturers who do the initial processing of wood purchased from loggers.

(e) "Insurer" means any insurance company that provides workers' compensation coverage for loggers including the Minnesota assigned risk plan.

*Subd. 2. [ADMINISTRATION.] The commissioner shall administer and enforce this section. Payments required by this section shall be made with forms provided by the commissioner. The commissioner shall maintain a separate account in the special compensation fund for the purposes of this section and shall collect all assessments and allocate the assessments as provided in this section.*

*Subd. 3. [PROOF OF INSURANCE; LOGGING INDUSTRY.] Purchasers of wood from the logging industry shall obtain from the logger a certification of compliance with the mandatory insurance requirements of this chapter, or reason for exemption, on a form prescribed by the commissioner. A purchaser includes, but is not limited to, dealers and jobbers buying from the logging industry to sell to wood mills, and wood mills that buy directly from the logging industry. Certificates obtained by the purchaser shall be submitted to the commissioner on request. The powers of inspection and enforcement pertaining to employers under section 176.184 shall be available with regard to purchasers under this section.*

*Subd. 4. [ASSESSMENT.] There is imposed an assessment, at the rate of 25 cents per cord of wood, for every cord of wood in excess of 5,000 cords, purchased or acquired in any calendar year, either inside or outside the state, by a wood mill located in Minnesota. This assessment shall be paid by the wood mill to the commissioner on or before February 1 for the previous calendar year and shall not, in any way, be recovered by the wood mill from the logging industry.*

*Subd. 5. [ANNUAL REPORTS; WOOD MILLS; INSURERS.] (a) Each wood mill that purchases or acquires more than 5,000 cords of wood in a calendar year shall, on or before February 1, make and file with the commissioner a report setting forth the number of cords purchased or acquired in the preceding calendar year, and other information the commissioner may require for the proper administration of this chapter.*

*(b) Each insurer shall, on or before February 1, make and file with the commissioner a report setting forth the total amount of premium dollars received in the preceding calendar year for providing workers' compensation coverage to loggers, and other information the commissioner may require for the proper administration of this section.*

*Subd. 6. [ALLOCATION OF ASSESSMENT.] Money collected under this section shall be paid by the commissioner, on or before June 1, directly to each insurer in a proportion equal to the proportion that the total premium dollars received by that insurer in the preceding calendar year for providing workers' compensation coverage to loggers is to the total premium dollars received by all insurers in the preceding calendar year for providing that coverage.*

*Subd. 7. [USE OF ASSESSMENT BY INSURERS.] Money paid to insurers under subdivision 6 shall be used to reimburse policyholders who have paid premiums for workers' compensation coverage on loggers. The insurer shall reimburse to those policyholders a proportion of the money equal to the proportion that the policyholder's premium for the preceding calendar year is to the total premium dollars for all such policyholders of that insurer in the preceding calendar year. The insurer shall reimburse the policyholders within 30 days after receiving payment from the commissioner. Where, after reasonable efforts, the insurer is unable to locate a policyholder or otherwise make payment, the payment shall be submitted to the commissioner of commerce as unclaimed property. Reimbursement for the assigned risk plan shall be made by the company holding a service contract under section 79.251, subdivision 4.*

*Subd. 8. [INSPECTION.] The commissioner or duly authorized employees may, at all reasonable hours, enter in and upon the premises of a wood mill or an insurer and examine books, papers, and records to determine whether the assessment has been properly paid or properly reimbursed.*

*Subd. 9. [PENALTIES; WOOD MILLS.] Where the assessment provided for in this chapter is not paid on or before February 1 of the year when due and payable, the commissioner may impose penalties as provided in section 176.129, subdivision 10.*

*Subd. 10. [PENALTIES; INSURERS.] Where the reimbursement provided for in this section is not mailed by the insurer to the policyholder within 30 days after receiving payment from the commissioner, the commissioner may impose penalties as provided in section 176.129, subdivision 10. Where the insurer is unable to make reimbursement to the policyholder, the reimbursement shall be submitted to the commissioner as unclaimed property within 180 days after receiving payment from the commissioner.*

*Subd. 11. [FALSE REPORTS.] Any person or entity that, for the purpose of evading payment of the assessment or avoiding the reimbursement, or any part of it, makes a false report under this section shall pay to the special compensation fund a penalty of 50 percent of the amount of the*

*assessment. A person who knowingly makes or signs any false report, or who knowingly submits any other false information, is guilty of a misdemeanor and, upon conviction, punished as provided by law.*

*Subd. 12. [EMPLOYER-EMPLOYEE RELATIONSHIP.] This section shall not be construed in any way to create an employer-employee relationship or be used as a factor in determining the existence of an employer-employee relationship.*

Sec. 4. [APPROPRIATION.]

*\$25,000 is appropriated from the special compensation fund to the department of labor and industry for each fiscal year in the biennium beginning July 1, 1989, to be used for a safety program in the logging industry. The commissioner of labor and industry may contract with a private entity to plan and implement the safety program.*

#### ARTICLE 4

#### STATE CLAIMS

Section 1. Minnesota Statutes 1988, section 176.541, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION OF CHAPTER TO STATE EMPLOYEES.] *This chapter applies to the employees of ~~any department of this state~~ the executive, legislative, and judicial branches of the state, the University of Minnesota, and any other entity whose workers' compensation liability is paid from the state revolving fund, including the state historical society and the state agricultural society.*

Sec. 2. Minnesota Statutes 1988, section 176.541, subdivision 2, is amended to read:

Subd. 2. [DEFENSE OF CLAIM AGAINST STATE.] *When the commissioner of employee relations believes that a claim against the state for compensation should be contested, the commissioner shall defend the state claim. The commissioner has sole authority to settle claims on behalf of the state.*

Sec. 3. Minnesota Statutes 1988, section 176.541, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF ATTORNEY GENERAL.] *At any stage in ~~such~~ a compensation proceeding under this section, the attorney general may assume the duty of defending the state. When the commissioner of employee relations or a ~~department of this state~~ requests the attorney general to assume the defense, the attorney general shall do so.*

Sec. 4. Minnesota Statutes 1988, section 176.541, subdivision 5, is amended to read:

Subd. 5. [EXPENSES OF CONDUCTING DEFENSE.] *The expenses of conducting a defense ~~shall~~ must be charged to the ~~department~~ ~~which~~ entity that employs the employee involved. These expenses ~~shall~~ must be paid from the state compensation revolving fund.*

Sec. 5. Minnesota Statutes 1988, section 176.541, subdivision 6, is amended to read:

Subd. 6. [LEGAL, PROFESSIONAL, AND CLERICAL HELP SERVICES.] *The commissioner of employee relations may employ ~~such~~ legal,*

*professional, and clerical help services as authorized by the department of administration finance. The salaries cost of these persons shall the services must be paid from the state compensation revolving fund; but shall be apportioned among the several departments of the state in relation to the amount of compensation paid to employees of any department as against the total amount of compensation paid to employees of all departments.*

Sec. 6. Minnesota Statutes 1988, section 176.551, subdivision 1, is amended to read:

Subdivision 1. [~~HEADS OF STATE DEPARTMENTS EMPLOYING ENTITIES TO REPORT ACCIDENTS TO EMPLOYEES.~~] Except as provided in subdivision 2, the head of a ~~department of the state~~ *employing entity, including the University of Minnesota and other entities whose workers' compensation liability is paid from the state revolving fund, shall report each accident which that occurs to an employee as and in the manner required by this chapter.*

Sec. 7. Minnesota Statutes 1988, section 176.571, is amended to read:

176.571 [INVESTIGATIONS OF INJURIES TO STATE EMPLOYEES.]

Subdivision 1. [PRELIMINARY INVESTIGATION.] When the head of a ~~department~~ *an employing state entity* has filed a report or the commissioner of employee relations has otherwise received information of the occurrence of an injury to a state employee for which liability to pay compensation may exist, the commissioner of employee relations shall make a preliminary investigation to determine the question of probable liability.

In making this investigation, the commissioner of employee relations may require the assistance of the head of any ~~department~~ *entity* or any employee of the state. The commissioner of employee relations may require that all facts be furnished ~~which that~~ appear in the records of any state ~~department~~ *entity* bearing on the issue.

Subd. 2. [DETERMINATION BY DEPARTMENT.] When the commissioner of the department of employee relations has completed an investigation, the commissioner shall inform the claimant; ~~and the head of the employing department, and the commissioner of finance~~ *entity* in writing of the action taken.

Sec. 8. Minnesota Statutes 1988, section 176.581, is amended to read:

176.581 [PAYMENT TO STATE EMPLOYEES.]

Upon a warrant ~~prepared~~ *approved* by the commissioner of the department of employee relations and ~~approved~~ *prepared* by the commissioner of finance, ~~and in accordance with the terms of the order awarding compensation,~~ the state treasurer shall pay compensation to the employee or the employee's dependent. These payments ~~shall~~ *must* be made from money appropriated for this purpose.

Sec. 9. Minnesota Statutes 1988, section 176.591, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] To facilitate the discharge by the state of its obligations under this chapter, ~~there is established a revolving fund to be known as~~ *the state compensation revolving fund is maintained in the state treasury.*



This fund ~~is comprised of~~ *comprises* the unexpended balance in the fund on July 1, 1935, and the sums ~~which the several departments employing entities of the state pay to the fund.~~

Sec. 10. Minnesota Statutes 1988, section 176.591, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION PAYMENTS UPON WARRANTS.] The state treasurer shall make compensation payments from the fund only as authorized by this chapter upon warrants ~~of~~ *approved by* the commissioner of the department of employee relations.

Sec. 11. Minnesota Statutes 1988, section 176.603, is amended to read:

176.603 [COST OF ADMINISTERING CHAPTER, PAYMENT.]

The annual cost to the commissioner of the department of employee relations of administering this chapter in relation to state employees and the necessary expenses ~~which that~~ the department of employee relations or the attorney general incurs in *containing costs or in* investigating, administering, and defending a claim against the state for compensation ~~shall~~ *must* be paid from the state compensation revolving fund.

Sec. 12. Minnesota Statutes 1988, section 176.611, subdivision 2, is amended to read:

Subd. 2. [STATE DEPARTMENTS.] ~~Every department~~ *An employing entity* of the state, including the University of Minnesota, shall reimburse the fund for money paid for its claims, *an occupational preventive health and safety program under section 15.46,* and the costs of administering the revolving fund at ~~such whatever~~ times and in ~~such whatever~~ amounts as the commissioner of employee relations ~~shall certify~~ *certifies* has been paid out of the fund ~~on its behalf~~. The heads of the ~~departments~~ *entities* shall anticipate these payments by including them in their budgets. In addition, the commissioner of employee relations, with the approval of the commissioner of finance, may require an ~~agency~~ *entity* to make advance payments to the fund sufficient to cover the ~~agency's~~ *entity's* estimated obligation for a period of at least 60 days. Reimbursements and other money received by the commissioner of employee relations under this subdivision must be credited to the state compensation revolving fund.

Sec. 13. [REPEALER.]

*Minnesota Statutes 1988, section 176.541, subdivision 7, is repealed.*

## ARTICLE 5

### MISCELLANEOUS

Section 1. Minnesota Statutes 1988, section 176.011, subdivision 11a, is amended to read:

Subd. 11a. [FAMILY FARM.] "Family farm" means any farm operation which (1) pays or is obligated to pay less than ~~\$8,000~~ *\$20,000* in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year, and (2) *has total liability and medical payment coverage equal to \$250,000 and \$5,000, respectively, under a farm liability insurance policy.* For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 2, or any spouse,

parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter; provided that a commercial baler or commercial thresher shall be considered an independent contractor.

Sec. 2. Minnesota Statutes 1988, section 176.011, subdivision 16, is amended to read:

Subd. 16. [PERSONAL INJURY.] (a) "Personal injury" means injury arising out of and in the course of employment and includes personal injury caused by occupational disease; but does not cover an employee except while engaged in, on, or about the premises where the employee's services require the employee's presence as a part of such service at the time of the injury and during the hours of such service.

(b) Where the employer regularly furnished transportation to employees to and from the place of employment such employees are subject to this chapter while being so transported, but shall not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment.

(c) *Exposure to rabies arising out of and in the course of employment is a personal injury under this subdivision for purposes of section 176.135.*

Sec. 3. Minnesota Statutes 1988, section 176.135, subdivision 1, is amended to read:

Subdivision 1. [MEDICAL, CHIROPRACTIC, PODIATRIC, SURGICAL, HOSPITAL.] (a) The employer shall furnish any medical, chiropractic, podiatric, surgical and hospital treatment, including nursing, medicines, medical, chiropractic, podiatric, and surgical supplies, crutches and apparatus, including artificial members, or, at the option of the employee, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, chiropractic medicine and medical supplies, as may reasonably be required at the time of the injury and any time thereafter to cure and relieve from the effects of the injury. This treatment shall include treatments necessary to physical rehabilitation.

(b) The employer shall furnish replacement or repair for artificial members, glasses, or spectacles, artificial eyes, podiatric orthotics, dental bridge work, dentures or artificial teeth, hearing aids, canes, crutches, or wheel chairs damaged by reason of an injury arising out of and in the course of the employment.

(c) *The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability.*

(d) *The employer shall furnish preventive treatment to employees exposed to rabies arising out of and in the course of employment.*

(e) In case of the employer's inability or refusal seasonably to do so the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing the same, including costs of copies of any medical records or medical reports that are in existence, obtained from health care providers, and that directly relate to the items for which payment is sought under this chapter, limited to the charges allowed by subdivision 7, and

attorney fees incurred by the employee. No action to recover the cost of copies may be brought until the commissioner adopts a schedule of reasonable charges under subdivision 7. Attorney's fees shall be determined on an hourly basis according to the criteria in section 176.081, subdivision 5. ~~The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability.~~

~~(b) (f)~~ Both the commissioner and the compensation judges have authority to make determinations under this section in accordance with sections 176.106 and 176.305.

Sec. 4. Minnesota Statutes 1988, section 176.136, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE.] The commissioner shall by rule establish procedures for determining whether or not the charge for a health service is excessive. In order to accomplish this purpose, the commissioner shall consult with insurers, associations and organizations representing the medical and other providers of treatment services and other appropriate groups. The procedures established by the commissioner shall limit the charges allowable for medical, chiropractic, podiatric, surgical, hospital and other health care provider treatment or services, as defined and compensable under section 176.135, ~~to the 75th percentile of usual and customary fees or charges~~ based upon billings for each class of health care provider during all of the calendar year preceding the year in which the determination is made of the amount to be paid the health care provider for the billing. The procedures established by the commissioner for determining whether or not the charge for a health service is excessive shall be structured to encourage providers to develop and deliver services for rehabilitation of injured workers. The procedures shall incorporate the provisions of sections 144.701, 144.702, and 144.703 to the extent that the commissioner finds that these provisions effectively accomplish the intent of this section or are otherwise necessary to insure that quality hospital care is available to injured employees.

Sec. 5. Minnesota Statutes 1988, section 176.136, subdivision 5, is amended to read:

Subd. 5. [PERMANENT RULES.] Where permanent rules have been adopted to implement this section, the commissioner shall annually give notice in the State Register of the ~~75th percentile reimbursement allowance~~ to meet the requirements of subdivision 1. The notice shall be in lieu of the requirements of chapter 14 ~~if the 75th percentile for the service meets and shall be set at the 75th percentile of the billings for each service in the data base; provided that~~ the requirements of paragraphs (a) to (e) are met.

(a) The data base includes at least three different providers of the service.

(b) The data base contains at least 20 billings for the service.

~~(c) The standard deviation as a percentage of the mean of billings for the service is 50 percent or less. The data are taken from the data base of Blue Cross and Blue Shield of Minnesota where available; if not available from Blue Cross and Blue Shield of Minnesota, the data will be taken directly from the health care providers, professional associations, or other available sources.~~

~~(d) The means of the Blue Cross and Blue Shield data base and of the department of human services data base for the service are within 20 percent~~

~~of each other~~ *The standard deviation is less than or equal to 50 percent of the mean of the billings for each service in the data base or the value of the 75th percentile is not greater than or equal to three times the value of the 25th percentile of the billings for each service in the data base.*

~~(e) The data is taken from the data base of Blue Cross and Blue Shield or the department of human services~~ *The 75th percentile logically reflects the usual and customary charges for the service.*

*If the commissioner identifies a problem with the data for a particular service such that the 75th percentile does not logically reflect the usual and customary charges for that service, the commissioner may, upon consultation with the medical services review board, set the reimbursement fee.*

Sec. 6. Minnesota Statutes 1988, section 176.155, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYER'S PHYSICIAN.] The injured employee must submit to examination by the employer's physician, if requested by the employer, and at reasonable times thereafter upon the employer's request. *The examination must be scheduled at a location within 150 miles of the employee's residence unless the employer can show cause to the department or a compensation judge to order an examination at a location further from the petitioner's residence.* The employee is entitled upon request to have a personal physician present at any such examination. Each party shall defray the cost of that party's physician. Any report or written statement made by the employer's physician as a result of an examination of the employee, regardless of whether the examination preceded the injury or was made subsequent to the injury, shall be made available, upon request and without charge, to the injured employee or representative of the employee. The employer shall pay reasonable travel expenses, *in advance if requested*, incurred by the employee in attending the examination including mileage, parking, and, if necessary, lodging and meals. The employer shall also pay the employee for any lost wages resulting from attendance at the examination. A self-insured employer or insurer who is served with a claim petition pursuant to section 176.271, subdivision 1, or 176.291, shall schedule any necessary examinations of the employee, if an examination by the employer's physician or health care provider is necessary to evaluate benefits claimed. The examination shall be completed and the report of the examination shall be served on the employee and filed with the commissioner within 120 days of service of the claim petition.

No evidence relating to the examination or report shall be received or considered by the commissioner, a compensation judge, or the court of appeals in determining any issues unless the report has been served and filed as required by this section, unless a written extension has been granted by the commissioner or compensation judge. The commissioner or a compensation judge shall extend the time for completing the adverse examination and filing the report upon good cause shown. The extension must not be for the purpose of delay and the insurer must make a good faith effort to comply with this subdivision. Good cause shall include but is not limited to:

(1) that the extension is necessary because of the limited number of physicians or health care providers available with expertise in the particular injury or disease, or that the extension is necessary due to the complexity of the medical issues, or

(2) that the extension is necessary to gather addition information which was not included on the petition as required by section 176.291.”

Delete the title and insert:

“A bill for an act relating to workers’ compensation; regulating insurance coverage and rates for truckers; establishing a rehabilitation pilot project for injured truckers; regulating the logging industry; regulating state claims; making miscellaneous changes; appropriating money; amending Minnesota Statutes 1988, sections 79.251, subdivision 3; 79.252, by adding a subdivision; 79.60, subdivision 2; 79.61, subdivision 1; 176.011, subdivisions 11a and 16; 176.041, subdivision 1; 176.102, by adding a subdivision; 176.135, subdivision 1; 176.136, subdivisions 1 and 5; 176.155, subdivision 1; 176.541, subdivisions 1, 2, 3, 5, and 6; 176.551, subdivision 1; 176.571; 176.581; 176.591, subdivisions 1 and 3; 176.603; 176.611, subdivision 2; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1988, section 176.541, subdivision 7.”

And when so amended the bill do pass. Mr. Knaak questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1285: A bill for an act relating to livestock; providing funds for the Minnesota extension service to match other money to establish a position in the college of veterinary medicine for an expert on small ruminants; appropriating money.

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

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

S.F. No. 1026: A bill for an act relating to natural resources; promoting Minnesota horticultural peat; appropriating money.

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

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

S.F. No. 752: A bill for an act relating to agriculture; appropriating money to discharge mandated grain inspection costs at Duluth; proposing coding for new law in Minnesota Statutes, chapter 17B.

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

Page 1, line 10, after “inspection” insert “of bagged grain”

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. 662: A bill for an act relating to public safety; authorizing fire department access to criminal history data; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Delete everything after the enacting clause and insert:

**“Section 1. [299F035] [FIRE DEPARTMENT ACCESS TO AND USE OF CRIMINAL HISTORY DATA.]**

*Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.*

*(b) “Criminal history data” has the meaning given in section 13.87.*

*(c) “Criminal justice agency” has the meaning given in section 299C.46, subdivision 2.*

*(d) “Fire department” has the meaning given in section 299F.092, subdivision 6.*

*(e) “Private data” has the meaning given in section 13.02, subdivision 12.*

*Subd. 2. [ACCESS TO DATA.] The superintendent of the bureau of criminal apprehension, in consultation with the state fire marshal, shall develop and implement a plan for fire departments to have access to criminal history data. The plan must include:*

*(1) security procedures to prevent unauthorized use or disclosure of private data; and*

*(2) a procedure for the hiring authority in each fire protection agency to fingerprint job applicants, submit requests to the bureau of criminal apprehension, and obtain state and federal criminal history data reports for a nominal fee.*

*Subd. 3. [RELATION OF CONVICTION TO FIRE PROTECTION.] Criminal history data may be used in assessing fire protection agency job applicants only if the criminal history data are directly related to the position of employment sought.*

*Subd. 4. [DETERMINATION OF RELATIONSHIP.] In determining if criminal history data are directly related to the position of employment sought, the hiring authority may consider:*

*(1) the nature and seriousness of the criminal history data on the job applicant;*

*(2) the relationship of the criminal history data to the purposes of regulating the position of employment sought; and*

*(3) the relationship of the criminal history data to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment sought.*

Sec. 2. Minnesota Statutes 1988, section 364.09, is amended to read:  
364.09 [EXCEPTIONS.]

This chapter shall not apply to the practice of law enforcement, to fire

*protection agencies*, to eligibility for a family day care license, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements. Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 3. Minnesota Statutes 1988, section 626.52, subdivision 3, is amended to read:

Subd. 3. [REPORTING BURNS.] A health professional shall ~~immediately~~ file a written report with the state fire marshal within 72 hours after being notified of a burn injury or wound that the professional is called upon to treat, dress, or bandage, if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. ~~The health professional shall make the initial report by telephoning the burn hotline in order to allow the proper law enforcement or other investigatory authority to be notified. Within 72 hours, the professional shall also file a written report with The state fire marshal; on a shall provide the form provided by the fire marshal for the report.~~

Delete the title and insert:

"A bill for an act relating to public safety; authorizing fire department access to criminal history data; limiting use of criminal history data in assessing fire protection agency job applicants; exempting fire protection agencies from requirements relating to public employment of rehabilitated criminal offenders; eliminating the requirement that certain burn injuries must be reported by telephone; amending Minnesota Statutes 1988, sections 364.09; and 626.52, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299F"

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. 854: A bill for an act relating to the collection and dissemination of data; providing access to private and confidential data related to delinquent acts for law enforcement purposes; amending Minnesota Statutes 1988, sections 13.84, subdivision 5a; and 260.161, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 13.84, subdivision 5a, is amended to read:

Subd. 5a. [PUBLIC BENEFIT DATA.] The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to: (1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; ~~or~~; and (2) criminal acts or delinquent acts to the ~~victim~~ victims

of a criminal ~~act where~~ or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution. *In the case of delinquent acts, the data that may be released include only the juvenile's name, address, and place of employment and may be released only by the juvenile court upon a showing of cause.*

Sec. 2. Minnesota Statutes 1988, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, and except for legal records arising from proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 611A.03, 611A.04, and 611A.06. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. *Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84.* This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

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

Amend the title as follows:

Page 1, line 4, delete "law enforcement"

Page 1, line 5, before the semicolon, insert "of victim restitution"

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. 412: A bill for an act relating to crimes; increasing penalties for certain crimes when committed because of the victim's race, color, religion, sex, sexual orientation, disability, or national origin; increasing penalties for using the mail or making telephone calls and falsely impersonating another for the purpose of harassing, abusing, or threatening another person; amending Minnesota Statutes 1988, sections 609.2231, by adding a subdivision; 609.595, subdivisions 2, 3, and by adding a subdivision; 609.605, by adding a subdivision; 609.746, by adding a subdivision; 609.79,



by adding a subdivision; and 609.795.

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

Page 1, line 18, after "*victim's*" insert "*or another's actual or perceived*"

Page 1, line 20, after the comma, insert "*age,*"

Page 1, line 23, delete everything after "*Whoever*"

Page 1, delete lines 24 to 29

Page 2, delete line 1

Page 2, line 2, delete the paragraph coding and delete "(2)"

Page 2, line 3, before the period, insert "*is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than \$3,000, or both*"

Page 2, line 9, after "*another's*" insert "*actual or perceived*"

Page 2, line 10, after the comma, insert "*age,*"

Page 2, line 24, strike "SECOND" and insert "THIRD"

Page 2, line 34, after "*another's*" insert "*actual or perceived*"

Page 2, line 35, after the second comma, insert "*age,*"

Page 3, line 22, after "*owner's*" insert "*or another's actual or perceived*"

Page 3, line 23, after the comma, insert "*age,*"

Page 3, line 30, after "*victim's*" insert "*or another's actual or perceived*"

Page 3, line 31, after the second comma, insert "*age,*"

Page 4, line 3, after "*victim's*" insert "*or another's actual or perceived*"

Page 4, line 5, after the comma, insert "*age,*"

Page 4, line 30, after "*victim's*" insert "*or another's actual or perceived*"

Page 4, line 32, after the comma, insert "*age,*"

Amend the title as follows:

Page 1, line 3, after "*victim's*" insert "*or another's actual or perceived*"

Page 1, line 4, after "*disability,*" insert "*age,*"

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

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

S.F. No. 1227: A bill for an act relating to commerce; providing for the regulation of real estate closing agents; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivisions 7, 9, and 10; 82.18; 82.19, subdivisions 1, 2, 3, and 4; 82.20, subdivisions 1, 2, 3, 4, 5, 8, and 12; 82.21, subdivision 1; 82.22, subdivisions 1, 5, 6, 10, and 11; 82.23, subdivisions 2 and 3; 82.24, subdivisions 1, 2, 3, 4, 5, 6, and 7; 82.27, subdivisions 1 and 2; 82.30, subdivision 1; 82.31, subdivision 1; 82.33, subdivision 1; 82.34, subdivisions 3, 4, 6, 7, 13, and 14; and 609.52, by adding a subdivision; proposing coding for new

law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1988, section 82.34, subdivision 12.

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

Page 6, lines 10 and 12, delete the new language

Page 6, line 13, delete "or closing agent"

Page 6, after line 13, insert:

*"(d) Each application for a real estate closing agent license shall give the applicant's name, age, residence address, and the name and place of business of the closing agent;"*

Page 6, line 14, strike "(d)" and insert "(e)"

Pages 6 and 7, delete section 12

Page 7, lines 25, 28, 29, and 30, delete the new language

Page 8, after line 22, insert:

"Sec. 15. Minnesota Statutes 1988, section 82.20, is amended by adding a subdivision to read:

*Subd. 15. [EXEMPTION.] The following closing agents are exempt from the requirements of sections 82.19 and 82.24 unless otherwise required in this section or chapter:*

*(1) a direct employee of a title company, or a person who has an agency agreement with a title company in which the agent agrees to perform closing services on the title company's behalf and the title company assumes responsibility for the actions of the agent as if the agent were a direct employee of the title company;*

*(2) a licensed attorney;*

*(3) a licensed real estate broker or salesperson;*

*(4) a direct employee of a licensed real estate broker if the broker maintains all funds received in connection with the closing services in the broker's trust account; and*

*(5) any bank, trust company, savings and loan association, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of businesses within the scope of its corporate powers as provided by law."*

Page 14, delete section 30

Page 18, lines 33 and 35, delete "\$250,000" and insert "\$150,000"

Page 18, line 36, after the comma, insert "per transaction."

Page 19, line 3, after the period, insert "For purposes of this section persons who are joint tenants or tenants in common are deemed to be a single claimant."

Page 21, delete sections 42 and 43 and insert:

"Sec. 41. Minnesota Statutes 1988, section 507.45, subdivision 2, is amended to read:

Subd. 2. No charge, except a charge required to be disclosed by Regulation Z X, Code of Federal Regulations, title 42 24, section 226 3500, may be made by a closing agent unless the party to be charged is informed of the charge in writing at least five business days before the closing by the party charging for the closing services."

Page 22, delete section 45

Page 22, line 13, delete "36 to 41 and 46" and insert "35 to 40 and 43"

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 7, delete "4," and delete "and" and after "12" insert ", and by adding a subdivision"

Page 1, line 10, before "6" insert "and" and delete ", and 7"

Page 1, line 13, delete everything after "and" and insert "507.45, subdivision 2;"

Page 1, delete line 14

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1200: A bill for an act relating to traffic regulations; defining terms; subjecting driver of commercial motor vehicle to stricter federal standard on alcohol-related driving; providing for and regulating category of commercial driver's license and commercial motor vehicle drivers; authorizing Minnesota to join driver license compact; allowing exchange of driver license information with other states; promoting consolidated, complete driver record; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 168.011, subdivision 9; 169.01, subdivision 50, and by adding a subdivision; 169.123, subdivisions 2, 4, 5, 5a, 5b, 5c, and 6; 171.01, subdivision 19, and by adding subdivisions; 171.02, subdivision 2; 171.03; 171.04; 171.06, subdivisions 2 and 3; 171.07, by adding a subdivision; 171.10, subdivision 2; 171.12, subdivision 2; 171.13, subdivision 5; 171.14; 171.16, subdivision 1; 171.18; 171.19; 171.20; 171.22, subdivision 1; 171.24; and 171.30, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 169 and 171.

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 168.011, subdivision 9, is amended to read:

Subd. 9. [BUS; INTERCITY BUS.] (a) "Bus" means every motor vehicle designed for carrying more than ~~ten~~ 15 passengers *including the driver* and used for transporting persons; ~~and every motor vehicle, other than a taxicab, designed and used for transporting persons for compensation.~~

~~The term "bus" does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.~~

(b) "Intercity bus" means any bus operating as a common passenger carrier over regular routes and between fixed termini, but excluding all buses operating wholly within the limits of one city, or wholly within two or more contiguous cities, or between contiguous cities and a terminus outside the corporate limits of such cities, and not more than 20 miles distant measured along the fixed route from such corporate limits.

Sec. 2. Minnesota Statutes 1988, section 169.01, subdivision 50, is amended to read:

Subd. 50. [BUS.] "Bus" means every motor vehicle designed for carrying more than ~~ten~~ 15 passengers *including the driver* and used for the transportation of persons; ~~and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.~~

~~The term "bus" does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.~~

Sec. 3. Minnesota Statutes 1988, section 169.01, is amended by adding a subdivision to read:

Subd. 74. [COMMERCIAL MOTOR VEHICLE.] "*Commercial motor vehicle*" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of 26,001 or more pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds;
- (3) is designed to carry more than 15 passengers, including the driver; or
- (4) is of any size and is used in the transportation of hazardous materials defined in section 221.033.

Sec. 4. [169.1211] [ALCOHOL-RELATED DRIVING BY COMMERCIAL VEHICLE DRIVERS.]

Subdivision 1. [CRIME.] *It is a misdemeanor for any person to drive, operate, or be in physical control of any commercial motor vehicle within this state or upon the ice of any boundary water of this state:*

- (1) *when the person's alcohol concentration is 0.04 or more; or*
- (2) *when the person's alcohol concentration as measured within two hours of the time of driving is 0.04 or more.*

Subd. 2. [ARREST.] *A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.*

*When a peace officer has probable cause to believe that a person is driving or operating a commercial motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace*

*officer under this section and sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in the regular line of duty as fully as though within the officer's jurisdiction.*

*The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.*

*Subd. 3. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a commercial motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.*

*If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (2), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a commercial motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.04. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.*

*The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).*

*Subd. 4. [CRIMINAL PENALTY.] A person who violates this section or an ordinance in conformity with it is guilty of a misdemeanor.*

*Subd. 5. [ADMINISTRATIVE PENALTY.] The commissioner of public safety shall disqualify a person from operating a commercial motor vehicle under section 28, on receipt of a record of conviction for a violation of this section or an ordinance in conformity with it.*

**Sec. 5. [169.1215] [OUT-OF-SERVICE ORDERS.]**

*A person driving, operating, or in physical control of a commercial motor vehicle with an alcohol concentration of more than 0.00 is prohibited from operating a commercial motor vehicle for 24 hours.*

**Sec. 6. Minnesota Statutes 1988, section 169.123, subdivision 1, is amended to read:**

**Subdivision 1. [PEACE OFFICER DEFINED.]** For purposes of this section ~~and~~, section 169.121, ~~and~~ section 4, the term peace officer means a state patrol officer, university of Minnesota peace officer, a constable as defined in section 367.40, subdivision 3, or police officer of any municipality, including towns having powers under section 368.01, or county.

**Sec. 7. Minnesota Statutes 1988, section 169.123, subdivision 2, is amended to read:**

**Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.]** (a) Any person who drives, operates, or is in physical

control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section 169.121, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; ~~or~~

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; ~~or~~

(3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or

(4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

*The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with an alcohol concentration of more than 0.00.*

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance *or, if the motor vehicle was a commercial motor vehicle, to take a test to determine if the person has an alcohol concentration of more than 0.00;*

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for a period of one year or until the person reaches the age of 18 years, whichever is greater *and, if the vehicle was a commercial motor vehicle, the person will be disqualified from operating a commercial motor vehicle for a minimum period of one year;*

(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater *and, if the vehicle was a commercial motor vehicle, and the results indicate an alcohol concentration of more than 0.00 and less than 0.04, the person will be prohibited from operating a commercial motor vehicle for 24 hours, or if the results indicate an alcohol concentration of 0.04 or more, the person will be subject to criminal penalties and will be disqualified from operating a commercial motor vehicle for a minimum period of one year;*

(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by someone of the person's own choosing; and

(5) that if the person refuses to take a test, the refusal will be offered into evidence against the person at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 8. Minnesota Statutes 1988, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL; REVOCATION OF LICENSE.] If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence. If a person submits to a test and the test results indicate an alcohol concentration of 0.10 or more, *or if a person was driving, operating, or in physical control of a commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 or more*, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year. *Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with an alcohol concentration of more than 0.00 and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year.* If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of 90 days or, if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater. *On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with an alcohol concentration of more than 0.00 and that the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 28.*

If the person is a resident without a license or permit to operate a motor

vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 9. Minnesota Statutes 1988, section 169.123, subdivision 5, is amended to read:

Subd. 5. [NOTICE OF REVOCATION, *DISQUALIFICATION*, OR DETERMINATION TO DENY; REQUEST FOR HEARING.] A revocation under subdivision 4 *or a disqualification under section 28*, becomes effective at the time the commissioner of public safety or a peace officer acting on behalf of the commissioner of public safety notifies the person of the intention to revoke, *disqualify, or both*, and of revocation *or disqualification*. The notice shall advise the person of the right to obtain administrative and judicial review as provided in this section. If mailed, the notice and order of revocation *or disqualification* is deemed received three days after mailing to the last known address of the person.

Sec. 10. Minnesota Statutes 1988, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION OR *DISQUALIFICATION*.] On behalf of the commissioner of public safety a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of 0.10 or more. *On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more.* The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for seven days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 11. Minnesota Statutes 1988, section 169.123, subdivision 5b, is amended to read:

Subd. 5b. [ADMINISTRATIVE REVIEW.] At any time during a period of revocation imposed under this section *or a period of disqualification imposed under section 28*, a person may request in writing a review of the order of revocation *or disqualification* by the commissioner of public safety. Upon receiving a request the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request the commissioner shall report in writing the results of the review. The review provided in this subdivision is not subject to the contested case provisions of the administrative procedure act in sections 14.01 to 14.69.

The availability of administrative review for an order of revocation has no effect upon the availability of judicial review under this section.

Review under this subdivision shall take place, if possible, at the same



time as any administrative review of the person's impoundment order under section 168.041, subdivision 4a.

Sec. 12. Minnesota Statutes 1988, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] Within 30 days following receipt of a notice and order of revocation *or disqualification* pursuant to this section, a person may petition the court for review. The petition shall be filed with the *district* court administrator ~~of county or municipal court~~ in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the *full* name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, date of the offense, and a copy of the notice of revocation *or disqualification*. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, *disqualification*, or denial *and state the facts underlying each claim asserted*.

The filing of the petition shall not stay the revocation, *disqualification*, or denial. The reviewing court may order a stay of the balance of the revocation *or disqualification* if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure.

Sec. 13. Minnesota Statutes 1988, section 169.123, subdivision 6, is amended to read:

Subd. 6. [HEARING.] A hearing under this section shall be before a municipal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

(1) whether the peace officer had probable cause to believe the person was driving, operating, or in physical control of (i) a motor vehicle while under the influence of alcohol or a controlled substance, *or (ii) a commercial motor vehicle with an alcohol concentration of more than 0.00*, and whether the person was lawfully placed under arrest for violation of section 169.121 *or section 4*, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death,

or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and

(2) whether at the time of the request for the test the peace officer informed the person of the person's rights and the consequences of taking or refusing the test as required by subdivision 2; and

(3) either (a) whether the person refused to permit the test, or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing, *or if a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle and the test results indicated an alcohol concentration of 0.04 or more at the time of testing;* ~~and~~ whether the testing method used was valid and reliable; and whether the test results were accurately evaluated.

It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order ~~either~~ that the revocation *or disqualification* be *either* rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation *or disqualification* is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for further action by the commissioner of public safety if the license or permit is not already in the commissioner's possession.

Sec. 14. Minnesota Statutes 1988, section 171.01, subdivision 19, is amended to read:

Subd. 19. [BUS.] "Bus" means every motor vehicle designed for carrying more than ~~ten~~ 15 passengers, *including the driver*, and used for the transportation of persons; ~~and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.~~

~~The term does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.~~

Sec. 15. Minnesota Statutes 1988, section 171.01, is amended by adding a subdivision to read:

Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "*Commercial motor vehicle*" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of 26,001 or more pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds;
- (3) is designed to carry more than 15 passengers, including the driver; or
- (4) is of any size and is used in the transportation of hazardous materials defined in section 221.033.

Sec. 16. Minnesota Statutes 1988, section 171.01, is amended by adding a subdivision to read:

*Subd. 23. [PASSENGER ENDORSEMENT.] "Passenger endorsement" means the driver's license endorsement required of a person who operates a vehicle designed to transport more than 15 passengers, including the driver.*

Sec. 17. Minnesota Statutes 1988, section 171.02, subdivision 2, is amended to read:

~~Subd. 2. [VOLUNTEER FIREFIGHTERS; TRUCKS AND EMERGENCY EQUIPMENT; MIDMOUNT AERIAL LADDER TRUCK; DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.]~~ Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle ~~or~~, school bus, ~~tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or vehicle designed to carry more than 15 passengers including the driver,~~ unless so endorsed. There shall be ~~three~~ four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner ~~or~~, (ii) an immediate family member ~~or of the owner,~~ (iii) an employee of the owner not primarily employed ~~for the purpose of operating to operate~~ the farm truck, ~~within 150 miles of the farm,~~ or (iv) an employee of the owner employed ~~for the purpose of operating the farm truck~~ during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the ~~place of production site or on farm storage site to any other location within 50 miles of the place of the production or on farm storage that site;~~

(2) fire trucks and emergency fire equipment, ~~regardless of the number of axles, and~~ whether or not in excess of 26,000 pounds GVW, ~~driven or~~ operated by volunteer firefighters while on duty, ~~and or a tiller operator in the rear position of a midmount aerial ladder truck;~~

(3) recreational equipment defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit two-axle vehicles ~~not in excess of 26,000 pounds GVW,~~ including vehicles with a temporary auxiliary axle as defined in section 169.67, subdivision 4, ~~but not including vehicles with a gross vehicle weight of 26,001 or more pounds, vehicles designed to carry more than 15 passengers including the driver, nor vehicles that carry hazardous materials.~~

The holder of a class C license may also tow trailers vehicles under 10,000 pounds GVW including house trailers. ~~Buses as defined under this chapter may not be driven by a holder of a class C license. A person employed as a tiller operator by a fire department may drive the rear portion of a midmount aerial ladder truck with a class C license.~~

(b) Class CC; valid for operating class C vehicles and, with a hazardous materials endorsement, for transporting hazardous materials in class C vehicles.

(c) Class B; valid for all vehicles in class C, *class CC*, and all other single unit vehicles including, *with a passenger endorsement*, buses.

~~(e)~~ (d) Class A; valid for any vehicle or combination thereof.

Sec. 18. Minnesota Statutes 1988, section 171.03, is amended to read:  
171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

(1) Any person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government;

(2) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway;

(3) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) *A nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;*

(5) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

~~(5)~~ (6) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) *Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States code, title 49, sections 521, 2304, and 2701 to 2716, by another state, only for a period of not more than 30 days after becoming a resident of this state; and*

~~(6)~~ (8) Any person operating a snowmobile, as defined in section 84.81.

Sec. 19. Minnesota Statutes 1988, section 171.04, is amended to read:  
171.04 [PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.]

*Subdivision 1.* [PERSONS NOT ELIGIBLE.] The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through

the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic; and

(10) To any person whose license has been canceled, during the period of cancellation.

*Subd. 2. [DISQUALIFIED OPERATORS OF COMMERCIAL VEHICLES.] During the period of disqualification, the department shall not issue a class CC, class B, or class A driver's license to the person who has been disqualified from operating a commercial motor vehicle.*

Sec. 20. Minnesota Statutes 1988, section 171.06, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver License	C-\$15 B- <del>\$22.50</del> CC-\$19
	A-\$30
	B-\$26 A-\$34

Classified Provisional D.L. C-\$9 B-\$15 A-\$10

Instruction Permit \$6

Duplicate Driver or Provisional License \$4.50

Minnesota identification card, except  
as otherwise provided in section 171.07,  
subdivisions 3 and 3a \$9

Sec. 21. Minnesota Statutes 1988, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application shall state the full name, date of birth, *social security number*, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 22. Minnesota Statutes 1988, section 171.07, is amended by adding a subdivision to read:

*Subd. 1b. [COMMERCIAL DRIVER'S LICENSE.] Each class CC, class B, or class A driver's license must be clearly marked "Minnesota Commercial Driver's License."*

Sec. 23. Minnesota Statutes 1988, section 171.10, subdivision 2, is

amended to read:

Subd. 2. Any person, after applying for or receiving a driver's license and prior to the expiration year of the license, who wishes to have a motorcycle ~~or~~, school bus, *tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials* vehicle endorsement added to the license, shall, after taking the necessary examination, apply for a duplicate license and make payment of the proper fee.

Sec. 24. Minnesota Statutes 1988, section 171.12, subdivision 2, is amended to read:

Subd. 2. [ACCIDENT REPORTS AND ABSTRACTS OF COURT RECORDS OF CONVICTION FILED.] The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this state and its political subdivisions, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and the revocation, suspension, or limitation of licenses. ~~No record shall be maintained of a conviction of any Minnesota resident for an offense committed while operating a vehicle as a chauffeur in any other state or Canadian province unless such state or province is one with which Minnesota engages in reciprocal reporting of convictions.~~

Sec. 25. Minnesota Statutes 1988, section 171.13, subdivision 5, is amended to read:

Subd. 5. [FEE FOR VEHICLE ENDORSEMENT.] Any person applying to secure a motorcycle ~~or~~, school bus, *tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials* vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

Sec. 26. Minnesota Statutes 1988, section 171.14, is amended to read:

171.14 [CANCELLATION.]

The commissioner shall have authority to cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof hereunder, or that the licensee failed to give the required or correct information in the application, or committed any fraud or deceit in making such application. The commissioner may also cancel the driver's license of any person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04. ~~Upon cancellation the licensee shall immediately surrender the license so canceled to the department.~~

Sec. 27. Minnesota Statutes 1988, section 171.16, subdivision 1, is amended to read:

Subdivision 1. [COURTS TO REPORT TO COMMISSIONER.] Every court having jurisdiction over offenses committed under any law of this state or ordinance of a political subdivision regulating the operation of motor vehicles, shall forward to the department, within ten days, a record of the conviction of any person in the court for a violation of any laws or ordinances, except parking violations and defective vehicle equipment or vehicle size or weight violations; ~~committed by a licensed chauffeur while~~

~~driving a vehicle for which a chauffeur's license is required.~~

**Sec. 28. [171.165] [COMMERCIAL DRIVER'S LICENSE, DISQUALIFICATION.]**

*Subdivision 1. [FIRST VIOLATION.] The commissioner shall disqualify a person from operating commercial motor vehicles for one year upon receiving a record of conviction for the first violation of:*

*(1) driving, operating, or being in physical control of a commercial motor vehicle in violation of section 169.121 or section 4;*

*(2) leaving the scene of an accident under section 169.09, subdivision 1 or 2, involving a commercial motor vehicle operated by the person;*

*(3) committing a felony, other than a felony described in subdivision 3, clause (3), in which a commercial motor vehicle was used; or*

*(4) committing an offense in another state which if committed in this state would be grounds for disqualification.*

*Subd. 2. [IMPLIED CONSENT REVOCATION.] The commissioner shall disqualify a person from operating commercial motor vehicles for one year from the effective date of a revocation under section 169.123, or a statute or ordinance from another state in conformity with it, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident on which the revocation is based.*

*Subd. 3. [GRAVE OR MULTIPLE OFFENSES.] The commissioner shall disqualify a person from operating commercial motor vehicles for:*

*(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous materials;*

*(2) not less than ten years, if the person is convicted more than once of an offense set forth in subdivision 1 or if the person's license is revoked more than once under section 169.123 or a statute or ordinance in conformity with it, or any combination of them; or*

*(3) life, if the person is convicted of a felony involving manufacturing, distributing, or dispensing a controlled substance or involving possession with intent to manufacture, distribute, or dispense a controlled substance, and the person is found to have used a commercial motor vehicle in the commission of the felony.*

*Subd. 4. [SERIOUS TRAFFIC VIOLATIONS.] On receiving a record of conviction, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations or 120 days if convicted of three serious traffic violations arising in separate incidents and committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic offense includes the following:*

*(1) excess speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit;*

*(2) reckless or careless driving under section 169.13;*

*(3) fleeing a peace officer under section 609.487; or*

*(4) violating a moving traffic statute or ordinance of any state, that is in conformity with a Minnesota statute, arising in connection with a fatal*



*accident.*

*Subd. 5. [RULES.] The commissioner shall adopt rules to administer this section.*

*Subd. 6. [SCOPE.] This section applies only to offenses committed or revocations imposed for incidents occurring on or after January 1, 1990.*

Sec. 29. Minnesota Statutes 1988, section 171.18, is amended to read:  
171.18 [SUSPENSION.]

The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or

(2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which the licensee was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or

(3) Is an habitually reckless or negligent driver of a motor vehicle; or

(4) Is an habitual violator of the traffic laws; or

(5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or

(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or

(8) Has committed a violation of section 171.22- ~~clause (4)~~; or

(9) Has failed to appear in court as provided in section 169.92, subdivision 4.

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon, and the licensee's written request shall afford the licensee an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year.

Sec. 30. Minnesota Statutes 1988, section 171.19, is amended to read:  
171.19 [PETITION FOR REINSTATEMENT OF LICENSES.]

Any person whose driver's license has been refused, revoked, suspended, or canceled, *or who has been disqualified from holding a commercial driver's license*, by the commissioner, except where the license is revoked under section 169.123, may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside and, in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty, to set the matter for hearing upon 15 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancellation, *disqualification*, or refusal of license, under the provisions of this chapter, and shall render judgment accordingly. The petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person, or by agents or representatives, and may present evidence upon the hearing by affidavit personally, by agents, or by representatives. The petitioner may present evidence by affidavit, except that the petitioner must be present in person at such hearing for the purpose of cross-examination. In the event the department shall be sustained in these proceedings, the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing.

Sec. 31. Minnesota Statutes 1988, section 171.20, is amended to read:  
171.20 [LICENSES MUST BE SURRENDERED.]

Subdivision 1. [DEMAND; ENFORCEMENT.] The commissioner, upon suspending ~~or~~, revoking, *or canceling* a license, shall require that all license certificates issued to the licensee shall be surrendered to and be retained by the department, ~~except that~~. *On disqualifying a person from holding a commercial driver's license, the commissioner shall require that the person's commercial driver's license certificate be surrendered to and kept by the department.* At the end of a period of suspension, *cancellation, or disqualification* the *retained* license certificate shall be returned to the licensee. Upon demand for surrender of a license by the commissioner, the licensee shall immediately forward the license certificates to the department. If any person fails to return to the commissioner the license as provided herein, the commissioner shall ~~forthwith~~ direct any peace officer to serve the order of suspension, *cancellation*, or revocation of the *appropriate* driver's license, *or the order of disqualification of a person from holding a commercial driver's license*, and direct such person to surrender that license. *The revocation, suspension, cancellation, or disqualification takes effect immediately on notification of the licensee, but credit must not be given toward the specified withdrawal period until the license certificate is surrendered.*

Subd. 2. [OPERATION AFTER REVOCATION ~~OR~~, SUSPENSION, CANCELLATION, OR DISQUALIFICATION.] (a) A resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or canceled, shall not operate a motor vehicle in this state under license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension, or after the revocation until Minnesota driving privileges are reinstated.

*(b) A resident or nonresident who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle in this state shall not operate a commercial motor vehicle in this state under license, permit, or registration certificate issued by any other jurisdiction or otherwise during the disqualification period until Minnesota commercial driving privileges are reinstated.*

Subd. 3. [DRIVER IMPROVEMENT CLINICS.] The commissioner may require, before reissuing a license which has been revoked or suspended, that the licensee complete a course of study at an approved driver improvement clinic. The commissioner may not require the licensee to complete such a course unless an approved driver improvement clinic is located within 35 miles of the licensee's residence. For purposes of this section "an approved driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner.

Subd. 4. [REINSTATEMENT FEE.] A person whose driver's license has been suspended under section 171.18 or 171.182 or who has been disqualified from holding a commercial driver's license under section 28 must pay a \$20 fee before the license is reinstated; ~~except that~~. A suspension may be rescinded without fee for good cause.

Sec. 32. Minnesota Statutes 1988, section 171.22, subdivision 1, is amended to read:

Subdivision 1. [ACTS.] *With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:*

(1) to display, ~~or~~ cause or permit to be displayed, or have in possession, any:

*(i) canceled, revoked, or suspended; driver's license;*

*(ii) driver's license for which the person has been disqualified; or*

*(iii) fictitious; or fraudulently altered driver's license;*

(2) to lend the person's driver's license to any other person or knowingly permit the use thereof by another;

(3) to display or represent as one's own any driver's license not issued to that person;

(4) to fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, ~~or~~ canceled, *or for which the holder has been disqualified;*

(5) to use a fictitious name or date of birth to any police officer or in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;

(6) to alter any driver's license, or to counterfeit or make any fictitious license;

(7) to take any part of the driver's license examination for another or to permit another to take the examination for that person; or

(8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer.

Sec. 33. Minnesota Statutes 1988, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING AFTER REVOCATION, SUSPENSION, ~~OR~~ CANCELLATION, *OR DISQUALIFICATION.*]

(a) Any person whose driver's license or driving privilege has been canceled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) *Any person who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle, who has been given notice of or reasonably should know of the disqualification, and who disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege, is guilty of a misdemeanor.*

Notice of revocation, suspension, ~~or~~ cancellation, *or disqualification* is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, ~~or~~ cancellation, *or disqualification* would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 34. Minnesota Statutes 1988, section 171.30, subdivision 3, is amended to read:

Subd. 3. The commissioner shall issue a limited license restricted to the vehicles whose operation is permitted only under a Class A ~~or~~, Class B, *or Class CC* license whenever a Class A ~~or~~, Class B, *or Class CC* license has been suspended under section 171.18, or revoked under section 171.17, for violation of the highway traffic regulation act committed in a private passenger motor vehicle. This subdivision shall not apply to any persons described in section 171.04, clauses (4), (5), (6), (8), ~~and~~ (9), *and (10).*

Sec. 35. [171.50] [DRIVER LICENSE COMPACT.]

*The driver license compact is enacted into law and entered into with all other jurisdictions legally joining in it, in the form substantially as follows:*

**DRIVER LICENSE COMPACT**

**ARTICLE I**

*Findings and Declaration of Policy*

(a) *The party states find that:*

(1) *The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.*

(2) *Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.*

(3) *The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.*

*(b) It is the policy of each of the party states to:*

*(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.*

*(2) Make the reciprocal recognition of licenses to drive and eligibility thereof more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.*

## ARTICLE II Definitions

*As used in this compact:*

*(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.*

*(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.*

*(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.*

## ARTICLE III Reports of Convictions

*The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.*

## ARTICLE IV Effect of Conviction

*(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:*

*(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;*

*(2) driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;*

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to article III, the licensing authority in the home state shall give such effect to the conduct as provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

#### ARTICLE V

##### *Applications for New Licenses*

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

#### ARTICLE VI

##### *Applicability of Other Laws*

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

#### ARTICLE VII

##### *Compact Administrator and Interchange of Information*

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

*(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.*

#### ARTICLE VIII

##### *Entry Into Force and Withdrawal*

*(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.*

*(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.*

#### ARTICLE IX

##### *Construction and Severability*

*This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.*

#### Sec. 36. [171.51] [DEFINITIONS.]

*Subdivision 1. [EXECUTIVE HEAD.] For purposes of sections 35 to 40, with reference to this state, the term "executive head" means the governor of Minnesota.*

*Subd. 2. [LICENSING AUTHORITY.] For purposes of sections 35 to 40, the term "licensing authority" with reference to this state, means the driver's license division of the Minnesota department of public safety.*

#### Sec. 37. [171.52] [TRANSFER OF INFORMATION.]

*The licensing authority shall furnish to the appropriate authorities of any other party state information or documents reasonably necessary to facilitate the administration of section 35, articles III, IV, and V.*

#### Sec. 38. [171.53] [COMPACT ADMINISTRATOR.]

*The compact administrator provided for in section 35, article VII, is not entitled to additional compensation on account of service as administrator, but is entitled to expenses incurred in connection with the duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of employment. The compact administrator shall represent this state or shall appoint a representative for this state in the driver license compact commission, and that commission has the authority to formulate procedures for exchanging information, as provided in section 35, article VII.*

**Sec. 39. [171.54] [REPORTING TO LICENSING AUTHORITY.]**

*A court or other agency or political subdivision of this state, that has jurisdiction to take action regarding the suspension, revocation, cancellation, or other limitation of a license to drive, shall promptly report the action and the circumstances upon which it is based to the licensing authority on forms furnished by the department.*

**Sec. 40. [171.55] [OUT-OF-STATE CONVICTIONS GIVEN EFFECT.]**

*The commissioner shall give the same effect for driver licensing purposes to conduct reported from a licensing authority or court in another state that the commissioner would give to conduct reported from a court or other agency of this state, whether or not the other state is a party to the driver license compact in section 35. The conduct to be given effect by the commissioner includes a report of conviction for an offense enumerated in section 35, article IV, or an offense described in sections 171.17 and 171.18.*

**Sec. 41. [171.56] [FILING OF BYLAWS AND AMENDMENTS.]**

*The driver license compact commission shall file a copy of its bylaws and amendments to the bylaws with the Minnesota secretary of state.*

**Sec. 42. [TRANSITION; TEMPORARY COMMERCIAL LICENSES.]**

*Temporary commercial driver's licenses shall be issued to an individual driver who possesses a good driving record as determined by the commissioner of public safety, but fails to pass the written commercial license examination before the expiration date of that driver's license, until the driver passes the written examination or March 31, 1992, whichever is earlier.*

**Sec. 43. [APPROPRIATION.]**

*\$ . . . . . is appropriated to the commissioner of public safety from the trunk highway fund for record keeping, implementation, and administration of sections 1 to 42, and is available until June 30, 1991.*

**Sec. 44. [EFFECTIVE DATE.]**

*Sections 1 to 16, 18 to 27, and 29 to 43 are effective January 1, 1990.*

*Section 17 is effective January 1, 1990, and is effective for an individual driver on the expiration date of that driver's license between January 1, 1990, and January 1, 1994. Section 17 is effective for all drivers after January 1, 1994.*

*Section 28, subdivisions 1, 2, 3, 4, and 6, are effective January 1, 1990, and apply to offenses committed or revocations imposed for incidents occurring on or after that date. Section 28, subdivision 5, is effective the day following final enactment."*

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

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

S.F. No. 548: A bill for an act relating to economic development; permitting state agencies and local jurisdictions to invest in a working capital fund; amending Minnesota Statutes 1988, section 137.31, by adding a



subdivision; proposing coding for new law in Minnesota Statutes, chapters 16B, 161, 471, and 473.

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

Delete everything after the enacting clause and insert:

“Section 1. [161.3212] [WORKING CAPITAL FUND.]

*The commissioner, to the extent allowed by other law or contract, may grant available money that has been appropriated for socially or economically disadvantaged business programs to a guaranty fund administered by a nonprofit organization that makes or guarantees working capital loans to businesses owned and operated by socially or economically disadvantaged persons as defined in Code of Federal Regulations, title 49, section 23.5. The purpose of loans made or guaranteed by the organization must be to provide short-term working capital to enable eligible businesses to be awarded contracts for goods and services or for construction related services from government agencies.*

Sec. 2. [473.1425] [WORKING CAPITAL FUND.]

*The metropolitan council or a metropolitan agency defined in section 473.121, subdivision 5a, to the extent allowed by other law or contract, may grant available money that has been appropriated for socially or economically disadvantaged business programs to a guaranty fund administered by a nonprofit organization that makes or guarantees working capital loans to businesses owned and operated by socially or economically disadvantaged persons as defined in Code of Federal Regulations, title 49, section 23.5. The purpose of loans made or guaranteed by the organization must be to provide short-term working capital to enable eligible businesses to be awarded contracts for goods and services or for construction related services from government agencies.*

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

“A bill for an act relating to economic development; permitting the department of transportation and metropolitan agencies to grant available money to a working capital fund; proposing coding for new law in Minnesota Statutes, chapters 161 and 473.”

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

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

S.F. No. 431: A bill for an act relating to public safety; regulating the operation and operators of elevators; imposing penalties; amending Minnesota Statutes 1988, sections 16B.70, subdivision 1; 183.351, by adding subdivisions; and 183.355; proposing coding for new law in Minnesota Statutes, chapter 183.

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

Page 1, line 19, strike "(a)" and insert "(1)"

Page 1, line 22, strike "(b)" and insert "(2)"

Page 1, line 25, strike "(c)" and insert "(3)"

Page 2, line 1, strike "(d)" and insert "(4)"

Page 2, line 3, strike "(e)" and insert "(5)"

Page 2, line 6, strike "(f)" and insert "(6)"

Page 2, line 8, strike "which" and insert "that"

Page 2, line 14, strike "their" and insert "its"

Page 3, line 10, delete "or" and insert a comma

Page 3, line 12, before the period, insert ", or elevators in owner-occupied buildings of no more than four living units"

Page 3, line 24, strike "any such" and insert "an"

Page 3, lines 26, 28, and 30, strike "such" and insert "the"

Page 3, line 27, strike the first "such" and insert "an" and strike the second "such" and insert "a"

Page 3, line 34, delete "shall" and insert "may"

Page 4, lines 2 and 7, delete "shall" and insert "may"

Page 4, lines 13 and 35, delete "shall" and insert "must"

Page 5, lines 3, 6, 16, and 19, delete "pursuant to" and insert "under"

Page 5, line 20, delete "prior to" and insert "before"

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

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

S.F. No. 1527: A bill for an act relating to economic development; clarifying the powers and duties of the Greater Minnesota Corporation; expanding auditing and reporting requirements; amending Minnesota Statutes 1988, sections 116O.02, by adding a subdivision; 116O.03, subdivision 1, and by adding a subdivision; 116O.04, by adding a subdivision; 116O.05; 116O.06, subdivisions 1 and 5; 116O.08, subdivision 2; 116O.12; 116O.14; and 116O.15.

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 116O.03, is amended by adding a subdivision to read:

*Subd. 11. [STATEMENTS OF ECONOMIC INTEREST.] Directors, officers, and employees of the corporation are public officials for the purpose of section 10A.09, and shall file statements of economic interest with the state ethical practices board.*

Sec. 2. Minnesota Statutes 1988, section 116O.04, is amended by adding

a subdivision to read:

*Subd. 4. [PERSONNEL POLICIES.] (a) The corporation shall adopt an affirmative action plan. The corporation is subject to the audit and reporting requirements under section 43A.191, subdivision 3.*

*(b) Employees of the corporation are subject to the prohibition of political activities under section 43A.32, subdivision 1.*

*(c) Employees of the corporation are subject to the code of ethics requirements under section 43A.38.*

Sec. 3. Minnesota Statutes 1988, section 116O.05, is amended to read:  
116O.05 [POWERS OF THE CORPORATION.]

*Subdivision 1. [LIMITATIONS.] The corporation is authorized to exercise only the powers specifically authorized in this chapter. The corporation shall not duplicate existing services or activities provided by other public and private organizations.*

*Subd. 2. [GENERAL CORPORATE POWERS.] (a) Except as otherwise provided in this article, The corporation has the powers granted to a business corporation by section 302A.161, subdivisions 3; 4; 5; 7; 8; 9; 11; 12; 13, except that the corporation may not act as a general partner in any partnership; 14; 15; 16; 17; 18; and 22.*

*(b) The state is not liable for the obligations of the corporation.*

*(c) Section 302A.041 applies to this article and the corporation in the same manner that it applies to business corporations established under chapter 302A. The state reserves the right to amend or repeal the provisions of this chapter. The greater Minnesota corporation is subject to this reserved right.*

*Subd. 3. [DUTIES.] The corporation shall:*

*(1) provide technology transfer and applied research and development assistance to businesses and organizations in the state that are primarily small and medium-sized businesses, including individuals, sole proprietorships, partnerships, corporations, other business entities, and non-profit organizations, in greater Minnesota; and*

*(2) provide or provide for research services, including on-site research and testing of production techniques and product quality.*

Sec. 4. Minnesota Statutes 1988, section 116O.06, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL ASSISTANCE; TYPES.] The corporation may provide financial assistance to *individuals, sole proprietorships, businesses partnerships, corporations, other business entities, or for-profit or nonprofit organizations* that have (1) received research assistance from a corporation research facility or as a result of a research grant under section 116O.09, subdivision 4, or 116O.011; or (2) received favorable review through a peer review process established under guidelines developed under section 116O.10, subdivision 2. Financial assistance includes, ~~but is not limited to,~~ loan guarantees or insurance, direct loans, and interest subsidy payments. The corporation may participate in loans by purchasing from a lender up to 50 percent of each loan.

Sec. 5. Minnesota Statutes 1988, section 116O.06, subdivision 5, is

amended to read:

Subd. 5. [PREFERENCE.] In providing financial assistance, the corporation must give preference to *individuals, sole proprietorships, businesses partnerships, corporations, other business entities*, or organizations that are starting or expanding their operations in greater Minnesota.

Sec. 6. Minnesota Statutes 1988, section 116O.08, is amended by adding a subdivision to read:

*Subd. 8. [MARKETING AND MANAGEMENT ASSISTANCE.] Marketing and business management assistance may be provided by the institute only if those services are not readily available from other technical assistance providers in the area.*

Sec. 7. Minnesota Statutes 1988, section 116O.12, is amended to read:

116O.12 [GREATER MINNESOTA FUND.]

(a) The Greater Minnesota fund is created in the state treasury. ~~The board may require the commissioner of finance to create separate accounts within the fund for use in accordance with the fund's purposes.~~ Money in the fund not needed for the immediate purposes of the corporation may be invested by the corporation in any way authorized by section 11A.24. Money in the fund is appropriated to the corporation to be used as provided in this chapter.

(b) The fund consists of:

- (1) money appropriated and transferred from other state funds;
- (2) fees and charges collected by the corporation;
- (3) income from investments and purchases;
- (4) revenue from loans, rentals, royalties, dividends, and other proceeds collected in connection with lawful corporate purposes;
- (5) gifts, donations, and bequests made to the corporation; and
- (6) through the first five full fiscal years, during which proceeds from the lottery are received, one-half of the net proceeds of the state-operated lottery must be credited to the greater Minnesota corporation fund. Thereafter, up to one-half, as determined by law each biennium, of the net proceeds from the state-operated lottery must be credited to the greater Minnesota corporation fund.

Sec. 8. Minnesota Statutes 1988, section 116O.14, is amended to read:

116O.14 [AUDITS.]

The corporation board shall contract with a certified public accounting firm to do a financial and compliance audit of the corporation and any subsidiary annually in accordance with generally accepted accounting standards. *The corporation must submit a copy of the audit to the chairs of the senate finance and economic development and housing committees, and the house of representatives appropriations and economic development committees.*

~~The books and records of the corporation and any subsidiary, fund, or entity to be administered or governed by the corporation are subject to audit without previous notice by the legislative auditor. The corporation is subject to the auditing requirements under sections 3.971 and 3.972.~~

Sec. 9. Minnesota Statutes 1988, section 116O.15, is amended to read:  
116O.15 [~~REPORTS~~ ANNUAL REPORT.]

The board shall *submit a report to the appropriate chairs of the senate economic development and housing and the house of representatives economic development committees of the legislature and the governor on the activities of the corporation by January February 1 of each year. The report must include, at least, a description of projects supported by the corporation, an account of all grants made by the corporation during the calendar year, the source and amount of all money collected and distributed by the corporation, the corporation's assets and liabilities, an explanation of administrative expenses, and any amendments to the operational plan. the following:*

*(1) a description of each of the programs that the corporation has provided or undertaken during the previous year. The description of each program must describe (i) the statement of purpose for the program, (ii) the administration of the program including the activities the corporation was responsible for and the responsibilities that other organizations had in administering the program, (iii) the results of the program including how the results were measured, (iv) the expenses of the program paid by the corporation, and (v) the source of corporate and noncorporate funding for the program;*

*(2) an identification of the sources of funding in the previous year for the corporation including federal, state and local government, foundations, gifts, donations, fees, and all other sources;*

*(3) a description of the distribution of all money spent by the corporation in the previous year including an identification of the total expenditures, other than corporate administrative expenditures;*

*(4) a description of the administrative expenses of the corporation during the previous year;*

*(5) the assets and liabilities of the corporation at the end of the previous fiscal year;*

*(6) a description of each grant awarded by the corporation during the previous year;*

*(7) a description of changes made to the operational plan during the previous year; and*

*(8) a description of any newly adopted or significant changes to bylaws, programmatic or administrative guidelines, policies, rules, or eligibility criteria for programs created or administered by the corporation during the previous year.*

Reports must be made to the legislature as required by section 3.195."

Delete the title and insert:

"A bill for an act relating to economic development; clarifying the powers and duties of the Greater Minnesota Corporation; expanding auditing and reporting requirements; amending Minnesota Statutes 1988, sections 116O.03, by adding a subdivision; 116O.04, by adding a subdivision; 116O.05; 116O.06, subdivisions 1 and 5; 116O.08, by adding a subdivision; 116O.12; 116O.14; and 116O.15."

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

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

S.F. No. 320: A bill for an act relating to crimes; criminal sexual conduct; providing intensive sex offender treatment programs within the correctional system; providing for specialized probation and corrections agents to supervise released sex offenders; requiring the collection of data on the treatment and recidivism rates of convicted sex offenders; extending the jurisdiction of the juvenile court over sex offenders until their 21st birthday; providing a centralized reporting system for juvenile felony offenders; requiring the bureau of criminal apprehension to develop uniform procedures for the collection and analysis of DNA typing evidence; providing for the admissibility of such evidence; increasing penalties for criminal sexual conduct offenses; permitting courts to sentence dangerous or patterned sex offenders to longer periods of incarceration and supervision; creating a legislative commission to study the child protection system; appropriating money for the development of a DNA profiling laboratory and for a public information campaign against sexual violence; amending Minnesota Statutes 1988, sections 260.161, subdivision 1; 260.181, subdivision 4; 260.185, subdivision 1; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; and 609.345, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 241; 242; 299C; 609; and 634.

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

Delete everything after the enacting clause and insert:

“Section 1. [241.67] [SEX OFFENDER TREATMENT; PROGRAMS; STANDARDS; DATA.]

*Subdivision 1. [SEX OFFENDER TREATMENT.] A sex offender treatment system is established under the administration of the commissioner of corrections to provide and finance a range of sex offender treatment programs for eligible adults and juveniles. Eligible offenders are:*

- (1) adults and juveniles committed to the custody of the commissioner;*
- (2) adult offenders for whom treatment is required by the court as a condition of probation; and*
- (3) juvenile offenders who have been found delinquent or received a stay of adjudication, for whom the juvenile court has ordered treatment.*

*Subd. 2. [TREATMENT PROGRAM STANDARDS.] By July 1, 1991, the commissioner shall adopt rules under chapter 14 for the certification of adult and juvenile sex offender treatment programs in state and local correctional facilities and for adult and juvenile residential and outpatient sex offender programs. After July 1, 1991, a correctional facility may not operate a sex offender treatment program, and an adult or juvenile residential or outpatient sex offender program is not eligible for state reimbursement, unless the program has met the standards adopted by and been certified by the commissioner of corrections. As used in this subdivision, “correctional facility” has the meaning given it in section 241.021, subdivision 1, clause (5).*

*Subd. 3. [PROGRAMS FOR ADULT OFFENDERS COMMITTED TO THE COMMISSIONER.] (a) The commissioner shall provide for a range of sex offender treatment programs, including intensive sex offender treatment, within the state adult correctional facility system. Participation in any treatment program is voluntary and is subject to the rules and regulations of the department of corrections. Nothing in this section requires the commissioner to accept or retain an offender in a treatment program. Nothing in this section creates a right of an offender to treatment.*

*(b) The commissioner shall provide for residential and outpatient sex offender treatment and aftercare when required for conditional release under section 13 or as a condition of supervised release.*

*Subd. 4. [PROGRAMS FOR ADULT OFFENDERS SENTENCED BY THE COURT TO PROBATION.] If a person is convicted of a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.746, 609.79, 617.23, 617.246, or 617.247, and is sentenced by the court to sex offender treatment as a condition of probation, the commissioner may reimburse the sex offender treatment program in which the person is placed.*

*Subd. 5. [JUVENILE SEX OFFENDER PROGRAMS.] The commissioner shall provide for sex offender programs for juveniles committed to the commissioner by the court under section 260.185, as provided under section 2. The commissioner may reimburse the juvenile treatment program in which the juvenile is placed, after being found or adjudicated delinquent, or having received a stay of adjudication for an offense listed in subdivision 4. The commissioner may continue to provide treatment or reimburse a treatment program until the offender is 21.*

*Subd. 6. [SPECIALIZED CORRECTIONS AGENTS AND PROBATION OFFICERS; SEX OFFENDER SUPERVISION.] By January 1, 1990, the commissioner of corrections shall develop in-service training for state and local corrections agents and probation officers who supervise adult and juvenile sex offenders on probation or supervised release. The commissioner shall make the training available to all current and future corrections agents and probation officers who supervise or will supervise sex offenders on probation or supervised release.*

*After January 1, 1991, a state or local corrections agent or probation officer may not supervise adult or juvenile sex offenders on probation or supervised release unless the agent or officer has completed the in-service sex offender supervision training. The commissioner may waive this requirement if the corrections agent or probation officer has completed equivalent training as part of a post-secondary educational curriculum.*

*After January 1, 1991, when an adult sex offender is placed on supervised release or is sentenced to probationary supervision, and when a juvenile offender is found delinquent by the juvenile court for a sex offense and placed on probation or is paroled from a juvenile correctional facility, a corrections agent or probation officer may not be assigned to the offender unless the agent or officer has completed the in-service sex offender supervision training.*

## **Sec. 2. [242.195] [JUVENILE SEX OFFENDERS.]**

*Subdivision 1. [TREATMENT PROGRAMS.] The commissioner of corrections shall provide for a range of sex offender treatment programs, including intensive sex offender treatment, for juveniles within state juvenile correctional facilities and through purchase of service from county*

*and private residential and outpatient juvenile sex offender treatment programs.*

*Subd. 2. [SECURE CONFINEMENT.] If a juvenile sex offender committed to the custody of the commissioner is in need of secure confinement, the commissioner shall provide for the appropriate level of sex offender treatment within a secure facility or unit in a state juvenile correctional facility.*

*Subd. 3. [DISPOSITIONS.] When a juvenile is committed to the commissioner of corrections by a juvenile court, upon a finding of delinquency for a sex offense, the commissioner may, for the purposes of treatment and rehabilitation:*

*(1) order the child confined to a state juvenile correctional facility that provides the appropriate level of juvenile sex offender treatment program;*

*(2) purchase sex offender treatment from a county and place the child in the county's qualifying juvenile correctional facility;*

*(3) purchase sex offender treatment from a qualifying private residential juvenile sex offender treatment program and place the child in the program;*

*(4) purchase outpatient juvenile sex offender treatment for the child from a qualifying county or private program and order the child released on parole under treatment and other supervisions and conditions the commissioner believes to be appropriate;*

*(5) order reconfinement or renewed parole, revoke or modify any order, or discharge the child under the procedures provided in section 242.19, subdivision 2, paragraphs (c), (d), and (e); or*

*(6) refer the child to a county welfare board or licensed child-placing agency for placement in foster care, or when appropriate, for initiation of child in need of protection or services proceedings under section 242.19, subdivision 2, paragraph (f).*

*Subd. 4. [QUALIFYING FACILITIES; TREATMENT PROGRAMS.] The commissioner may not place a juvenile in a correctional facility under this section unless the facility has met the requirements of section 241.021, subdivision 2.*

Sec. 3. Minnesota Statutes 1988, section 244.04, subdivision 1, is amended to read:

Subdivision 1. [REDUCTION OF SENTENCE.] Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, the term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate, *except that the period of supervised release for a sex offender sentenced and conditionally released by the commissioner under section 13, subdivision 5, is governed by that provision.*

Except as otherwise provided in subdivision 2, if an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of the term of imprisonment after the violation without earning good time.



Sec. 4. Minnesota Statutes 1988, section 244.05, subdivision 1, is amended to read:

244.05 [SUPERVISED RELEASE TERM.]

Subdivision 1. [SUPERVISED RELEASE REQUIRED.] Except as provided in subdivisions 4 and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. *Except for a sex offender conditionally released under section 13, subdivision 5, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.*

Sec. 5. Minnesota Statutes 1988, section 244.05, subdivision 3, is amended to read:

Subd. 3. [SANCTIONS FOR VIOLATION.] If an inmate violates the conditions of the inmate's supervised release imposed by the commissioner, the commissioner may:

(1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or

(2) revoke the inmate's supervised release and reimprison the inmate for the appropriate period of time.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, *except that for a sex offender sentenced and conditionally released under section 13, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the original sentence imposed less good time earned under section 244.04, subdivision 1.*

Sec. 6. [244.12] [COLLECTION OF DATA ON ADULT AND JUVENILE SEX OFFENDERS.]

Subdivision 1. [DATA REQUIRED.] *The commission shall coordinate the collection and analysis of summary data on adult offenders convicted under section 609.342, 609.343, 609.344, or 609.345, and juvenile offenders found delinquent for violating one of those provisions. The commission must work with the supreme court, the commissioner of corrections, the bureau of criminal apprehension, and the state planning agency coordinating the collection and analysis of the data. The data collected must include:*

- (1) the sex and age of the offender;*
- (2) the sex and age of the victim or victims;*
- (3) the relationship, if any, between the offender and victim;*
- (4) previous criminal history;*
- (5) the sex offense or offenses charged;*
- (6) the offense or offenses of conviction;*
- (7) the sentence received by the offender;*
- (8) whether the offender was assessed as amenable to sex offender treatment;*

(9) whether the offender was admitted to a sex offender treatment program, and if so, to which program;

(10) whether the offender successfully completed the treatment program; and

(11) whether the offender committed a subsequent sex offense or other offense while on probation, supervised release, or within ten years after expiration of sentence.

Subd. 2. [REPORT.] *The commission shall report to the house of representatives and senate judiciary committees an analysis of the data collected under this section, along with any recommendations for legislative action by January 15 of every odd-numbered year, beginning in 1993.*

Sec. 7. Minnesota Statutes 1988, section 260.161, is amended by adding a subdivision to read:

Subd. 1a. [RECORD OF ADJUDICATIONS; NOTICE TO BUREAU OF CRIMINAL APPREHENSION.] *The juvenile court shall forward to the bureau of criminal apprehension the following data on juveniles found to have committed an act that would be a felony if committed by an adult:*

(1) *the name and birthdate of the juvenile;*

(2) *the type of act the juvenile was found to have committed; and*

(3) *the date and county of the court finding.*

Sec. 8. Minnesota Statutes 1988, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] (a) *The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision paragraph (b) or (c), the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so.*

(b) *Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.*

(c) *Court jurisdiction over an individual found to have committed or attempted to commit an act in violation of section 609.342, 609.343, 609.344, or 609.345 continues until the individual becomes 21 years of age, if the court determines at the original disposition hearing that continued jurisdiction will facilitate the juvenile's completion of a treatment or aftercare program.*

Sec. 9. Minnesota Statutes 1988, section 260.185, subdivision 1, is amended to read:

Subdivision 1. *If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:*

(a) *Counsel the child or the parents, guardian, or custodian;*

(b) *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 conduct and the conduct of the child's 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, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245.781 to 245.812; or

(4) ~~Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (e) and (d),~~ A county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) 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;

(d) ~~Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (e) and (d),~~ Transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) 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 to provide this treatment or care, the court may order it provided;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination 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.

*If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342, 609.343, 609.344, or 609.345, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider.*

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also

set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

~~This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.~~

**Sec. 10. [299C.095] [SYSTEM FOR IDENTIFICATION OF ADJUDICATED JUVENILES.]**

*The bureau shall establish a system for recording the data on adjudicated juveniles received from the juvenile courts under section 7. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to a person who has access to the juvenile court records under section 260.161 or court rule. When an individual reaches the age of 23, the bureau shall remove the records about the individual from the system and destroy them. However, if the individual is under the control or supervision of the commissioner when the individual reaches age 23, the records shall be removed and destroyed when the individual is no longer under the commissioner's control or supervision.*

**Sec. 11. [299C.155] [STANDARDIZED EVIDENCE COLLECTION; DNA ANALYSIS DATA AND RECORDS.]**

*Subdivision 1. [DEFINITION.] As used in this section, "DNA analysis" means the process through which deoxyribonucleic acid (DNA) in a human biological specimen is analyzed and compared with DNA from another human biological specimen for identification purposes.*

*Subd. 2. [UNIFORM EVIDENCE COLLECTION.] The bureau shall develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct, including procedures and protocols for the collection and preservation of human biological specimens for DNA analysis. Law enforcement agencies and medical personnel who conduct evidentiary exams shall use the uniform procedures and protocols in their investigation of criminal sexual conduct offenses.*

*Subd. 3. [DNA ANALYSIS AND DATA BANK.] The bureau shall adopt uniform procedures and protocols to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis.*

*Subd. 4. [RECORDS.] The bureau shall perform DNA analysis and make data obtained available to law enforcement officials in connection with criminal investigations in which human biological specimens have been recovered. Upon request, the bureau shall also make the data available to the prosecutor and the subject of the data in any subsequent criminal prosecution of the subject.*

**Sec. 12. [609.1351] [PETITION FOR CIVIL COMMITMENT.]**

*When a court sentences a person under section 13, 609.342, 609.343, 609.344, or 609.345, the court shall make a preliminary determination whether in the court's opinion a petition under section 526.10 may be appropriate. If the court determines that a petition may be appropriate,*

*the court shall forward its preliminary determination along with supporting documentation to the county attorney. If the person is subsequently committed under section 526.10, the person shall be committed to the commissioner of corrections to serve the sentence imposed before being transferred by the commissioner of corrections to a state hospital designated by the commissioner of human services.*

**Sec. 13. [609.1352] [DANGEROUS SEX OFFENDERS; SPECIAL SENTENCING PROVISION.]**

*Subdivision 1. [SENTENCING AUTHORITY.] A court may sentence a person to a term of imprisonment of not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, to a term of imprisonment equal to the statutory maximum, if:*

*(1) the court is imposing an executed sentence, based on a sentencing guidelines presumptive imprisonment sentence or a dispositional departure for aggravating circumstances or a mandatory minimum sentence, on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, or 609.345, or on a person convicted of committing or attempting to commit any other crime listed in subdivision 2 if it reasonably appears to the court that the crime was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal;*

*(2) the court finds that the offender is a danger to public safety; and*

*(3) the court finds that the offender needs long-term treatment or supervision beyond the presumptive term of imprisonment and supervised release. The finding must be based on a professional assessment by an examiner experienced in evaluating sex offenders that concludes that the offender is a patterned sex offender. The assessment must contain the facts upon which the conclusion is based, with reference to the offense history of the offender or the severity of the current offense, the social history of the offender, and the results of an examination of the offender's mental status. The conclusion may not be based on testing alone. A patterned sex offender is one whose criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term controls.*

*Subd. 2. [PREDATORY CRIME.] A predatory crime is a felony violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.24, 609.245, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.365, 609.498, or 609.582, subdivision 1, or a violation of section 609.224.*

*Subd. 3. [DANGER TO PUBLIC SAFETY.] The court shall base its finding that the offender is a danger to public safety on either of the following factors:*

*(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines; or*

*(2) the offender previously committed or attempted to commit a predatory crime, including an offense committed as a juvenile that would have been a predatory crime if committed by an adult.*

*Subd. 4. [DEPARTURE FROM GUIDELINES.] A sentence imposed under*

*subdivision 1 is a departure from the sentencing guidelines.*

*Subd. 5. [CONDITIONAL RELEASE.] At the time of sentencing under subdivision 1, the court may provide that after the offender has completed one-half of the full pronounced sentence imposed, without regard to good time, the commissioner of corrections may place the offender on conditional release for the remainder of the statutory maximum period or for ten years, whichever is longer, if the commissioner finds that:*

*(1) the offender is amenable to treatment and has made sufficient progress in a sex offender treatment program available in prison to be released to a sex offender treatment program operated by the department of human services or a community sex offender treatment and reentry program; and*

*(2) the offender has been accepted in a program approved by the commissioner that provides treatment, aftercare, and phased reentry into the community.*

*The conditions of release must include successful completion of treatment and aftercare in a program approved by the commissioner and any other conditions the commissioner considers appropriate. Release may be revoked and the stayed sentence executed in its entirety less good time if the offender fails to meet any condition of release. The commissioner shall not dismiss the offender from supervision before the sentence expires.*

*Conditional release granted under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.*

*Subd. 6. [COMMISSIONER OF CORRECTIONS.] The commissioner shall pay the cost of treatment of a person released under subdivision 5. This section does not require the commissioner to accept or retain an offender in a treatment program.*

Sec. 14. Minnesota Statutes 1988, section 609.342, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~20~~ 25 years or to a payment of a fine of not more than ~~\$35,000~~ \$40,000, or both.

Sec. 15. Minnesota Statutes 1988, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~15~~ 20 years or to a payment of a fine of not more than ~~\$30,000~~ \$35,000, or both.

Sec. 16. Minnesota Statutes 1988, section 609.344, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to a payment of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 17. Minnesota Statutes 1988, section 609.345, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~five~~ ten years or to a payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

Sec. 18. Minnesota Statutes 1988, section 609.346, subdivision 2, is amended to read:

Subd. 2. [SUBSEQUENT SEX OFFENSE; PENALTY.] *Except as provided in section 19, if a person is convicted of a ~~second or subsequent offense~~ under sections 609.342 to 609.345, within 15 years of the ~~prior a previous sex offense~~ conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135. The court may stay the execution of the sentence imposed under this ~~section~~ subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; and (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.*

Sec. 19. Minnesota Statutes 1988, section 609.346, is amended by adding a subdivision to read:

Subd. 2a. [MAXIMUM SENTENCE IMPOSED.] *(a) The court shall sentence a person to a term of imprisonment of the statutory maximum sentence under section 609.342 for criminal sexual conduct in the first degree, if:*

*(1) the person is convicted under section 609.342, 609.343, or 609.344; and*

*(2) the person has two previous sex offense convictions.*

*(b) Notwithstanding sections 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; and subdivision 2, the court may not stay imposition of the sentence required by this subdivision.*

Sec. 20. Minnesota Statutes 1988, section 609.346, subdivision 3, is amended to read:

Subd. 3. [~~PRIOR PREVIOUS SEX OFFENSE CONVICTIONS UNDER SIMILAR STATUTES.~~] *For the purposes of this section, an ~~offense a conviction~~ is considered a ~~second or subsequent previous sex offense conviction~~ if ~~conviction of the actor for the offense follows or coincides with a conviction of the actor was convicted, before the present offense of conviction~~, under sections 609.342 to 609.345 or under any similar statute of the United States, or this or any other state.*

Sec. 21. [609.3461] [DNA ANALYSIS OF SEX OFFENDERS REQUIRED.]

*When a court sentences a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or the juvenile court adjudicates a person a delinquent child for violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in section 11. The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 11. If a person convicted of violating or attempting to*

*violate section 609.342, 609.343, 609.344, or 609.345, and committed to the custody of the commissioner of corrections for a term of imprisonment has not provided a biological specimen for the purpose of DNA analysis, the commissioner of corrections or local corrections authority shall order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.*

Sec. 22. Minnesota Statutes 1988, section 628.26, is amended to read:  
628.26 [LIMITATIONS.]

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense *or, if the victim failed to report the offense within this limitation period, within two years after the offense was reported to law enforcement authorities, but in no event may an indictment or complaint be found or made after the victim attains the age of 25 years.*

(d) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(f) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense; but the time during which the defendant shall not be an inhabitant of, or usually resident within, this state, shall not constitute any part of the limitations imposed by this section.

Sec. 23. [634.25] [ADMISSIBILITY OF RESULTS OF DNA ANALYSIS.]

*In a civil or criminal trial or hearing, the results of DNA analysis, as defined in section 11, are admissible in evidence without antecedent expert testimony that DNA analysis provides a trustworthy and reliable method of identifying characteristics in an individual's genetic material upon a showing that the offered testimony meets the standards for admissibility set forth in the Rules of Evidence.*

Sec. 24. [634.26] [STATISTICAL PROBABILITY EVIDENCE.]



*In a civil or criminal trial or hearing, statistical population frequency evidence, based on genetic or blood test results, is admissible to demonstrate the fraction of the population that would have the same combination of genetic markers as was found in a specific human biological specimen. "Genetic marker" means the various blood types or DNA types that an individual may possess.*

**Sec. 25. [CHILD PROTECTION SYSTEM STUDY COMMISSION.]**

*Subdivision 1. [MEMBERSHIP.] A child protection system study commission is created consisting of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the senate subcommittee on subcommittees. The commission shall select from its membership a chair or co-chairs and other officers it considers necessary.*

*Subd. 2. [STUDIES.] The commission shall study:*

*(1) the current structure and operation of the child protection system at the state and county level;*

*(2) the current operation of the child abuse reporting act;*

*(3) the ways in which the child protection system can provide more effective intervention and prevention services for sexually aggressive and sexually abused children; and*

*(4) other ways in which the child protection system and the child abuse reporting act can be improved.*

*Subd. 3. [REPORT.] The commission shall report to the legislature on its findings and recommendations not later than February 15, 1990, and ceases to function after that date.*

*Subd. 4. [COMPENSATION.] Members of the commission must be compensated in the same manner as for other legislative meetings.*

**Sec. 26. [EVALUATION OF SEX OFFENDER TREATMENT FUNDING.]**

*Subdivision 1. [EVALUATION.] The commissioner of corrections and the commissioner of human services shall evaluate funding mechanisms for existing sex offender treatment programs. The commissioners must evaluate the funding of sex offender treatment programs for adults and juveniles and make findings concerning:*

*(1) the extent to which sex offender treatment programs are used on a statewide basis; and*

*(2) the effectiveness and adequacy of existing funding mechanisms.*

*Subd. 2. [REPORT.] The commissioner of corrections and the commissioner of human services shall report to the legislature by January 1, 1991, their findings and recommendations to improve funding equity and statewide availability of treatment programs, including recommendations to increase funding.*

**Sec. 27. [PRELIMINARY REPORT ON SEX OFFENDER RECIDIVISM.]**

*The sentencing guidelines commission shall prepare a preliminary plan to coordinate the collection of data under section 6. The commission must report its preliminary plan to the judiciary committees of the senate and the house of representatives by January 15, 1991. The report must include the elements of the commission's plan to coordinate the collection and*

*analysis of data on recidivism rates of sex offenders required by section 6, and any legislative action necessary to facilitate the plan.*

**Sec. 28. [APPROPRIATIONS.]**

*Subdivision 1. [STATEWIDE SEXUAL VIOLENCE PREVENTION INFORMATION PROGRAM.] § . . . . . is appropriated from the general fund to the commissioner of corrections to be used to award grants to private advertising and public relations firms for the purpose of developing and disseminating a statewide public information program on the prevention of sexual violence, to be available until June 30, 1991.*

*Subd. 2. [LOCAL SEXUAL VIOLENCE PREVENTION INFORMATION PROGRAMS.] § . . . . . is appropriated from the general fund to the commissioner of corrections to be used to award grants to schools and other community groups for the purpose of developing and disseminating local public information programs on the prevention of sexual violence, to be available until July 1, 1991.*

*Subd. 3. [DNA LABORATORY AND RECORDING SYSTEM.] § . . . . . is appropriated from the general fund to the commissioner of public safety to be used by the bureau of criminal apprehension for the following purposes:*

*(1) establishing and operating a laboratory to perform DNA analysis; and*

*(2) establishing a system for collecting and maintaining DNA analysis data and human biological specimens.*

*This appropriation is available until June 30, 1991.*

*Subd. 4. [SEX OFFENDER TREATMENT PROGRAMS.] § . . . . . is appropriated from the general fund to the commissioner of corrections to be used:*

*(1) to adopt rules under chapter 14 for sex offender treatment programs in correctional facilities and sex offender treatment programs eligible for state reimbursement for individuals placed by the commissioner and the courts;*

*(2) to provide sex offender treatment programs in state adult correctional facilities and for aftercare for sex offenders released from state institutions; and*

*(3) to provide grants to counties to increase funding for court-ordered sex offender treatment for juveniles and for sex offender treatment for adults sentenced by the court to local incarceration or probation in the community.*

*This appropriation is available until June 30, 1991.*

**Sec. 29. [EFFECTIVE DATE.]**

*Sections 1 to 12 and 21, 23, and 24 are effective August 1, 1989. Sections 14 to 20 are effective August 1, 1989, and apply to crimes committed on or after that date. Section 13 is effective August 1, 1989, and applies to crimes committed on or after that date, but a court may consider acts committed before the effective date in determining whether an offender is a danger to public safety under section 13, subdivision 3. Section 22 is effective August 1, 1989, and applies to crimes committed on or after that*

*date, and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 1989."*

Delete the title and insert:

"A bill for an act relating to crimes; criminal sexual conduct; establishing standards for sex offender treatment programs within the correctional system; requiring training for probation and corrections agents who supervise released sex offenders; requiring the collection of data on the treatment and recidivism rates of convicted sex offenders; extending the jurisdiction of the juvenile court over sex offenders until their 21st birthday; providing a centralized reporting system for juvenile felony offenders; requiring the bureau of criminal apprehension to develop uniform procedures for the collection and analysis of DNA typing evidence; providing for the admissibility of such evidence; increasing penalties for criminal sexual conduct offenses; permitting courts to sentence dangerous or patterned sex offenders to longer periods of incarceration and supervision; imposing a mandatory sentence for third criminal sexual conduct conviction; extending the statute of limitations for criminal sexual conduct; creating a legislative commission to study the child protection system; appropriating money; amending Minnesota Statutes 1988, sections 244.04, subdivision 1; 244.05, subdivisions 1 and 3; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 1; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.346, subdivisions 2, 3, and by adding a subdivision; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 241; 242; 244; 299C; 609; and 634."

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

#### REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the first Ramstad amendment to S.F. No. 320.

There were yeas 4 and nays 12, as follows:

Those who voted in the affirmative were:

Messrs. Belanger, Knaak, McGowan and Ramstad.

Those who voted in the negative were:

Ms. Berglin, Messrs. Cohen; Luther; Marty; Merriam; Moe, D.M.; Ms. Peterson, D.C.; Messrs. Peterson, R.W.; Pogemiller; Ms. Reighgott, Messrs. Spear and Stumpf.

The amendment was not adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 502: A bill for an act relating to state lands; authorizing private conveyance of tax-forfeited land bordering public water in Washington county.

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

Page 2, line 24, before "*failed*" insert "*, by mistake,*" and delete "*redeem*" and insert "*pay*" and delete "*property following*"

Page 2, line 25, delete "*forfeiture for nonpayment of*"

Page 2, lines 27 and 28, delete "*Mr. Barbour*" and insert "*private use*"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 578: A bill for an act relating to transportation; granting power to road authorities to mow or till rights-of-way of certain highways; amending Minnesota Statutes 1988, sections 160.232; and 160.27, subdivision 5.

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

Page 1, line 22, before the period, insert "*not conflicting with the rules of the commissioner*"

Page 1, line 25, reinstate the stricken language and delete the new language

Page 2, line 1, delete the new language

Amend the title as follows:

Page 1, line 2, delete "granting power to" and insert "authorizing"

Page 1, line 4, before the semicolon, insert "by ordinance"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 527: A bill for an act relating to state parks; requiring collection facilities for recycling containers in state parks; proposing coding for new law in Minnesota Statutes, chapter 85.

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

Page 1, line 11, delete "*for recycling*"

Page 1, line 17, after "*must*" insert "*where practicable*"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 545: A bill for an act relating to natural resources; providing for the disposal of certain low-grade state-owned iron-bearing materials for construction or maintenance purposes; amending Minnesota Statutes 1988, section 93.41, subdivision 1.

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

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

H.F. No. 97: A bill for an act relating to crimes; requiring the court to order the preparation of a presentence investigation report in gross misdemeanor cases when requested by the prosecutor; amending Minnesota Statutes 1988, section 609.115, subdivision 1.

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

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

H.F. No. 1435: A bill for an act relating to liquor; authorizing issuance of a certain on-sale license in Todd county.

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

Page 1, after line 13, insert:

“Sec. 2. [DOUGLAS COUNTY; OFF-SALE LICENSE.]

*Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (b), the Douglas county board may issue an off-sale intoxicating liquor license to an exclusive liquor store in Holmes City township with the approval of the commissioner of public safety. All other requirements of Minnesota Statutes, chapter 340A, apply to a license issued under this section. The county board may not issue a license under this section unless the town board of Holmes City township adopts a resolution approving the issuance of the license.”*

Page 1, line 16, after the period, insert “*Section 2 is effective on approval of the Douglas county board and compliance with Minnesota Statutes, section 645.021.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after “county” insert “; authorizing the Douglas county board to issue an off-sale liquor license”

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

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

H.F. No. 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.

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

Page 2, line 5, after the comma, insert “*or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area,*”

Page 2, line 12, after the fourth comma, insert “*or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical*

area,"

Page 4, line 5, after the comma, insert "*or longer than six hours if the adult jail or municipal lockup is in a standard metropolitan statistical area,*"

Page 4, line 25, after the fourth comma, insert "*or longer than six hours if the adult jail or municipal lockup is in a standard metropolitan statistical area,*"

Page 5, after line 36, insert:

"Sec. 5. Minnesota Statutes 1988, section 260.173, subdivision 4, is amended to read:

Subd. 4. If a child is taken into custody as one who:

(a) has allegedly committed an act which would constitute a violation of a state law or a local ordinance if the child were an adult; or

(b) is reasonably believed to have violated the terms of probation, parole, or other field supervision under which the child had been placed as a result of behavior described under clause (a);

the child may be detained in a shelter care or secure *juvenile* detention facility. If the child cannot be detained in another type of detention facility, and if there is no secure *juvenile* detention facility *or existing acceptable detention alternative available* for juveniles within the county, a child described in this subdivision may be detained up to ~~48~~ 24 hours, *excluding Saturdays, Sundays, and holidays, or up to six hours in a standard metropolitan statistical area*, in a jail, lockup or other facility used for the confinement of adults who have been charged with or convicted of a crime, in quarters separate from any adult confined in the facility which has been approved for the detention of juveniles ~~for up to 48 hours~~ by the commissioner of corrections, ~~or~~. If continued detention is ~~required in an adult jail is approved by the court under section 260.172, subdivision 2~~, and there is no *juvenile* secure detention facility ~~for juveniles~~ available for use by the county having jurisdiction over the child, such child may be detained for no more than eight days from and including the date of the original detention order in separate quarters in any jail or other adult facility for the confinement of persons charged with or convicted of crime which has been approved by the commissioner of corrections to be suitable for the detention of juveniles for up to eight days. Except for children who have been referred for prosecution pursuant to section 260.125, and as hereinafter provided, any child requiring secure detention for more than eight days from and including the date of the original detention order must be removed to an approved secure *juvenile* detention facility. A child 16 years of age or older against whom a motion to refer for prosecution is pending before the court may be detained for more than eight days in separate quarters in a jail or other facility which has been approved by the commissioner of corrections for the detention of juveniles for up to eight days after a hearing and subject to the periodic reviews provided in section 260.172. No child under the age of 14 may be detained in a jail, lockup or other facility used for the confinement of adults who have been charged with or convicted of a crime."

Page 6, line 2, delete "*Section 4 is*" and insert "*Sections 4 and 5 are*"

Renumber the sections in sequence

Delete the title and insert:

“A bill for an act relating to juveniles; establishing maximum periods of detention of juveniles in adult jails or lockups; prohibiting detention beyond the maximum period before a detention hearing is held; prohibiting detention beyond the maximum period after August 1, 1991, unless a reference motion has been filed; prohibiting temporary detention beyond the maximum period; amending Minnesota Statutes 1988, sections 260.171, subdivisions 2 and 4; 260.172, subdivisions 1 and 2; and 260.173, subdivision 4.”

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. 1267 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1267	1144				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 761 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.
761	694				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 761 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 761 and insert the language after the enacting clause of S.F. No. 694, the first engrossment; further, delete the title of H.F. No. 761 and insert the title of S.F. No. 694, the first engrossment.

And when so amended H.F. No. 761 will be identical to S.F. No. 694, and further recommends that H.F. No. 761 be given its second reading and substituted for S.F. No. 694, 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. 955 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.
955	863				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 955 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 955 and insert the language after the enacting clause of S.F. No. 863, the first engrossment; further, delete the title of H.F. No. 955 and insert the title of S.F. No. 863, the first engrossment.

And when so amended H.F. No. 955 will be identical to S.F. No. 863, and further recommends that H.F. No. 955 be given its second reading and substituted for S.F. No. 863, 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. 483 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
483	682				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 655 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
655	453				

and that the above Senate File be indefinitely postponed.



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

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

H.F. No. 595 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.
				595	587

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 595 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 595 and insert the language after the enacting clause of S.F. No. 587, the second engrossment; further, delete the title of H.F. No. 595 and insert the title of S.F. No. 587, the second engrossment.

And when so amended H.F. No. 595 will be identical to S.F. No. 587, and further recommends that H.F. No. 595 be given its second reading and substituted for S.F. No. 587, 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. 1069 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1069	210				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1172 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1172	64				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1429 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1429	1002				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 501 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.
		501	425		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 501 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 501 and insert the language after the enacting clause of S.F. No. 425, the first engrossment; further, delete the title of H.F. No. 501 and insert the title of S.F. No. 425, the first engrossment.

And when so amended H.F. No. 501 will be identical to S.F. No. 425, and further recommends that H.F. No. 501 be given its second reading and substituted for S.F. No. 425, 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. 956 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.
956	960				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 956 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 956 and insert the language after the enacting clause of S.F. No. 960, the first engrossment; further, delete the title of H.F. No. 956 and insert the title of S.F. No. 960, the first engrossment.

And when so amended H.F. No. 956 will be identical to S.F. No. 960, and further recommends that H.F. No. 956 be given its second reading and substituted for S.F. No. 960, 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. 1438 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1438	1302				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 65 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.
65	65				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 65 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 65 and insert

the language after the enacting clause of S.F. No. 65, the second engrossment; further, delete the title of H.F. No. 65 and insert the title of S.F. No. 65, the second engrossment.

And when so amended H.F. No. 65 will be identical to S.F. No. 65, and further recommends that H.F. No. 65 be given its second reading and substituted for S.F. No. 65, 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. 1405 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1405	1407				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1351 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1351	1138				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1077 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.
1077	921				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1077 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1077 and insert the language after the enacting clause of S.F. No. 921, the first engrossment; further, delete the title of H.F. No. 1077 and insert the title of S.F. No. 921, the first engrossment.

And when so amended H.F. No. 1077 will be identical to S.F. No. 921, and further recommends that H.F. No. 1077 be given its second reading and substituted for S.F. No. 921, 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. 1151 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.
1151	1034				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1151 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1151 and insert the language after the enacting clause of S.F. No. 1034, the first engrossment; further, delete the title of H.F. No. 1151 and insert the title of S.F. No. 1034, the first engrossment.

And when so amended H.F. No. 1151 will be identical to S.F. No. 1034, and further recommends that H.F. No. 1151 be given its second reading and substituted for S.F. No. 1034, 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. 635 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
635	632				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 635 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 635 and insert the language after the enacting clause of S.F. No. 632, the first engrossment; further, delete the title of H.F. No. 635 and insert the title of S.F. No. 632, the first engrossment.

And when so amended H.F. No. 635 will be identical to S.F. No. 632, and further recommends that H.F. No. 635 be given its second reading and substituted for S.F. No. 632, 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. 812 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
812	870				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 812 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 812 and insert the language after the enacting clause of S.F. No. 870, the first engrossment; further, delete the title of H.F. No. 812 and insert the title of S.F. No. 870, the first engrossment.

And when so amended H.F. No. 812 will be identical to S.F. No. 870, and further recommends that H.F. No. 812 be given its second reading and substituted for S.F. No. 870, 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. 1160 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1160	1102				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1160 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1160 and insert the language after the enacting clause of S.F. No. 1102, the first engrossment; further, delete the title of H.F. No. 1160 and insert the title of S.F. No. 1102, the first engrossment.

And when so amended H.F. No. 1160 will be identical to S.F. No. 1102, and further recommends that H.F. No. 1160 be given its second reading and substituted for S.F. No. 1102, 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. 1104 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.
1104	1079				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1104 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1104 and insert the language after the enacting clause of S.F. No. 1079; further, delete the title of H.F. No. 1104 and insert the title of S.F. No. 1079.

And when so amended H.F. No. 1104 will be identical to S.F. No. 1079, and further recommends that H.F. No. 1104 be given its second reading and substituted for S.F. No. 1079, 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. 796 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.
796	712				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 796 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 796 and insert the language after the enacting clause of S.F. No. 712; further, delete the title of H.F. No. 796 and insert the title of S.F. No. 712.

And when so amended H.F. No. 796 will be identical to S.F. No. 712,

and further recommends that H.F. No. 796 be given its second reading and substituted for S.F. No. 712, 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. Pehler from the Committee on Education, to which was referred

S.F. No. 1488: A bill for an act relating to education; providing aid to repair damage due to vandalism at Sibley High School; appropriating money.

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

Delete everything after the enacting clause and insert:

“Section 1. [124.242] [BUILDING BONDS FOR CALAMITIES.]

*When a building owned by a school district is substantially damaged by an act of God or other means beyond the control of the district, the district may issue general obligation bonds without an election to provide money immediately to carry out its adopted health and safety program. Each year the district must pledge an attributable share of its health and safety revenue to the repayment of principal and interest on the bonds. The pledged revenue shall be transferred to the debt redemption fund of the district. The district shall submit to the department of education the repayment schedule for any bonds issued under this section. The district shall deposit in the debt redemption fund all proceeds received for specific costs for which the bonds were issued, including but not limited to:*

- (1) insurance proceeds;*
- (2) restitution proceeds; and*
- (3) proceeds of litigation or settlement of a lawsuit.*

*Before bonds are issued, the district must submit a combined application to the commissioner of education for health and safety revenue, according to section 124.83, and requesting review and comment, according to section 121.15, subdivisions 6, 7, 8, and 9. The commissioner shall complete all procedures concerning the combined application within 20 days of receiving the application. The publication provisions of section 121.15, subdivision 9, do not apply to bonds issued under this section.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment.”*

Delete the title and insert:

“A bill for an act relating to education; authorizing a school district to issue bonds when a calamity occurs and establishing certain procedures for repayment of the bonds.”

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 985, 1441, 1376, 662, 854 and 412 were read the second time.



**SECOND READING OF HOUSE BILLS**

H.F Nos. 502, 578, 527, 545, 97, 1435, 76, 1267, 761, 955, 483, 655, 595, 1069, 1172, 1429, 501, 956, 1438, 65, 1405, 1351, 1077, 1151, 635, 812, 1160, 1104 and 796 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Merriam moved that his name be stricken as a co-author to S.F. No. 263. The motion prevailed.

Mr. Morse moved that the names of Messrs. Purfeerst and Dahl be added as co-authors to S.F. No. 411. The motion prevailed.

Mr. Pehler moved that the name of Mr. Brandl be added as a co-author to S.F. No. 986. The motion prevailed.

Mr. Dahl moved that the name of Mr. Morse be added as a co-author to S.F. No. 1415. The motion prevailed.

Mr. Spear moved that the name of Mr. Marty be added as a co-author to S.F. No. 1467. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Beckman be added as a co-author to S.F. No. 1527. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Morse be added as a co-author to S.F. No. 1561. The motion prevailed.

Mr. Metzen moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1563. The motion prevailed.

Messrs. Moe, R.D.; Benson; Frank; Chmielewski and Pogemiller introduced—

Senate Resolution No. 109: A Senate resolution declaring Workers' Memorial Day, April 28, 1989, in recognition of workers killed, injured, and disabled at their workplace.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 110: A Senate resolution commending Lieutenant Colonel George Schwantes for his many years of effective and dedicated service to the Minnesota Army National Guard.

Referred to the Committee on Rules and Administration.

Ms. Olson and Mr. Davis introduced—

Senate Resolution No. 111: A Senate resolution congratulating the Minnesota Association FFA on its 60th anniversary.

Referred to the Committee on Rules and Administration.

Mr. Metzen moved that S.F. No. 1488 be withdrawn from the Committee on Taxes and Tax Laws, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1488 was read the second time.

## CALENDAR

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.

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

So the bill passed and its title was agreed to.

S.F. No. 280: A bill for an act relating to natural resources; suspension of certain trespass laws to allow taking of fox during certain periods; amending Minnesota Statutes 1988, section 97B.001, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.J.	McQuaid	Peterson, R.W.
Beckman	Dicklich	Knutson	Mehrkens	Piper
Belanger	Diessner	Kroening	Merriam	Pogemiller
Benson	Frank	Laidig	Metzen	Purfeerst
Berg	Frederick	Langseth	Moe, D.M.	Ramstad
Berglin	Frederickson, D.J.	Lantry	Moe, R.D.	Reichgott
Bernhagen	Frederickson, D.R.	Larson	Morse	Renneke
Brandl	Freeman	Lessard	Novak	Schmitz
Chmielewski	Gustafson	Luther	Olson	Storm
Cohen	Hughes	Marty	Pariseau	Taylor
Dahl	Johnson, D.E.	McGowan	Peterson, D.C.	Waldorf

Those who voted in the negative were:

Bertram	Davis	Knaak	Spear	Vickerman
Brataas	Decker	Samuelson	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 738: A bill for an act relating to traffic regulations; providing for special permits for vehicles transporting pole-length pulpwood; setting a fee; amending Minnesota Statutes 1988, section 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 169.

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

So the bill passed and its title was agreed to.

S.F No. 665: A bill for an act relating to motor vehicles; allowing second set of handicapped license plates to be issued to physically handicapped person who is furnished a vehicle as part of employment; allowing commissioner of public safety to waive requirement of physician's statement as evidence of physical handicap in certain circumstances; amending Minnesota Statutes 1988, sections 168.021, subdivision 1; and 169.345, subdivisions 2a and 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F No. 827: A bill for an act relating to public safety; increasing membership on advisory council for the children's trust fund; amending Minnesota Statutes 1988, section 299A.23, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 787: A bill for an act relating to human services; establishing reporting requirements; defining the functions and responsibilities of the commissioner in supervising community social services administered by the counties; requiring the commissioner of human services to ensure compliance with applicable program laws and regulations; implementing corrective action plans; providing sanctions and establishing an incentive program; amending Minnesota Statutes 1988, sections 245.482; 245.716; 245.73, subdivision 4; 252.275, subdivision 7; 256.01, subdivision 2; 256.72; 256.736, subdivision 15; 256.871, subdivision 6; 256.935, subdivision 1; 256B.05, subdivision 1; 256B.20; 256D.04; 256D.39; 256E.05, subdivision 3, and by adding subdivisions; 256E.08, subdivisions 1 and 8; 256E.12, subdivision 3; 256F.06, subdivision 4; 256H.09, subdivision 1; and 257.3575, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 829: A bill for an act relating to insurance; prohibiting insurers from maintaining subrogation actions against insureds; proposing coding for new law in Minnesota Statutes, chapter 60A.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 986: A bill for an act relating to weights and measures; simplifying definition of a firewood "cord"; requiring sale of firewood by volume; specifying firewood advertising and delivery ticket terminology; requiring a written firewood sales invoice; removing exemption from delivery ticket requirement; amending Minnesota Statutes 1988, sections 239.33; and 325E.01.

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 17 and nays 46, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Metzen	Pogemiller	Spear
Chmielewski	Hughes	Moe, D.M.	Purfeerst	
Cohen	Lantry	Pehler	Reichgott	
Dahl	Luther	Peterson, D.C.	Solon	

Those who voted in the negative were:

Adkins	DeCramer	Knaak	Merriam	Schmitz
Beckman	Dicklich	Knutson	Moe, R.D.	Storm
Belanger	Diessner	Kroening	Morse	Stumpf
Benson	Frederick	Laidig	Olson	Taylor
Berg	Frederickson, D.J.	Langseth	Pariseau	Vickerman
Bernhagen	Frederickson, D.R.	Larson	Peterson, R.W.	Waldorf
Bertram	Freeman	Lessard	Piper	
Brataas	Gustafson	McGowan	Ramstad	
Davis	Johnson, D.E.	McQuaid	Renneke	
Decker	Johnson, D.J.	Mehrkens	Samuelson	

So the bill failed to pass.

S.F. No. 184: A bill for an act relating to charitable organizations; regulating charitable solicitations and professional fund raisers; excluding certain religious organizations from registration; requiring a bond for professional fund raisers who have access to contributions; modifying disclosure requirements; authorizing the district court to redress violations of law; amending Minnesota Statutes 1988, sections 309.515, subdivision 2; 309.531, subdivision 2; 309.556; and 309.57, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 321: A bill for an act relating to public nuisances; expanding the nuisance law to include prior convictions for certain drug and liquor offenses; amending Minnesota Statutes 1988, section 617.81, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 624: A bill for an act relating to civil actions; removing certain limitations on parental liability for thefts by minors; amending Minnesota Statutes 1988, section 332.51, subdivision 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Ms. Berglin, Messrs. Merriam and Metzen voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 535: A bill for an act relating to real property; abolishing certain residual marital interests in real property; clarifying that the 40-year limitation on actions affecting title to real estate applies to an action based on an option to repurchase or other restrictions on a surface estate; providing for certain certifications; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1988, sections 541.023, subdivision 2; 548.181, subdivisions 1, 3, and by adding a subdivision; and 582.27; proposing coding for new law in Minnesota Statutes, chapter 519.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 851: A bill for an act relating to driving while intoxicated; making it a crime for certain repeat offenders to refuse to submit to chemical testing under the implied consent law; imposing penalties; amending Minnesota Statutes 1988, sections 169.121, subdivisions 1, 1a, 3, and 3b; and 169.123, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1016: A bill for an act relating to animals; authorizing a county board to regulate dogs and cats within the county without adopting a system of licensure; proposing coding for new law in Minnesota Statutes, chapter 347.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 553: A bill for an act relating to Olmsted county; exempting the county from operation of a public morgue.

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

So the bill passed and its title was agreed to.

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.

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

So the bill passed and its title was agreed to.

S.F. No. 1270: A bill for an act relating to unemployment compensation; making various technical corrections; amending Minnesota Statutes 1988, sections 268.04, subdivisions 12 and 25; 268.06, subdivisions 1, 8a, and 28; 268.07, subdivisions 2 and 3; 268.09, subdivision 1; 268.10, subdivisions 1 and 2; 268.12, subdivision 12; 268.16, subdivision 4; 268.162, subdivision 1; 268.163, subdivision 1; and 268.165, subdivisions 1 and 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

So the bill passed and its title was agreed to.

S.F. No. 695: A bill for an act relating to education; requiring school boards to report certain teacher discharges and resignations to the board of teaching; providing for immunity from liability; amending Minnesota Statutes 1988, section 125.09, by adding subdivisions.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1082: A bill for an act relating to administrative procedure; clarifying the applicability of the requirement that agencies consider the impact of proposed rules on small business; amending Minnesota Statutes 1988, section 14.115, subdivision 7.

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

So the bill passed and its title was agreed to.

### CONSENT CALENDAR

H.F. No. 424: A bill for an act relating to commerce; unclaimed property; providing for the ownership of metal dies and molds; amending Minnesota Statutes 1988, section 345.20, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Ms. Reichgott moved that H.F. No. 29 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

### CONFERENCE COMMITTEE REPORT ON 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.

April 13, 1989

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 29, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment.

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

House Conferees: (Signed) Ann H. Rest, Randy C. Kelly, Art Seaberg

Senate Conferees: (Signed) Ember D. Reichgott, Randolph W. Peterson,  
Gary W. Laidig

Ms. Reichgott moved that the foregoing recommendations and Conference Committee Report on H.F. No. 29 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 29 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

## INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Cohen introduced—

S.F. No. 1584: A bill for an act relating to housing; authorizing nonprofit neighborhood corporations to buy, rehabilitate, and sell housing to members of the community; establishing pilot programs for nonprofit neighborhood corporations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

Referred to the Committee on Economic Development and Housing.

Messrs. Moe, R.D.; Luther; Benson; Ramstad and Freeman introduced—

S.F. No. 1585: A resolution memorializing the President and Congress of the United States to take action to review and revise the statutory framework of the laws of the United States with respect to hostile takeovers and stock accumulations having certain adverse effects and to permit certain state regulation.

Referred to the Committee on Commerce.

Messrs. Morse; Moe, D.M.; Benson and Langseth introduced—

S.F. No. 1586: A bill for an act relating to transportation; suspending a rule governing rental rates for trucks on highway projects; suspending Minnesota Rules, part 5200.1105.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.J. introduced—

S.F. No. 1587: A bill for an act relating to taxation; converting statutory references to mill rates to tax capacity rates; amending Minnesota Statutes 1988, sections 3.983, subdivision 3; 18.022, subdivision 2; 18.111, subdivision 1; 40A.15, subdivision 2; 88.04, subdivision 3; 110.71, subdivision 2; 110B.20; 112.61, subdivisions 2, 3, and 8; 138.053; 162.07, subdivisions 3 and 4; 162.081, subdivision 4; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 273.1102, subdivision 3; 275.011, subdivisions 1 and 2; 275.077, subdivision 2; 275.28, subdivision 1; 275.56; 275.58, subdivision 1; 298.28, subdivision 4; 298.282, subdivision 2; 366.27; 373.40, subdivisions 4 and 6; 375.167, subdivision 1; 375.18, subdivision 3; 375.555; 383A.03, subdivision 4; 383A.411, subdivision 5; 383A.49, subdivision 2; 383B.152; 383B.245; 383B.73, subdivisions 1 and 2; 383C.42, subdivision 1; 398A.04, subdivision 8; 412.251; 412.531, subdivision 1; 414.035; 414.041, subdivision 7; 426.04; 447.10; 449.06; 449.08; 449.09; 449.10; 450.19; 450.25; 458A.10; 458A.31, subdivision 1; 459.06, subdivision 1; 459.14, subdivision 2; 462.396, subdivision 2; 469.033, subdivision 6; 469.053, subdivisions 4 and 6; 469.107, subdivision 1; 469.180, subdivision 2; 469.187; 469.188; 471.191, subdivision 2; 471.1921; 471.571, subdivisions 1 and 2; 473.325, subdivision 2; 473.446, subdivision 1; 473.661, subdivision 3; 473.667, subdivision 9; 473.671; 473.882, subdivision 3; 473.883, subdivision 6; and 641.23; repealing Minnesota Statutes 1988, sections 38.17; 38.28; 69.36; 423.376; 423.47; 423.807; 424.12; and 424.13.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam, for the Committee on Finance, introduced—

S.F. No. 1588: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; providing for deficiencies in and supplementing appropriations for the expenses of state government; setting filing fees for mental health service providers; appropriating money; amending Minnesota Statutes 1988, sections 16A.69; 16B.31, subdivision 3, and by adding a subdivision; 136.03; 136.65, by adding a subdivision; 137.02, by adding a subdivision; and 148B.42, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

Under the rules of the Senate, laid over one day.

## ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m., Friday, April 21, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate