

## FORTY-SECOND DAY

St. Paul, Minnesota, Monday, May 1, 1989

The Senate met at 1:00 p.m. and was called to order by the President.

### CALL OF THE SENATE

Mr. Chmielewski 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. Mary Marcoux.

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

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 27, 1989

The Honorable Robert E. Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1989 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1989	Date Filed 1989
	664	54	1821 hours April 26	April 26
294		55	1820 hours April 26	April 26
	424	56	1820 hours April 26	April 26
	553	57	1819 hours April 26	April 26
361		58	1818 hours April 26	April 26
	29	59	1815 hours April 26	April 26

Sincerely,  
Joan Anderson Growe  
Secretary of State

### REPORTS OF COMMITTEES

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

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

S.F. No. 1375: A bill for an act relating to public safety; alcohol assessment and treatment; allowing courts as a sentencing option to order criminal defendants into treatment upon certification to the local agency and the commissioner of human services; amending Minnesota Statutes 1988, section 169.126, by adding a subdivision; 254B.03, subdivision 1; 609.10; and 609.115, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 169.126, subdivision 4, is amended to read:

Subd. 4. [CHEMICAL USE ASSESSMENT.] (a) Except as otherwise provided in paragraph (d), when an alcohol problem screening shows that the defendant has an identifiable chemical use problem, the court shall require the defendant to undergo a comprehensive chemical use assessment conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. *Notwithstanding section 13.82, the assessor shall have access to any police reports, laboratory test results, and other law enforcement data relating to the current offense or previous offenses that are necessary to complete the evaluation.* An assessor providing a chemical use 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. If an independent assessor is not available, the court may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An appointment for the defendant to undergo the chemical use assessment shall be made by the court, a court services probation officer, or the court administrator as soon as possible but in no case more than one week after the defendant's court appearance. The comprehensive chemical use assessment must be completed no later than ~~two~~ *three* weeks after the ~~appointment date~~ *defendant's*

*court appearance. If the assessment is not performed within this time limit, the county where the defendant is to be sentenced shall perform the assessment. The county of financial responsibility shall be determined under chapter 256G.*

(b) The chemical use assessment report must include a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

(c) The state shall reimburse the county for the entire cost of each chemical use assessment and report at a rate established by the department of human services up to a maximum of \$100 in each case. The county may not be reimbursed for the cost of any chemical use assessment or report not completed within the time limit provided in this subdivision. Reimbursement to the county must be made from the special account established in subdivision 4a.

(d) If the preliminary alcohol problem screening is conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3, consists of a comprehensive chemical use assessment of the defendant, and complies with the chemical use assessment report requirements of paragraph (b), it is a chemical use assessment for the purposes of this section and the court may not require the defendant to undergo a second chemical use assessment under paragraph (a). The state shall reimburse counties for the cost of alcohol problem screenings that qualify as chemical use assessments under this paragraph in the manner provided in paragraph (c) in lieu of the reimbursement provisions of section 169.124, subdivision 3."

Delete the title and insert:

"A bill for an act relating to alcohol assessment; allowing assessors to have access to law enforcement data; imposing a time limit for performance of the assessment; amending Minnesota Statutes 1988, section 169.126, subdivision 4."

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

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

S.F. No. 237: A bill for an act relating to pollution; regulating the disposal of infectious and pathological wastes; providing for penalties for violation; appropriating money; amending Minnesota Statutes 1988, section 609.671, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 9, line 29, after the first "*The*" insert "*pollution control*"

Page 9, line 30, delete the comma and after "*health*" insert a comma

Page 9, line 32, delete "*and from*" and insert a comma and after "*operations*" insert a comma

Pages 9 and 10, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 1988, section 388.051, subdivision 2, is

amended to read:

Subd. 2. [SPECIAL PROVISIONS.] (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 11; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

(b) The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6, ~~and shall prosecute violations of fifth-degree criminal sexual conduct under section 609.3451, and environmental law violations under sections 115.071, 299F098, and 609.671.~~

Sec. 11. Minnesota Statutes 1988, section 609.671, is amended by adding a subdivision to read:

*Subd. 10. [INFECTIOUS WASTE.] A person who knowingly, or with reason to know, disposes of or arranges for the disposal of infectious waste as defined in section 2 at a location or in a manner that is prohibited by section 3 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$10,000, or both. A person convicted a second or subsequent time under this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$25,000, or both."*

Page 10, line 30, delete "8, and 10" and insert "and 8"

Page 10, line 31, after the period, insert "Section 11 is effective January 1, 1990, and applies to crimes committed on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 388.051, subdivision 2; and"

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

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

S.F. No. 6: A bill for an act relating to taxation; exempting an Itasca county levy from the penalty for levies in excess of limitations.

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

Page 1, after line 9, insert:

"Sec. 2. [LEVY LIMIT EXCEPTION.]

*For taxes levied in 1989 and 1990 only, payable in 1990 and 1991 only, a levy by the Itasca county board under Laws 1988, chapter 517, is not subject to the levy limitations of Minnesota Statutes, sections 275.50 to 275.56, or other law."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "limitations" insert "temporarily exempting an Itasca county levy for economic development from levy limits"

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

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

S.F. No. 38: A bill for an act relating to taxation; regulating travel trailers; requiring a registration certificate for park trailers; imposing a registration tax on park trailers; requiring owners of unregistered park trailers to pay property tax; imposing motor vehicle excise tax on park trailers; providing that motor vehicle dealers may sell park trailers; amending Minnesota Statutes 1988, sections 168.011, subdivisions 4, 8, 22, and 25; 168.012, subdivisions 8 and 9; 168.013, subdivision 1, and by adding a subdivision; 168.053, subdivision 2; 168.181, subdivision 1; 168.27, subdivision 1; 168A.01, subdivision 21; 169.34; 169.67, subdivision 4; 169.75, subdivisions 1 and 3; 171.01, subdivision 18; 171.02, subdivision 2; and 297B.01, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Page 2, line 23, delete "*or manufactured home*"

Page 2, after line 27, insert:  
"*Park trailer*" does not include a *manufactured home*."

Page 2, line 29, after "*that*" insert ":

(1)"

Page 2, line 30, delete the third comma and insert ";

(2)"

Page 2, line 32, delete ", and" and insert ";

(3)"

Page 2, line 33, delete the period and insert ";

(4) *does not exceed eight feet in width.*

(d) "*Gross trailer area*" is the total plan area of a travel trailer measured to the maximum horizontal projection of exterior walls when in the setup mode, but not including the area of that portion of the body of a fifth wheel trailer that is raised to extend over the towing vehicle and has a ceiling height of less than five feet."

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

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

S.F. No. 1383: A bill for an act relating to state government; creating a small business procurements commission to study recent United States Supreme Court decisions and their effect on certain programs; suspending

certain requirements relating to procurements from socially and economically disadvantaged businesses during the study; appropriating money; amending Minnesota Statutes 1988, sections 16B.189; 16B.19, subdivisions 2, 4, 5, and 6; 16B.21, subdivision 2; 16B.22; 116J.68, subdivision 1; 136.27; 136.72; 137.31, subdivision 3; 161.321, subdivisions 2, 3, and 6; 241.27, subdivision 2; 471.345, subdivision 8; 473.142; 473.406, subdivisions 1, 2, 4, 5, and 6; and 645.445, subdivision 5.

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

Page 2, line 2, delete the second "and"

Page 2, line 3, before the period, insert "; and

*(4) recommend programs targeted to small businesses in need of assistance"*

Page 2, line 11, delete "ex officio" and insert "as a nonvoting member"

Pages 2 to 15, delete sections 2 to 24 and insert:

"Sec. 2. [STUDY OF SMALL BUSINESS PROGRAM.]

*The commissioner of administration shall assist the commission established by section 1 in its study of small business procurement programs. The commissioner shall review recent United States Supreme Court decisions to determine whether there is sufficient justification under a strict scrutiny standard to establish a narrowly tailored purchasing program for the benefit of any socially disadvantaged groups and shall make recommendations to the commission regarding legislation and program operation where justification exists. The commissioner shall make recommendations:*

*(1) for revising the definition of small business contained in Minnesota Statutes, section 645.445; and*

*(2) for alternative programs to stimulate growth opportunities for small businesses.*

*The commissioner shall also assess the feasibility of establishing a preference program that incorporates urban and rural areas of high unemployment."*

Page 15, line 23, delete "The amendments"

Page 15, delete lines 24 and 25

Page 15, delete section 26

Page 15, line 35, delete "26" and insert "3"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete lines 6 and 7

Page 1, line 8, delete "study;" and delete everything after "money" and insert a period

Page 1, delete lines 9 to 15

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. 1076: A bill for an act relating to commerce; regulating real estate appraisers; creating the real estate appraiser advisory board; providing for membership, compensation, powers, and duties; providing licensing and education requirements; regulating the issuance, renewal, suspension, and revocation of licenses; providing fees; prescribing penalties; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 82B.

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

Page 1, delete section 1

Page 2, line 9, delete "*When identifying*"

Page 2, delete lines 10 to 13

Page 3, line 10, delete "*shall*" and insert "*may*"

Page 3, line 21, delete "*must be*" and insert "*is*"

Page 4, line 11, delete "*A*" and insert "*The*"

Page 4, line 12, delete "*is established. The board*"

Page 4, lines 14, delete "*shall*" and insert "*must*" in both places

Page 4, line 15, delete "*shall*" and insert "*must*"

Page 4, line 20, delete "*shall*" and insert "*must*" and delete the first "*be*"

Page 4, line 30, delete everything after the period

Page 4, delete lines 31 to 35

Page 5, lines 2 and 6, delete "*shall*" and insert "*may*"

Page 5, line 9, delete "*shall*" and insert "*must*"

Page 6, lines 33 and 36, delete "*shall*" and insert "*must*"

Page 7, lines 1 and 2, delete "*shall*" and insert "*must*"

Page 8, lines 3, 20, and 28, delete "*shall*" and insert "*must*"

Page 9, line 8, delete "*shall be*" and insert "*is*"

Page 9, line 11, delete "*shall*" and insert "*must*"

Page 10, lines 5 and 32, delete "*shall*" and insert "*must*"

Page 11, line 4, delete "*shall*" and insert "*must*"

Page 11, line 18, delete "*shall*" and insert "*may*"

Page 12, line 20, delete "HOW MADE" and insert "PROCEDURE"

Page 13, line 29, delete "*shall*" and insert "*may*"

Page 14, line 4, before "*license*" insert "*a*" and delete "*shall be*" and insert "*is*"

Page 14, lines 28 and 31, delete "*shall*" and insert "*may*"

Page 15, line 2, delete the second "*the*"

Page 15, line 3, delete "provisions of"

Page 17, line 18, delete "21" and insert "20"

Page 17, line 21, delete "ten" and insert "30"

Page 18, line 6, delete "shall" and insert "may"

Page 18, after line 7, insert:

"Sec. 25. [INITIAL APPOINTMENTS.]

*Notwithstanding section 5, subdivision 3, the commissioner of commerce shall appoint the initial members of the real estate appraiser advisory board to the following terms:*

*(1) two public members, three appraiser members, and two consumer members to three-year terms;*

*(2) two public members, three appraiser members, and one consumer member to two-year terms; and*

*(3) two appraiser members to one-year terms."*

Page 18, line 10, after "82B" insert a period

Page 18, line 15, delete "25" and insert "24"

Renumber the sections in sequence

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. 3: A bill for an act relating to crime; controlled substances; creating controlled substance crimes in the first, second, third, fourth, and fifth degrees; increasing penalties for controlled substance offenses; increasing penalties for selling and possessing narcotics in a park or school zone; providing mandatory minimum sentences for repeat controlled substance offenses; providing a mandatory minimum sentence for a controlled substance offense committed with a dangerous weapon; providing a mandatory minimum sentence for use of an illegal weapon during a dangerous felony; creating a permissible inference that occupants in a room or automobile knowingly possess controlled substances found there; providing that law enforcement is not required to notify the school chemical abuse pre-assessment team within two weeks under certain circumstances; increasing penalty for introducing controlled substance in correctional facility; limiting stays of sentences for controlled substance convictions; authorizing cancellation of driver's license of juvenile for a controlled substance violation; lowering threshold for forfeiture of vehicles in connection with a controlled substance offense; requiring courts to order forfeiture of property subject to forfeiture; imposing a felony penalty for selling tobacco to a minor; requiring reporting of prenatal use of controlled substances; prescribing duties of local welfare agency on receiving a report of prenatal controlled substance use; requiring controlled substance tests of certain newborns and pregnant women; requiring the development of guidelines for county pilot programs in urine testing of drug offenders during probation; establishing an office of drug policy in the department of public safety; providing for a director and other employees; requiring the director



to develop a state drug strategy; providing for the coordination of drug enforcement, prevention, education, treatment, and rehabilitation programs; establishing an assistance program for school drug abuse resistance education programs; requiring a chemical use assessment of persons convicted of controlled substance felonies; establishing an interjurisdictional task force on incarceration; establishing a drug abuse prevention council; appropriating money; amending Minnesota Statutes 1988, sections 126.036; 152.01, by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; 243.55, subdivision 1; 244.09, subdivision 5; 253B.02, subdivisions 2 and 10; 260.185, subdivision 1; 609.11, subdivision 9, and by adding a subdivision; 609.115, by adding a subdivision; 609.531, subdivision 1; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; 609.685, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 152; 241; 299A; and 626; repealing Minnesota Statutes 1988, sections 152.09; and 152.15, subdivisions 1, 2, 2a, 2b, 3, 4a, and 5.

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

Page 26, line 17, delete "*director of drug policy*" and insert "*commissioner of public safety*"

Page 27, line 16, delete "*a director*" and insert "*an assistant commissioner*"

Page 27, lines 17, 18, and 25, delete "*director*" and insert "*assistant commissioner*"

Page 28, lines 4 and 6, delete "*prosecutors*" and insert "*drug program agencies*"

Page 28, delete lines 9 to 29 and insert:

*"Subdivision 1. [PROGRAM.] The drug abuse resistance education program assists law enforcement agencies or school districts by providing grants to enable peace officers to undergo the training described in subdivision 3. Grants may be used to cover the cost of the training as well as reimbursement for actual, reasonable travel and living expenses incurred in connection with the training. The commissioner shall administer the program, shall promote it throughout the state, and is authorized to receive money from public and private sources for use in carrying it out. For purposes of this section, "law enforcement agency" means a police department or sheriff's office.*

*Subd. 2. [MATCHING GRANTS.] A law enforcement agency or a school district may apply to the commissioner for a grant under subdivision 1. The commissioner may award a matching grant, up to a dollar-for-dollar match, to the applicant.*

*Subd. 3. [TRAINING PROGRAM.] The bureau of criminal apprehension shall develop a program to train peace officers to teach a curriculum on drug abuse resistance in schools. The training program must be approved by the commissioner."*

Page 28, lines 33 and 36, delete "*director*" and insert "*commissioner*"

Page 29, lines 2, 7, and 19, delete "*director*" and insert "*commissioner*"

Pages 29 and 30, delete section 6 and insert:

**"Sec. 6. [299A.33] [INTERAGENCY TASK FORCE ON CRIMINAL JUSTICE POLICY.]**

*Subdivision 1. [MEMBERSHIP.] The interagency task force on criminal justice policy consists of:*

- (1) the commissioner of public safety, who shall serve as the chair;*
- (2) the commissioners of corrections, human services, and state planning;*
- (3) the ombudsman for corrections;*
- (4) the state public defender;*
- (5) the attorney general or the attorney general's designee;*
- (6) a representative of the supreme court appointed by the chief justice;*
- (7) three members of the senate, one of whom must be a member of the minority caucus, appointed by the subcommittee on committees of the committee on rules and administration; and*
- (8) three members of the house of representatives, one of whom must be a member of the minority caucus, appointed by the speaker.*

*Subd. 2. [STAFF SUPPORT.] The assistant commissioner of public safety assigned to the office of drug policy shall provide staff and administrative support to the task force. Other agencies shall provide information and staff and administrative support upon request.*

*Subd. 3. [DUTIES.] The task force shall:*

*(1) coordinate the development and implementation of criminal justice policies and programs within state government that require interagency cooperation; and*

*(2) advise the governor and the legislature on measures to increase public safety, foster interagency coordination, and improve the workings of the state's criminal justice system."*

Page 30, lines 12, 25, and 27, delete "director" and insert "assistant commissioner assigned to the office of drug policy"

Page 30, line 26, delete "or services"

Page 32, line 26, delete "governor" and insert "commissioner of corrections or the commissioner's designee"

Page 33, after line 3, insert:

**"Sec. 12. [STUDY AND REPORT.]**

*The interagency task force on criminal justice policy established by section 6 shall review existing drug abuse prevention programs and shall develop and recommend to the governor and the legislature a statewide drug abuse prevention policy that emphasizes local efforts and a coordinated approach. The policy must seek to make most efficient use of available money and other resources and to use existing agencies or organizations whenever possible. The report and recommendations must be submitted before January 1, 1991."*

Page 33, line 7, delete "director of the"

Page 33, delete section 13

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 26, delete "felony" and insert "gross misdemeanor"

Page 1, line 36, delete "a director" and insert "an assistant commissioner"

Page 1, line 37, delete "director" and insert "assistant commissioner"

Page 1, line 46, delete "a drug abuse prevention council" and insert "an interagency task force on criminal justice policy"

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. 342: A bill for an act relating to health; requiring the commissioner of health to conduct radon research and engage in educational activities; requiring amendments to the state plumbing code and building code to minimize exposure to radon; requiring persons performing radon testing to be registered by the commissioner of administration; requiring a study; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Page 1, delete section 1

Page 1, line 15, delete "326.84" and insert "326.83"

Page 1, line 16, delete "8" and insert "4"

Page 1, delete lines 18 to 20

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

Page 1, line 25, delete "326.85" and insert "326.84"

Page 3, delete section 4

Page 3, line 14, delete "326.87" and insert "326.85"

Pages 3 to 5, delete sections 6 to 9 and insert:

"Sec. 4. [MANDATORY TESTING.]

*By July 1, 1991, public and private schools and licensed day care centers shall conduct screening tests for radon in classrooms and other areas in which children are accommodated and shall report the results to the commissioner of health."*

Page 5, lines 15, 19, 23, 27, 31, and 35, delete "3" and insert "2"

Page 6, lines 3 and 7, delete "3" and insert "2"

Page 6, delete lines 9 to 11

Page 6, line 12, delete "10" and insert "9"

Page 6, delete lines 14 to 17

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "plumbing code and"

Page 1, line 6, delete everything after the semicolon

Page 1, delete line 7

Page 1, line 8, delete everything before "appropriating"

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. 1358: A bill for an act relating to metropolitan airport planning; requiring various actions, plans, and reports by the metropolitan council and the metropolitan airports commission; establishing a state advisory council on metropolitan airport planning; providing for a study on the effects of a runway expansion at Airlake airport; amending Minnesota Statutes 1988, sections 473.604, subdivision 1; 473.608, subdivision 1; and 473.621, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 10, delete lines 10 to 35 and insert:

*"(1) the commissioners of transportation, state planning, and the pollution control agency;*

*(2) a member of the metropolitan council, appointed by the council;*

*(3) a member of the metropolitan airports commission, appointed by the commission;*

*(4) a representative of the aviation industry, appointed by the metropolitan council;*

*(5) four elected city officials, one from each of the cities of Bloomington, Minneapolis, Richfield, and St. Paul, appointed, respectively, by the governing body of Bloomington, Minneapolis, Richfield, and St. Paul;*

*(6) a representative of the Federal Aviation Administration, serving as a nonvoting member;*

*(7) a member of the Minnesota congressional delegation, serving as a nonvoting member, selected by the delegation; and*

*(8) two public members who are not eligible for appointment under clauses (1) to (7), one appointed by the majority leader of the senate and one appointed by the speaker of the house of representatives.*

*The advisory council shall elect a chair from among its members."*

Page 10, line 36, delete "5" and insert "4"

Page 11, line 4, delete "6" and insert "5"

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

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

S.F. No. 217: A bill for an act relating to human services; authorizing counties to establish multidisciplinary chemical dependency prevention teams; authorizing the state planning agency to fund these teams in several counties on a demonstration basis; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 254A.

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

Delete everything after the enacting clause and insert:

"Section 1. [254A.075] [MULTIDISCIPLINARY CHEMICAL ABUSE PREVENTION TEAM.]

*Subdivision 1. [ESTABLISHMENT OF TEAM.] A county, a multicounty organization of counties formed by an agreement under section 471.59, or a city with a population of no more than 50,000, may establish a multidisciplinary chemical abuse prevention team. The chemical abuse prevention team may include, but not be limited to, representatives of health, mental health, public health, law enforcement, educational, social service, court service, community education, religious, and other appropriate agencies, and parent and youth groups. For purposes of this section, "chemical abuse" has the meaning given in Minnesota Rules, part 9530.6605, subpart 6. When possible the team must coordinate its activities with existing local groups, organizations, and teams dealing with the same issues the team is addressing.*

*Subd. 2. [DUTIES OF TEAM.] (a) A multidisciplinary chemical abuse prevention team shall:*

*(1) assist in coordinating chemical abuse prevention and treatment services provided by various groups, organizations, and agencies in the community;*

*(2) disseminate information on the chemical abuse prevention and treatment services that are available within the community in which the team is established;*

*(3) develop and conduct educational programs on chemical abuse prevention for adults and youth within the community in which the team is established;*

*(4) conduct activities to address other high-risk behaviors related to chemical abuse, including, but not limited to, suicide, delinquency, and family violence; and*

*(5) conduct other appropriate chemical abuse prevention activities.*

*(b) The team, in carrying out its duties under this subdivision, must focus on chemical abuse issues and needs unique to the community in which the team is established. In defining the needs and goals of the team, the team shall consult with the governmental body of the city or county in which the team is established. When a team is established in a multicounty area, the team shall consult with representatives of the county boards of each county.*

*(c) The team, in carrying out its duties, shall comply with the government data practices act in chapter 13, and requirements for confidentiality of*

records under Code of Federal Regulations, title 42, sections 2.1 to 2.67, as amended through December 31, 1988, and section 254A.09.

**Subd. 3. [GRANTS FOR DEMONSTRATION PROGRAM.]** *The state planning agency may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The agency may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.*

**Subd. 4. [STATE PLANNING; ADMINISTRATION OF GRANTS.]** *The state planning agency shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program that the agency administers under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the state planning agency shall apply in awarding grants. The state planning agency shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the state planning agency considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the state planning agency. The state planning agency shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.*

**Sec. 2. [MONITORING AND REPORT OF CHEMICAL ABUSE PREVENTION TEAMS.]**

*The state planning agency shall monitor the activities of teams funded under the demonstration program for multidisciplinary chemical abuse prevention teams under section 1, and report to the legislature on or before January 1, 1991, on the teams' operation and progress.*

**Sec. 3. [APPROPRIATION.]**

*§ . . . . . is appropriated for the biennium ending June 30, 1991, from the general fund to the commissioner of the state planning agency for the purposes of sections 1 and 2."*

Amend the title as follows:

Page 1, line 3, delete "dependency" and insert "abuse"

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

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

S.F. No. 1164: A bill for an act relating to human services; requiring a pilot project for subsidies to certain persons with case management training; appropriating money; amending Minnesota Statutes 1988, section 252.32, by adding a subdivision.

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 252.32, is amended by adding a subdivision to read:

*Subd. 5. [PILOT PROJECT.] (a) The commissioner of human services shall establish a pilot project to provide subsidies to the following persons who have received training equivalent to case manager training under Minnesota Rules, part 9525.0155:*

*(1) a primary caregiver for a relative between 22 and 35 years of age with mental retardation or a related condition living in the primary caregiver's home; and*

*(2) persons with mental retardation or a related condition between 22 and 35 years of age.*

*(b) The subsidy may be used for any goods and services agreed upon by the screening team to carry out the goals in the individual service plan as defined in Minnesota Rules, part 9525.0075, for the person with mental retardation or a related condition. The subsidy may not be used to supplant existing funding sources.*

*(c) The commissioner shall develop procedures for determining the amount of subsidy, but the yearly total may not exceed \$3,000 for each eligible person. The commissioner shall establish procedures for paying the subsidy to a person eligible under paragraph (a). The procedures must allow the person to receive the subsidy in the form of cash payments or a voucher for goods and services that meet the requirements in paragraph (b). In establishing the pilot project the commissioner shall review the results of the consumer case management project funded by the state planning agency between 1986 and 1989.*

*(d) Twenty percent of the cost of the subsidy program must be paid with nonstate funds.*

*(e) At least one of the counties participating in the pilot project must be from rural Minnesota, provided the county agrees to comply with the requirements of this section.*

*(f) The commissioner shall report to the legislature by February 1, 1991, on the effectiveness of the project in terms of cost and in meeting the goals of the individual service plan.*

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

*\$200,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1991, for the pilot project subsidies in section 1. Money may be distributed beginning October 1, 1989."*

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

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

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

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

Delete everything after the enacting clause and insert:

"Section 1. [144.851] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 15.*

*Subd. 2. [ABATEMENT.] "Abatement" means the use of the best available technology to remove or encapsulate deteriorating or intact lead paint or to reduce the availability of lead in soil and house dust, air, water, municipal solid waste, industrial waste, construction debris, compost, medicines, and any other sources considered a lead hazard by the commissioner.*

*Subd. 3. [BOARD OF HEALTH.] "Board of health" means an administrative authority established under section 145A.03 or 145A.07.*

*Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of health.*

*Subd. 5. [DEPARTMENT.] "Department" means the department of health.*

*Subd. 6. [ELEVATED BLOOD LEAD LEVEL.] "Elevated blood lead level" means at least 25 micrograms per deciliter.*

*Subd. 7. [ENCAPSULATION.] "Encapsulation" refers to the secure covering or containment of a lead source in soil or the stabilization of deteriorating paint and repainting to prevent harmful exposure to a toxic level of lead. Encapsulation includes maintenance of a stable condition of paint or soil cover and monitoring by the property owner. Sod cover or placement of soils below 25 parts per million and seeding is permitted. Treatment for walkways and car parking areas may be included in an order.*

*Subd. 8. [HIGH-EFFICIENCY VACUUMING.] "High-efficiency vacuuming" means the use of the best available vacuum technology to effectively reduce dust lead levels so as to produce a lead safe environment in dwellings or other locations containing a lead dust hazard or deteriorating paint requiring abatement.*

*Subd. 9. [IMMEDIATE LEAD HAZARD.] "Immediate lead hazard" means a lead source in deteriorating paint, dust, or bare soil with a toxic level of lead that is found to be readily available for ingestion by children or adults.*

*Subd. 10. [LEAD ABATEMENT CONTRACTOR.] "Lead abatement contractor" means an employer or other person or entity who, for financial gain, directly performs or causes to be performed, through subcontracting or similar delegation, work related to lead hazard abatement or immediate hazard removal.*

*Subd. 11. [LEAD HAZARD.] "Lead hazard" means the existence of a*



*toxic level of lead that is potentially a source of exposure to children who are known to ingest paint or tamper with painted surfaces or tamper with and consume soil.*

*Subd. 12. [LEAD SAFE.] "Lead safe" means a property, portion of a property, or lead source that is free of immediate lead hazards.*

*Subd. 13. [LOCAL HEALTH BOARD.] "Local health board" means a city or county board of health established under section 145A.03 or 145A.07.*

*Subd. 14. [LOW BLOOD LEAD LEVEL.] "Low blood lead level" means the blood lead level guideline of ten micrograms per deciliter.*

*Subd. 15. [TOXIC LEVEL OF LEAD.] "Toxic level of lead" means a lead level that pollutes the environment or causes harm to persons through consumption, ingestion, or prolonged exposure. Toxic levels for the following sources must be no greater than the following protocols set for determining abatement:*

*(1) any painted surface in deteriorating condition that is available for teething or tampering by a child must not contain a lead level greater than .5 percent lead by dry weight or loose chips containing greater than .01 percent lead as measured by atomic absorption spectrophotometry or test sample of 1.0 milligrams of lead per square centimeter of surface as measured on-site by portable XRF Analyzer or properly calibrated comparable technology;*

*(2) median lead content of any bare soil accessible to children must not exceed 100 parts per million;*

*(3) lead levels must not exceed 300 micrograms per square meter for any surface dust in the interior or exterior of a dwelling or workplace and 100 parts per million of lead dust in furniture, carpets, or household belongings; and*

*(4) lead levels for drinking water must not exceed a lead content of five parts per billion.*

## **Sec. 2. [144.852] [PROACTIVE LEAD EDUCATION STRATEGY.]**

*The commissioner shall contract with local health boards, lead advocacy organizations, and businesses to design and implement a uniform, proactive educational program to promote the prevention of exposure to all sources of lead to target populations. Priority shall be given to provide ongoing education to health care and social service providers, registered lead abatement contractors, building trades professionals and nonprofessionals, property owners, and parents. Educational materials shall be multilingual and multicultural to meet the needs of diverse populations.*

## **Sec. 3. [144.853] [LEAD SCREENING FOR CHILDREN.]**

*The commissioner shall contract with the local health boards of Minneapolis, St. Paul, and Duluth to promote and subsidize a baseline blood lead test of all children at risk who live in the high risk areas served by these local health boards and who are under six years of age. The lead screening must be advocated on a statewide basis through the proactive education efforts of local health boards. The lead screening must be promoted to be carried out in conjunction with routine blood tests. Medical laboratories performing blood lead analyses must provide copies of the laboratory report form for all blood lead levels of at least ten micrograms per deciliter to the commissioner and to the board of health of the city or*

county in which the patient resides. The information obtained from the screenings must be reported by address and census tract and made available for research and to the public. The commissioner shall work through the statewide WIC program to ensure that testing of children in low-risk areas is integrated as a state reimbursed screening component of WIC services. The commissioner shall also evaluate the accessibility and affordability of lead screening for children throughout the state as provided by other health care providers and report the findings to the legislature by January 1, 1990.

**Sec. 4. [144.854] [PERMIT REQUIRED.]**

*The owner of any property or a lead abatement contractor must obtain a permit from a local health board before beginning any sandblasting or burning of paint with a toxic level of lead.*

**Sec. 5. [144.855] [RESIDENTIAL ASSESSMENT AND ABATEMENT.]**

*Subdivision 1. [RESIDENCE ASSESSMENT.] If a child is identified as having a blood lead level that exceeds 25 micrograms per deciliter, the local health board must do a timely assessment of the child's residence to determine the sources of lead contamination and must provide education to the residents and the owner on the best means of reducing the danger of the lead sources. If a child or pregnant woman is identified as having a blood lead level that exceeds ten micrograms per deciliter, a lead abatement advocate or local health board shall provide education on prevention methods and services.*

*Subd. 2. [ABATEMENT ORDERS.] If the level of lead in paint, soil, dust, or water found during the assessment conducted under subdivision 1 exceeds the interim standards for a toxic level of lead, the board of health may issue an order for monitoring, immediate hazard removal, encapsulation, or permanent removal of the lead source.*

*Subd. 3. [WARNING NOTICE.] A warning notice must be posted on all entrances to properties for which an order to abate an intact lead paint source has been issued by a board of health. This notice must remain posted until the abatement has been completed in accordance with the order, or until the board of health removes it. This warning must be at least 8-1/2 by 11 inches in size, and must include the following provisions, or provisions using substantially similar language:*

*(a) "This property contains dangerous amounts of lead to which children under age six and pregnant women should not be exposed."*

*(b) "It is unlawful to remove or deface this warning. This warning may be removed only upon the direction of the local board of health."*

*Subd. 4. [RELOCATION OF RESIDENTS.] Relocation of residents is required from rooms or dwellings for removal of intact paint and the removal or disruption of intact lead-painted surfaces and plaster walls during construction or remodeling projects. The commissioner shall contract with local boards for safe housing for relocation requirements. Efforts must be made to minimize disruption and ensure that a family may return to their place of residence, if they desire, after abatement is completed.*

*Subd. 5. [RETESTING REQUIRED.] Monitoring for compliance after an abatement order issued for any case of an elevated blood lead level shall be prompt and include the retesting of all sources previously in violation. Persons relocated during abatement may reoccupy the residence*

*or rooms only when the retesting confirms compliance with a lead safe environment.*

**Sec. 6. [144.856] [REGISTRATION OF ABATEMENT CONTRACTORS.]**

*After July 1, 1989, abatement contractors who contract for the removal of leaded soil, dust, or deteriorating paint must register by phone, by mail, or in person with the commissioner and notify the local board of health of all abatement projects undertaken in response to an abatement order. All abatement contractors shall be given instructional materials on safe abatement methods and the requirements of relocation from rooms or dwellings by residents. By July 1, 1990, the commissioner shall develop or contract for a training program for abatement contractors and adopt rules specifying the abatement methods that must be used by contractors to provide for the safe sandblasting, collection, handling, storage, encapsulation, removal, transportation, and disposal of any material containing lead. By January 1, 1991, the commissioner shall report to the legislature concerning the need for licensure or certification of lead abatement contractors.*

**Sec. 7. [144.857] [LEAD ABATEMENT ADVOCATE.]**

*The commissioner shall administer a program to fund community-based advocates who, following the detection of a toxic level of lead, a low or elevated blood lead level, or after the issuance of an abatement order, will visit the family in their residence to instruct them about lead prevention, safety measures, materials, and procedures to be followed before, during, and after an abatement order.*

**Sec. 8. [144.858] [RULES.]**

*By June 30, 1990, the commissioner of the pollution control agency and the commissioner of health shall jointly adopt rules to set abatement procedures for the removal of intact paint through sandblasting, burning, or other methods approved by the commissioner.*

**Sec. 9. [144.859] [COMMITTEE ON LEAD PREVENTION.]**

*The commissioner of state planning shall convene a committee consisting of a representative of the Minnesota housing finance agency, the pollution control agency, the department of health, the state planning agency, the department of education, abatement contractors, realtors, community council representatives from high-risk areas, parents of lead-burdened children, lead researchers, and cultural groups at a high risk of lead poisoning. The committee shall evaluate the costs of providing assistance to property owners and local communities required to do abatement under this law and of providing subsidized programs to assist them. The committee shall also present recommendations for a statewide subsidized abatement service program. The commissioner shall report the findings and recommendations to the legislature by January 1, 1990.*

**Sec. 10. [144.860] [ENVIRONMENTAL SURVEY; ABATEMENT ORDERS.]**

*Subdivision 1. [ENVIRONMENTAL SURVEY REQUIRED.] The commissioner shall administer and contract for an environmental survey of soil lead levels and lead hazards in paint throughout high-risk areas, as is demonstrated by significant numbers of children with low and elevated blood lead levels.*

*Inspections shall include ten samples of interior floor dust from a square meter area and ten surface scrape soil samples from foundation soils near entrances, midyard, and streetside locations.*

*When an immediate lead hazard is found in a multiunit building, the commissioner may order an inspection of all units in the building.*

*Subd. 2. [ISSUANCE OF ABATEMENT ORDERS.] If an inspection reveals the need for the removal or encapsulation of an immediate lead hazard, if detection of a low or elevated blood lead level is found, or if the local board of health determines that a lead hazard exists at a residence, an order for abatement shall be issued. This order shall involve, in order of priority:*

*(1) an order for continued maintenance of a stable, nondeteriorating condition of a lead source for a temporary or permanent approach;*

*(2) an order for an immediate hazard removal of loose paint, dust, or loose soil with a toxic level of lead;*

*(3) an order for encapsulation of a lead source with a toxic level of lead; or*

*(4) an order for the removal of intact lead paint, painted surfaces, furnishings, or soil that is readily available to a child with a known pica for paint or soil.*

*Subd. 3. [HANDLING OF WASTE.] All liquid and solid waste generated or collected that is known to contain lead must be handled, source separated, processed, recycled, or disposed of in a manner to minimize the generation or distribution of lead in air or water.*

*Subd. 4. [NOTIFICATION OF LAW.] All abatement orders must include educational materials on safety specifications. The orders must also provide current information on tools and services required to perform the proposed abatement in compliance with safety and relocation specifications.*

#### **Sec. 11. [144.861] [ABATEMENT PROCEDURES.]**

*Subdivision 1. [FURNITURE AND POSSESSIONS.] In cases of abating an intact lead paint hazard or lead paint abatement dust, household furniture and personal possessions with a toxic level of lead dust shall be cleaned, encapsulated, or removed as part of the abatement procedure.*

*Subd. 2. [MAINTENANCE AND MONITORING REQUIRED.] Where a known intact surface or reservoir with a toxic level of lead exists, but does not pose a risk of being a lead hazard, the board of health shall issue an order requiring maintenance of a stable condition or secure encapsulation and monitoring for potential hazards from deterioration, weathering, remodeling, or the disturbing of soil cover by the property owner.*

*Subd. 3. [PROHIBITED PROCEDURES.] The dry scraping, brushing, sweeping, or dusting of a lead source containing a toxic level of lead is prohibited. Removal of intact lead-based paint through interior or exterior sanding, sandblasting, burning, or any other methods which the commissioner considers to generate a lead hazard, is prohibited.*

*Subd. 4. [HANDLING OF DUST.] During any lead abatement, dust and waste must be removed through high-efficiency vacuuming or repeated detergent washing of all surfaces and items requiring abatement. Household or industrial vacuuming is allowed only when the lead source is*

*saturated with a wet detergent or solvent. Cleanup must include the complete drying of all washed surfaces immediately following final wash.*

*Subd. 5. [PROTECTION OF NONCONTAMINATED AREAS.] Precautions must be taken to keep immediate lead hazards in dust, soil, and loose paint from noncontaminated and lead safe areas, materials, or belongings. Foundation soil, sidewalks, steps, plants, and other exterior property are to be covered with sheets of cloth or plastic.*

*Subd. 6. [RECOMMENDED PROCEDURES.] Lead paint removal on exteriors shall include, to the maximum extent feasible, the use of high-powered water spraying and wetting during scraping procedures and the secure covering of windows and entrances to reduce the generation and distribution of lead paint dust. Interior lead paint removal shall include the use of solvents, wet washing, high-efficiency vacuuming, and removal of painted surfaces.*

**Sec. 12. [144.862] [ENFORCEMENT OF COMPLIANCE.]**

*If a lead source constitutes an immediate lead hazard, or if there is failure to adequately protect workers, the environment, or residents, or if the source of lead remains a lead hazard for a child known to teethe on or consume nonfood items, the local health board shall order the abatement to be done by a registered lead abatement contractor. The costs of abatement may be levied on the property owner's property tax statement.*

**Sec. 13. [144.863] [SUBSIDIZED ABATEMENT SERVICES.]**

*The commissioner shall provide subsidized lead abatement services to tenants or property owners with incomes equal to or below 185 percent of the federal poverty guidelines or to any day care facility with a detected immediate lead hazard. The commissioner shall provide these services by contracting with organizations and businesses with experience in environmental lead abatement and lead prevention advocacy and which employ a principal investigator with experience in lead research. Abatement services must include, but are not limited to, water bill subsidy, temporary or permanent relocation of residents, immediate hazard removal, and temporary or permanent encapsulation or permanent removal of a lead source. Services shall be made available statewide with a priority given to persons living in residences where an elevated blood lead level has been detected. Tenant subsidy shall include relocation and immediate hazard removal and prevention tools. The commissioner may allow residences, at which a low or elevated blood lead level has been detected, to water designated play areas during drought conditions.*

**Sec. 14. [144.864] [PARKING REQUIREMENTS.]**

*For the purposes of paving new parking facilities for over ten cars which would result in the destruction of land and natural resources within 100 feet of an existing day care facility or within 1,000 feet of a federal reserve or national park, an environmental impact statement and documentation of nonpolluting environmental alternatives are required.*

**Sec. 15. [REPORT ON PAINT, SOIL, AND BLOOD LEAD.]**

*The commissioner shall contract with local health boards, Minnesota lead prevention advocacy organizations, and businesses with research experience to draft a report for review. The report shall consist of a statistical and geographic analysis by census tract of the data collected in*

section 10 and an analysis of data from the statewide survey. The department shall review the literature, recommend appropriate response actions, and provide an estimate of the social costs of lead exposure. Cost estimates for treating the estimation of lead hazards shall include analysis of current abatement techniques and the effectiveness of the definitions for a toxic level of lead in paint, soil, dust, and water. Recommendations related to safety considerations shall address the progress of the state lead abatement programs, the benefits of the proactive lead education strategy, and subsidized abatement services. The report shall be submitted to the commissioner of health and the legislature by January 1, 1991.

**Sec. 16. [APPROPRIATION.]**

(a) \$ . . . . . is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, to implement sections 1 to 15.

(b) \$ . . . . . is appropriated from the general fund to the commissioner of health to provide grants to the cities of Minneapolis, St. Paul, and Duluth for the biennium ending June 30, 1991, for the enforcement of compliance required in section 12. Of this amount, \$ . . . . . is for the city of Minneapolis, \$ . . . . . for the city of St. Paul, and \$ . . . . . for the city of Duluth.

(c) \$ . . . . . is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, for the report required in section 15.

(d) \$ . . . . . is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, for lead prevention education and services targeting Hmong communities. The commissioner shall contract with a Hmong advocacy organization, a lead-related business, or a community-based clinic to provide environmental lead prevention educational materials and other services related to lead prevention, and to study the benefits of removing lead hazards in soil, dust, paint, and medicines in the Hmong community.

(e) \$ . . . . . is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, for the subsidized lead abatement services required in section 13."

Delete the title and insert:

"A bill for an act relating to health; establishing a blood lead level screening program for children; requiring local health boards to conduct environmental inspections; providing subsidized lead abatement services; requiring a report on soil and blood lead; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144."

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

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

S.F. No. 272: A bill for an act relating to veterans; authorizing the commissioner of administration to conduct a study of the need for additional veterans homes in the state; appropriating money.

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

as follows:

Page 1, after line 6, insert:

“Section 1. [198.345] [VETERANS HOME; LUVERNE.]

*Subdivision 1. [ESTABLISHMENT.] The board may establish a veterans home in Luverne to provide at least 60 beds for skilled nursing care in conformance with licensing rules of the commissioner of health.*

*Subd. 2. [FUNDING.] The home must be purchased or built with funds, 65 percent of which must be provided by the federal government and 35 percent by other nonstate sources, including local units of government, veterans' organizations, and corporations or other business entities. Contracts made by the board for the purposes of this section are subject to chapter 16B.”*

Page 1, line 10, delete the first comma and insert “and the interagency board for quality assurance”

Page 2, delete lines 29 to 33 and insert:

“Sec. 3. [SUNSET.]

*Section 1 is repealed July 1, 1992, unless the United States Veterans Administration has approved the request to establish a veterans nursing home in Luverne.”*

Page 3, line 1, delete “1” and insert “2”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “providing for the establishment of a veterans home in Luverne;”

Page 1, line 5, after “money” insert “; proposing coding for new law in Minnesota Statutes, chapter 198”

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

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

H.F. No. 1014: A bill for an act relating to mechanics' liens; allowing owner to request statement of actual charges; requiring subcontractor to make good faith estimate of charges; amending Minnesota Statutes 1988, section 514.011, subdivision 2.

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

Page 2, line 6, after the period, insert “To the best of our knowledge,” and reinstate the stricken language

Page 2, lines 7 and 8, reinstate the stricken language

Page 2, delete lines 9 and 10

Page 2, delete lines 23 to 25 and insert:

*“(b) A person entitled to a lien does not lose the right to the lien for failure to strictly comply with this subdivision if a good faith effort is made to comply, unless the owner or lien claimant proves damage as a direct*

*result of the failure to comply."*

Page 2, line 28, after the period, insert "*Until August 1, 1990, a notice given in conformity with Minnesota Statutes 1988, section 514.011, subdivision 2, is valid.*"

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. 444: A bill for an act relating to data privacy; providing for access to private medical examiner data and other medical data by family members; amending Minnesota Statutes 1988, sections 13.42, subdivision 3; 13.83, subdivision 8; and 144.335, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 13.42, subdivision 3, is amended to read:

Subd. 3. [CLASSIFICATION OF MEDICAL DATA.] Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data as provided in section 144.335, and shall not be disclosed to others except:

- (a) Pursuant to section 13.05;
- (b) Pursuant to a valid court order;
- (c) To administer federal funds or programs;
- (d) To the surviving spouse ~~or next of kin~~, *parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred;*
- (e) To communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; or
- (f) As otherwise required by law.

Sec. 2. Minnesota Statutes 1988, section 13.83, subdivision 8, is amended to read:

Subd. 8. [ACCESS TO PRIVATE DATA.] The data made private by this section ~~shall be~~ *are* accessible to the legal representative of the decedent's estate ~~or and to the decedent's surviving spouse or next of kin or, parents, children, and siblings and their legal representative representatives.~~

Sec. 3. Minnesota Statutes 1988, section 144.335, subdivision 1, is amended to read:

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

- (a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psychiatric, or mental condition, *the surviving spouse and parents of a deceased patient*, or a person the patient designates in writing as a representative. Except for



minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapter 147, 148, 148B, 150A, 151, or 153; (2) a home care provider licensed under section 144A.46; and (3) a health care facility licensed pursuant to this chapter or chapter 144A."

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

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

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.

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

Amend the report from the Committee on Agriculture and Rural Development, adopted by the Senate April 25, 1989, as follows:

Page 4, line 6, delete everything after "year" and insert a semicolon

Page 4, delete lines 7 to 14

Page 5, after line 1, insert:

*"The descriptions of programs under clause (1) must include a statement of purpose for each program; a description of the administration of the program, including the activities the corporation was responsible for and the responsibilities that other organizations had in administering the program; the results of the program, including how the results were measured; the expenses of the program paid by the corporation; and the source of corporate and noncorporate funding for the program."*

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

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

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.

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 62E.08, subdivision 1, is amended to read:

Subdivision 1. The association shall establish the following ~~maximum~~ premiums to be charged for membership in the comprehensive health insurance plan:

(a) The premium for the number one qualified plan ~~shall be up to a maximum of~~ is 125 percent of the average of rates charged by the five insurers with the largest number of individuals in a number one individual qualified plan of insurance in force in Minnesota;

(b) The premium for the number two qualified plan ~~shall be up to a maximum of~~ is 125 percent of the average of rates charged by the five insurers with the largest number of individuals in a number two individual qualified plan of insurance in force in Minnesota;

(c) The premium for a qualified medicare supplement plan ~~shall be up to a maximum of~~ is 125 percent of the average of rates charged by the five insurers with the largest number of individuals enrolled in a qualified medicare supplement plan; and

(d) The charge for health maintenance organization coverage shall be based on generally accepted actuarial principles.

The five insurers whose rates are used to establish the premium for each type of coverage offered by the association shall be determined by the commissioner on the basis of information provided by all insurers annually at the commissioner's request, concerning the number of individual qualified plans and qualified medicare supplement plans or actuarially equivalent plans offered by the insurer and rates charged by the insurer for each type of plan offered by the insurer. In determining the insurers whose rates shall be used in establishing the premium, the commissioner shall utilize generally accepted actuarial principles and structurally compatible rates. Subject to this subdivision, the commissioner shall include any insurer operating pursuant to chapter 62C in establishing the premium. In establishing premiums pursuant to this section, the association shall utilize generally accepted actuarial principles, provided that the association shall not discriminate in charging premiums based upon sex.

Sec. 2. Minnesota Statutes 1988, section 62E.10, subdivision 1, is amended to read:

Subdivision 1. [CREATION; DUTIES; TAX EXEMPTION.] (a) There is established a comprehensive health association.

(b) *The comprehensive health association shall:*

(1) *oversee the operation and management of the state plan;*

(2) *ensure that costs associated with the delivery of health care services to persons covered under the state plan, including both the costs of claims and the direct and indirect expenses of administration, and the costs arising out of the association's performance of its functions and obligations, are effectively and responsibly controlled;*

(3) *establish, through innovative cost and quality control programs including, to the extent feasible, programs providing for the use of health care outcomes and other data in the choice and regulation of health care services, mechanisms to ensure that cost controls do not have a significant negative impact on the access to services or the quality or effectiveness*

*of health care services actually provided to enrollees; and*

*(4) to promote the public health and welfare of the state of Minnesota with.*

*(c) The membership consisting of all the comprehensive health association consists of insurers, self-insurers, fraternal, and health maintenance organizations licensed or authorized to do business in this state.*

*(d) The comprehensive health association shall be exempt from taxation under the laws of this state and all property owned by the association shall be exempt from taxation.*

Sec. 3. Minnesota Statutes 1988, section 62E.10, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS; ORGANIZATION.] *(a) The board of directors of the association shall be made up of nine members as follows: five insurer directors selected by participating members, subject to approval by the commissioner; four public directors selected by the commissioner. Public members must include one physician and one other medical care provider and two enrollees, and may include licensed insurance agents. Each of the five insurer directors shall have experience in one or more of the following:*

*(1) the management of costs associated with the delivery of health care services, including both the costs of claims and the direct and indirect expenses of administering a health care delivery system;*

*(2) the management of health care information systems, specifically including systems designed for the collection, synthesis, and use of health outcomes data in decisions affecting the delivery of health care services and the control of costs associated with such services;*

*(3) the management of health care quality assurance systems and programs; or*

*(4) the management of health insurance services, health maintenance organization services, or other health plan services, including marketing, actuarial, underwriting, or financial services.*

*(b) The term of members of the board of directors is three years, and shall be staggered so that the terms of no more than three directors expire in any one year. No director shall serve more than two terms, in succession or otherwise.*

*(c) In determining voting rights at members' meetings, each member shall be entitled to vote in person or proxy. The vote shall be a weighted vote based upon the member's cost of self-insurance, accident and health insurance premium, subscriber contract charges, or health maintenance contract payment derived from or on behalf of Minnesota residents in the previous calendar year, as determined by the commissioner.*

*(d) In approving directors of the board, the commissioner shall consider, among other things, whether the requirements in paragraph (a) have been satisfied, and whether all types of members are fairly represented. Insurer directors may be reimbursed from the money of the association for expenses incurred by them as directors, but shall not otherwise be compensated by the association for their services. The costs of conducting meetings of the association and its board of directors shall be borne by members of the association.*

Sec. 4. Minnesota Statutes 1988, section 62E.10, subdivision 2a, is amended to read:

Subd. 2a. [APPEALS.] A person may appeal to the commissioner within 30 days after notice of an action, ruling, or decision by the board. *If the dispute relates to the rights and benefits of coverage available under the plan, the person must first exhaust the writing carrier's internal grievance process before appealing to the commissioner, unless exhaustion of the internal grievance process may delay the provision of medical care necessary to sustain life or to avoid substantial injury to the insured. If the internal grievance process is not concluded within 45 days after it is commenced, the person may appeal to the commissioner before the internal process has been exhausted.* A final action or order of the commissioner under this subdivision is subject to judicial review in the manner provided by chapter 14. In lieu of the appeal to the commissioner, a person may seek judicial review of the board's action.

Sec. 5. Minnesota Statutes 1988, section 62E.10, subdivision 7, is amended to read:

Subd. 7. [GENERAL POWERS.] The association may:

- (a) Exercise the powers granted to insurers under the laws of this state;
- (b) Sue or be sued;
- (c) Enter into contracts with insurers, similar associations in other states or with other persons for the performance of administrative functions including the functions provided for in clauses (e) and (f);
- (d) Establish administrative and accounting procedures for the operation of the association;
- (e) Provide for the reinsuring of risks incurred as a result of issuing the coverages required by sections 62E.04 and 62E.16 by members of the association. Each member which elects to reinsure its required risks shall determine the categories of coverage it elects to reinsure in the association. The categories of coverage are:

- (1) Individual qualified plans, excluding group conversions;
- (2) Group conversions;
- (3) Group qualified plans with fewer than 50 employees or members; and
- (4) Major medical coverage.

A separate election may be made for each category of coverage. If a member elects to reinsure the risks of a category of coverage, it must reinsure the risk of the coverage of every life covered under every policy issued in that category. A member electing to reinsure risks of a category of coverage shall enter into a contract with the association establishing a reinsurance plan for the risks. This contract may include provision for the pooling of members' risks reinsured through the association and it may provide for assessment of each member reinsuring risks for losses and operating and administrative expenses incurred, or estimated to be incurred in the operation of the reinsurance plan. This reinsurance plan shall be approved by the commissioner before it is effective. Members electing to administer the risks which are reinsured in the association shall comply

with the benefit determination guidelines and accounting procedures established by the association. The fee charged by the association for the reinsurance of risks shall not be less than 110 percent of the total anticipated expenses incurred by the association for the reinsurance; and

(f) Provide for the administration by the association of policies which are reinsured pursuant to clause (e). Each member electing to reinsure one or more categories of coverage in the association may elect to have the association administer the categories of coverage on the member's behalf. If a member elects to have the association administer the categories of coverage, it must do so for every life covered under every policy issued in that category. The fee for the administration shall not be less than 110 percent of the total anticipated expenses incurred by the association for the administration;

(g) *Notwithstanding section 62E.06, subdivision 1, establish a fee schedule for payments for services covered by the comprehensive health insurance plan according to section 7;*

(h) *Provide for the assignment of benefits on the terms and subject to the conditions the association determines are appropriate; and*

(i) *Provide for the development of new methods to allow the enrollee to participate in the choice and regulation of the enrollee's own health care in accordance with the principle that participation by the health care consumer in decisions affecting care is an effective means of ensuring that the health care services actually rendered are necessary, low in cost, and reasonably effective.*

Sec. 6. Minnesota Statutes 1988, section 62E.10, subdivision 9, is amended to read:

Subd. 9. **[STUDIES, DEMONSTRATION PROJECTS, AND EXPERIMENTAL DELIVERY METHOD SYSTEMS.]** ~~The association may petition the commissioner of commerce for a waiver to allow the experimental use of alternative means of health care delivery. The commissioner may approve the use of the alternative means the commissioner considers appropriate. The commissioner may waive any of the requirements of this chapter and chapters 60A, 62A, and 62D in granting the waiver. The commissioner may also grant to the association any additional powers as are necessary to facilitate the specific waiver, including the power to implement a provider payment schedule.~~

*This subdivision is effective until August 1, 1990.*

~~The commissioner of commerce in consultation with the governor's commission on health plan regulatory reform shall study and report to the legislature by January 15, 1989, on the current means utilized to finance the annual operating deficits incurred under the association. In conducting the study, the commissioner shall analyze any negative financial impacts which the current deficits are having on the contributing members of the association and recommend alternative sources of funding or other approaches which could be utilized to finance the operating deficit. The study shall also address the current association funding inequities between employers which self-insure for employee health benefit coverage and those employers which have health coverage subject to state regulation. The association shall conduct studies, demonstration projects, and experimental delivery systems the association considers appropriate to give effect to the principles in section 62E.10, subdivisions 1, paragraph (b), and 7, paragraph (i).~~

*The studies, demonstration projects, and experimental delivery systems may be administered by the writing carrier or by third parties the association in its discretion considers most likely to achieve its purposes. The writing carrier, as a condition of its acceptance of a contract to provide comprehensive health insurance, shall agree to provide data and information for studies and demonstration projects and other experimental delivery systems the association considers appropriate in discharging its obligations under this section. The association may petition the commissioner of commerce for, and the commissioner may grant, a waiver of any of the requirements of this chapter and chapters 60A, 62A, and 62D, to allow the experimental use of alternative health delivery systems.*

Sec. 7. Minnesota Statutes 1988, section 62E.10, is amended by adding a subdivision to read:

*Subd. 10. [FEE SCHEDULE.] (a) The association shall establish a fee schedule for payments for services covered by the comprehensive health insurance plan. The fee schedule must be designed to reduce the amount paid for services rendered under the plan without substantially reducing the access to services or quality of services. The fee schedule must be established no later than January 1, 1990. The fee schedule must be based on a weighted average of the following payments made to providers in the seven-county Minneapolis-St. Paul metropolitan area:*

- (1) payments made under the medical assistance program;*
- (2) payments made under the Medicare program;*
- (3) payments made by the two largest contributing members of the association;*
- (4) workers' compensation payments; and*
- (5) payments by commercial insurers according to the fee schedule established by the Health Insurance Association of America.*

*(b) A proposed fee schedule established under paragraph (a) must be published in the State Register along with notice of a public hearing on the fee schedule and solicitation of public comment on the fee schedule. Following the public hearing and comment period, the final fee schedule must be published in the State Register and is effective 30 days after publication.*

*(c) The association and the writing carrier must not reduce payments for services prior to the establishment of a fee schedule under this section.*

*(d) Information collected by the association for purposes of establishing a fee schedule under paragraph (a) is nonpublic, trade secret information as defined in section 13.37, subdivision 1, paragraph (b). The association may not disclose any information, formulas, or calculations relating to the fee schedule that would result in the direct or indirect release of the information described in paragraph (a), clause (3).*

*(e) As a condition of receiving a payment for services covered by the plan, a provider must agree not to charge to or collect from the enrollee any amount in excess of the fee schedule payment for a service. A provider who accepts a payment from the writing carrier is deemed to have agreed to this condition. However, a licensed physician may elect to be exempt from the requirements of this paragraph by annually informing the association at the times and in the manner prescribed by the association. The*

*association shall provide to enrollees a list of the physicians who do not accept the fee schedule as payment in full and shall inform enrollees that they are responsible for any portion of the provider's charges that exceed the fee schedule payment. A physician who has not informed the association that the physician elects to be exempt from this paragraph and who accepts a payment on behalf of an enrollee is deemed to have agreed to accept the fee schedule payment as payment in full and may not charge to or collect from the enrollee any charges in excess of the fee schedule payment.*

Sec. 8. Minnesota Statutes 1988, section 62E.12, is amended to read:

**62E.12 [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.]**

The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan, a number two qualified plan and a qualified medicare supplement plan. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier. Notwithstanding the provisions of section 62E.06 the state plan shall exclude coverage of:

(1) services of a private duty nurse other than on an inpatient basis ~~and~~;

(2) any charges for treatment in a hospital located outside of the state of Minnesota in which the covered person is receiving treatment for a mental or nervous disorder, unless similar treatment for the mental or nervous disorder is medically necessary, unavailable in Minnesota and provided upon referral by a licensed Minnesota medical practitioner; *and*

(3) *services or articles that are determined by the writing carrier to be not medically necessary or to be experimental or investigative.*

**Sec. 9. [RESEARCH AND DATA COLLECTION; REPORT.]**

*Subdivision 1. [SPECIAL PROJECTS.] To the extent possible under the terms of existing contracts with the writing carrier, the board shall conduct studies, demonstration projects, and experimental delivery systems under section 6.*

*Subd. 2. [DATA COLLECTION.] The board of directors of the comprehensive health association shall collect and analyze information and data concerning:*

*(1) the characteristics of the persons enrolled in the comprehensive health insurance plan;*

*(2) the types and locations of providers who serve enrollees;*

*(3) the amounts of payments made to providers for covered services; and*

*(4) other related information.*

*Subd. 3. [REPORT.] The board shall review the data collected under subdivision 2 and other relevant data and research relating to the delivery of health care, and report to the legislature by November 1, 1990, with recommendations for administrative and legislative changes to improve the efficiency and effectiveness of the comprehensive health insurance plan. The board shall propose specific language for legislation to accompany any recommendation for legislative change. The report must include at*

least the following:

- (1) an analysis of the feasibility of an assumption of risk by the writing carrier;*
- (2) an analysis of the risk factors in the population served by the plan;*
- (3) a discussion of the feasibility of developing and implementing outcome measurements;*
- (4) a description of the types and locations of medical providers who serve enrollees and a comparison of provider payments to payments made by other payers;*
- (5) a description and analysis of the demographics of the enrollee population;*
- (6) a description and evaluation of studies, demonstration projects, and experimental delivery systems conducted under section 6;*
- (7) an analysis of potential cost-containment activities and alternative health care delivery methods; and*
- (8) other information and recommendations the board considers appropriate.*

**Sec. 10. [EFFECTIVE DATE.]**

*Section 1 is effective July 1, 1989, and applies to policies issued or renewed on or after that date. The changes in section 3, paragraph (b), relating to the terms of members of the board of directors, are effective August 1, 1989, and apply to members appointed or elected on or after that date. The changes in section 3, paragraph (a), relating to the public members of the board of directors, are effective August 1, 1989, and apply to members selected on or after that date, so that full compliance with the changes will be achieved when the commissioner has appointed four public members subsequent to August 1, 1989, according to the existing schedule for the expiration of terms and appointment of members. The remaining changes in section 3, and sections 2 and 4 to 9 are effective July 1, 1989."*

Delete the title and insert:

*"A bill for an act relating to health insurance; changing premiums, coverage, and administrative procedures relating to the comprehensive health insurance plan; requiring a report; amending Minnesota Statutes 1988, sections 62E.08, subdivision 1; 62E.10, subdivisions 1, 2, 2a, 7, and 9, and by adding a subdivision; and 62E.12."*

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. 949 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.
				949	735

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 949 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 949 and insert the language after the enacting clause of S.F. No. 735, the first engrossment; further, delete the title of H.F. No. 949 and insert the title of S.F. No. 735, the first engrossment.

And when so amended H.F. No. 949 will be identical to S.F. No. 735, and further recommends that H.F. No. 949 be given its second reading and substituted for S.F. No. 735, 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. 1131 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.
1131	941				

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. 1581 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.
1581	1376				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1581 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1581 and insert the language after the enacting clause of S.F. No. 1376, the first engrossment; further, delete the title of H.F. No. 1581 and insert the title of S.F. No. 1376, the first engrossment.

And when so amended H.F. No. 1581 will be identical to S.F. No. 1376, and further recommends that H.F. No. 1581 be given its second reading

and substituted for S.F. No. 1376, 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. 909 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.
909	839				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 909 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 909 and insert the language after the enacting clause of S.F. No. 839, the first engrossment; further, delete the title of H.F. No. 909 and insert the title of S.F. No. 839, the first engrossment.

And when so amended H.F. No. 909 will be identical to S.F. No. 839, and further recommends that H.F. No. 909 be given its second reading and substituted for S.F. No. 839, 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. 647 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.
647	155				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 647 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 647 and insert the language after the enacting clause of S.F. No. 155, the first engrossment; further, delete the title of H.F. No. 647 and insert the title of S.F. No. 155, the first engrossment.

And when so amended H.F. No. 647 will be identical to S.F. No. 155, and further recommends that H.F. No. 647 be given its second reading and substituted for S.F. No. 155, 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. 729 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.
729	573				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 729 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 729 and insert the language after the enacting clause of S.F. No. 573, the first engrossment; further, delete the title of H.F. No. 729 and insert the title of S.F. No. 573, the first engrossment.

And when so amended H.F. No. 729 will be identical to S.F. No. 573, and further recommends that H.F. No. 729 be given its second reading and substituted for S.F. No. 573, 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. 1574 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.
1574	190				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1574 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1574 and insert the language after the enacting clause of S.F. No. 190, the first engrossment; further, delete the title of H.F. No. 1574 and insert the title of S.F. No. 190, the first engrossment.

And when so amended H.F. No. 1574 will be identical to S.F. No. 190, and further recommends that H.F. No. 1574 be given its second reading and substituted for S.F. No. 190, 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. 700 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.
700	412				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 700 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 700 and insert the language after the enacting clause of S.F. No. 412, the first engrossment; further, delete the title of H.F. No. 700 and insert the title of S.F. No. 412, the first engrossment.

And when so amended H.F. No. 700 will be identical to S.F. No. 412, and further recommends that H.F. No. 700 be given its second reading and substituted for S.F. No. 412, 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. 1506 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.
1506	1359				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1506 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1506 and insert the language after the enacting clause of S.F. No. 1359, the first engrossment; further, delete the title of H.F. No. 1506 and insert the title of S.F. No. 1359, the first engrossment.

And when so amended H.F. No. 1506 will be identical to S.F. No. 1359, and further recommends that H.F. No. 1506 be given its second reading and substituted for S.F. No. 1359, and that the Senate File be indefinitely postponed.

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1375, 6, 38 and 1358 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1014, 444, 1604, 1285, 949, 1131, 1581, 909, 647, 729, 1574, 700 and 1506 were read the second time.

### MOTIONS AND RESOLUTIONS

Mr. Storm moved that his name be stricken as a co-author to S.F. No. 187. The motion prevailed.

Mr. Luther moved that S.F. No. 1150, No. 109 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Luther moved that S.F. No. 721, No. 71 on General Orders, be stricken and re-referred to the Committee on Elections and Ethics. The motion prevailed.

Mr. Luther moved that S.F. No. 1483, No. 58 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Beckman moved that S.F. No. 466, No. 11 on General Orders, be stricken and re-referred to the Committee on Employment. The motion prevailed.

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

### CALENDAR

S.F. No. 164: A bill for an act relating to workers' compensation; providing for certified questions to the workers' compensation court of appeals; proposing coding for new law in Minnesota Statutes, chapter 176.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 85: A bill for an act relating to public safety; regulating boiler operation and inspections; amending Minnesota Statutes 1988, sections 183.42; and 183.45.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 212: A bill for an act relating to the city of Hibbing; authorizing two additional on-sale liquor licenses.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Laidig voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1172: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Carlton county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Pogemiller
Anderson	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	Schmitz
Berglin	Frank	Lantry	Novak	Solon
Bernhagen	Frederick	Larson	Olson	Spear
Bertram	Frederickson, D.J.	Lessard	Pariseau	Storm
Brandl	Frederickson, D.R.	Luther	Pehler	Stumpf
Brataas	Freeman	Marty	Peterson, D.C.	Taylor
Chmielewski	Hughes	McGowan	Peterson, R.W.	Vickerman
Cohen	Johnson, D.E.	McQuaid	Piper	

So the bill passed and its title was agreed to.

H.F. No. 43: A bill for an act relating to state lands; authorizing St. Louis county to sell certain tax-forfeited lands bordering public waters.

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

So the bill passed and its title was agreed to.

H.F. No. 266: A bill for an act relating to taxation; making technical corrections and clarifications and administrative changes to premium taxes, cigarette taxes, sales taxes, motor vehicle excise taxes, gasoline and special fuel taxes, liquor taxes, marijuana and controlled substances taxes, lodging taxes, and the metropolitan solid waste landfill fee; providing for unmarked vehicles for use by the department of revenue; providing for sales of unstamped tobacco products and liquor to Indian tribes; providing for cancellation of sales tax permits; repealing obsolete or unnecessary terms or provisions; repealing express company, freight line company, and sleeping car company gross earnings taxes; requiring notification of the commissioner prior to selling cigarettes at prices other than those presumed by law; amending Minnesota Statutes 1988, sections 16B.54, subdivision 2; 41A.09, subdivision 3; 69.011, subdivision 2; 69.54; 168.012, subdivision 1; 270.06; 270.60; 296.18, subdivision 1; 297.041, subdivisions 1, 2, and 4; 297A.06; 297A.17; 297A.20; 297A.21, subdivision 4; 297A.25, subdivisions 11 and 16; 297B.01, subdivision 5; 297B.02, subdivision 1; 297B.03; 297D.13, by adding a subdivision; 325D.32, subdivision 10; 325D.37, by adding a subdivision; 469.190, subdivision 1; 473.843, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 297, 297A, 297C, and 297D; repealing Minnesota Statutes 1988, sections 295.01, subdivisions 4, 5, 6, 7, and 8; 295.15; 295.21; 295.23; 295.24; 295.25; 295.27; 295.29; 295.30; 295.31; 297A.19; 297A.253; 477A.018; and 477A.019.

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 56 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Knaak	McGowan	Olson	Renneke
Frederick	Larson	McQuaid		

So the bill passed and its title was agreed to.

S.F. No. 723: A bill for an act relating to occupations and professions; regulating nursing; proposing the Minnesota nurse practice act; providing penalties; amending Minnesota Statutes 1988, sections 144A.43, subdivision 3; 145A.02, subdivision 18; 148.171; 148.181; 148.191; 148.211; 148.231; 148.241; 148.251; 148.261; 148.271; 148.281; 148.283; and 319A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1988, sections 145A.06, subdivision 3; 148.191, subdivision 3; 148.221; 148.251, subdivision 2; 148.261, subdivision 3; 148.272; 148.281, subdivision 1a; 148.286; 148.29; 148.291; 148.292; 148.293; 148.294; 148.295; 148.296; 148.297; 148.298; and 148.299.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

So the bill passed and its title was agreed to.

H.F. No. 279: A bill for an act relating to local government; permitting bank letters of credit in lieu of certain bonds; proposing coding for new law in Minnesota Statutes, chapter 574.

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 2, as follows:

Those who voted in the affirmative were:



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

Messrs. Larson and Vickerman voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 707: A bill for an act relating to horse racing; allowing a licensed racetrack to conduct pari-mutuel betting on televised races on days when races are not conducted at the licensed racetrack; allowing the licensed racetrack to commingle pari-mutuel pools with the sending racetrack; amending Minnesota Statutes 1988, sections 240.01, subdivision 10, and by adding a subdivision; 240.10; 240.13, subdivisions 1, 3, 6, and by adding a subdivision; 240.14, by adding a subdivision; and 240.29.

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 39 and nays 28, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.E.	Mehrkens	Pogemiller
Belanger	Diessner	Johnson, D.J.	Metzen	Purfeerst
Berglin	Frank	Kroening	Moe, D.M.	Samuelson
Bertram	Frederick	Langseth	Moe, R.D.	Schmitz
Brandl	Frederickson, D.J.	Lantry	Novak	Solon
Cohen	Frederickson, D.R.	Lessard	Pehler	Spear
Dahl	Freeman	McGowan	Peterson, D.C.	Stumpf
Davis	Hughes	McQuaid	Piper	

Those who voted in the negative were:

Anderson	Chmielewski	Laidig	Olson	Storm
Beckman	Decker	Larson	Pariseau	Taylor
Benson	DeCramer	Luther	Peterson, R.W.	Vickerman
Berg	Gustafson	Marty	Ramstad	Waldorf
Bernhagen	Knaak	Merriam	Reichgott	
Brataas	Knutson	Morse	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 1056: A bill for an act relating to utilities; regulating noncompetitive and competitive telephone services; amending Minnesota Statutes 1988, sections 237.07; 237.081; 237.295, subdivisions 1 and 2; 237.57, subdivision 1; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, and 6; 237.60, subdivisions 1 and 2; 237.62, subdivisions 1 and 2, and by adding a subdivision; 237.63, subdivision 1, and by adding subdivisions; and 237.64, subdivisions 1 and 2; Laws 1987, chapter 340, section 26; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1988, sections 237.075, subdivision 1a; and 237.081, subdivision 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McQuaid	Piper
Anderson	Davis	Johnson, D.J.	Mehrkins	Purfeerst
Beckman	Decker	Knaak	Merriam	Ramstad
Belanger	DeCramer	Knutson	Metzen	Reichgott
Benson	Dicklich	Kroening	Moe, D.M.	Renneke
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
Brataas	Freeman	Luther	Pehler	Taylor
Chmielewski	Gustafson	Marty	Peterson, D.C.	Vickerman
Cohen	Hughes	McGowan	Peterson, R.W.	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 593: A bill for an act relating to occupations and professions; providing for a uniform electrical violation ticket; proposing coding for new law in Minnesota Statutes, chapter 326.

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

So the bill passed and its title was agreed to.

S.F. No. 886: A bill for an act relating to insurance; township mutuals; permitting the directors to choose a manager who need not be a member of the board; expanding the permissible duties of the treasurer and manager; permitting township mutual fire insurance companies to cover certain secondary property; permitting township mutual insurance companies to insure secondary property outside the companies' territory under certain circumstances; setting forth a director's personal liability; amending Minnesota Statutes 1988, sections 67A.09, subdivision 1; 67A.12, subdivision 1; 67A.14, subdivisions 1 and 5; and 67A.17, subdivisions 2 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 895: A bill for an act relating to state lands; authorizing the commissioner of transportation to convey certain surplus property to Stevens county for other than public purposes; authorizing the county to sell the property for other than public purposes through a public sale.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1039: A bill for an act relating to charitable gambling; permitting organizations to treat legal expenses as an allowable expense; amending Minnesota Statutes 1988, section 349.15.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McQuaid	Purfeerst
Anderson	Davis	Johnson, D.J.	Mehrkins	Ramstad
Beckman	Decker	Knaak	Merriam	Reichgott
Belanger	DeCramer	Knutson	Metzen	Renneke
Benson	Dicklich	Kroening	Moe, D.M.	Samuelson
Berg	Diessner	Laidig	Morse	Schmitz
Berglin	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

So the bill passed and its title was agreed to.

H.F. No. 1429: A bill for an act relating to licensure of ambulance services; establishing new standards; amending Minnesota Statutes 1988, sections 144.801, subdivisions 4 and 7; 144.802, subdivisions 3, 3a, 4, and by adding a subdivision; 144.804; 144.806; 144.807, subdivision 1; 144.808; 144.809; and 144.8091; repealing Minnesota Statutes 1988, sections 144.805; 144.807, subdivision 3; and 144.8092.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	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	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

Mr. Morse voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 786: A bill for an act relating to sheriffs; allowing county boards to set sheriffs' fees; amending Minnesota Statutes 1988, section 357.09.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin, Messrs. Knaak and Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 989: A bill for an act relating to trade practices; providing for payment to farm implement retailer by the manufacturer, wholesaler, or distributor who repurchases stock and inventory; amending Minnesota Statutes 1988, section 325E.06, subdivisions 1, 4, and 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 483: A bill for an act relating to crime; including controlled substance offenses in the evidentiary provision of the disorderly house crime; amending Minnesota Statutes 1988, section 609.33, subdivision 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

So the bill passed and its title was agreed to.

H.F. No. 774: A bill for an act relating to agriculture; changing voting rights in certain cooperative associations; amending Minnesota Statutes 1988, section 308.07, subdivision 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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Kroening and Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1438: A resolution memorializing the Board of Governors of the Federal Reserve Board to reject amendments to its rules that would govern permissible activities of state-chartered banks.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the resolution passed and its title was agreed to.

H.F. No. 635: A bill for an act relating to credit unions; providing members with written notice regarding proposed bylaw amendments; clarifying requirements for credit unions to maintain reserve funds; allowing private insurance of member share and deposit accounts; amending Minnesota Statutes 1988, sections 52.02, subdivision 1, and by adding a subdivision; 52.17, subdivision 1; and 52.24, 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	Dahl	Johnson, D.E.	Mehrkens	Purfeerst
Anderson	Davis	Johnson, D.J.	Merriam	Ramstad
Beckman	Decker	Knaak	Metzen	Reichgott
Belanger	DeCramer	Knutson	Moe, R.D.	Renneke
Benson	Dicklich	Kroening	Morse	Samuelson
Berg	Diessner	Laidig	Novak	Schmitz
Berglin	Frank	Langseth	Olson	Spear
Bernhagen	Frederick	Lantry	Pariseau	Storm
Bertram	Frederickson, D.J.	Larson	Pehler	Stumpf
Brandl	Frederickson, D.R.	Lessard	Peterson, D.C.	Taylor
Brataas	Freeman	Luther	Peterson, R.W.	Vickerman
Chmielewski	Gustafson	Marty	Piper	Waldorf
Cohen	Hughes	McQuaid	Pogemiller	

So the bill passed and its title was agreed to.

H.F. No. 955: A bill for an act relating to financial institutions; providing standards for determining transaction account service charges; permitting state banks to establish subsidiaries under certain circumstances; authorizing the commissioner to adopt rules regarding activities of banks and bank subsidiaries; amending Minnesota Statutes 1988, sections 48.512, by adding a subdivision; and 48.61, 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 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 812: A bill for an act relating to insurance; life; allowing insurance policies to contain a rider providing for early payment of benefits to recipients of long-term care; amending Minnesota Statutes 1988, sections 60A.06, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 61A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mehrkens	Pogemiller
Anderson	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.	Lessard	Pehler	Storm
Brataas	Freeman	Luther	Peterson, D.C.	Stumpf
Chmielewski	Gustafson	Marty	Peterson, R.W.	Taylor
Cohen	Hughes	McQuaid	Piper	Vickerman

So the bill passed and its title was agreed to.

S.F. No. 809: A bill for an act relating to juveniles; including emotionally abused children among children in need of protection or services; amending Minnesota Statutes 1988, section 260.015, subdivision 2a, and 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Merriam	Purfeerst
Anderson	Decker	Knaak	Metzen	Ramstad
Beckman	DeCramer	Knutson	Moe, D.M.	Reichgott
Belanger	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	McQuaid	Piper	Vickerman
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 1269: A bill for an act relating to gambling; video games of chance; requiring notice to the public and to employees of the consequences of participating in cash awards; amending Minnesota Statutes 1988, sections 349.51, subdivision 2; 349.53; and 349.56; proposing coding for new law in Minnesota Statutes, chapter 349.

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 41 and nays 24, as follows:

Those who voted in the affirmative were:

Belanger	Dicklich	Knaak	Moe, D.M.	Ramstad
Berg	Diessner	Kroening	Moe, R.D.	Reichgott
Berglin	Frank	Laidig	Olson	Solon
Bernhagen	Frederickson, D.J.	Lantry	Pariseau	Spear
Bertram	Frederickson, D.R.	Lessard	Pehler	Vickerman
Brandl	Freeman	Luther	Peterson, D.C.	
Cohen	Hughes	Marty	Peterson, R.W.	
Dahl	Johnson, D.E.	McGowan	Piper	
Decker	Johnson, D.J.	McQuaid	Purfeerst	



Those who voted in the negative were:

Adkins	Chmielewski	Knutson	Metzen	Samuelson
Anderson	Davis	Langseth	Morse	Schmitz
Beckman	DeCramer	Larson	Novak	Stumpf
Benson	Frederick	Mehrkens	Pogemiller	Taylor
Brataas	Gustafson	Merriam	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 858: A bill for an act relating to health; authorizing community health boards to establish community-based health promotion teams; prescribing duties; amending Minnesota Statutes 1988, section 145A.10, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

So the bill passed and its title was agreed to.

S.F. No. 490: A bill for an act relating to human services; requiring county community social service plans to address the development of supported employment services; amending Minnesota Statutes 1988, section 256E.09, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

So the bill passed and its title was agreed to.

S.F. No. 840: A bill for an act relating to human services; defining persons with related conditions to include persons with prader-willi syndrome; amending Minnesota Statutes 1988, section 252.27, 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	Davis	Knaak	Metzen	Renneke
Anderson	Decker	Knutson	Moe, D.M.	Samuelson
Beckman	DeCramer	Kroening	Moe, R.D.	Schmitz
Belanger	Dicklich	Laidig	Morse	Solon
Benson	Diessner	Langseth	Novak	Spear
Berg	Frank	Lantry	Olson	Storm
Berglin	Frederick	Larson	Pariseau	Stumpf
Bernhagen	Frederickson, D.J.	Lessard	Pehler	Taylor
Bertram	Frederickson, D.R.	Luther	Peterson, D.C.	Vickerman
Brandl	Freeman	Marty	Peterson, R.W.	Waldorf
Brataas	Gustafson	McGowan	Piper	
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkins	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Davis	Freeman	Kroening	Peterson, R.W.	Waldorf
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So the bill passed and its title was agreed to.

H.F. No. 489: A bill for an act relating to employment; regulating fair share fees, unfair labor practices, arbitration procedures and grievance procedures; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179A.03, subdivision 7; 179A.05, subdivision 6; 179A.06,

subdivision 3; 179A.13, subdivision 1; 179A.14, subdivision 1; 179A.16, subdivisions 1, 2, 3, and 4; and 179A.20, subdivision 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Vickerman
Brandl	Freeman	Marty	Peterson, R.W.	Waldorf
Brataas	Gustafson	McGowan	Piper	
Chmielewski	Hughes	McQuaid	Pogemiller	
Cohen	Johnson, D.E.	Mehrkens	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 281: A bill for an act relating to agriculture; allowing nuisance free, pollution free, aesthetic disposal of solid waste on agricultural land by a person engaged in farming; requiring planning and providing technical and financial assistance for land application of certain solid wastes; requiring the pollution control agency to notify the commissioner of agriculture and hold public hearings on rules affecting farming operations; amending Minnesota Statutes 1988, sections 14.115, subdivision 1; 115A.46, subdivision 2; 115A.48, subdivisions 1, 2, and by adding a subdivision; and 116.07, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 17.

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 3, as follows:

Those who voted in the affirmative were:

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

Mrs. Brataas, Messrs. Knaak and Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 819: A bill for an act relating to Hennepin county; providing for the number of commissioners of the county housing and redevelopment

authority; amending Minnesota Statutes 1988, section 383B.77, 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 61 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Morse, Novak, Pehler and Samuelson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1283: A bill for an act relating to gambling; clarifying that casino nights are prohibited; providing penalties; amending Minnesota Statutes 1988, sections 609.75, by adding a subdivision; and 609.76, 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 20 and nays 46, as follows:

Those who voted in the affirmative were:

Belanger	Davis	Knutson	Moe, D.M.	Spear
Benson	Dicklich	Laidig	Morse	Storm
Berg	Freeman	Luther	Peterson, R.W.	Taylor
Brandl	Knaak	Marty	Solon	Waldorf

Those who voted in the negative were:

Adkins	Decker	Johnson, D.J.	Metzen	Ramstad
Anderson	DeCramer	Kroening	Moe, R.D.	Reichgott
Beckman	Diessner	Langseth	Novak	Renneke
Berglin	Frank	Lantry	Olson	Samuelson
Bernhagen	Frederick	Larson	Pariseau	Stumpf
Bertram	Frederickson, D.J.	Lessard	Pehler	Vickerman
Brataas	Frederickson, D.R.	McGowan	Peterson, D.C.	
Chmielewski	Gustafson	McQuaid	Piper	
Cohen	Hughes	Mehrkens	Pogemiller	
Dahl	Johnson, D.E.	Merriam	Purfeerst	

So the bill failed to pass.

S.F. No. 1191: A bill for an act relating to political subdivisions; permitting participation in risk retention groups; amending Minnesota Statutes 1988, section 471.981, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Knutson	Moe, D.M.	Renneke
Anderson	DeCramer	Kroening	Moe, R.D.	Samuelson
Beckman	Dicklich	Laidig	Morse	Schmitz
Belanger	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	
Davis	Knaak	Metzen	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 834: A bill for an act relating to consumer protection; requiring motor vehicle damage disclosures and branding certificates of title; amending Minnesota Statutes 1988, sections 168A.04, subdivisions 1 and 4; and 168A.05, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapter 325F

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 486: A bill for an act relating to juvenile justice; requiring reasonable efforts to prevent placement of children in need of protection or services proceedings; amending duty of juvenile court to ensure placement prevention and family reunification; defining reasonable efforts; clarifying definitions, jurisdiction, and services for Indian children; requiring preference for racial or ethnic heritage for appointment of guardian ad litem; requiring consideration of reasonable efforts in factors determining neglect; requiring that a child be in imminent danger for detention; permitting social services to release for detention; requiring finding of reasonable efforts at detention; and imposing requirements for disposition case plans; amending Minnesota Statutes 1988, sections 260.012; 260.015, subdivisions 11, 13, 14, and by adding subdivisions; 260.111, by adding a subdivision; 260.135, subdivision 2; 260.141; 260.155, subdivisions 4 and 7; 260.165, subdivision 1; 260.171, subdivision 1; 260.172, subdivisions

1 and 4; 260.173, subdivision 2; 260.181, subdivision 2; and 260.191, subdivisions 1a and 1e.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 783: A bill for an act relating to education; proposing a fifth year incentive plan for teachers in the Duluth school district.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 1258: A bill for an act relating to Martin county; permitting the county board to assign certain duties to the county recorder.

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 2, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mehrkens	Pogemiller
Anderson	Davis	Johnson, D.J.	Merriam	Purfeerst
Beckman	Decker	Knaak	Metzen	Ramstad
Belanger	DeCramer	Knutson	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	Spear
Bertram	Frederickson, D.J.	Lessard	Pariseau	Storm
Brandl	Frederickson, D.R.	Luther	Pehler	Stumpf
Brataas	Freeman	Marty	Peterson, D.C.	Taylor
Chmielewski	Gustafson	McGowan	Peterson, R.W.	Vickerman
Cohen	Hughes	McQuaid	Piper	

Messrs. Kroening and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1009: A bill for an act relating to Carver and Scott counties; providing for the location of offices for the county attorney, court administrator, and sheriff, and for the location of the district court and the county jail.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mehrkens	Pogemiller
Anderson	Davis	Johnson, D.J.	Merriam	Purfeerst
Beckman	Decker	Knaak	Metzen	Ramstad
Belanger	DeCramer	Knutson	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	Spear
Bertram	Frederickson, D.J.	Lessard	Pariseau	Storm
Brandl	Frederickson, D.R.	Luther	Pehler	Stumpf
Brataas	Freeman	Marty	Peterson, D.C.	Taylor
Chmielewski	Gustafson	McGowan	Peterson, R.W.	Vickerman
Cohen	Hughes	McQuaid	Piper	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 390: A bill for an act relating to appropriations; requiring recommendations of the legislative advisory commission to be made at a meeting of the commission except in certain circumstances; amending Minnesota Statutes 1988, section 3.30, 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 65 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McQuaid	Piper
Anderson	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

Messrs. Purfeerst and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 598: A bill for an act relating to natural resources; changing certain provisions relating to the acquisition, disposition, and exchange of state lands; amending Minnesota Statutes 1988, sections 84.0272; 84.0274, by adding a subdivision; 92.19; 94.09, subdivision 2; 94.342, subdivision 3; 94.343, subdivision 3; and 94.344, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

So the bill passed and its title was agreed to.

S.F. No. 583: A bill for an act relating to agriculture; regulating the manufacture of cultured dairy food; requiring pasteurization for certain dairy products; amending Minnesota Statutes 1988, section 32.486, subdivision 1, and 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 66 and nays 0, as follows:

Those who voted in the affirmative were:



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

So the bill passed and its title was agreed to.

S.F. No. 1042: A bill for an act relating to agriculture; requiring the use of soy-based ink for some printing operations; proposing coding for new law in Minnesota Statutes, chapter 16B.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 49: A bill for an act relating to agriculture; authorizing grazing or haying of certain land under conservation easements with the approval of the governor; amending Minnesota Statutes 1988, section 40.43, subdivision 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 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mrs. Brataas and Mr. Dahl voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 572: A bill for an act relating to crimes; increasing the penalty for falsely reporting child abuse to influence child custody hearing; amending Minnesota Statutes 1988, section 609.507.

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
Anderson	DeCramer	Kroening	Moe, R.D.	Samuelson
Beckman	Dicklich	Laidig	Morse	Schmitz
Belanger	Diessner	Langseth	Novak	Solon
Benson	Frank	Lantry	Olson	Spear
Berg	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. 476: A bill for an act relating to game and fish; prohibiting harassment of persons taking wild animals; proposing coding for new law in Minnesota Statutes, chapter 97A.

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 36 and nays 28, as follows:

Those who voted in the affirmative were:

Belanger	Dicklich	Laidig	Olson	Samuelson
Berg	Frank	Langseth	Pariseau	Storm
Berglin	Frederickson, D.J.	Lantry	Peterson, D.C.	Stumpf
Bernhagen	Frederickson, D.R.	Larson	Peterson, R.W.	Taylor
Bertram	Gustafson	Lessard	Pogemiller	
Cohen	Hughes	McQuaid	Purfeerst	
Dahl	Johnson, D.E.	Merriam	Ramstad	
DeCramer	Johnson, D.J.	Moe, R.D.	Renneke	

Those who voted in the negative were:

Adkins	Davis	Knutson	Moe, D.M.	Solon
Anderson	Decker	Kroening	Morse	Spear
Beckman	Diessner	Luther	Pehler	Vickerman
Brandl	Frederick	McGowan	Piper	Waldorf
Brataas	Freeman	Mehrkens	Reichgott	
Chmielewski	Knaak	Metzen	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 847: A bill for an act relating to transportation; deregulating persons who provide transportation service under contract to and with assistance from the department of transportation; amending Minnesota Statutes 1988, sections 221.022; 221.025; and 221.031, by adding a

subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 180: A bill for an act relating to the office of the secretary of state; establishing a procedure for contesting the registration of a corporation, limited partnership, or assumed name, or a trade or service mark with the secretary of state; providing that the office of the secretary of state is not liable for registrations; amending Minnesota Statutes 1988, sections 300.025; 302A.115, by adding a subdivision; 303.05, by adding a subdivision; 308.06, by adding a subdivision; 317.09, by adding a subdivision; 322A.02; 322A.72; 1989 S.F. No. 525, section 12, by adding a subdivision; S.F. No. 848, article 1, section 8, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Renneke
Anderson	Decker	Kroening	Moe, R.D.	Samuelson
Beckman	DeCramer	Laidig	Morse	Schmitz
Belanger	Dicklich	Langseth	Novak	Solon
Benson	Diessner	Lantry	Olson	Spear
Berglin	Frank	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	

Messrs. Frederick, Knutson and Ms. Reichgott voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1061: A bill for an act relating to state lands; authorizing conveyance of surplus state real property to Leo A. Hoffmann Center, Inc.

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

So the bill passed and its title was agreed to.

S.F. No. 1070: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Chisago county.

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

So the bill passed and its title was agreed to.

H.F. No. 1077: A bill for an act relating to state lands; authorizing conveyance of state land to the city of St. Peter.

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

So the bill passed and its title was agreed to.

S.F. No. 1083: A bill for an act relating to the environment; providing an exemption process from the power plant siting requirements for certain generating plants; appropriating money; amending Minnesota Statutes 1988, section 116C.57, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

H.F. No. 804: A bill for an act relating to Chisago county; permitting the cancellation of certain ditch assessments and providing for the allocation of others.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrkins	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 459: A bill for an act relating to local government; granting certain water and sewer powers to towns; amending Minnesota Statutes 1988, sections 444.075, subdivision 1; 444.16; 444.17; 444.18; 444.19; and 444.20.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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.	Mehrken	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

So the bill passed and its title was agreed to.

H.F. No. 65: A bill for an act relating to economic development; authorizing local jurisdictions involved in economic development to participate in secondary markets; proposing coding for new law in Minnesota Statutes, chapter 465.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Kroening	Peterson, R.W.	Storm	Waldorf
Knutson	Merriam	Pogemiller		

So the bill passed and its title was agreed to.

H.F. No. 956: A bill for an act relating to insurance; clarifying the calculation of underinsured motorist benefits; amending Minnesota Statutes 1988, section 65B.49, subdivisions 3a and 4a.

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

So the bill passed and its title was agreed to.

S.F. No. 1027: A bill for an act relating to housing; making provisions for manufactured home park security deposits; amending Minnesota Statutes 1988, section 327C.02, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	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	

So the bill passed and its title was agreed to.

H.F. No. 1351: A bill for an act relating to local government; permitting the Dakota and Washington county housing and redevelopment authorities to waive performance bonds for single family housing construction; amending Laws 1971, chapter 333; and Laws 1974, chapter 475.

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

So the bill passed and its title was agreed to.

S.F. No. 1401: A bill for an act relating to economic development; changing the requirements for loans to Indians; amending Minnesota Statutes 1988, section 116J.64, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Pogemiller
Anderson	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	Schmitz
Berglin	Frank	Lantry	Novak	Solon
Bernhagen	Frederickson, D.J.	Larson	Olson	Spear
Bertram	Frederickson, D.R.	Lessard	Pariseau	Storm
Brandl	Freeman	Luther	Pehler	Stumpf
Brataas	Gustafson	Marty	Peterson, D.C.	Taylor
Chmielewski	Hughes	McGowan	Peterson, R. W.	Vickerman
Cohen	Johnson, D.E.	McQuaid	Piper	

So the bill passed and its title was agreed to.

S.F. No. 922: A bill for an act relating to education; limiting the number of and altering petition procedures for school district levy referendums; amending Minnesota Statutes 1988, section 124A.03, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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



Mrs. Brataas and Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 187: A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of a park under certain circumstances; amending Minnesota Statutes 1988, section 327C.095, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

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 32 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Laidig	Metzen	Pogemiller
Beckman	Frank	Langseth	Moe, R. D.	Solon
Berglin	Frederickson, D.J.	Lantry	Morse	Spear
Cohen	Freeman	Luther	Novak	Waldorf
Dahl	Johnson, D.J.	Marty	Pariseau	
Davis	Knaak	McQuaid	Peterson, D.C.	
DeCramer	Kroening	Merriam	Piper	

Those who voted in the negative were:

Anderson	Chmielewski	Johnson, D.E.	Pehler	Storm
Belanger	Decker	Larson	Peterson, R. W.	Stumpf
Benson	Diessner	Lessard	Purfeerst	Taylor
Bernhagen	Frederick	McGowan	Ramstad	Vickerman
Bertram	Frederickson, D.R.	Mehrkens	Reichgott	
Brandl	Gustafson	Moe, D.M.	Renneke	
Brataas	Hughes	Olson	Samuelson	

So the bill failed to pass.

S.F. No. 1031: A bill for an act relating to health; establishing notice requirements for emergency medical services personnel who are first responders; providing safeguards for first responders against exposure to infectious diseases; proposing coding for new law in Minnesota Statutes, chapter 144.

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

So the bill passed and its title was agreed to.

S.F. No. 590: A bill for an act relating to veterans; requiring corrections

officials to consider the fact that a veteran inmate suffers from posttraumatic stress disorder in the preparation of the inmate's corrections plan; proposing coding for new law in Minnesota Statutes, chapter 243.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Waldorf voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1517: A bill for an act relating to local government; authorizing the city of St. Louis Park to change the name of the housing and redevelopment authority; permitting the recording of certain deeds.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mehrkens	Purfeerst
Anderson	Davis	Johnson, D.J.	Merriam	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	Lantry	Novak	Solon
Bernhagen	Frederick	Larson	Olson	Spear
Bertram	Frederickson, D.J.	Lessard	Pariseau	Storm
Brandl	Frederickson, D.R.	Luther	Pehler	Stumpf
Brataas	Freeman	Marty	Peterson, D.C.	Taylor
Chmielewski	Gustafson	McGowan	Piper	Vickerman
Cohen	Hughes	McQuaid	Pogemiller	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 243: A bill for an act relating to insurance; regulating access to certain insurance and medical data; amending Minnesota Statutes 1988, section 176.138.

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

So the bill passed and its title was agreed to.

H.F. No. 100: A bill for an act relating to state government; regulating part-time employees and employment policies; amending Minnesota Statutes 1988, sections 16A.11, subdivision 3; and 43A.24, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1988, section 43A.25.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 53 and nays 13, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Beckman	DeCramer	Knutson	Renneke	Vickerman
Benson	Frederick	Mehrkins	Schmitz	
Berg	Gustafson	Purfeerst	Taylor	

So the bill passed and its title was agreed to.

## RECONSIDERATION

Mr. Benson moved that the vote whereby H.F. No. 1429 was passed by the Senate on May 1, 1989, be now reconsidered. The motion prevailed.

H.F. No. 1429: A bill for an act relating to licensure of ambulance services; establishing new standards; amending Minnesota Statutes 1988, sections 144.801, subdivisions 4 and 7; 144.802, subdivisions 3, 3a, 4, and by adding a subdivision; 144.804; 144.806; 144.807, subdivision 1; 144.808; 144.809; and 144.8091; repealing Minnesota Statutes 1988, sections 144.805; 144.807, subdivision 3; and 144.8092.

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 38 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Laidig	Moe, R.D.	Schmitz
Anderson	Davis	Lantry	Novak	Spear
Belanger	DeCramer	Lessard	Pariseau	Storm
Berglin	Frederickson, D.J.	Luther	Pehler	Stumpf
Bernhagen	Frederickson, D.R.	Marty	Peterson, D.C.	Vickerman
Brandl	Hughes	McGowan	Piper	Waldorf
Brataas	Knaak	McQuaid	Purfeerst	
Chmielewski	Kroening	Metzen	Ramstad	

Those who voted in the negative were:

Beckman	Diessner	Johnson, D.J.	Morse	Samuelson
Benson	Frank	Knutson	Olson	Taylor
Bertram	Frederick	Langseth	Peterson, R.W.	
Dahl	Freeman	Larson	Pogemiller	
Decker	Gustafson	Mehrkins	Reichgott	
Dicklich	Johnson, D.E.	Moe, D.M.	Renneke	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

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

**CONSENT CALENDAR**

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

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
Anderson	DeCramer	Knutson	Metzen	Ramstad
Beckman	Dicklich	Kroening	Moe, D.M.	Reichgott
Belanger	Diessner	Laidig	Moe, R.D.	Renneke
Benson	Frank	Langseth	Morse	Samuelson
Berglin	Frederick	Lantry	Novak	Schmitz
Bernhagen	Frederickson, D.J.	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.	Vickerman
Dahl	Johnson, D.E.	McQuaid	Piper	Waldorf
Davis	Johnson, D.J.	Mehrkens	Pogemiller	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**GENERAL ORDERS**

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

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

S.F. Nos. 1394, 1498, 1378, H.F. Nos. 472, 1440, 426, 1492, 832, 943, 931, 529, 1115, 942, 371, 1411, 438, 300, 22, 218 and 1311 which the committee recommends to pass.

H.F. No. 827, which the committee recommends to pass with the following amendment offered by Mr. Benson:

Amend H.F. No. 827, the unofficial engrossment, as follows:

Page 6, line 13, delete "*person may*" and insert "*county board may authorize persons hunting fox to*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1196, which the committee recommends to pass with the following amendments offered by Ms. Berglin and Mr. Knutson:

Ms. Berglin moved to amend S.F. No. 1196 as follows:

Page 6, after line 15, insert:

"Sec. 3. [256B.32] [FACILITY FEE FOR OUTPATIENT HOSPITAL EMERGENCY ROOM AND CLINIC VISITS.]

*The commissioner shall establish a facility fee payment mechanism that will pay a facility fee to all enrolled outpatient hospitals for each emergency room or outpatient clinic visit provided on or after July 1, 1989. This payment mechanism may not result in an overall increase in outpatient payment rates. This section does not apply to federally mandated maximum payment limits, department approved program packages, or services billed using a non-outpatient hospital provider number.*

Sec. 4. [EFFECTIVE DATE.]

*Section 3 is effective July 1, 1989."*

Amend the title as follows:

Page 1, line 16, delete "chapter 144" and insert "chapters 144 and 256B"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 1196 as follows:

Page 4, line 10, after the period, insert "*The facility may require, prior to admission, a person to assume financial responsibility who would be a guarantor of the costs of the resident's care.*"

Page 5, line 4, delete "will" and insert "may"

Page 5, line 8, after the period, insert "*A facility need not submit a medical assistance claim but may petition for a representative to file the claim.*"

Page 5, line 11, delete "or subsequent days" and insert "*if the discharge occurs before 12:00 noon, and may not charge for days subsequent to the resident's discharge*"

Mrs. Lantry requested division of the amendment as follows:

First portion:

Page 4, line 10, after the period, insert "*The facility may require, prior to admission, a person to assume financial responsibility who would be a guarantor of the costs of the resident's care.*"

Second portion:

Page 5, line 4, delete "will" and insert "may"

Page 5, line 8, after the period, insert "*A facility need not submit a medical assistance claim but may petition for a representative to file the claim.*"

Page 5, line 11, delete "or subsequent days" and insert "*if the discharge occurs before 12:00 noon, and may not charge for days subsequent to the resident's discharge*"

The question was taken on the adoption of the first portion of the Knutson amendment.

The motion did not prevail. So the first portion of the Knutson amendment was not adopted.

The question was taken on the adoption of the second portion of the Knutson amendment.

The motion prevailed. So the second portion of the Knutson amendment

was adopted.

H.F. No. 1107, which the committee recommends to pass with the following amendment offered by Mr. Knaak:

Amend H.F. No. 1107, as amended pursuant to Rule 49, adopted by the Senate April 28, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 804.)

Page 2, line 1, delete "24" and insert "48"

The motion prevailed. So the amendment was adopted.

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

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

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

### **REPORTS OF COMMITTEES**

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on H.F. No. 837 and S.F. Nos. 1356 and 652. The motion prevailed.

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

S.F. No. 1422: A bill for an act relating to occupations and professions; changing licensure requirements for dental assistants; changing the procedure for setting the salary of the director of the board of dentistry; amending Minnesota Statutes 1988, sections 150A.06, subdivision 2a; and 214.04, subdivision 3; repealing Minnesota Statutes 1988, section 150A.06, subdivision 7.

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

Pages 2 and 3, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "changing"

Page 1, delete line 4

Page 1, line 5, delete everything before "amending"

Page 1, line 6, delete "sections" and insert "section" and delete "and 214.04,"

Page 1, line 7, delete "subdivision 3;"

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. 1266: A bill for an act relating to juvenile justice; eliminating juvenile court jurisdiction over children alleged to be aggravated DWI offenders; authorizing the juvenile court to place juvenile alcohol or controlled substance offenders on probation; authorizing the juvenile court to require the commissioner of public safety to revoke the driver's license or permit of habitual petty offenders or to deny driving privileges to them if they do not have a license or permit; amending Minnesota Statutes 1988, sections 171.04; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.193, subdivision 1, and by adding a subdivision; and 260.195, subdivision 3, and by adding subdivisions.

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

Page 3, line 16, delete everything after "*child*"

Page 3, line 17, delete everything before "*for*"

Page 3, line 18, after "*privileges*" insert "*under section 260.195, subdivision 3a,*"

Pages 3 to 5, delete sections 2 to 7

Page 6, line 4, strike "require the child to"

Page 6, line 5, after "(a)" insert "*Require the child to*"

Page 6, lines 6 and 7, before "Participate" insert "*Require the child to*"

Page 6, line 30, delete "HABITUAL PETTY OFFENDER;" and insert "ENHANCED"

Page 6, line 31, delete "*is a habitual petty offender*" and insert "*has committed a second or subsequent juvenile alcohol or controlled substance offense*"

Page 6, line 36, delete "*habitual*"

Page 7, lines 3 and 9, delete "*habitual*"

Page 7, after line 14, insert:

"Sec. 4. Laws 1985, chapter 278, section 2, is amended to read:

Sec. 2. [REPEALER.]

Section 1 is repealed effective August 1, ~~1989~~ 1990."

Page 7, line 16, delete "9" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "eliminating juvenile"

Page 1, delete line 3

Page 1, line 4, delete "aggravated DWI offenders;"

Page 1, line 9, delete "habitual" and insert "repeat"

Page 1, line 10, after the semicolon, insert "extending a repealer;"

Page 1, delete lines 12 and 13

Page 1, line 14, delete "by adding a subdivision; and"

Page 1, line 15, delete "subdivisions" and insert "a subdivision; and Laws 1985, chapter 278, section 2"

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

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

S.F. No. 464: A bill for an act relating to corrections; requiring the commissioner of corrections to make high school diploma equivalency programs available to inmates; denying "good time" sentence reductions to inmates who do not have a high school diploma and who fail to participate in these educational programs; amending Minnesota Statutes 1988, sections 244.03; and 244.04, subdivision 1, and by adding a subdivision.

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

Page 1, line 19, delete "*any*" and insert "*an*"

Page 1, line 20, delete "*desires*" and insert "*is eligible*"

Page 2, delete sections 2 to 4

Amend the title as follows:

Page 1, line 4, before "inmates" insert "eligible" and delete "denying "good time" "

Page 1, delete lines 5 and 6

Page 1, line 7, delete "educational programs;"

Page 1, line 8, delete everything after the first comma and insert "section 244.03."

Page 1, delete line 9

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 re-referred

S.F. No. 1356: A bill for an act relating to workers' compensation; regulating scope of coverage; regulating compensation benefits; regulating legal, rehabilitation, and medical benefits and vendors; charging administrative costs of the workers' compensation system to the state's general fund; regulating state claims; establishing a legal assistance pilot project program; regulating the workers' compensation court of appeals; regulating insurers; appropriating money; amending Minnesota Statutes 1988, sections 15A.083, subdivision 7; 79.58, by adding a subdivision; 175A.01; 175A.02; 175A.05; 175A.07, subdivision 2; 176.011, subdivision 18, and by adding a subdivision; 176.021, subdivision 3; 176.041, subdivision 4; 176.061, subdivision 10; 176.081, subdivisions 1, 2, and 3; 176.101, subdivisions 1, 2, 4, 5, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 7, and 11; 176.105, subdivision 1; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 20, and 21; 176.131, subdivisions 1, 1a, 2, 8, and by adding a subdivision; 176.132, subdivisions 1, 2, and 3; 176.135, subdivision 5; 176.136, subdivisions 1 and 5; 176.179; 176.221, subdivision 6a; 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; 176.645, subdivisions 1 and 2; 176.66, subdivision 11; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1988, sections 176.011, subdivision 26; 176.101, subdivisions 3a to 3u, and 6; 176.111, subdivision 8a; and 176.541, subdivision 7.

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

Page 44, line 14, delete the second "*the*"

Page 44, line 15, delete "*of representatives, and the*" and insert "*, and*"

Page 44, line 17, delete "*which shall*" and insert "*to*"

Page 44, line 18, before "*recommend*" insert "*to*"

Page 45, line 18, delete "WORKERS' COMPENSATION COURT OF APPEALS" and insert "WCCA"

Page 46, line 20, before the comma, insert "*or after the case has been considered by the panel but prior to the service and filing of the decision*"

Page 46, line 21, delete "*either*" and delete "*or after the*"

Page 46, delete line 22

Page 46, line 23, delete "*and filing of the decision*"

Page 47, line 3, after "*Notwithstanding*" insert "*Minnesota Statutes,*"

And when so amended the bill be re-referred to the Committee on Finance without recommendation.

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

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

S.F. No. 652: A bill for an act relating to the workers' compensation court of appeals; regulating salary, appointment, terms, confirmation, and qualifications of judges; requiring appointment of a chief judge; increasing staff; appropriating money; amending Minnesota Statutes 1988, sections 15A.083, subdivision 7; 175A.01; 175A.02; 175A.05; and 175A.07, subdivision 2.

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

Page 5, line 13, after "*panel*" insert "*or after the case has been considered by the panel but prior to the service and filing of the decision*"

Page 5, line 14, delete "*either*" and delete "*or after the*"

Page 5, delete line 15

Page 5, line 16, delete "*and filing of the decision*"

Page 5, line 25, delete the comma

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on

## Rules and Administration.

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

S.F. No. 257: A bill for an act relating to state government; eliminating the requirement that certain reports of occupational licensing boards be summarized; eliminating certain prohibitions against state purchase of insurance; regulating state sale of goods and services; amending Minnesota Statutes 1988, sections 15.39, subdivision 1; 16A.85, subdivision 2; 16B.06, subdivisions 1, 2, and 4; and 16B.405; repealing Minnesota Statutes 1988, sections 15.38; and 214.07, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 15.16, is amended to read:

15.16 [TRANSFER OF LANDS BETWEEN DEPARTMENTS AND AGENCIES.]

Subdivision 1. [AGREEMENT.] ~~In order~~ To facilitate the transfer of the control of state owned lands between state departments *and agencies* of government *and to avoid the necessity of condemning state lands by a department or agency of government of the state, any a department or agency of the state government of the State of Minnesota may acquire the control of state lands for public purposes from the department or agency of state government having such those lands under its control and supervision, upon such terms and conditions as may be that are mutually agreed upon by the heads of the interested state departments or agencies.*

Subd. 2. [EXECUTIVE COUNCIL TO DETERMINE TERMS.] ~~In the event~~ If the heads of ~~such the~~ departments *or agencies acting under subdivision 1* are unable to agree ~~as to~~ on the terms and conditions of a transfer of control of ~~these~~ state lands, the executive council, upon application of a state department *or agency* having the power to acquire lands for public purposes, shall determine the terms and conditions and may order the transfer of the control of state lands to the department ~~so~~ *or agency requesting the transfer.*

Subd. 3. [COMMISSIONER OF FINANCE AND TREASURER TO TRANSFER FUNDS.] The commissioner of finance and the state treasurer are ~~hereby~~ authorized and directed to transfer funds between state departments *and agencies* to effect the terms and conditions to transfer the control of real estate as ~~hereinbefore~~ *provided in this section.*

Subd. 4. [ATTORNEY GENERAL TO PRESCRIBE FORM OF TRANSFER.] The transfer of control of real estate as ~~hereinbefore provided shall~~ *under this section must be made on such transfer documents as prescribed by the attorney general shall prescribe, and all such the transfer documents shall must be permanently filed in the office of the commissioner of finance.*

Subd. 5. [OBTAINING RECOMMENDATION.] No control of state-owned lands ~~shall~~ *may be transferred between state departments or agencies without the departments or agencies first consulting the chairs of the senate finance committee and house of representatives appropriations committee and obtaining their recommendations. The recommendations shall be are*

advisory only. Failure to obtain a prompt recommendation ~~shall be~~ is deemed a negative recommendation.

Sec. 2. Minnesota Statutes 1988, section 15.39, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of section 15.38, or any other law to the contrary, the commissioner of the department of jobs and training of the state of Minnesota may ~~insure the state of Minnesota purchase insurance~~ against loss by fire, flood, windstorm, or tornado to state-owned buildings occupied by ~~said the department, in from~~ any insurance companies licensed to do business in this state in such an amount as that the commissioner may from time to time determine and to pay premiums ~~therefor for the insurance~~ from federal funds granted for the administration of the department of jobs and training.

Sec. 3. Minnesota Statutes 1988, section 15A.081, subdivision 1, is amended to read:

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

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;  
Commissioner of education;  
Commissioner of transportation;  
Commissioner of human services;  
Commissioner of revenue;  
Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;  
Commissioner of agriculture;  
Commissioner of commerce;  
Commissioner of corrections;  
Commissioner of jobs and training;  
Commissioner of employee relations;  
Commissioner of health;  
Commissioner of labor and industry;  
Commissioner of natural resources;  
Commissioner of public safety;

Commissioner of trade and economic development;  
 Chair, waste management board;  
 Chief administrative law judge; office of  
 administrative hearings;  
 Commissioner, pollution control agency;  
 Commissioner, state planning agency;  
 Executive director, housing finance  
 agency;  
 Executive director, public employees  
 retirement association;  
 Executive director, teacher's  
 retirement association;  
 Executive director, state retirement  
 system;  
 Chair, metropolitan council;  
 Chair, regional transit board;  
*Chair, metropolitan waste control commission;*

\$42,500-\$60,000

Commissioner of human rights;  
 Commissioner, department of public service;  
 Commissioner of veterans' affairs;  
 Commissioner, bureau of mediation services;  
 Commissioner, public utilities commission;  
 Member, transportation regulation board;  
 Ombudsman for corrections;  
 Ombudsman for mental health and retardation.

Sec. 4. Minnesota Statutes 1988, section 15A.081, subdivision 7, is amended to read:

Subd. 7. [PART-TIME METROPOLITAN OFFICERS.] The governor shall set the salary rate within the range set forth below for the following part-time positions, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	Effective July 1, 1987
Chair, metropolitan airports commission	\$15,000-\$25,000
<del>Chair, metropolitan waste control commission</del>	<del>\$25,000-\$35,000</del>

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 5. Minnesota Statutes 1988, section 16A.85, subdivision 2, is amended to read:

Subd. 2. [COVENANTS.] The commissioner of finance may covenant in a master lease that the state will abide by the terms and provisions that are customary in net lease or lease-purchase transactions including, but not limited to, covenants providing that the state:

(1) will maintain ~~rental interruption, liability, and casualty~~ insurance ~~notwithstanding section 15.38 as required under the terms of the lease agreement;~~

(2) is responsible to the lessor for any public liability or property damage claims or costs related to the selection, use, or maintenance of the leased equipment, to the extent of insurance or self-insurance maintained by the lessee, and for costs and expenses incurred by the lessor as a result of any default by the lessee;

(3) authorizes the lessor to exercise the rights of a secured party with respect to the equipment subject to the lease in the event of default by the lessee and, in addition, for the present recovery of lease rentals due during the current term of the lease as liquidated damages.

Sec. 6. Minnesota Statutes 1988, section 16B.06, subdivision 4, is amended to read:

Subd. 4. [SUBJECT TO AUDIT.] A contract or any disbursement of public funds to a provider of services or a grantee, made by or under the supervision of the commissioner, an agency, or any county or unit of local government ~~shall~~ *must* include, expressly or impliedly, an audit clause that provides that the books, records, documents, and accounting procedures and practices of the contractor or other party, relevant to the contract or transaction are subject to examination by the contracting agency, and either the legislative auditor or the state auditor as appropriate. *A state contract made for purchase, lease, or license of software and data from the state is not required to contain that audit clause.*

Sec. 7. Minnesota Statutes 1988, section 16B.09, subdivision 5, is amended to read:

Subd. 5. [COOPERATIVE AGREEMENTS.] *The commissioner may enter into cooperative purchasing agreements under section 471.59 with cities, counties, towns, school districts, or other political subdivisions or instrumentalities of a governmental unit or any entity that is statutorily authorized to purchase materials and services through state contracts. The commissioner may charge a fee to cover the commissioner's administrative expenses to government units that have joint or cooperative purchasing agreements with the state under section 471.59.*

Sec. 8. Minnesota Statutes 1988, section 16B.20, subdivision 2, is amended to read:

Subd. 2. [ADVISORY COUNCIL.] ~~A~~ *The small business procurement advisory council is created. The council* consists of 13 members appointed by the commissioner of administration. A chair of the advisory council ~~shall~~ *must* be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms and removal of members are as provided in section 15.059, ~~but members do not receive per diem. The council expires as provided in section 15.059, subdivision 5.~~

Sec. 9. Minnesota Statutes 1988, section 16B.24, subdivision 1, is amended to read:

Subdivision 1. [OPERATION AND MAINTENANCE OF BUILDINGS.] The commissioner is authorized to maintain and operate the state capitol building and grounds, subject to whatever standards and policies are set for its appearance and cleanliness by the capitol area architectural and planning board and the commissioner pursuant to under section 15.50, subdivision 2, clause (h), and the state office building, the historical society building, ~~the Normandale, Anoka-Ramsey, North Hennepin, Lakewood, Metropolitan, and South East Metropolitan Community Colleges,~~ the economic security buildings in Minneapolis and St. Paul, the state department of health building, and the surplus property building, and their grounds, and, when the commissioner considers it advisable and practicable, any other building or premises owned or rented by the state for the use of a state agency. The commissioner shall assign and reassign office space in the capitol and state buildings to make an equitable division of available space among agencies. The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 10. Minnesota Statutes 1988, section 16B.24, subdivision 6, is amended to read:

Subd. 6. [PROPERTY RENTAL.] (a) [LEASES.] The commissioner shall rent land and other premises when necessary for state purposes. The commissioner may lease land or premises for five years or less, subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use. The commissioner may not rent non-state-owned land and buildings or substantial portions of land or buildings within the capitol area as defined in section 15.50 unless the commissioner first consults with the capitol area architectural and planning board. Lands needed by the department of transportation for storage of vehicles or road materials may be rented for five years or less, such leases for terms over two years being subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use.

(b) [RESTRICTION ON LEASING.] *The commissioner may not rent or lease more than 50,000 square feet of a non-state-owned building for the purpose of providing office space for a state agency. This restriction does not apply to currently leased property or to the lease or rental of property as part of a funded plan for relocation of an agency in a state-owned building in the capitol area as defined in section 15.50.*

(c) [USE VACANT PUBLIC SPACE.] No agency may initiate or renew a lease for space for its own use in a private building unless the commissioner has thoroughly investigated presently vacant space in public buildings, such as closed school buildings, and found that none is available.

(~~e~~) (d) [PREFERENCE FOR CERTAIN BUILDINGS.] For needs beyond those which can be accommodated in state-owned buildings, the commissioner shall acquire and utilize space in suitable buildings of historical, architectural, or cultural significance for the purposes of this subdivision unless use of that space is not feasible, prudent and cost effective compared with available alternatives. Buildings are of historical, architectural, or cultural significance if they are listed on the national register of historic



places, designated by a state or county historical society, or designated by a municipal preservation commission.

(d) (e) [RECYCLING SPACE.] Leases for space of 30 days or more for 5,000 square feet or more must require that space be provided for recyclable materials.

Sec. 11. Minnesota Statutes 1988, section 16B.405, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] To offset the department of administration's software development costs through the sale of products developed, the commissioner may sell or license computer software products or services developed by the commissioner state agencies or custom developed by a vendor, through whatever sales method the commissioner considers appropriate. Prices for the software products or services may be based on market considerations.

Sec. 12. [16B.465] [STATEWIDE TELECOMMUNICATIONS ACCESS ROUTING SYSTEM.]

*Subdivision 1. [FUNCTION.] The statewide telecommunications access routing system provides voice, data, video, and other telecommunications transmission services to state agencies, educational institutions, public corporations, and state political subdivisions. It is not a telephone company for purposes of chapter 237. It may not resell or sublease any services or facilities to nonpublic entities. The commissioner is responsible for planning, development, and operations of a statewide telecommunications access routing system in order to provide cost-effective telecommunications transmission services to system users.*

*Subd. 2. [ADVISORY COUNCIL.] The statewide telecommunications access routing system is managed by the commissioner. Subject to section 15.059, subdivisions 1 to 4, the commissioner shall appoint an advisory council to provide assistance in implementing a statewide telecommunications access routing system. The council consists of:*

*(1) one member appointed by the higher education advisory council established by section 136A.02, subdivision 6;*

*(2) the system heads, or their designees, of the University of Minnesota, the state university system, the community colleges system, and the board of vocational technical education; and*

*(3) five members appointed by the governor or the governor's designee or designees, four of whom must be agency heads or their designees or representatives of political subdivisions.*

*No member of the advisory council may be a vendor of telecommunications equipment or services or an employee or representative of a vendor.*

*Subd. 3. [DUTIES.] The commissioner, after consultation with the council, shall:*

*(1) provide voice, data, video, and other telecommunications transmission services to the state and to political subdivisions through the statewide telecommunications access routing system revolving fund;*

*(2) appoint a chief executive officer of the system to serve in the unclassified service;*

(3) *manage vendor relationships, network function, and capacity planning in order to be responsive to the needs of the system users;*

(4) *set rates and fees for services;*

(5) *approve contracts relating to the system; and*

(6) *develop the system plan, including plans for the phasing of its implementation, maintenance of the initial system, and the annual program and fiscal plans for the system.*

*Subd. 4. [REVOLVING FUND.] The statewide telecommunications access routing system revolving fund is a separate fund for the department of administration in the state treasury for the receipt of and payment of money for the statewide telecommunications access routing system established in subdivision 1. Money appropriated to the fund and fees for communications services provided by the statewide telecommunications access routing system must be deposited in the fund. Money in the fund is appropriated annually to the commissioner to operate the statewide telecommunications access routing system.*

*Subd. 5. [EXEMPTION.] The system is exempt from the five-year limitation on contracts set by section 16B.07, subdivision 2.*

Sec. 13. Minnesota Statutes 1988, section 16B.48, is amended to read:

**16B.48 [GENERAL SERVICES AND ~~COMPUTER SERVICES~~ INTER-TECHNOLOGIES REVOLVING FUNDS.]**

**Subdivision 1. [REIMBURSEMENTS.]** Fees prescribed ~~pursuant to~~ under section 16B.51, for the rendering of the services provided in that section are deposited in the state treasury by the collecting agency and credited to the general services revolving fund.

**Subd. 2. [PURPOSE OF FUNDS.]** Money in the state treasury credited to the general services revolving fund and money ~~which~~ that is deposited in the fund is appropriated annually to the commissioner for the following purposes:

(1) to operate a central store and equipment service;

(2) to operate a central duplication and printing service;

(3) to purchase postage and related items and to refund postage deposits as necessary to operate the central mailing service;

(4) to operate a documents service as prescribed by section 16B.51;

(5) to provide advice and other services to political subdivisions for the management of their records, information, and telecommunication systems;

(6) to provide services for the maintenance, operation, and upkeep of buildings and grounds managed by the commissioner of administration;

(7) to provide analytical, statistical, and organizational development services to state agencies, local units of government, metropolitan and regional agencies, and school districts;

(8) to provide capitol security services through the department of public safety; and

(9) to perform services for any other agency. Money ~~shall~~ may be expended for this purpose only when directed by the governor. The agency receiving the services shall reimburse the fund for their cost, and the commissioner

shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials, equipment, and other articles and things used by or furnished to an agency; and utility services, and other services for the maintenance, operation, and upkeep of buildings and offices of the state government.

Subd. 3. ~~[COMPUTER SERVICES INTERTECHNOLOGIES REVOLVING FUND.]~~ Money in the ~~computer services intertechnologies~~ revolving fund is appropriated annually to the commissioner to operate ~~the division of computer information, records, and telecommunications services.~~

Subd. 4. [REIMBURSEMENTS.] Except as specifically provided otherwise by law, each agency shall reimburse ~~the computer services intertechnologies~~ and general services revolving funds for the cost of all services, supplies, materials, labor, and depreciation of equipment, including reasonable overhead costs, which the commissioner is authorized and directed to furnish an agency. The cost of all publications or other materials produced by the commissioner and financed from the general services revolving fund ~~shall must~~ include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration, with the approval of the commissioner of finance, may require an agency to make advance payments to the revolving funds in this section sufficient to cover the agency's estimated obligation for a period of at least 60 days. All ~~such~~ reimbursements and other money received by the commissioner of administration under this section ~~shall must~~ be deposited in the appropriate revolving fund. Any earnings remaining in the fund established to account for the documents service prescribed by section 16B.51 at the end of each fiscal year not otherwise needed for present or future operations, as determined by the commissioners of administration and finance, ~~shall must~~ be transferred to the general fund.

Subd. 5. [LIQUIDATION.] If the ~~computer services intertechnologies~~ or general services revolving fund is abolished or liquidated, the total net profit from the operation of each fund ~~shall must~~ be distributed to the various funds from which purchases were made. The amount to be distributed to each fund ~~shall must~~ bear to ~~such~~ the net profit the same ratio as the total purchases from each fund bears to the total purchases from all the funds during ~~such the same~~ period of time as ~~shall fairly reflect the amount of net profit each fund is entitled to receive under the distribution required by this section.~~

Sec. 14. Minnesota Statutes 1988, section 16B.54, subdivision 2, is amended to read:

Subd. 2. [VEHICLES.] (a) [ACQUISITION FROM AGENCY; APPROPRIATION.] The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck ~~presently~~ currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of

reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the national automobile dealers association official used car guide.

(b) [PURCHASE.] To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) [TRANSFER AT AGENCY REQUEST.] On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck ~~shall~~ *must* be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) [VEHICLES; MARKING.] The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide by rule for the use of motor vehicles without uniform coloring or marking by the governor, the lieutenant governor, the division of criminal apprehension, arson investigators of the division of fire marshal in the department of public safety, financial institutions division of the department of commerce, ~~and~~ the office of the attorney general, *the investigative staff of the department of jobs and training, and the department of revenue to conduct seizures or criminal investigations.*

Sec. 15. Minnesota Statutes 1988, section 136.24, subdivision 1, is amended to read:

Subdivision 1. [PROPRIETARY PURCHASES.] Technical educational equipment may be procured for the state universities on request of the state university board either by brand designation or in accordance with standards and specifications the board may promulgate, notwithstanding the ~~provisions~~ *competitive bidding requirements* of chapter 16B to the contrary. *The procurement is still subject to supervision by the office of information systems management under section 16B.41.*

Sec. 16. Minnesota Statutes 1988, section 136.622, subdivision 1, is amended to read:

Subdivision 1. [PROPRIETARY PURCHASES.] Technical educational equipment may be procured for the state community colleges on request of the state board for community colleges either by brand designation or in accordance with standards and specifications the board may promulgate, notwithstanding the *competitive bidding requirements* of chapter 16B. *The procurement is still subject to supervision by the office of information systems management under section 16B.41.*

Sec. 17. Minnesota Statutes 1988, section 214.07, subdivision 2, is amended to read:

Subd. 2. [SUMMARY OF BOARD REPORTS.] Not later than December 15 of each even-numbered year, the commissioner of health with respect

to the health-related licensing boards and the commissioner of administration with respect to the non-health-related boards shall prepare summary reports compiling the information required by subdivision 1, clauses (b) and (g) to (p) and contained in the reports submitted by the boards the preceding year pursuant to subdivision 1. The summary reports shall must also specify the staff and services provided by the departments department to each board. The summary reports shall must be distributed to the legislature pursuant to under section 3.195 and to the governor.

Sec. 18. Minnesota Statutes 1988, section 473.141, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The chair of each agency shall be appointed by the governor with the advice and consent of the senate, shall be the ninth voting member and shall meet all qualifications established for members, except the chair need only reside within the metropolitan area. The council, by resolution after a public meeting on the subject, shall provide the governor with a list of nominees for the position. Senate confirmation is as provided by section 15.066. The chair shall preside at all meetings of the agency, if present, and shall perform all other duties and functions assigned by the agency or by law. *The chair is responsible for providing leadership in developing policy, coordinating the activities of the agency board, establishing and appointing committees of the board, chairing the internal audit committee, ensuring effective communication between the agency and other governmental entities and the general public, ensuring that the board is fully informed of the activities of the chief administrator and the agency, ensuring that the chief administrator implements the policies of the board and is held accountable to the board, and evaluating the chief administrator's performance.* Each agency may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 19. [TECHNOLOGY AND COMMUNICATIONS TASK FORCE.]

*Subdivision 1. [MEMBERSHIP; REPORT; STAFF.] A technology and communications task force consisting of:*

*(1) the commissioners of administration, public safety, public service, and transportation or their designees;*

*(2) two members of the senate appointed by the subcommittee on committees of the committee on rules and administration and two members of the house of representatives appointed by the speaker, or their designees;*

*(3) four representatives of the courts appointed by the chief justice; and*

*(4) the president of the University of Minnesota, the chancellor of the state university system, the chancellor of the community colleges system, and the state director of vocational technical education or their designees*

*shall study the communications and technological capabilities, plans, and needs of state agencies, educational institutions, the courts, and the legislature and shall report its findings and recommendations to the legislature by February 15, 1990. The assistant commissioner of administration assigned to the information policy office shall serve as the primary staff person for the task force. Members of the task force may designate other agency, legislative, and judicial staff to assist the task force.*

Subd. 2. [DUTIES.] *The task force shall:*

(1) survey state agencies, each house of the legislature, the courts, and public post-secondary educational institutions to determine their current capabilities and anticipated future needs in communication of voice, data, and video within each entity surveyed, between entities, and between each entity and the public;

(2) compile a list of technological equipment and systems currently in use by the entities surveyed, whether owned by the entity or leased from an outside public or private supplier, and a list of equipment or systems the entities plan to acquire;

(3) identify any duplication or underutilization of equipment or systems and any unmet needs for equipment or systems; and

(4) identify an appropriate existing entity, or recommend the establishment of a new entity, to coordinate the design, acquisition, maintenance, and administration of a statewide system to serve the current and future communications and technological needs of state executive agencies, post-secondary educational institutions, the legislature, and the courts efficiently and effectively.

*The task force's recommendation under clause (4) must outline an administrative structure capable of evaluating communications and technological needs and selecting appropriate equipment and systems to meet those needs consistent with the overall needs of the state and the equipment and systems already in place.*

*Subd. 3. [MORATORIUM.] The University of Minnesota, the state universities, the community colleges, and the technical institutes may not purchase, contract for, or otherwise commit themselves to new telecommunications equipment, systems, or services until the task force has submitted the report required under subdivision 1.*

#### Sec. 20. [RULE SUSPENDED.]

*Minnesota Rules, part 5200.1105, is suspended until May 1, 1990, pending legislative review of its effect on competitive bidding under Minnesota Statutes, section 16B.07.*

#### Sec. 21. [REPEALER.]

*Minnesota Statutes 1988, section 15.38, is repealed.*

#### Sec. 22. [EFFECTIVE DATE.]

*Sections 3, 4, and 18 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and are effective July 1, 1989.*

*Sections 15 and 16 are effective July 1, 1989.*

*Sections 19 and 20 are effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to state government; regulating markings on state vehicles; eliminating the requirement that certain reports of occupational licensing boards be summarized; eliminating certain prohibitions against state purchase of insurance; regulating state sale of goods and services; regulating transactions between units of government and other*

entities; clarifying responsibility for the operation and maintenance of certain buildings; establishing a state telecommunications access routing system; clarifying authority of the office of information systems management over purchases of computers and related products by the state university board and the state board for community colleges; establishing a task force to study communications and technology; suspending Minnesota Rules, part 5200.1105, pending legislative review; amending Minnesota Statutes 1988, sections 15.16; 15.39, subdivision 1; 15A.081, subdivisions 1 and 7; 16A.85, subdivision 2; 16B.06, subdivision 4; 16B.09, subdivision 5; 16B.20, subdivision 2; 16B.24, subdivisions 1 and 6; 16B.405, subdivision 1; 16B.48; 16B.54, subdivision 2; 136.24, subdivision 1; 136.622, subdivision 1; 214.07, subdivision 2; and 473.141, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1988, section 15.38."

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. 446: A bill for an act relating to human rights; clarifying the definition of disability; limiting the use of psychological tests; limiting age-related questions in employment applications; clarifying who is an aggrieved party for certain violations; placing burden on the employer to show a person's impairment is disqualifying; providing for service of subpoenas personally or by mail; allowing the commissioner discretion on access to data in closed files; eliminating the 180-day administrative hearing option; striking the requirement that a person's employees must be within Minnesota for purposes of affirmative action; clarifying the time period allowed for filing a private lawsuit; amending Minnesota Statutes 1988, sections 363.01, subdivisions 25 and 31; 363.02, subdivisions 1, 2, 2a, 2b, and 6; 363.03, subdivisions 1, 2, 3, 7, 8, and by adding subdivisions: 363.05, subdivision 2; 363.061, subdivision 3; 363.072, subdivision 1; 363.073, subdivision 1; 363.117; 363.123; and 363.14, subdivision 1; repealing Minnesota Statutes 1988, sections 363.01, subdivisions 30 and 32; and 363.071, subdivision 1a.

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 363.01, subdivision 25, is amended to read:

Subd. 25. [DISABILITY.] "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory, or mental impairment which ~~substantially~~ materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Sec. 2. Minnesota Statutes 1988, section 363.01, subdivision 25a, is amended to read:

Subd. 25a. [QUALIFIED DISABLED PERSON.] "Qualified disabled person" means:

(1) with respect to employment, a disabled person who, with reasonable

accommodation, can perform the essential functions required of all applicants for the job in question; and

(2) with respect to services and programs, a disabled person who, with physical and program access, meets the essential eligibility criteria required of all applicants for the program or service in question.

For the purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

*If a respondent contends that the person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.*

Sec. 3. Minnesota Statutes 1988, section 363.01, subdivision 31, is amended to read:

Subd. 31. [FAMILIAL STATUS.] "Familial status" means the condition of one or more minors being domiciled with (a) their parent or parents or the minor's legal guardian or (b) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. *The protections afforded against discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.*

Sec. 4. Minnesota Statutes 1988, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by the individual's parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, layoff priorities, vacation credit, and job assignments based on seniority, so long as the operation of the system is not a subterfuge to evade the provisions of this chapter;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all



individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

(8) It is not an unfair employment practice for an employer, employment agency, or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided (a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job; (b) that the examination tests only for essential job-related abilities; and (c) that the examination except for examinations authorized under chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, to obtain additional medical information for the purposes of establishing an employee health record;

(iii) to administer preemployment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability except for tests authorized under chapter 176, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria.

Sec. 5. Minnesota Statutes 1988, section 363.02, subdivision 2, is amended to read:

Subd. 2. [HOUSING.] (1) The provisions of section 363.03, subdivision 2, shall not apply to:

(a) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(b) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. ~~Nothing in this chapter shall be construed to require any~~ Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract

of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement or contract.

(2) The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status shall not be construed to defeat the applicability of any local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit and shall not apply to:

(a) any unoccupied dwelling unit in one building of a housing complex consisting of two buildings or, in a housing complex consisting of three or more buildings, any unoccupied dwelling unit in up to one-third of all buildings in the housing complex. For the purposes of this clause, "housing complex" means a group of buildings each containing five or more units on a contiguous parcel of land owned by the same person; a building shall not be exempt from section 363.03, subdivision 2, pursuant to this clause unless the owner has filed an election to designate the building as exempt with the commissioner; an election made by an owner pursuant to this clause may not be withdrawn for purposes of designating another building in the housing complex as exempt for a period of one year from the filing of the election; or

(b) any unit in a condominium created prior to April 12, 1980, any unit in a condominium, other than a condominium converted from a residential building, created on or after April 12, 1980, and any unit in an adults-only condominium created from an existing adults-only rental building on or after April 12, 1980; or

(c) an unoccupied dwelling unit in any building in which at least a majority of the dwelling units are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly person; or

(d) any owner occupied building containing four or fewer dwelling units; or

(e) an unoccupied dwelling unit in any building which is the subject of a valid certificate filed with the commissioner pursuant to the provisions of this clause. To be valid, a certificate must be on a form provided by the commissioner, be received by the commissioner, state that on the date that the certificate is received by the commissioner at least a majority of the dwelling units in the building are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly person, state that on the date that the certificate is received by the commissioner there is on file with the owner of the building or a specified duly authorized agent of the owner for each occupied unit relied upon in support of the certificate a signed statement by an elderly person occupying the unit on the date that the certificate is received by the commissioner that the person is an elderly person, state that for a period of 180 days following the receipt of the certificate by the commissioner the owner or duly authorized agent will preserve the signed statements of the elderly persons and will, upon request, make the statements available for inspection by the commissioner or by any local commission having jurisdiction over the building, be signed by the owner or the duly authorized agent, and be in all respects true and accurate. A valid certificate shall remain valid for a period of 180 days following the date on which it is received by the commissioner. Any owner or authorized

agent who files a certificate containing statements or information that the owner or authorized agent knows or should reasonably know to be false shall be guilty of a misdemeanor;

(f) any unoccupied dwelling unit of up to one-third of the units in a building that is not part of a multibuilding complex; or

(g) any dwelling unit in a building owned by a cooperative apartment corporation, other than a building converted from a residential rental building to a cooperative apartment corporation building on or after April 12, 1980, unless that conversion was from an existing adults-only residential rental building.

(b) housing for elderly persons. "Housing for elderly persons" means housing:

(i) provided under any state or federal program that the commissioner determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(ii) intended for, and solely occupied by, persons 62 years of age or older; or

(iii) intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that:

(A) there are significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of these facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons;

(B) at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(C) there is publication of, and adherence to, policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing does not fail to meet the requirements for housing for elderly persons by reason of persons residing in the housing as of the effective date of this act who do not meet the age requirements of clauses (b)(ii) and (b)(iii) if new occupants of the housing meet the age requirements of clause (b)(ii) or (b)(iii). In addition, housing does not fail to meet the requirements by reason of unoccupied units if unoccupied units are reserved for occupancy by persons who meet the age requirements of clause (b)(ii) or (b)(iii).

Sec. 6. Minnesota Statutes 1988, section 363.02, subdivision 2a, is amended to read:

Subd. 2a. [MANUFACTURED HOME PARKS.] The provisions of subdivision 2, prohibiting discrimination because of familial status:

(1) do not apply to a manufactured home park the majority of whose lots are reserved by park rule to households containing at least one elderly person; and

(2) do not apply to a section or sections of a manufactured home park which are identified by park rule and do not comprise more than one-third of the lots in the park. In order to qualify for exemption under this subdivision, A park owner must comply with section 327C.02, subdivision 2, 327C.05, or 327C.07, subdivision 4, when adopting or amending a rule

concerning the permitted familial status of residents or of buyers of homes offered for in park sale.

Sec. 7. Minnesota Statutes 1988, section 363.02, subdivision 2b, is amended to read:

Subd. 2b. [EVICTED DUE TO FAMILIAL STATUS.] The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status, do not apply to eviction from, or denial of continuing tenancy in, dwelling units exempt through certification under this section, provided that (1) one year has elapsed from the commencement of the familial status and (2) six months prior written notice has been given to the tenant, unless the eviction or denial of continuing tenancy is for non-payment of rent, damage to the premises, disturbance of other tenants, or other breach of the lease.

Sec. 8. Minnesota Statutes 1988, section 363.02, subdivision 6, is amended to read:

Subd. 6. [AGE.] By law or published retirement policy, a mandatory retirement age may be established without being a violation of this chapter if it is established consistent with section 181.81. Nothing in this chapter nor in section 181.81 shall prohibit employee pension and retirement plans from granting pension credit to employees over the age of 65 at a lesser rate than is granted to other employees, provided that in no event may an employee's accumulated pension credits be reduced by continued employment, and further provided that no other state or federal law is violated by the reduced rate of pension credit accrual. Nothing in this chapter shall be construed to prohibit the establishment of differential privileges, benefits, services or facilities for persons of designated ages if (a) such differential treatment is provided pursuant to statute, or (b) the designated age is greater than 59 years or less than 21 years. *Clause (b) does not apply to hiring, tenure, compensation, upgrading, or conditions of employment.*

Sec. 9. Minnesota Statutes 1988, section 363.03, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or age,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance ~~or~~, disability, or age; *or, subject to section 363.02, subdivision 1, to require or request a person to undergo physical examination; unless, for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information pertaining to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability is required by the United States or a political subdivision or agency of the United States or examination; or*

(b) *seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age, unless for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information; or*

(c) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age.

*Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under section 363.06.*

(5) For an employer, an employment agency or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work.

(6) For an employer with 50 or more permanent, full-time employees, an employment agency or a labor organization, not to make reasonable accommodation to the known disability of a qualified disabled person or job applicant unless the employer, agency, or organization can demonstrate that the accommodation would impose an undue hardship on the business, agency, or organization. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified disabled person. "Reasonable accommodation" may include but is not limited to, *nor does it necessarily require*: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, modified work schedules ~~that do not reduce the total number of hours normally worked~~, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of a business or organization, factors to be considered include:

(a) the overall size of the business or organization with respect to number of employees or members and the number and type of facilities;

(b) the type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;

(c) the nature and cost of the needed accommodation;

(d) the reasonable ability to finance the accommodation at each site of business; and

(e) documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

Sec. 10. Minnesota Statutes 1988, section 363.03, is amended by adding a subdivision to read:

*Subd. 1a. [DISCLOSURE OF MEDICAL INFORMATION.] If any health care records or medical information adversely affects any employment decision concerning an applicant or employee, the employer must notify the affected party of that information within ten days of the final decision.*

Sec. 11. Minnesota Statutes 1988, section 363.03, subdivision 2, is amended to read:

**Subd. 2. [REAL PROPERTY.]** It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with

regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(2) For a real estate broker, real estate salesperson, or employee, or agent thereof:

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(b) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination; or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(5) For a person to deny a totally or partially blind, physically handicapped, or deaf person with a service dog full and equal access to real property provided for in this section. The person may not be required to pay extra compensation for the service dog but is liable for damage done to the premises by the service dog.

*(6) For a home improvement, repair, or maintenance business to discriminate in terms, conditions, or extension of services against any person or group of persons who desire to rehabilitate, repair, or maintain real property in a specific urban or rural area or any part of the area because of the social or economic conditions of the area.*

Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice



alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in section 363.02, subdivision 2.

Sec. 12. Minnesota Statutes 1988, section 363.03, is amended by adding a subdivision to read:

*Subd. 2a. [REAL PROPERTY; DISABILITY DISCRIMINATION.] (a) For purposes of subdivision 2, discrimination includes:*

*(1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear;*

*(2) a refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling; or*

*(3) in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:*

*(i) the public use and common use portions are readily accessible to and usable by a disabled person;*

*(ii) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by disabled persons in wheelchairs; and*

*(iii) all premises contain the following features of adaptive design: an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.*

*(b) As used in this subdivision, the term "covered multifamily dwellings" means:*

*(1) a building consisting of four or more units if the building has one or more elevators; and*

*(2) ground floor units in other buildings consisting of four or more units.*

*(c) This subdivision does not invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this subdivision applies, that requires dwellings to be designed and constructed in a manner that affords disabled persons greater access than is required by this subdivision.*

*(d) This subdivision does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.*

Sec. 13. Minnesota Statutes 1988, section 363.03, subdivision 3, is amended to read:

Subd. 3. [PUBLIC ACCOMMODATIONS.] It is an unfair discriminatory practice:

(1) To deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin or sex. It is an unfair discriminatory practice for a taxicab company to discriminate in the access to, full utilization of or benefit from service because of a person's disability. ~~Nothing in this subdivision requires any person to exercise a higher degree of care for a person having a disability or to modify property in any way except as required by the accessibility provisions of the state building code.~~

(2) *For a place of public accommodation not to make reasonable accommodation to the known physical disability of a disabled person. In determining whether an accommodation is reasonable, the factors to be considered may include:*

(a) *the frequency and predictability with which members of the public will be served by the accommodation at that location;*

(b) *the size of the business or organization at that location with respect to physical size, annual gross revenues, and the number of employees;*

(c) *the extent to which disabled persons will be further served from the accommodation;*

(d) *the type of operation;*

(e) *the nature and amount of both direct costs and legitimate indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation;*

(f) *the extent to which any persons may be adversely affected by the accommodation.*

*State or local building codes control where applicable. Violations of state or local building codes are not violations of this chapter and must be enforced under normal building code procedures. Nothing in this subdivision requires structural changes to real property except as required by state or local building codes.*

*This subdivision does not create a different standard of care. It applies only to unfair discriminatory practice cases brought under this statute and to no other causes of action.*

Sec. 14. Minnesota Statutes 1988, section 363.03, subdivision 7, is amended to read:

Subd. 7. [REPRISALS.] It is an unfair discriminatory practice for any employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson or employee or agent thereof to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any ~~matter~~ manner in an investigation, proceeding or hearing under this chapter; or

(2) Associated with a person or group of persons who are disabled or who are of different race, color, creed, religion, or national origin.

A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause (1) or (2): refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause (1) or (2).

Sec. 15. Minnesota Statutes 1988, section 363.03, subdivision 8, is amended to read:

Subd. 8. [CREDIT; ~~SEX~~ DISCRIMINATION.] It is an unfair discriminatory practice:

(1) to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of *race, color, creed, religion, disability, national origin, sex or marital status*; or

(2) for a credit card issuer to refuse to issue a credit card to a woman under her current or former surname unless there is an intent to defraud or mislead, except that a credit card issuer may require that a woman requesting a card under a former surname open a separate account in that name. A credit card issuer may also require disclosure of any other names under which the credit card applicant may have a credit history.

Sec. 16. Minnesota Statutes 1988, section 363.05, subdivision 2, is amended to read:

Subd. 2. [SERVICE, ENFORCEMENT, AND EFFECT OF SUBPOENA.] (a) Disobedience of a subpoena issued by the commissioner pursuant to subdivision 1 shall be punishable in like manner as a contempt of the district court in proceedings instituted upon application of the commissioner made to the district court of the county where the alleged unfair discriminatory practice in connection with a charge made by a charging party or a complaint filed by the commissioner has occurred or where the respondent resides or has a principal place of business.

(b) It is not a violation of rights conferred by chapter 13 or any other statute related to the confidentiality of government data for ~~an~~ a state agency, statewide system, or political subdivision, as defined in section 13.02, subdivision 11, to provide data or information under a subpoena issued by the commissioner under this section.

(c) A subpoena issued under subdivision 1 must be served personally or by mailing a copy of the subpoena, by first class mail, postage prepaid, to the person to be served. The subpoena must include two copies of a notice and acknowledgment of service on a form to be provided by the commissioner, and a return envelope, postage prepaid, addressed to the sender. If acknowledgment of service is not received by the commissioner within 20 days, service is not effective. Unless good cause is shown for not doing so, a court or administrative law judge shall order the payment of the costs of personal service by the person served if the person does not complete and return the notice and acknowledgment of receipt of the subpoena within the time allowed.

Sec. 17. Minnesota Statutes 1988, section 363.073, subdivision 1, is amended to read:

Subdivision 1. [SCOPE OF APPLICATION.] No department or agency

of the state shall receive, enter into, or accept any bid or proposal for a contract nor execute any contract for goods, services, or the performance of any function, or any agreement to transfer funds for any reason in excess of \$50,000 with any person having more than 20 full-time employees in Minnesota at any time during the previous 12 months, unless the person has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. Receipt of a certificate of compliance issued by the commissioner shall signify that a person has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of two years.

Sec. 18. Minnesota Statutes 1988, section 363.117, is amended to read:

363.117 [WITHDRAWAL FROM A LOCAL COMMISSION.]

Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363.14 at the following times:

(a) Within 45 days after *receipt of notice* that the local commission has determined that there is no probable cause to credit the allegations contained in the charge; *receipt of notice is presumed to be five days from the date of service by mail of the written notice; or*

(b) After 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the local commission and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstituted with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 19. Minnesota Statutes 1988, section 363.123, is amended to read:

363.123 [VIOLATION OF ACT.]

It shall be a violation of ~~Laws 1973, this chapter 729~~ for any person furnishing credit service to discriminate against any person who is the recipient of federal, state or local public assistance, including medical assistance, or who is a tenant receiving federal, state or local housing subsidies, including rental assistance or rent supplements, ~~solely~~ because the individual is such a recipient.

Sec. 20. Minnesota Statutes 1988, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] (a) The commissioner or a person may bring a civil action seeking redress for an unfair discriminatory practice directly to district court. In addition, a person may bring a civil action:

(1) within 45 days after *receipt of notice* that the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, because the

commissioner has determined that further use of department resources is not warranted, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner;

(2) within 45 days after receipt of notice that the commissioner has reaffirmed a determination of no probable cause if the charging party requested a reconsideration of the no probable cause determination, or has decided not to reopen a dismissed case that the charging party has asked to be reopened; or

(3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1, if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

*For purposes of clauses (1) and (2), receipt of notice is presumed to be five days from the date of service by mail of the written notice.*

(b) If the commissioner has issued both probable cause and no probable cause determinations on separate issues in the same charge, the charging party may, if a hearing is held, require that all matters be heard at the hearing or may bring a civil action for the no probable cause charges at the same time as the probable cause charges under the rules and time frames that govern the probable cause charges.

(c) A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

(d) Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may authorize the commencement of the action without payment of fees, costs, or security.

(e) Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Sec. 21. Minnesota Statutes 1988, section 363.15, is amended to read:

**363.15 [NOTICE OF APPEAL TO THE COMMISSIONER.]**

In any case that is appealed to the supreme court or the court of appeals in which an issue is raised under this chapter, the party raising the issue shall serve a copy of the notice of appeal on the commissioner. ~~The clerk of the appellate courts may not accept~~ At the time of filing a notice of appeal or other papers, documents, or briefs ~~from any in the case, a party in an action involving this chapter without~~ shall file proof of service of the papers, documents, or briefs upon the commissioner.

**Sec. 22. [INSTRUCTION TO REVISOR.]**

*In the next edition of Minnesota Statutes the revisor of statutes shall*

*renumber Minnesota Statutes, section 363.123, as section 363.03, subdivision 8b.*

Sec. 23. [REPEALER.]

*Minnesota Statutes 1988, section 363.01, subdivisions 30 and 32, are repealed."*

Amend the title as follows:

Page 1, line 2, before "clarifying" insert "adopting federal fair housing amendments;"

Page 1, line 6, delete "placing" and insert "clarifying"

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete everything before "striking"

Page 1, line 15, after the semicolon, insert "modifying notice requirements in certain human rights appeals;"

Page 1, line 16, after "25" insert ", 25a,"

Page 1, line 19, delete "363.061, subdivision 3; 363.072,"

Page 1, line 20, delete the first "subdivision 1;"

Page 1, line 21, delete "and" and after the second semicolon, insert "and 363.15;"

Page 1, line 22, delete "sections" and insert "section"

Page 1, line 23, delete "; and 363.071, subdivision 1a"

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

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

S.F. No. 124: A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; setting fees; revising liability provisions; imposing a penalty; amending Minnesota Statutes 1988, sections 3.736, subdivision 3; 84.92, subdivision 1, and by adding subdivisions; 84.922, subdivisions 1 and 5, and by adding subdivisions; 84.924, subdivision 3; 84.9256, subdivisions 1, 2, and 3; 84.928, subdivisions 1, 2, and 6; 84.929; and 171.03; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7.

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

Pages 1 to 3, delete section 1 and insert:

"Section 1. Minnesota Statutes 1988, section 84.87, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON STREETS AND HIGHWAYS.] (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way

of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway within this state.

(b) A snowmobile may make a direct crossing of a street or highway at any hour of the day provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and

(5) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on; and

(6) A snowmobile may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge and the crossing is made without undue delay.

(c) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by rules of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in the commissioner by section 84.86, and each of which shall be subject to approval of the commissioner of public safety.

(d) A snowmobile may be operated upon a public street or highway other than as provided by clause (b) in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(e) All provisions of chapter 169 shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application. *Section 169.09 applies to the operation of snowmobiles anywhere in the state or on the ice of any boundary water of the state.*

(f) Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by rule of the commissioner."

Page 9, line 26, after the period, insert "*Section 169.09 applies to the operation of all-terrain vehicles anywhere in the state or on the ice of any boundary water of the state.*"

Amend the title as follows:

Page 1, line 3, after "vehicles" insert "and snowmobiles; providing that hit-and-run law applies to all snowmobile and all-terrain vehicle operations" and delete "revising liability"

Page 1, line 4, delete "provisions;"

Page 1, line 5, delete "3.736, subdivision 3" and insert "84.87, subdivision 1"

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

Mr. Spear from the Committee on Judiciary, to which was re-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:

Page 2, line 21, before "*Commercial*" insert "(a)"

Page 2, line 27, delete everything after "*is*" and insert "*a bus*"

Page 2, line 28, delete "*the driver*"

Page 2, after line 30, insert:

*"(b) For purposes of sections 4, 5, 7, and 8, a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a)."*

Page 3, line 10, delete everything after "*is*"

Page 3, line 11, delete "*violation of*" and insert "*violating*"

Page 3, lines 18 and 21, delete "*pursuant to*" and insert "*under*"

Page 3, line 26, delete everything after "*for*" and insert "*violating*"

Page 3, line 27, delete everything before "*subdivision*"

Page 3, line 34, delete everything after "*of*" and insert "*the violation*"

Page 3, line 35, delete everything before "*and*"

Page 4, line 1, delete "*Provided, that*"



Page 4, line 7, delete "*or not*"

Page 4, delete lines 13 to 15

Page 4, line 16, delete "5" and insert "4"

Page 4, line 18, after "*vehicle*" insert "*as provided*"

Page 4, line 19, delete "*or an*" and insert a period

Page 4, delete line 20

Page 4, line 23, delete everything after "*with*" and insert "*any presence of alcohol*"

Page 4, line 24, delete "*than 0.00*"

Page 4, line 25, before the period, insert "*from issuance of an out-of-service order*"

Page 5, line 24, delete "*an*" and insert "*the presence of any*"

Page 5, line 25, delete "*concentration of more than 0.00*"

Page 5, line 31, after the comma, insert "*that Minnesota law requires the person*" and delete "*if the person has an*" and insert "*the presence of alcohol*"

Page 5, line 32, delete the new language

Page 6, line 1, after the second comma, insert "*that*"

Page 6, line 10, after "*greater*" insert a comma

Page 6, line 11, delete "*and the*" and insert "*that if the test*" and delete "*an*" and insert "*the presence of any*" and delete "*concentration*"

Page 6, line 12, delete everything before the comma

Page 6, line 14, delete "*, or*" and insert "*from issuance of an out-of-service order, and*"

Page 7, line 25, after "*year*" insert "*under section 28*"

Page 8, line 8, delete "*an*" and insert "*any presence of*" and delete "*concentration of*"

Page 8, line 9, delete "*more than 0.00*"

Page 8, line 23, delete the comma

Page 9, line 24, before the period, insert "*, unless the person is entitled to review under section 29*"

Page 9, line 35, after "*revocation*" insert "*or disqualification*"

Page 10, line 9, before the period, insert "*, unless the person is entitled to review under section 29*"

Page 11, line 20, delete "*an*" and insert "*any presence of*"

Page 11, line 21, delete "*concentration of more than 0.00*"

Page 13, line 3, delete everything after "*is*" and insert "*a bus*"

Page 13, line 4, delete "*the driver*"

Page 13, delete line 25 and insert "*bus,*"

Page 13, line 26, delete "*driver,*"

Page 13, line 33, after the first comma, insert "*for trips*"

Page 14, line 6, after "by" insert "a" and strike "firefighters" and insert "firefighter"

Page 14, line 7, delete everything after "operator" and insert "*employed by a fire department who drives the rear portion of a*"

Page 14, line 9, after "equipment" insert "as"

Page 15, line 33, after "issued" insert "*by another state*"

Page 15, line 35, delete everything after the second comma and insert "for"

Page 17, line 33, delete "and" and insert "or"

Page 18, line 3, delete "the" and insert "a"

Page 18, line 4, before the period, insert "*under section 28*"

Pages 21 and 22, delete section 28 and insert:

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

*Subdivision 1. [FIRST VIOLATION.] Subject to section 29, the commissioner shall disqualify a person from operating commercial motor vehicles for one year upon receiving a record of the first conviction of the person for a violation of any of the following in the commission of which a commercial motor vehicle was used:*

*(1) section 169.121 or section 4;*

*(2) section 169.09, subdivision 1 or 2;*

*(3) a felony, other than a felony described in subdivision 3, clause (3);*  
*or*

*(4) an offense committed in another state that would be grounds for disqualification if committed in Minnesota.*

*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.] Subject to section 29, 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 a second or subsequent time 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 under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture,*

sell, or distribute it, 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 and subject to section 29, 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. The violations must involve separate incidents and must have been committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic offense includes the following:*

*(1) operating the commercial vehicle at a 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; and*

*(4) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident.*

**Subd. 5. [RULES.]** *The commissioner shall adopt rules to administer this section. The rules must include procedures for issuing class C licenses to persons who have been disqualified from operating commercial motor vehicles but whose drivers' licenses have not otherwise been revoked, suspended, canceled, or denied.*

**Subd. 6. [EXEMPTIONS.]** *A disqualification shall not be imposed under this section on a recreational equipment operator, farmer, or firefighter operating a commercial motor vehicle within the scope of section 171.02, subdivision 2, paragraph (a).*

**Subd. 7. [SCOPE.]** *This section applies to offenses committed, and revocations imposed for incidents occurring, on or after January 1, 1990.*

**Sec. 29. [171.166] [REVIEW OF DISQUALIFICATION.]**

**Subdivision 1. [REVIEW OF CONVICTIONS.]** *The commissioner shall review court records of convictions subject to section 28, other than a violation of section 169.121, section 4, or section 169.123, subdivision 3, if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual.*

**Subd. 2. [NOTIFICATION TO THE SUBJECT OF A COMMERCIAL DRIVER'S LICENSE.]** *The commissioner shall notify the applicant or license holder and the individual who is the subject of a review, in writing, of the results of the review. The commissioner shall notify the individual reviewed if the information contained in the review could cause license disqualification.*

**Subd. 3. [RECONSIDERATION OF LICENSE DISQUALIFICATION.]**  
*(a) Within 30 days after receiving notice of possible disqualification under subdivision 2, the individual who is the subject of the review may request reconsideration of the notice of possible disqualification. The individual must submit the request for reconsideration to the commissioner in writing. The individual must present information to show that the information the commissioner relied upon is incorrect or not applicable for disqualification of the individual being reviewed.*

*(b) The commissioner may set aside the disqualification if the commissioner finds that the information the commissioner relied upon is incorrect or not applicable for disqualification of the individual being reviewed.*

*(c) The commissioner shall respond in writing to all reconsideration requests within 15 working days after receiving the request for reconsideration. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing of the decision. The commissioner's decision to grant or deny a reconsideration of disqualification under this subdivision, or to set aside or uphold the results of the review, is the final administrative agency action.*

*Subd. 4. [CONTESTED CASE.] If a disqualification is not set aside, a person may request a contested case hearing under chapter 14."*

Page 24, delete section 30

Page 25, line 11, delete "and kept by"

Page 25, line 12, after "disqualification" insert a comma

Page 25, line 19, delete "appropriate"

Page 32, line 6, delete "his" and insert "the"

Page 32, line 32, after "States" insert a comma

Page 33, line 11, delete the comma

Page 34, delete section 42 and insert:

"Sec. 42. [TRANSITION; TEMPORARY LICENSES.]

*The commissioner of public safety shall issue a temporary driver's license, of the class currently held by the driver, to a driver who possesses a good driving record as determined by the commissioner but fails to pass the commercial driver license written examination before the expiration date of that driver's license. The temporary license is valid until the driver passes the commercial driver license written examination or March 31, 1992, whichever is earlier."*

Page 34, line 36, delete "or" and insert ", and"

Page 35, line 1, after "on" insert a comma

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after "subdivisions" insert "1,"

Page 1, line 19, delete "171.19;"

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. 974: A bill for an act relating to the collection, access to, and dissemination of data; proposing classifications of data as private, confidential, nonpublic, and protected nonpublic; clarifying classification of data; establishing an internal audit function with access to state agency data; clarifying what data on juveniles may be made available to the public; amending Minnesota Statutes 1988, sections 13.10, subdivision 1; 13.32,

subdivisions 3 and 5; 13.82, subdivision 8; 16A.055, subdivision 1; 245.94, subdivision 1; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13.

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 3.97, subdivision 11, is amended to read:

Subd. 11. "Audit" as used in this subdivision means a financial audit, a program evaluation, or an investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been published or the audit is no longer being actively pursued. Data that support the conclusions of the report and that the legislative auditor reasonably believes will result in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative auditor without an assurance that the individual's identity would remain private, *or the legislative auditor reasonably believes that the subject would not have provided the data.* The definitions of terms provided in section 13.02 apply for purposes of this subdivision.

Sec. 2. Minnesota Statutes 1988, section 13.02, subdivision 9, is amended to read:

Subd. 9. [NONPUBLIC DATA.] "Nonpublic data" means data not on individuals ~~which~~ *that* is made by statute or federal law applicable to the data: (a) not *accessible to the public*; and (b) accessible to the subject, if any, of the data.

Sec. 3. Minnesota Statutes 1988, section 13.10, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this chapter:

(a) "Confidential data on decedents" means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data.

(b) "Private data on decedents" means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data.

(c) "Representative of the decedent" means the personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, ~~any other of the decedent's living next of kin within one degree of consanguinity as determined in the order of priority established by the rules of civil law~~ *the parents of the decedent.*

Sec. 4. Minnesota Statutes 1988, section 13.32, subdivision 3, is amended to read:

Subd. 3. [PRIVATE DATA; WHEN DISCLOSURE IS PERMITTED.] Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

- (a) Pursuant to section 13.05;
- (b) Pursuant to a valid court order;
- (c) Pursuant to a statute specifically authorizing access to the private data;
- (d) To disclose information in health and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 45 34, section 99.36 which are in effect on July 1, 1979 1989;
- (e) Pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and Code of Federal Regulations, title 45 34, sections 99.31, 99.32, 99.33, 99.34 and 99.35 which are in effect on July 1, 1979 1989; or
- (f) To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

Sec. 5. Minnesota Statutes 1988, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and ~~regulations adopted pursuant thereto~~ Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1979 1989, is public data on individuals.

Sec. 6. Minnesota Statutes 1988, section 13.46, subdivision 8, is amended to read:

Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier, *except data provided to the legislative auditor. Solely for the purposes of conducting an audit, the legislative auditor shall be given access to all data, records, and files classified as not public. The legislative auditor shall maintain all data collected under this subdivision in accordance with section 13.03, subdivision 4.*

Sec. 7. [13.552] [HUMAN RIGHTS DATA.]

*Data maintained by the human rights department of a political subdivision, including human rights investigative data and data contained in closed or open case files, are classified the same as and administered in accordance with chapter 363.*

Sec. 8. Minnesota Statutes 1988, section 13.64, is amended to read:

**13.64 [DEPARTMENT OF ADMINISTRATION DATA.]**

Notes and preliminary drafts of reports created, collected, or maintained by the management analysis division, department of administration, and prepared during *management studies, audits, reviews, consultations, or investigations of state departments and agencies* are classified as confidential or protected nonpublic data until the final report has been published or preparation of the report is no longer being actively pursued. Data that support the conclusions of the report and that the commissioner of administration reasonably believes will result in litigation are confidential or protected nonpublic until the litigation has been completed or until the litigation is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for a report are private if (a) the data supplied by the individual were needed for ~~an audit a report~~ and (b) the data would not have been provided to the management analysis division without an assurance to the individual that the individual's identity would remain private.

Sec. 9. [13.671] [IRON RANGE RESOURCES AND REHABILITATION BOARD DATA.]

*Subdivision 1. [NONPUBLIC DATA.] The following data that are submitted to the commissioner of the iron range resources and rehabilitation board by businesses that are requesting financial assistance are classified as nonpublic data until submission of any data to the board: the identity of the business and financial information about the business including, but not limited to, credit reports, financial statements, net worth calculations, business plans, income and expense projections, customer lists, and feasibility studies not paid for in whole or in part by state or federal funds.*

*Subd. 2. [PUBLIC DATA.] All data submitted to the commissioner become public data upon submission of the request for financial assistance to the iron range resources and rehabilitation board.*

Sec. 10. Minnesota Statutes 1988, section 13.76, subdivision 1, is amended to read:

**Subdivision 1. [DEVELOPMENT LOAN DATA.]** All financial information on individuals and business entities including, but not limited to, credit reports, financial statements, and net worth calculations, that are contained in ~~applications~~ *an application* received by the department of trade and economic development in its administration of the certified state development loan program are classified as private data with regard to data on individuals, and as nonpublic data with regard to data not on individuals *until the application is approved.*

Sec. 11. [13.793] [INTERNAL AUDITING DATA.]

*Subdivision 1. [CONFIDENTIAL DATA OR PROTECTED NON-PUBLIC DATA.] Data, notes, and preliminary drafts of reports created, collected, and maintained by the internal audit offices of state agencies or persons performing audits for state agencies and relating to an audit or investigation, until the final report has been published or the audit or investigation is no longer actively being pursued, are classified as confidential data on individuals or protected nonpublic data.*

*Subd. 2. [PRIVATE DATA ON INDIVIDUALS.] Data on an individual supplying information for an audit or investigation, that could reasonably*

*be used to determine the individual's identity, are private data on individuals if the information supplied was needed for an audit or investigation and would not have been provided to the internal audit office or person performing audits without an assurance to the individual that the individual's identity would remain private.*

Sec. 12. Minnesota Statutes 1988, section 13.82, subdivision 8, is amended to read:

Subd. 8. [PUBLIC BENEFIT DATA.] Any law enforcement agency may make any data classified as confidential or *protected nonpublic* pursuant to subdivision 5 accessible to any person, agency or the public if the agency determines that the access will aid the law enforcement process, promote public safety or dispel widespread rumor or unrest.

Sec. 13. Minnesota Statutes 1988, section 13.82, subdivision 10, is amended to read:

Subd. 10. [PROTECTION OF IDENTITIES.] A law enforcement agency may withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) When access to the data would reveal the identity of an undercover law enforcement officer;

(b) When access to the data would reveal the identity of a victim of criminal sexual conduct or ~~intrafamilial sexual abuse~~ or of a violation of section 617.246, subdivision 2;

(c) When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant; or

(d) When access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, and the agency reasonably determines that revealing the identity of the victim or witness would threaten the personal safety or property of the individual.

Sec. 14. Minnesota Statutes 1988, section 245.94, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] (a) The ombudsman may prescribe the methods by which complaints to the office are to be made, reviewed, and acted upon. The ombudsman may not levy a complaint fee.

(b) The ombudsman may mediate or advocate on behalf of a client.

(c) The ombudsman may investigate the quality of services provided to clients and determine the extent to which quality assurance mechanisms within state and county government work to promote the health, safety, and welfare of clients, other than clients in acute care facilities who are receiving services not paid for by public funds.

(d) At the request of a client, or upon receiving a complaint or other information affording reasonable grounds to believe that the rights of a client who is not capable of requesting assistance have been adversely affected, the ombudsman may gather information about and analyze, on behalf of the client, the actions of an agency, facility, or program.

(e) The ombudsman may examine, on behalf of a client, records of an



agency, facility, or program if the records relate to a matter that is within the scope of the ombudsman's authority. If the records are private and the client is capable of providing consent, the ombudsman shall first obtain the client's consent. The ombudsman is not required to obtain consent for access to private data on clients with mental retardation or a related condition.

(f) The ombudsman may, at reasonable times in the course of conducting a review, enter and view premises within the control of an agency, facility, or program.

(g) The ombudsman may attend department of human services review board and special review board proceedings; proceedings regarding the transfer of patients or residents, as defined in section 246.50, subdivisions 4 and 4a, between institutions operated by the department of human services; and, subject to the consent of the affected client, other proceedings affecting the rights of clients. The ombudsman is not required to obtain consent to attend meetings or proceedings and have access to private data on clients with mental retardation or a related condition.

(h) The ombudsman shall have access to data of agencies, facilities, or programs classified as private or confidential as defined in section 13.02, subdivisions 3 and 12 and 13, regarding services provided to clients with mental retardation or a related condition.

(i) To avoid duplication and preserve evidence, the ombudsman shall inform relevant licensing or regulatory officials before undertaking a review of an action of the facility or program.

(j) Sections 245.91 to 245.97 are in addition to other provisions of law under which any other remedy or right is provided.

Sec. 15. Minnesota Statutes 1988, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, or (2) as required by section 126.036, or (3) as authorized under ~~chapter 13~~ section 13.82, subdivision 2; except that traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. No photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

#### Sec. 16. [HOSPITAL STUDY DATA.]

*The following data contained in a report prepared for Meeker county, entitled "Final Report: Philanthropic Planning Study for a Capital Development/Foundation Enclosurement Program," are classified as confidential data or nonpublic data as defined in Minnesota Statutes, chapter 13: data that identify staff of the county hospital or individuals who made comments on the staff during the preparation of the report and data that describe the hospital's fundraising plans and strategies.*

## Sec. 17. [REPEALER.]

*Minnesota Statutes 1988, section 340A.503, subdivision 7, is repealed.*

## Sec. 18. [EFFECTIVE DATE.]

*Section 6 is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to the collection, access to, and dissemination of data; proposing classifications of data as private, confidential, nonpublic, and protected nonpublic; clarifying classification of data; clarifying what data on juveniles may be made available to the public; amending Minnesota Statutes 1988, sections 3.97, subdivision 11; 13.02, subdivision 9; 13.10, subdivision 1; 13.32, subdivisions 3 and 5; 13.46, subdivision 8; 13.64; 13.76, subdivision 1; 13.82, subdivisions 8 and 10; 245.94, subdivision 1; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 340A.503, subdivision 7."

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

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

H.F. No. 412: A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; changing the kinds of personnel licensed by the board of teaching and the state board of education; changing the composition of the board of teaching; providing for teacher performance effectiveness plans; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 125.

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 125.03, subdivision 1, is amended to read:

Subdivision 1. The term "teachers" for the purpose of licensure, means ~~and includes any and all persons employed in a public school as members of the instructional and, supervisory, and support staff such as including~~ superintendents, principals, supervisors, ~~classroom~~ secondary vocational and other teachers, and librarians, counselors, athletic coaches, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

Sec. 2. Minnesota Statutes 1988, section 125.03, subdivision 4, is amended to read:

Subd. 4. "Supervisory ~~and support~~ personnel" for the purpose of licensure means: superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel; ~~counselors; school nurses; athletic coaches; and other professional employees who engage primarily in nonclassroom~~

activities. ~~The term does not include: librarians; school psychologists; school social workers; audio-visual directors and coordinators; recreation personnel; media generalists; media supervisors; or speech therapists.~~

Sec. 3. Minnesota Statutes 1988, section 125.03, subdivision 5, is amended to read:

Subd. 5. [TEACHERS; EXAMS.] "Teachers" for the purpose of examination means persons applying for initial teaching licenses to provide direct instruction to pupils in prekindergarten, elementary, secondary, and special education programs. *At the discretion of the board of teaching, it may also mean persons applying to the board for initial licenses in one of the support personnel fields.* It does not mean persons applying for licenses as supervisory ~~or support personnel nor does it mean librarians, school social workers, school psychologists, audio-visual directors or coordinators, or media generalists or supervisors.~~

Sec. 4. Minnesota Statutes 1988, section 125.05, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] The authority to license teachers as defined in section 125.03, subdivision 1, is vested in the board of teaching ~~except that.~~ The authority to license supervisory ~~and support~~ personnel as defined in section 125.03, subdivision 4, is vested in the state board of education. *The authority to license post-secondary vocational and adult vocational teachers, support personnel, and supervisory personnel in technical institutes is vested in the state board of vocational technical education according to section 136C.04, subdivision 9.* Licenses ~~shall~~ *must* be issued to ~~such~~ persons as the board of teaching or the state board of education finds to be competent for their respective positions. For teachers, as defined in section 125.03, subdivision 5, competency includes successful completion of an examination of skills in reading, writing, and mathematics for persons applying for initial licenses. Qualifications of teachers and other professional employees except supervisory ~~and support~~ personnel ~~shall~~ *must* be determined by the board of teaching under the rules it ~~promulgates~~ *adopts*. Licenses under the jurisdiction of the board of teaching ~~shall~~ *must* be issued through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education ~~shall~~ *must* be issued through the licensing section of the department of education.

Sec. 5. Minnesota Statutes 1988, section 125.05, subdivision 2, is amended to read:

Subd. 2. [EXPIRATION AND RENEWAL.] Each license issued through the licensing section of the department of education ~~shall~~ *must* bear the date of issue. Licenses ~~shall~~ *must* expire and be renewed in accordance with the respective rules ~~promulgated~~ *adopted* by the board of teaching or the state board of education. ~~Renewal~~ Requirements for the renewal of a license ~~shall~~ *must* include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or ~~the~~ completion of such additional preparation as the board of teaching shall prescribe. Requirements for the renewal of the licenses of supervisory ~~and support~~ personnel ~~shall~~ *must* be established by the state board of education.

Sec. 6. Minnesota Statutes 1988, section 125.05, is amended by adding

a subdivision to read:

*Subd. 7. [LIMIT ON FIELDS OF LICENSURE.] Unless the action of the board of teaching is approved by specific legislative act, the board may not, after July 1, 1989:*

*(1) develop additional fields of licensure;*

*(2) divide existing fields of licensure; or*

*(3) extend any licensure requirements to any duties that could be performed on March 15, 1989, without a license.*

*The board may establish fields for provisional licensure, but shall submit each field to the legislature for approval. If approval by specific legislative act is not obtained within one year after the provisional license is established, the board shall discontinue the field of provisional licensure.*

Sec. 7. Minnesota Statutes 1988, section 125.08, is amended to read:

125.08 [TEACHERS' AND ADMINISTRATORS' LICENSES, FEES.]

Each application for the issuance, renewal, or extension of a license to teach ~~shall~~ must be accompanied by a processing fee in an amount set by the board of teaching by rule. Each application for the issuance, renewal, or extension of a license as supervisory ~~or support~~ personnel ~~shall~~ must be accompanied by a processing fee in an amount set by the state board of education by rule. The processing fee for a teacher's license ~~shall~~ must be paid to the executive secretary of the board of teaching. The processing fee for the licenses of supervisory ~~and support~~ personnel ~~shall~~ must be paid to the commissioner. The executive secretary of the board of teaching and the commissioner shall deposit the fees with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fees as set by the boards ~~shall be~~ are nonrefundable for applicants not qualifying for a license; ~~provided~~. However, ~~that~~ a fee ~~shall~~ must be refunded by the state treasurer in any case in which the applicant already holds a valid unexpired license. The boards may waive or reduce fees for applicants who apply at the same time for more than one license, even if the licenses are under the jurisdiction of different boards.

Sec. 8. Minnesota Statutes 1988, section 125.183, subdivision 1, is amended to read:

Subdivision 1. ~~A~~ The board of teaching ~~consisting~~ consists of ~~15~~ 11 members appointed by the governor ~~is hereby established~~. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. No member ~~shall~~ may be reappointed for more than one additional term.

Sec. 9. Minnesota Statutes 1988, section 125.183, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP] Except for the representatives of higher education and the public, to be eligible for appointment to the board of teaching a person must be fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. *Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure.* The board ~~shall~~ must be composed of ~~one teacher whose responsibilities are~~

~~those either of a librarian, psychologist, remedial reading teacher, speech therapist, or vocational teacher, three elementary school classroom teachers, three secondary:~~

- (1) ~~six~~ classroom teachers;
- (2) one higher education representative, ~~from a higher education who must be a faculty member~~ preparing teachers;
- (3) one school administrator; and ~~six~~
- (4) ~~three~~ members of the public, two of whom ~~shall must~~ be present or former members of local school boards. ~~Each nominee other than a public nominee shall be selected on the basis of professional experience, and knowledge of teacher education, accreditation and licensure.~~

Sec. 10. [TIME OF EFFECT.]

*The changes in the composition of the board of teaching required by section 9 must be made as soon as possible after the effective date of section 9 as vacancies occur or terms of members expire."*

Delete the title and insert:

"A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; changing the kinds of personnel licensed by the board of teaching and the state board of education; changing the composition of the board of teaching; placing certain limitations on teaching licenses; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1, 4, and 5; 125.05, subdivisions 1, 2, and by adding a subdivision; 125.08; and 125.183, subdivisions 1 and 3."

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. 837: A bill for an act relating to crimes; prohibiting the concealing of criminal proceeds; prohibiting racketeering; providing civil and criminal penalties for engaging in narcotics and violent offenses as part of an enterprise; authorizing the dissolution of a corporate charter, revocation of a license, and injunctive relief to prevent criminal activity by an enterprise; authorizing fines of three times the profit gained through racketeering; authorizing criminal forfeiture; amending Minnesota Statutes 1988, section 541.07; proposing coding for new law in Minnesota Statutes, chapters 541 and 609.

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 541.07, is amended to read:

541.07 [TWO OR THREE YEAR LIMITATIONS.]

Except where the uniform commercial code or this section otherwise prescribes, the following actions shall be commenced within two years:

- (1) For libel, slander, assault, battery, false imprisonment, or other tort,

resulting in personal injury, and all actions against physicians, surgeons, dentists, other health care professionals as defined in section 145.61, and veterinarians as defined in chapter 156, hospitals, sanitariums, for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counterclaim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist or other health care professional or veterinarian, hospital or sanitarium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture, *except as provided in section 2;*

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding under the preemption or homestead laws, the limitations shall not begin to run until a patent has been issued for the land so damaged;

(4) Against a master for breach of an indenture of apprenticeship; the limitation runs from the expiration of the term of service;

(5) For the recovery of wages or overtime or damages, fees or penalties accruing under any federal or state law respecting the payment of wages or overtime or damages, fees or penalties except, that if the employer fails to submit payroll records by a specified date upon request of the department of labor and industry or if the nonpayment is willful and not the result of mistake or inadvertence, the limitation is three years. (The term "wages" means all remuneration for services or employment, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, where the relationship of master and servant exists and the term "damages," means single, double, or treble damages, accorded by any statutory cause of action whatsoever and whether or not the relationship of master and servant exists);

(6) For damages caused by the establishment of a street or highway grade or a change in the originally established grade;

(7) For sales or use taxes imposed by the laws of any other state;

(8) Against the person who applies the pesticide for injury or damage to property resulting from the application, but not the manufacture or sale, of a pesticide.

## Sec. 2. [541.073] [CIVIL REMEDY IN RACKETEERING CASES.]

*A civil proceeding under section 13 shall be commenced within five years.*

## Sec. 3. [609.496] [CONCEALING CRIMINAL PROCEEDS.]

*Subdivision 1. [CRIME.] A person is guilty of a felony and may be sentenced under subdivision 2 if the person:*

*(1) conducts a transaction involving a monetary instrument or instruments with a value exceeding \$5,000; and*

*(2) knows or has reason to know that the monetary instrument or instruments represent the proceeds of, or are derived from the proceeds of, the*

*commission of a felony under this chapter or chapter 152 or an offense in another jurisdiction that would be a felony under this chapter or chapter 152 if committed in Minnesota.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$100,000, or both.*

*Subd. 3. [MONETARY INSTRUMENT.] For purposes of this section, "monetary instrument" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, traveler's check, money order, stock, investment security, or negotiable instrument in bearer form or otherwise in the form by which title to the instrument passes upon delivery; gold, silver, or platinum bullion or coins; and diamonds, emeralds, rubies, or sapphires.*

*Subd. 4. [PAYMENT OF REASONABLE ATTORNEY FEES.] Subdivision 1 does not preclude the payment or receipt of reasonable attorney fees.*

#### **Sec. 4. [609.497] [ENGAGING IN A BUSINESS OF CONCEALING CRIMINAL PROCEEDS.]**

*Subdivision 1. [CRIME.] A person is guilty of a felony and may be sentenced under subdivision 2 if the person knowingly initiates, organizes, plans, finances, directs, manages, supervises, or otherwise engages in a business that has as a primary or secondary purpose concealing money or property that was gained as a direct result of the commission of a felony under this chapter or chapter 152.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years, or to payment of a fine of not more than \$1,000,000, or both.*

#### **Sec. 5. [609.902] [DEFINITIONS.]**

*Subdivision 1. [DEFINITIONS.] As used in sections 5 to 14, the following terms have the meanings given them.*

*Subd. 2. [CRIMINAL PROCEEDING.] "Criminal proceeding" means a criminal proceeding begun under section 6.*

*Subd. 3. [ENTERPRISE.] "Enterprise" means a sole proprietorship, partnership, corporation, trust, or other legal entity, or a union, governmental entity, association, or group of persons, associated in fact although not a legal entity, and includes illicit as well as legitimate enterprises.*

*Subd. 4. [CRIMINAL ACT.] "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; 299F.811; 299F.815; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.323; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; sections 3 and 4; 609.498; 609.52, subdivision 3, clause (3)(b), or clause (4)(e); 609.53; 609.561; 609.562; 609.67; 609.687; 609.713; 609.86; 624.713; or 624.74.*

*Subd. 5. [PARTICIPATION IN A PATTERN OF CRIMINAL ACTIVITY.] A person "participates in a pattern of criminal activity" when the person is a principal with respect to conduct constituting at least three of the criminal acts included in the pattern and:*

- (1) two of the acts are felonies other than conspiracy; and
- (2) two of the acts occurred within five years of the commencement of the criminal proceeding.

Subd. 6. [PATTERN OF CRIMINAL ACTIVITY.] "Pattern of criminal activity" means conduct constituting three or more criminal acts that:

(1) were committed within ten years of the commencement of the criminal proceeding;

(2) are neither isolated incidents, nor so closely related and connected in point of time or circumstance of commission as to constitute a single criminal offense; and

(3) were either: (i) related to one another through a common scheme or plan or a shared criminal purpose or (ii) committed, solicited, requested, importuned, or intentionally aided by persons acting with the mental culpability required for the commission of the criminal acts and associated with or in an enterprise involved in those activities.

Subd. 7. [PERSONAL PROPERTY.] "Personal property" includes personal property, an interest in personal property, or a right, including a bank account, debt, corporate stock, patent, or copyright. Personal property and a beneficial interest in personal property are deemed to be located where the trustee is, the personal property is, or the instrument evidencing the right is.

Subd. 8. [PRINCIPAL.] "Principal" means a person who personally engages in conduct constituting a violation or who is criminally liable under section 609.05 for the conduct of another constituting a violation.

Subd. 9. [PROSECUTING AUTHORITY.] "Prosecuting authority" means the office of a county attorney or office of the attorney general.

Subd. 10. [REAL PROPERTY.] "Real property" means any real property or an interest in real property, including a lease of, or mortgage on, real property. A beneficial interest in real property is deemed to be located where the real property is located.

#### Sec. 6. [609.903] [RACKETEERING.]

Subdivision 1. [CRIME.] A person is guilty of racketeering if the person:

(1) is employed by or associated with an enterprise and intentionally conducts or participates in the affairs of the enterprise by participating in a pattern of criminal activity;

(2) acquires or maintains an interest in or control of an enterprise, or an interest in real property, by participating in a pattern of criminal activity; or

(3) participates in a pattern of criminal activity and knowingly invests any proceeds derived from that conduct, or any proceeds derived from the investment or use of those proceeds, in an enterprise or in real property.

Subd. 2. [PERMITTED ACTIVITIES.] For purposes of this section, it is not unlawful to:

(1) purchase securities on the open market with intent to make an investment, and without the intent of controlling or participating in the control of the issuer, or of assisting another to do so, if the securities of the issuer held by the purchaser, the members of the purchaser's immediate family,



*and the purchaser's accomplices in a pattern of criminal activity do not amount in the aggregate to five percent of the outstanding securities of any one class and do not confer, either in the law or in fact, the power to elect one or more directors of the issuer;*

*(2) make a deposit in an account maintained in a savings and loan association, or a deposit in any other financial institution, that creates an ownership interest in that association or institution; or*

*(3) purchase nonvoting shares in a limited partnership, with intent to make an investment, and without the intent of controlling or participating in the control of the partnership.*

**Sec. 7. [609.904] [CRIMINAL PENALTIES.]**

*Subdivision 1. [PENALTY.] A person convicted of violating section 6 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$1,000,000, or both.*

*Subd. 2. [FINE.] In lieu of the fine authorized by subdivision 1, a person convicted of violating section 6, who received economic gain from the act or caused economic loss or personal injury during the act, may be sentenced to pay a fine calculated under this subdivision. The maximum fine is three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred, less the value of any property forfeited under section 8. The district court shall hold a hearing to determine the amount of the fine authorized by this subdivision. In imposing a fine, the court shall consider the seriousness of the conduct, whether the amount of the fine is disproportionate to the conduct in which the person engaged, its impact on victims and any legitimate enterprise involved in that conduct, as well as the economic circumstances of the convicted person, including the effect of the imposition of the fine on the person's immediate family. For purposes of this subdivision, loss does not include pain and suffering.*

*Subd. 3. [INJUNCTIVE RELIEF] After the entry of a judgment that includes a fine or an order of criminal forfeiture under section 8, the district court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take other action, including the appointment of a receiver, that the court deems proper to protect the interests of the prosecuting authority in collecting the money or forfeiture or an innocent party.*

*Subd. 4. [DISPOSITION OF FINE PROCEEDS.] The court shall apply fines collected under this section to the costs and expenses of investigation and prosecution, including costs of resources and personnel incurred in investigation and prosecution and the balance, if any, as provided under section 574.34.*

*Subd. 5. [RESTITUTION.] In a settlement discussion or before the imposition of a sentence under this section, the prosecuting authority shall vigorously advocate full and complete restitution to an aggrieved person. Before the acceptance of a plea or after a verdict but before the imposition of a sentence under this section, the district court must ensure that full and complete restitution has been duly effected or that a satisfactory explanation of why it is impractical has been made to the court.*

**Sec. 8. [609.905] [CRIMINAL FORFEITURE.]**

*Subdivision 1. [FORFEITURE.] When a person is convicted of violating*

section 6, the court may order the person to forfeit to the prosecuting authority any real or personal property subject to forfeiture under this section. Property subject to forfeiture is real and personal property that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 6. A court may not order the forfeiture of property that has been used to pay reasonable attorney fees in connection with a criminal proceeding under section 6. The term includes property constituting an interest in or means of control or influence over the enterprise involved in the violation of section 6 and any property constituting proceeds derived from the violation of section 6, including:

(1) a position, office, appointment, tenure, commission, or employment contract that was acquired or maintained in violation of section 6 or through which the person conducted or participated in the conduct of the affairs of an enterprise in violation of section 6 or that afforded the person a source of influence or control over the affairs of an enterprise that the person exercised in violation of section 6;

(2) any compensation, right, or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in this section that accrued to the person during the period of conduct in violation of section 6;

(3) any interest in, security of, claim against, or property or contractual right affording the person a source of influence or control over the affairs of an enterprise that the person exercised in violation of section 6; and

(4) any amount payable or paid under any contract for goods or services that was awarded or performed in violation of section 6.

**Subd. 2. [OTHER PROPERTY OF DEFENDANT.]** *The district court may order criminal forfeiture of any other property of the defendant up to the value of the property that is unreachable if any property subject to criminal forfeiture under subdivision 1:*

(1) cannot be located;

(2) has been sold to a bona fide purchaser for value;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value by the conduct of the defendant;

(5) has been commingled with other property that cannot be divided without difficulty or undue injury to innocent persons; or

(6) is otherwise unreachable without undue injury to an innocent person.

**Sec. 9. [609.907] [PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE.]**

**Subdivision 1. [TEMPORARY RESTRAINING ORDER.]** *(a) When an indictment or complaint is filed under section 6, the district court may take any of the following actions if the prosecuting authority shows by a preponderance of the evidence that the action is necessary to preserve the reachability of property subject to criminal forfeiture:*

(1) enter a restraining order or injunction;

(2) require the execution of a satisfactory performance bond; or

(3) take any other reasonable action, including the appointment of a receiver.

(b) Before granting the remedies provided by this subdivision, the court shall hold a hearing, after notice to all affected persons, giving them a reasonable opportunity to respond. At the hearing, the rules of evidence do not apply.

*Subd. 2. [PREINDICTMENT ORDER.]* (a) If no indictment or complaint has been filed, the district court may take actions provided in subdivision 1 if the prosecuting authority makes the showing required by subdivision 1 and also shows that:

(1) there is probable cause to believe that the property with respect to which the order is sought would, in the event of a conviction, be subject to criminal forfeiture under section 8; and

(2) the requested order would not result in substantial and irreparable harm or injury to the party against whom the order is to be entered, or to other affected persons, that outweighs the need to preserve the reachability of the property.

(b) An order entered under this subdivision is effective for a maximum of 90 days unless:

(1) extended by the district court for good cause; or

(2) terminated by the filing of an indictment or complaint alleging that the property is subject to forfeiture.

*Subd. 3. [RESTRaining ORDER WITHOUT NOTICE.]* (a) On application by the prosecuting authority, the district court may grant, without notice to any party, a temporary restraining order to preserve the reachability of property subject to criminal forfeiture under section 8 if:

(1) an indictment or complaint alleging that property is subject to criminal forfeiture has been filed or the district court determines that there is probable cause to believe that property with respect to which the order is sought would, in the event of a conviction, be subject to criminal forfeiture under section 8;

(2) the property is in the possession or control of the party against whom the order is to be entered; and

(3) the district court makes a specific finding in writing that the property can be concealed, disposed of, or placed beyond the jurisdiction of the court before any party may be heard in opposition.

(b) A temporary restraining order granted without notice to any party under this subdivision expires within the time fixed by the court, not to exceed five days. The court may extend the order for good cause shown, or if the party against whom it is entered consents to an extension. After a temporary restraining order is granted under this subdivision, a hearing concerning the entry of an order under this section shall be held at the earliest practicable time and before the temporary order expires.

#### Sec. 10. [609.908] [DISPOSITION OF FORFEITURE PROCEEDS.]

*Subdivision 1. [DISPOSITION ALTERNATIVES.]* After making due provisions for the rights of innocent persons, the prosecuting authority shall, as soon as feasible, dispose of all property ordered forfeited under section 8 by:

- (1) public sale;
- (2) transfer to a state governmental agency for official use;
- (3) sale or transfer to an innocent person; or
- (4) destruction, if the property is not needed for evidence in a pending criminal or civil proceeding.

*Subd. 2. [NO REVERSION TO DEFENDANT.] An interest in personal or real property not exercisable by or transferable for value by the prosecuting authority expires and does not revert to the defendant. Forfeited property may not be purchased by the defendant, relative of the defendant, or any person acting in concert with the defendant or on the defendant's behalf.*

*Subd. 3. [SALE PROCEEDS.] The proceeds of a sale or other disposition of forfeited property under this section whether by final judgment, settlement, or otherwise, must be applied as follows:*

- (1) to the fees and costs of the forfeiture and sale including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court costs;
- (2) to all costs and expenses of investigation and prosecution including costs of resources and personnel incurred in investigation and prosecution; and
- (3) the balance to the appropriate agencies under section 609.5315, subdivision 5.

**Sec. 11. [609.909] [ADDITIONAL RELIEF AVAILABLE.]**

*With respect to property ordered forfeited, fine imposed, or civil penalty imposed in a criminal proceeding under section 6 or civil proceeding under section 13, the district court may, on petition of the prosecuting authority or any other person within 60 days of a final order:*

- (1) authorize the compromise of claims;
- (2) award compensation to persons providing information that results in a forfeiture under section 8;
- (3) grant petitions for mitigation or remission of forfeiture or fines;
- (4) restore forfeited property or imposed fines to victims of a violation of section 6; and
- (5) take any other action to protect the rights of innocent persons that is in the interest of justice and is consistent with the purposes of sections 5 to 14.

**Sec. 12. [609.910] [RELATION TO OTHER SANCTIONS.]**

*Subdivision 1. [REMEDY NOT EXCLUSIVE.] Except as provided in this section, a criminal penalty, forfeiture, or fine imposed under section 6, 7, 8, or 13 does not preclude the application of any other criminal penalty or civil remedy for the separate criminal acts. A prosecuting authority may not file a civil action under section 13 if any prosecuting authority has filed a previous criminal proceeding under section 6 against the same person based on the same criminal conduct and the charges were dismissed or the person acquitted.*

*Subd. 2. [RESTITUTION.] A restitution payment to a victim under section 7 does not limit the liability for damages in a civil action or proceeding for an amount greater than the restitution payment.*

**Sec. 13. [609.911] [CIVIL REMEDIES.]**

*Subdivision 1. [RELIEF AVAILABLE.] The prosecuting authority may institute civil proceedings in district court against a person seeking relief from conduct constituting a violation of section 6 or to prevent or restrain future violations. If the prosecuting authority proves the alleged violation by a preponderance of the evidence, and the court has made due provision for the rights of innocent persons, the court may:*

*(1) order a defendant to divest an interest in an enterprise or in real property;*

*(2) impose reasonable restrictions on the future activities or investments of a defendant, including prohibiting a defendant from engaging in the same type of endeavor as the enterprise in which the defendant was engaged in violation of section 6;*

*(3) order the dissolution or reorganization of an enterprise;*

*(4) order the suspension or revocation of a license, permit, or prior approval granted to an enterprise by a state agency; or*

*(5) order the surrender of the charter of a corporation organized under Minnesota law, dissolution of an enterprise, or the revocation of a certificate authorizing a foreign corporation to conduct business in Minnesota, if the court finds that:*

*(i) the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, authorized or engaged in conduct prohibited by section 6; and*

*(ii) the public interest in preventing future criminal conduct requires the action.*

*Subd. 2. [INJUNCTIVE RELIEF] In a proceeding under this section, the court may grant injunctive relief.*

*Subd. 3. [CIVIL PENALTY.] The prosecuting authority may institute proceedings against an enterprise or an individual to recover a civil penalty. The penalty may be imposed in the discretion of the district court for conduct constituting a violation of section 6. The civil penalty may not exceed \$1,000,000 less a fine imposed under section 6. Penalties collected under this section must be applied to the costs and expenses of investigation and prosecution, including costs of resources and personnel incurred in investigation and prosecution, and the balance, if any, to the state general fund.*

*Subd. 4. [ATTORNEY FEES.] If the district court issues an injunction, or grants other relief under this section, or the prosecuting authority otherwise substantially prevails, the prosecuting authority shall also recover reasonable attorney fees in the trial and appellate courts and costs of investigation and litigation reasonably incurred.*

*Subd. 5. [PERSONAL JURISDICTION.] Personal service of process in a proceeding under this section may be made on any person outside of Minnesota if the person was a principal in any conduct constituting a violation of section 6 in this state. The person is deemed to have submitted*

*to the jurisdiction of the courts of this state for the purposes of this section.*

**Sec. 14. [609.912] [NOTICE TO OTHER PROSECUTING AUTHORITIES.]**

*When a county attorney begins an investigation involving sections 5 to 13, the county attorney shall notify the attorney general. When the attorney general begins an investigation involving sections 5 to 13, the attorney general shall notify the county attorney of each county in which a substantial part of the investigation is likely to be conducted.*

**Sec. 15. [EFFECTIVE DATE.]**

*Sections 1 to 14 are effective August 1, 1989, and apply to crimes committed on or after that date."*

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

H.F. No. 862: A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1988, chapters 226; 230; 233; 234; 235; 236; and 366, as amended.

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

Page 1, line 17, after "commodities" insert "are"

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. 1197: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 5 and 18; 10A.32, subdivision 3a; 13.46, subdivision 2; 13.75, subdivision 2; 16A.26; 16B.28, subdivision 3; 18B.25, subdivision 4; 45.028, subdivision 1; 69.32; 105.81; 115A.195; 115C.08, subdivision 3; 116.44, subdivision 1; 122.23, subdivision 18; 122.96, subdivision 3; 124.646, subdivision 1; 124A.24; 124A.27, subdivision 1; 127.35; 136C.61, subdivision 1; 136D.27, subdivision 3; 136D.71; 136D.74, subdivision 2b; 136D.741, subdivision 4; 136D.87, subdivision 3; 141.35; 144.122; 144.335, subdivision 2; 145A.07, subdivision 1; 145A.13; 157.03; 168.33, subdivision 2; 168A.24, subdivision 2; 168A.29, subdivision 3; 169.345, subdivision 2; 176.081, subdivision 1; 176.101, subdivision 3e; 176.131, subdivision 1; 176.421, subdivision 7; 205.065, subdivision 1; 205.18, subdivision 2; 211B.15, subdivision 4; 214.01, subdivision 2; 245.77; 256.01, subdivision 2; 256.991; 256B.69, subdivision 16; 256D.03, subdivision 4; 256G.02, subdivision 4; 256G.06; 257.354, subdivision 4; 268.04, subdivision 32; 268.10, subdivision 1; 272.02, subdivision 1; 273.124, subdivision 6; 290.05, subdivision 3; 290.92, subdivision 23; 297.07, subdivision 3; 297.35, subdivision

3; 298.2211, subdivision 1; 308.11; 340A.414, subdivision 6; 349.213, subdivision 2; 352.01, subdivision 2b; 353.01, subdivision 2a; 363.06, subdivision 4; 383B.229; 383B.77; 383C.331; 383C.334; 469.0721; 469.121, subdivision 1; 469.129, subdivision 1; 471.562, subdivision 4; 471.563; 473.605, subdivision 2; 473.845, subdivision 1; 474A.02, subdivision 18; 480A.02, subdivision 7; 485.018, subdivision 2; 515A.3-115; 525.94, subdivision 3; 548.09, subdivision 2; 604.02, subdivision 1; 609.506, subdivision 1; and 611A.53, subdivision 1; reenacting Minnesota Statutes 1988, section 80A.14, subdivision 18; repealing Minnesota Statutes 1988, sections 260.125, subdivision 6; 326.01, subdivision 21; and 362A.08; amending Laws 1976, chapter 134, section 79; Laws 1988, chapter 640, section 5; and chapter 719, article 12, section 29; repealing Laws 1965, chapter 267, section 1; Laws 1971, chapter 830, section 7; Laws 1976, chapter 2, section 62; chapter 134, section 2; chapter 163, section 10; and chapter 173, section 53; Laws 1977, chapter 35, section 8; Laws 1978, chapter 496, section 1; and chapter 706, section 31; Laws 1979, chapter 48, section 2; and chapter 184, section 3; Laws 1981, chapter 271, section 1; Laws 1982, chapter 514, section 15; Laws 1983, chapter 242, section 1; chapter 247, section 38; chapter 289, section 4; chapter 290, sections 2 and 3; chapter 299, section 26; and chapter 303, sections 21 and 22; Laws 1984, chapter 654, article 2, section 117; Laws 1986, chapter 312, section 1; chapter 400, section 43; and chapter 452, section 17; Laws 1986, First Special Session chapter 3, article 1, sections 74 and 79; and Laws 1987, chapter 268, article 5, section 5; chapter 384, article 2, section 25; chapter 385, section 7; chapter 403, article 5, section 1; and chapter 404, section 138.

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

Page 45, delete line 35

Page 46, delete lines 25 to 27

Pages 75 to 78, delete section 33

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 29 and 30, delete "290.92, subdivision 23;"

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. 1408 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.
1408	1202				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1408 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1408 and

insert the language after the enacting clause of S.F. No. 1202, the third engrossment; further, delete the title of H.F. No. 1408 and insert the title of S.F. No. 1202, the third engrossment.

And when so amended H.F. No. 1408 will be identical to S.F. No. 1202, and further recommends that H.F. No. 1408 be given its second reading and substituted for S.F. No. 1202, and that the Senate File be indefinitely postponed.

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

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 1422, 1266, 257, 446, 124 and 974 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 412, 862, 1197 and 1408 were read the second time.

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

Mr. Beckman moved that his name be stricken as a co-author to S.F. No. 1002. The motion prevailed.

Ms. Berglin moved that S.F. No. 1453, No. 163 on General Orders, be stricken and re-referred to the Committee on Health and Human Services. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Frederickson, D.J. introduced—

S.F. No. 1613: A bill for an act relating to education; providing guaranteed general educational revenue; amending Minnesota Statutes 1988, section 124A.22, subdivision 1.

Referred to the Committee on Education.

Ms. Reichgott introduced—

S.F. No. 1614: A bill for an act relating to education; authorizing health and wellness education program planning; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

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

S.F. No. 227 and the Conference Committee Report thereon were reported to the Senate.



**CONFERENCE COMMITTEE REPORT ON S.F. NO. 227**

A bill for an act relating to health; enacting the uniform determination of death act; proposing coding for new law in Minnesota Statutes, chapter 145.

April 18, 1989

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 227, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 227 be further amended as follows:

Page 1, line 14, after "*with*" insert "*generally*"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Gregory L. Dahl, Allan H. Spear, Fritz Knaak

House Conferees: (Signed) Joe Quinn, Phil Carruthers, Terry Dempsey

Mr. Dahl moved that the foregoing recommendations and Conference Committee Report on S.F. No. 227 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 227 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 48 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Davis	Johnson, D.E.	Merriam	Pogemiller
Beckman	Decker	Knaak	Moe, R.D.	Purfeerst
Benson	DeCramer	Knutson	Morse	Ramstad
Berg	Diessner	Laidig	Novak	Reichgott
Berglin	Frank	Lantry	Olson	Renneke
Bernhagen	Frederick	Larson	Pariseau	Spear
Brandl	Frederickson, D.J.	Luther	Pehler	Storm
Brataas	Frederickson, D.R.	Marty	Peterson, D.C.	Taylor
Cohen	Freeman	McGowan	Peterson, R.W.	
Dahl	Gustafson	Mehrkens	Piper	

Those who voted in the negative were:

Bertram	Kroening	Schmitz	Vickerman	Waldorf
Chmielewski	Metzen	Stumpf		

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Frank moved that S.F. No. 89, No. 72 on General Orders, be stricken and returned to its author. The motion prevailed.

**RECESS**

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

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

**APPOINTMENTS**

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

S.F. No. 206: Messrs. Belanger, Waldorf and Kroening.

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

**MEMBERS EXCUSED**

Mrs. McQuaid was excused from the Session of today at 4:30 p.m. Mr. Pogemiller was excused from the Session of today from 1:30 to 1:40 p.m. Mr. Gustafson was excused from the Session of today from 1:30 to 1:45 p.m. Mr. McGowan was excused from the Session of today from 2:00 to 2:15 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:30 p.m., Tuesday, May 2, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate