

FIFTIETH DAY

St. Paul, Minnesota, Thursday, May 11, 1989

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Lawrence R. Johnson.

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

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	Langseth	Novak	Solon
Bernhagen	Frederick	Lantry	Olson	Spear
Bertram	Frederickson, D.J.	Larson	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

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.

May 9, 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
	819	78	1835 hours May 8	May 9
	1351	79	1837 hours May 8	May 9
	100	81	1032 hours May 9	May 9
	595	82	1033 hours May 9	May 9
435		84	1127 hours May 9	May 9
618		85	1130 hours May 9	May 9
134		86	1132 hours May 9	May 9
1106		88	1142 hours May 9	May 9
787		89	1150 hours May 9	May 9
	426	91	1155 hours May 9	May 9
	529	92	1214 hours May 9	May 9
227		93	1215 hours May 9	May 9
	22	95	1216 hours May 9	May 9
	1311	96	1217 hours May 9	May 9

Sincerely,
Joan Anderson Growe
Secretary of State

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on H.F. No. 1759 at 12:00 noon:

Messrs. Samuelson, Knutson, Mses. Berglin, Piper and Mrs. Lantry. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1191.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

Mr. President:

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

S.F. No. 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.

Senate File No. 486 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 486, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

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.

Senate File No. 834 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

CONCURRENCE AND REPASSAGE

Mrs. Lantry moved that the Senate concur in the amendments by the House to S.F. No. 834 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 834 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 200: A bill for an act relating to insurance; regulating continuing insurance education; amending Minnesota Statutes 1988, section 60A.1701, subdivisions 1, 5, 7, 8, and 9; repealing Minnesota Rules, part 2725.0240.

Senate File No. 200 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

Mr. Moe, R.D. moved that S.F. No. 200 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 218: A bill for an act relating to health; amending the bill of rights for patients and residents of health facilities; requiring health facilities to notify family members of the admission of a patient or resident under certain circumstances; amending Minnesota Statutes 1988, section 144.651, subdivision 10.

Senate File No. 218 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 218 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 218 was read the third time, as amended by the House, and

placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

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

Senate File No. 391 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

CONCURRENCE AND REPASSAGE

Mr. Mehrrens moved that the Senate concur in the amendments by the House to S.F. No. 391 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 391 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 339: A bill for an act relating to health; including anabolic steroids in the list of controlled substances; amending Minnesota Statutes 1988, section 152.02, subdivision 5.

Senate File No. 339 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 1989

Mr. Moe, R.D. moved that S.F. No. 339 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 415.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 10, 1989

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 415: A bill for an act relating to agriculturally derived ethyl alcohol; clarifying eligibility for producer payments; defining terms; amending Minnesota Statutes 1988, section 41A.09, subdivisions 2 and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 328.

REPORTS OF COMMITTEES

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

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

S.F. No. 1436: A bill for an act relating to the Coon Creek watershed district; authorizing the district to decide not to charge certain expenses to individual ditches; allowing imposition of an ad valorem tax.

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

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

S.F. No. 1067: A bill for an act relating to metropolitan government; providing standards for the development guide; regulating budget reporting; providing tax levy formulas; regulating standards and procedural requirements for determining metropolitan significance; providing for payment of environmental documents from right-of-way loans; amending Minnesota Statutes 1988, sections 473.145; 473.1623, subdivision 4, and by adding subdivisions; 473.167, subdivisions 2, 3, and 5; 473.173, subdivisions 3 and 4; and 473.249, subdivision 1; repealing Minnesota Statutes 1988, section 473.249, subdivision 3.

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

Page 11, line 2, delete the comma and insert a semicolon

Page 11, delete line 3

Page 11, line 9, after "year" insert "; or
(iii) three percent"

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. 564: A bill for an act relating to natural resources; increasing the amount of levy for the Kanaranzi-Little Rock watershed district administrative fund.

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

Page 1, line 10, delete everything after "exceed"

Page 1, line 11, delete "levied in 1988 or" and delete "of 2.04 percent for"

Page 1, delete line 12

Page 1, line 13, delete "the district," and insert "computed under this section"

Page 1, after line 13, insert:

"The maximum net tax capacity rate applicable under this section shall be determined as follows:

(a) determine the product of the applicable mill rate limitation imposed

under Minnesota Statutes, section 112.61, subdivision 3, for taxes payable in 1988, multiplied by the total assessed valuation of all taxable property subject to the tax; and, at the election of the district, as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49 for that year;

(b) for taxes payable in 1989, determine the product of (1) the property tax levy limitation for the taxes payable in year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property subject to the tax divided by the assessment year 1987 total market valuation of all taxable property subject to the tax; and

(c) for taxes payable in 1990 and subsequent years, determine the product of (1) the property tax levy limitation for the previous year determined pursuant to this subdivision multiplied by (2) an index for market valuation changes equal to the total market valuation of all taxable property subject to the tax for the current assessment year divided by the total market valuation of all taxable property subject to the tax for the previous assessment year.

For the purpose of determining the property tax levy limitation for the taxes payable in year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property subject to the tax without valuation adjustments for tax increment financing under sections 469.174 to 469.179, and high voltage transmission lines under section 273.425."

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

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

S.F. No. 1582: A bill for an act relating to public finance; providing conditions and requirements for the issuance and use of public debt; amending Minnesota Statutes 1988, sections 298.2211, subdivision 4; 400.101; 430.06, by adding a subdivision; 469.015, subdivision 4; 469.152; 469.153, subdivision 2; 469.154, subdivisions 3 and 5; 469.155, subdivisions 2, 3, and 5; 471.56, subdivision 5; 473.541, subdivision 3, and by adding a subdivision; 473.811, subdivision 2; 475.51, by adding subdivisions; 475.54, subdivision 4, and by adding a subdivision; 475.55, subdivision 6, and by adding a subdivision; 475.60, subdivisions 1, 2, and 3; 475.66, subdivision 1; and 475.79; proposing coding for new law in Minnesota Statutes, chapters 469 and 473.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 298.2211, subdivision 4, is amended to read:

Subd. 4. [OBLIGATIONS NOT STATE DEBT.] Bonds and other obligations issued by the commissioner pursuant to this section, *along with all related documents*, are not general obligations of the state of Minnesota and are not subject to section 16B.06. The full faith and credit and taxing powers of the state are not and may not be pledged for the payment of these

bonds or other obligations, and no person has the right to compel the levy of any state tax for their payment or to compel the appropriation of any moneys of the state for their payment except as specifically provided herein. These bonds and obligations shall be payable solely from the property and moneys derived by the commissioner pursuant to the authority granted in this section that the commissioner pledges to their payment. All these bonds or other obligations must contain the provisions of this subdivision or words to the same effect on their face.

Sec. 2. Minnesota Statutes 1988, section 469.015, subdivision 4, is amended to read:

Subd. 4. ~~[EXCEPTION; CERTAIN PROJECTS EXCEPTIONS.]~~ (a) An authority need not require either competitive bidding or performance bonds in the following circumstances:

(1) in the case of a contract for the acquisition of a low rent housing project:

(i) for which financial assistance is provided by the federal government; and;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) ~~where for which~~ the contract provides for the construction of ~~such a~~ the project upon land not owned by the authority at the time of the contract, or owned by the authority for redevelopment purposes, and provides for the conveyance or lease to the authority of the project or improvements upon completion of construction; ~~in exercising, pursuant to any general or special law, any power under this chapter, an authority need not require competitive bidding;~~

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

(ii) financed with the proceeds of tax increment or parking ramp revenue bonds; ~~An authority need not require competitive bidding; and~~

(3) in the case of a housing development project that if:

(1) (i) the project is financed with the proceeds of bonds secured by the project and to which the full faith and credit of the authority is not pledged issued under section 469.034;

(2) (ii) the project is located on land that is not owned by the authority at the time the contract is entered into, or is owned by the authority only for development purposes, and provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and

(3) is constructed or rehabilitated under agreements with a developer for the construction of the project, guarantee of the bonds, and management of the property; and (4) is found by the authority to require negotiation rather than use of a competitive bidding procedure

(iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.

(b) An authority need not require a performance bond in the case of a contract described in paragraph (a), clause (1).

Sec. 3. Minnesota Statutes 1988, section 469.174, subdivision 7, is amended to read:

Subd. 7. [ORIGINAL GROSS TAX CAPACITY.] (a) Except as provided in paragraph (b), "original gross tax capacity" means the gross tax capacity of all taxable real property within a tax increment financing district as most recently certified by the commissioner of revenue as of the date of the request by an authority for certification by the county auditor, together with subsequent adjustments as set forth in section 469.177, subdivisions 1 and 4. In determining the original gross tax capacity the gross tax capacity of real property exempt from taxation at the time of the request shall be zero, except for real property which is tax exempt by reason of public ownership by the requesting authority and which has been publicly owned for less than one year prior to the date of the request for certification, in which event the gross tax capacity of the property shall be the gross tax capacity as most recently determined by the commissioner of revenue.

(b) The original gross tax capacity of any designated hazardous substance site or hazardous substance subdistrict shall be determined ~~on January 2 following~~ *as of the date the agency or municipality authority certifies to the county auditor that the agency or municipality has entered a redevelopment or other agreement for the removal actions or remedial actions specified in a development response action plan, or otherwise provided funds to finance the development response action plan. The original gross tax capacity equals (i) the gross tax capacity of the parcel or parcels in the site or subdistrict, as most recently determined by the commissioner of revenue, less (ii) the estimated reasonable and necessary costs of the removal actions and remedial actions as specified in a development response action plan to be undertaken with respect to the parcel as certified to the county auditor by the municipality or agency or parcels, (iii) but not less than zero.*

(c) The original gross tax capacity of a hazardous substance site or subdistrict shall be increased by the amount by which it was reduced pursuant to paragraph (b), clause (ii), upon certification by the municipality that the *cost of the removal and remedial actions specified in the development response action plan, except for long-term monitoring and similar activities, have been completed paid or reimbursed.*

(d) For purposes of this subdivision, "real property" shall include any property normally taxable as personal property by reason of its location on or over publicly owned property.

Sec. 4. Minnesota Statutes 1988, section 469.174, subdivision 16, is amended to read:

Subd. 16. [DESIGNATED HAZARDOUS SUBSTANCE SITE.] "Designated hazardous substance site" means any parcel or parcels with respect to which the authority or municipality has certified to the county auditor that the authority or municipality has entered into a redevelopment or other agreement providing for the removal actions or remedial actions specified in a development response action plan or the municipality or authority will use other available money, including without limitation tax increments, to finance the removal or remedial actions.

Sec. 5. Minnesota Statutes 1988, section 469.175, subdivision 7, is

amended to read:

Subd. 7. [CREATION OF HAZARDOUS SUBSTANCE SUBDISTRICT; RESPONSE ACTIONS.] (a) ~~A municipality or~~ An authority which is creating or has created a tax increment financing district may establish within the district a hazardous substance subdistrict upon the notice and after the discussion, public hearing, and findings required for approval of *or modification* to the original plan. The geographic area of the subdistrict is made up of any parcels in the district designated for inclusion by the municipality or authority that are designated hazardous substance sites, and any additional parcels in the district designated for inclusion that are contiguous except for the interposition of a right-of-way. Before or at the time of approval of the tax increment financing plan *or plan modification providing for the creation of the hazardous substance subdistrict*, the ~~municipality~~ authority must make the findings under paragraphs (b) to (d), and set forth in writing the reasons and supporting facts for each.

(b) Development or redevelopment of the site, in the opinion of the municipality, would not reasonably be expected to occur solely through private investment and tax increment otherwise available, and therefore the hazardous substance district is deemed necessary.

(c) Other parcels that are not designated hazardous substance sites are expected to be developed together with a designated hazardous substance site.

(d) The subdistrict is not larger than, and the period of time during which increments are elected to be received is not longer than, that which is necessary in the opinion of the municipality to provide for the additional costs due to the designated hazardous substance site.

(e) Upon request by a ~~municipality or~~ an authority that has incurred expenses for removal or remedial actions to implement a development response action plan, the attorney general may:

(1) bring a civil action on behalf of the ~~municipality or~~ authority to recover the expenses, including administrative costs and litigation expenses, under section 115B.04 or other law; or

(2) assist the ~~municipality or~~ agency authority in bringing an action as described in clause (1), by providing legal and technical advice, intervening in the action, or other appropriate assistance.

The decision to participate in any action to recover expenses is at the discretion of the attorney general.

(f) If the attorney general brings an action as provided in paragraph (e), clause (1), the ~~municipality or~~ authority shall certify its reasonable and necessary expenses incurred to implement the development response action plan and shall cooperate with the attorney general as required to effectively pursue the action. The certification by the ~~municipality or~~ authority is prima facie evidence that the expenses are reasonable and necessary. The attorney general may deduct litigation expenses incurred by the attorney general from any amounts recovered in an action brought under paragraph (e), clause (1). The ~~municipality or~~ authority shall reimburse the attorney general for litigation expenses not recovered in an action under paragraph (e), clause (1), and for litigation expenses incurred to assist in bringing an action under paragraph (e), clause (1), *but only from amounts recovered*

by the authority in an action brought under paragraph (e). All money recovered or paid to the attorney general for litigation expenses under this paragraph shall be paid to the general fund of the state for deposit to the account of the attorney general. For the purposes of this section, "litigation expenses" means attorney fees and costs of discovery and other preparation for litigation.

(g) The ~~municipality or~~ authority shall reimburse the pollution control agency for its administrative expenses incurred to review and approve a development action response plan and ~~associated activities~~, and for expenses incurred for any services rendered to the attorney general to support the attorney general in actions brought or assistance provided under paragraph (e), *but only from amounts recovered by the municipality or authority in an action brought under paragraph (e) or from the additional tax increment required to be used as described in section 469.176, subdivision 4e.* All money paid to the pollution control agency under this paragraph shall be deposited in the environmental response, compensation and compliance fund.

(h) Actions taken by a ~~municipality or~~ an authority consistent with a development response action plan are deemed to be authorized response actions for the purpose of section 115B.17, subdivision 12. ~~A municipality or agency~~ An authority that takes actions consistent with a development response action plan qualifies for the defenses available under sections 115B.04, subdivision 11, and 115B.05, subdivision 9.

(i) All money recovered by a ~~municipality or~~ authority in an action brought under paragraph (e) in excess of the amounts paid to the attorney general and the pollution control agency must be treated as excess increments and be distributed as provided in section 469.176, subdivision 2, clause (4), to the extent the removal and remedial actions were initially financed with increment revenues.

Sec. 6. Minnesota Statutes 1988, section 471.56, subdivision 5, is amended to read:

Subd. 5. In addition to other authority granted by this section, a county containing a city of the first class, a statutory or home rule charter city of the first or second class, and a metropolitan ~~commission~~ agency, as defined in section 473.121, may:

(1) sell futures contracts but only with respect to securities owned by it, including securities which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the futures contract; and

(2) enter into option agreements to buy or sell securities described in section 475.66, subdivision 3, clause (a), including option agreements to sell securities owned by it which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the option agreement.

Sec. 7. [473.132] [SHORT-TERM INDEBTEDNESS.]

The council may issue certificates of indebtedness or capital notes to purchase equipment to be owned and used by the council and having an expected useful life at least as long as the terms of the certificates or notes. The certificates or notes shall be payable in not more than five years and shall be issued on the terms and in the manner the council determines.

For this purpose the council may secure payment of the certificates or notes by resolution or by trust indenture entered into by the council with a corporate trustee within or outside the state, and by a mortgage in the equipment financed. The total principal amount of the notes or certificates issued in a fiscal year should not exceed one-half of one percent of the tax capacity of the metropolitan area for that year. The full faith and credit of the council shall be pledged to the payment of the certificates or notes, and a tax levy shall be made for the payment of the principal and interest on the certificates or notes, in accordance with section 475.61, as in the case of bonds issued by a municipality. The tax levy authorized by this section must be deducted from the amount of taxes the council is otherwise authorized to levy under section 473.249.

Sec. 8. Minnesota Statutes 1988, section 473.541, subdivision 3, is amended to read:

Subd. 3. [GENERAL OBLIGATION BONDS.] The council may by resolution authorize the issuance of general obligation bonds for the acquisition or betterment of any interceptors or treatment works determined to be necessary or desirable for the metropolitan disposal system, or for the refunding of outstanding bonds, certificates of indebtedness, or judgments. The council shall provide for the issuance and sale and for the security of such bonds in the manner provided in chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that no election shall be required and the net debt limitations in chapter 475 shall not apply to such bonds *and obligations of such issue may mature not later than 40 years from the date of issue.* The council may also pledge for the payment of such bonds any revenues receivable under section 473.517.

Sec. 9. Minnesota Statutes 1988, section 473.541, is amended by adding a subdivision to read:

Subd. 4. [REVENUE BONDS.] (a) *The council may, by resolution, authorize the issuance of revenue bonds for any purpose for which general obligation bonds may be issued under subdivision 3. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, except as otherwise provided in this subdivision, and the council shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at public or private sale at such price, bear interest at such rate or rates, mature at such time or times, and be in such form as the council may determine. The bonds shall be payable from and secured by a pledge of all or any part of revenues receivable under section 473.517, shall not, and shall state they do not, represent or constitute a general obligation or debt of the council, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation. The proceeds of the bonds may be used to pay credit enhancement fees.*

(b) *The bonds may be secured by a bond resolution, or a trust indenture entered into by the council with a corporate trustee within or outside the state, which shall define the revenues and bond proceeds pledged for the payment and security of the bonds. The pledge shall be a valid charge on the revenues received under section 473.517. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in the revenues and bond proceeds received by the council and pledged to*

the payment of the bonds as against the claims of all persons in tort, contract, or otherwise, irrespective of whether such parties have notice thereof and without possession or filing as provided in the uniform commercial code or any other law, subject, however, to the rights of the holders of any general obligation bonds issued under subdivision 3. In the bond resolution or trust indenture, the council may make such covenants as it determines to be reasonable for the protection of the bondholders, including a covenant to issue general obligation bonds to refund the revenue bonds if and to the extent required to pay principal and interest on the bonds and to certify a deficiency tax levy as provided in section 473.521, subdivision 4.

(c) Neither the council, nor any council member, officer, employee, or agent of the council nor any person executing the bonds shall be liable personally on the bonds by reason of their issuance. The bonds shall not be payable from nor a charge upon any funds other than the revenues and bond proceeds pledged to the payment thereof. The council shall not be subject to any liability on the bonds and shall not pay or obligate itself to pay the bonds from funds other than the revenues and bond proceeds pledged. No holder of bonds shall have the right to compel any exercise of the taxing power of the council, except any deficiency tax levy the council covenants to certify under section 473.521, subdivision 4, or of any other public body, for the payment of principal of or interest on the bonds, nor to enforce payment thereof against any property of the council or other public body other than that expressly pledged for their payment.

Sec. 10. Minnesota Statutes 1988, section 475.51, is amended by adding a subdivision to read:

Subd. 13. [BOND REINVESTMENT PROGRAM.] "Bond reinvestment program" means a program under which a municipality, either directly or through an agent employed for the purpose, offers and sells its obligations to the holders of other obligations of the municipality. These offers and sales are directed at the reinvestment in new obligations of funds derived from maturing principal and interest, and may also include offers and sales of additional newly issued obligations in addition to the reinvestment of principal and interest paid or to be paid on outstanding obligations and provision for the temporary investment of funds received for the purchase of new obligations in tax-exempt securities pending the issuance of the new obligations.

Sec. 11. Minnesota Statutes 1988, section 475.51, is amended by adding a subdivision to read:

Subd. 14. [OTHER GOVERNMENTAL UNIT.] "Other governmental unit" means any public corporation, authority, governmental unit, or other political subdivision of the state of Minnesota that is not a municipality.

Sec. 12. Minnesota Statutes 1988, section 475.54, subdivision 4, is amended to read:

Subd. 4. [REDEMPTION.] Any obligation may be issued reserving the right of redemption and payment thereof prior to maturity, at par and accrued interest or at such premium and at such time or times as shall be determined by the governing body. Notice of the call of any prepayable obligation shall be published in a daily or weekly periodical published in a Minnesota city of the first class, or its metropolitan area, which circulates throughout the state and furnishes financial news as a part of its service;

provided that published notice of the call need not be given if the obligation is in registered form and notice has been mailed to the registered holder of the obligation. When any such obligation has been validly called for redemption in accordance with its terms, and the principal thereof and all interest thereon to the date of redemption have been paid or deposited with the paying agent, interest thereon shall cease; provided that no obligation issued subsequent to July 1, 1967, shall be deemed validly called for redemption unless the notice herein required has been published or so mailed prior to the date fixed for its redemption. If actual notice of the call has been given through a different means of communication, the holder of an obligation may waive published or mailed notice.

Sec. 13. Minnesota Statutes 1988, section 475.54, is amended by adding a subdivision to read:

Subd. 6a. [FOREIGN CURRENCY OBLIGATIONS.] Any obligation issued as part of a series in a principal amount of \$25,000,000 or more may be payable in currency other than currency of the United States if at the time of issue of the obligation the municipality enters into an agreement with a bank or dealer described in section 475.66, subdivision 1, that provides for payments to the municipality in the foreign currency at the times and in the amounts necessary to pay principal and interest on the obligations when due and payable in the foreign currency and corresponding payments by the municipality in United States currency of a determinate amount or amounts and at the times the agreement specifies. For purposes of chapter 475, the outstanding amount of the municipality's obligations payable in a foreign currency is the principal component of all remaining payments to be made by the municipality in United States currency under the agreement and the amount or rate of interest on the obligations is the interest component of the payments.

Sec. 14. Minnesota Statutes 1988, section 475.55, subdivision 6, is amended to read:

Subd. 6. [REGISTRATION DATA PRIVATE.] All information contained in any register maintained by a municipality or by a corporate registrar with respect to the ownership of municipal obligations is nonpublic data as defined in section 13.02, subdivision 9, or private data on individuals as defined in section 13.02, subdivision 12. The information is not public and is accessible only to the individual or entity that is the subject of it, except if disclosure:

(1) is necessary for the performance of the duties of the municipality or the registrar;

(2) is requested by an authorized representative of the state commissioner of revenue or attorney general or of the commissioner of internal revenue of the United States for the purpose of determining the applicability of a tax;

(3) is required under section 13.03, subdivision 4; or

(4) is requested at any time by the corporate trust department of a bank or trust company acting as a tender agent pursuant to documents executed at the time of issuance of the obligations to purchase obligations described in section 475.54, subdivision 5a, or obligations to which a tender option has been attached in connection with the performance of such person's duties as tender agent, or purchaser of the obligations.

A municipality or its agent may use the information in a register for purposes of offering obligations under a bond reinvestment program.

Sec. 15. Minnesota Statutes 1988, section 475.55, is amended by adding a subdivision to read:

Subd. 8. [BOND REINVESTMENT PROGRAMS.] In connection with a bond reinvestment program the governing body may by resolution delegate to any appropriate officer of the municipality authority to establish from time to time the interest rate or rates, subject to limitations imposed by law, on such obligations and other terms of obligations issued under a bond reinvestment program. Obligations issued under a bond reinvestment program may be in any denomination as determined by the governing body or an officer acting pursuant to delegation from the governing body.

Sec. 16. Minnesota Statutes 1988, section 475.60, subdivision 1, is amended to read:

Subdivision 1. [ADVERTISEMENT.] All obligations shall be negotiated and sold by the governing body, except when authority therefor is delegated by the governing body or by the charter of the municipality to a board, department, or officers of the municipality. Except as provided in section 475.56, obligations shall be sold at not less than par value plus accrued interest to date of delivery. Except as provided in subdivision 2 all obligations shall be sold at public sale after notice given at least ten days in advance by publication in a legal newspaper having general circulation in the municipality and ten days in advance by publication in a daily or weekly periodical, published in a Minnesota city of the first class, or its metropolitan area, which circulates throughout the state and furnishes financial news as a part of its service.

Sec. 17. Minnesota Statutes 1988, section 475.60, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS WAIVED.] The requirements as to public sale shall not apply to:

(1) obligations issued under the provisions of a home rule charter or of a law specifically authorizing a different method of sale, or authorizing them to be issued in such manner or on such terms and conditions as the governing body may determine;

(2) obligations sold by an issuer in an amount not exceeding the total sum of \$1,200,000 in any 12-month period;

(3) obligations issued by a governing body other than a school board in anticipation of the collection of taxes or other revenues appropriated for expenditure in a single year, if sold in accordance with the most favorable of two or more proposals solicited privately;

(4) obligations sold to any board, department, or agency of the United States of America or of the state of Minnesota, in accordance with rules or regulations promulgated by such board, department, or agency;

(5) obligations issued to fund pension and retirement fund liabilities under section 475.52, subdivision 6, obligations issued with tender options under section 475.54, subdivision 5a, ~~crossover~~ refunding obligations referred to in section 475.67, ~~subdivision 13~~, and any issue of obligations comprised in whole or in part of obligations bearing interest at a rate or rates which vary periodically referred to in section 475.56; ~~and~~

(6) obligations to be issued for a purpose, in a manner, and upon terms and conditions authorized by law, if the governing body of the municipality, on the advice of bond counsel or special tax counsel, determines that interest on the obligations cannot be represented to be excluded from gross income for purposes of federal income taxation;

(7) *obligations sold pursuant to a bond reinvestment program;*

(8) *obligations sold to a municipality or other governmental unit; and*

(9) *obligations issued in the form of an installment purchase contract, lease purchase agreement, or other similar agreement.*

Sec. 18. Minnesota Statutes 1988, section 475.60, subdivision 3, is amended to read:

Subd. 3. [PUBLISHED NOTICE.] Published notice, where required, shall specify the maximum principal amount of the obligations, the place of receipt and consideration of bids and such other details as to the obligations and terms of sale as the governing body deems suitable. The published notice shall either specify the date and time for receipt of bids or provide that the bids will be received at a date and time not less than ten nor more than 60 days after the date of publication. If the published notice does not state the specific date or amount for the sale, it shall specify the manner in which notice of the date or amount of the sale will be given to prospective bidders. Notification of prospective bidders shall be given by electronic data transmission or other form of communication common to the municipal bond trade at least four days (omitting Saturdays, Sundays, and legal holidays) before the date for receipt of bids. If within five days after the date of publication a prospective bidder requests in writing to be notified by mail, the municipality shall do so. Failure to give the notice as described in the preceding sentence to a bidder shall not affect the validity of the sale or of the obligations. The governing body may employ an agent to receive and open the bids at any place within or outside the corporate limits of the municipality, in the presence of an officer of the municipality *or the officer's designee*, but the obligations shall not be sold except by action of the governing body or authorized officers of the municipality after communication of the bids to them. Additional notice may be given for such time and in such manner as the governing body deems suitable. At the time and place so fixed, the bids shall be opened and the offer complying with the terms of sale and deemed most favorable shall be accepted, but the governing body may reject any and all such offers, in which event, or if no offers have been received, it may award the obligations to any person who within 30 days thereafter presents an offer complying with the terms of sale and deemed more favorable than any received previously, or upon like notice the governing body may invite other bids upon the same or different terms and conditions, except that if the original published notice does not state the specific date or amount for the sale and if the material terms and conditions of the sale remain the same, except for the date and amount, notice of the date or amount may be given in the manner provided above.

Sec. 19. Minnesota Statutes 1988, section 475.66, subdivision 1, is amended to read:

Subdivision 1. All debt service funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this

section, and may be deposited in interest-bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. Sufficient cash for payment of principal, interest, and redemption premiums when due with respect to the obligations for which any debt service fund is created shall be provided by crediting to the fund the collections of tax, special assessment, or other revenues appropriated for that purpose, and depositing all such receipts in a depository bank or banks duly qualified according to law or investing and reinvesting such receipts in securities authorized in this section. Time deposits shall be withdrawable and certificates of deposit and investments shall mature and shall bear interest payable at times and in amounts which, in the judgment of the governing body or its treasurer or other officer or committee to which it has delegated investment decisions, will provide cash at the times and in the amounts required for the purposes of the debt service fund, provided however, that the governing body may authorize the purchase of longer term investments subject to an agreement to repurchase such investments at times and prices sufficient to yield the amounts estimated to be so required. Repurchase agreements may be entered into with

(1) a bank qualified as depository of money held in the debt service fund;

(2) any national or state bank in the United States which is a member of the federal reserve system and whose combined capital and surplus equals or exceeds \$10,000,000;

(3) a primary reporting dealer in United States government securities to the federal reserve bank of New York; ~~or~~

(4) a securities broker-dealer having its principal executive office in Minnesota, licensed pursuant to chapter 80A, or an affiliate of it, regulated by the securities and exchange commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt;
or

(5) a wholly owned subsidiary of a dealer or bank which satisfies one of the foregoing criteria and which has guaranteed the payment obligations of the subsidiary under the agreement.

Sec. 20. Minnesota Statutes 1988, section 475.79, is amended to read:

475.79 [POWERS AVAILABLE TO OTHER POLITICAL SUBDIVISIONS.]

Any powers granted to a municipality under this chapter, other than the power to issue general obligation bonds and levy taxes, may be exercised by any other ~~public corporation, authority, governmental unit, or other political subdivision of the state of Minnesota that is not a municipality.~~ This grant of authority does not limit the powers granted to an entity under any other law.

Sec. 21. [CHISAGO, KANABEC, ISANTI, PINE, AND MILLE LACS COUNTIES; SALE OF SOLID WASTE FACILITY BONDS.]

Notwithstanding section 400.101, Chisago, Kanabec, Isanti, Pine, and Mille Lacs counties, acting jointly, may issue and sell bonds at public or private sale prior to May 22, 1990, to finance solid waste facilities in Kanabec county and related facilities.

Sec. 22. [REPEALER.]

Minnesota Statutes 1988, section 474A.081, subdivision 3; is repealed.

Sec. 23. [APPLICATION.]

Sections 7 to 9 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 23 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "making technical corrections to provisions relating to hazardous substance sites and subdistricts; enabling Chisago, Kanabec, Isanti, Pine, and Mille Lacs counties to sell certain bonds at public or private sale;"

Page 1, line 5, delete "400.101; 430.06, by adding a"

Page 1, line 6, delete "subdivision;" and delete "469.152; 469.153,"

Page 1, delete line 7

Page 1, line 8, delete "subdivisions 2, 3, and 5" and insert "469.174, subdivisions 7 and 16; 469.175, subdivision 7"

Page 1, line 10, delete "473.811, subdivision 2;"

Page 1, line 15, delete "chapters 469 and" and insert "chapter" and after "473" insert "; repealing Minnesota Statutes 1988, section 474A.081, subdivision 3"

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

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

S.F. No. 1242: A bill for an act relating to state government; extending the expiration date on certain advisory councils; increasing the compensation of members of administrative boards and agencies; eliminating a requirement for appointment of a state employees assistance program advisory committee; amending Minnesota Statutes 1988, sections 15.0575, subdivision 3; 15.059, subdivision 5; and 16B.39, subdivision 2; repealing Minnesota Statutes 1988, sections 84B.11, subdivision 4; 115.54; 121.83; 174.031, subdivision 2; 175.007; 256.73, subdivision 7; and 268.12, subdivision 6.

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

Page 1, lines 17 and 26, delete "\$55" and insert "\$48"

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1988, section 15.059, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the advisory councils and committees shall be compensated at the rate of at least \$35 per day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision

2. The state agency that provides funding for the advisory council or committee may authorize compensation of up to ~~\$\$\$~~ \$48 per day spent on council or committee activities. Members who, as a result of time spent attending council or committee meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon council or committee authorization. If members who are state employees or employees of political subdivisions receive the daily compensation, and if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the daily compensation from the employee's compensation for the day. In no other case shall a member who is an employee of the state or a political subdivision suffer a loss in compensation or benefits from the state or political subdivision as a result of service on the council or committee. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours."

Page 2, delete lines 29 and 30 and insert:

"This act is effective the day following final enactment, except that section 1 is effective July 1, 1989."

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "reducing the maximum compensation of members of advisory councils;"

Page 1, line 8, delete the second "subdivision" and insert "subdivisions 3 and"

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

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

S.F. No. 1099: A bill for an act relating to public safety; establishing emergency planning and community right-to-know requirements; requiring reports on hazardous substances and chemicals; creating an emergency response commission; establishing the hazardous materials incident response advisory council; providing penalties; appropriating money; amending Minnesota Statutes 1988, section 609.671, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 299K.

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

Page 1, delete lines 17 to 19

ReNUMBER the subdivisions in sequence

Pages 9 to 11, delete sections 11 and 12

Page 13, delete section 17 and insert:

"Sec. 15. [APPROPRIATION.]

Subdivision 1. \$585,000 is appropriated from the general fund to the commissioner of public safety for the community right-to-know program. \$313,000 is for fiscal year 1990 and \$272,000 is for fiscal year 1991. The approved complement of the department of public safety is increased by three positions.

Subd. 2. \$645,000 is appropriated from the general fund to the commissioner of public safety for disaster relief due to flooding in the Red River valley, to be available until June 30, 1990."

Page 13, line 8, delete "13" and insert "11"

Page 13, line 9, after the period, insert "Section 15, subdivision 2, is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 6

Page 1, line 7, delete everything before "providing" and after the second semicolon, insert "providing disaster relief;"

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

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

S.F. No. 188: A bill for an act relating to commerce; requiring mortgage lenders and mortgage brokers to obtain a license from the commissioner of commerce; requiring certain disclosures by mortgage lenders and mortgage brokers; prohibiting certain practices by mortgage lenders and mortgage brokers; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivision 4; and 82.18; proposing coding for new law as Minnesota Statutes, chapter 57; repealing Minnesota Statutes 1988, section 82.175.

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

Page 1, line 18, delete "shall apply" and insert "applies"

Page 1, line 21, delete "shall" and insert "does"

Page 2, line 19, delete "and" and insert "or"

Page 2, line 26, delete "any" and insert "an"

Page 2, lines 29 and 30, delete "any" and insert "a"

Page 3, line 36, delete "that" and insert "the"

Page 4, line 1, delete "that" and insert "the"

Page 4, line 3, delete "any" and insert "an"

Page 4, line 14, delete "such" and insert "the"

Page 4, line 17, delete "which" and insert "that"

Page 4, line 19, delete "such items" and insert "items such"

Page 5, line 11, delete the second comma and insert a semicolon

Page 6, line 20, delete "is"

Page 6, line 34, after "or" insert "with"

Page 7, line 19, delete "Any" and insert "An"

Page 7, lines 20 and 21, delete "shall" and insert "must"

Page 7, delete lines 27 and 28 and insert:

"Subd. 8. [FEES.] (a) An application for a mortgage lender or mortgage broker license must be accompanied by the following fees:

(1) for a mortgage lender with less than five employees, the license fee is \$250;

(2) for a mortgage lender with five or more employees, the license fee is \$750; and

(3) for a mortgage broker, the license fee is \$250.

(b) Fees collected under this subdivision must be deposited in the state treasury and credited to the general fund."

Page 7, line 29, delete "must be retained by the commissioner and"

Page 7, line 31, before the period, insert "to the commissioner"

Page 9, line 16, delete "funds" and insert "money" and delete "are" and insert "is"

Page 10, line 14, delete "; provided the" and insert ", although the lender may require that a"

Page 10, line 15, delete "is" and insert "be"

Page 11, line 2, delete "in United States Code" and insert "under the Code of Federal Regulations"

Page 11, line 14, delete "provided" and insert "although the lender may require"

Page 11, line 15, delete "the" and insert "a" and delete "is" and insert "be"

Page 11, line 18, delete "any" in both places and before "designated" insert "a"

Page 11, lines 28 and 29, after "borrower" insert a comma

Page 11, line 32, after "possesses" insert a comma

Page 12, line 1, delete "that" and insert "the"

Page 12, line 7, delete "any" and insert "a"

Page 12, line 9, delete "prior to" and insert "before"

Page 13, line 5, delete "regular" and insert "regularly"

Page 13, line 7, delete "following" and insert "after"

Page 13, line 8, delete "such" and insert "the"

Page 13, line 27, delete "a" and insert "an"

Page 13, line 28, delete "different" and delete "than" and insert "different from"

Page 15, line 1, delete "prior to the time" and insert "before" and delete "actually"

Page 15, line 2, delete "PRIOR TO" and insert "BEFORE"

Page 15, line 6, delete "which are"

Page 15, line 13, delete "any" and insert "a"

Page 15, line 18, delete "the time"

Page 15, line 19, delete "actually"

Page 15, line 21, delete "on which"

Page 16, line 11, delete "are" and insert "is"

Page 16, line 12, delete "acts" and insert "an act"

Page 16, line 14, delete "may" and insert "does"

Page 16, line 22, delete "that" and insert "the"

Page 16, line 23, delete "may" and insert "is" and delete "be found"

Page 16, lines 24 and 25, delete "any" and insert "a"

Page 16, line 26, delete "which" and insert "that"

Page 16, line 27, delete "that the violation"

Page 16, line 34, after "commissioner" insert "to" and delete "any" and insert "a"

Page 16, line 35, delete "Any" and insert "A"

Page 17, line 1, after the period, insert "*The fee must be deposited in the state treasury and credited to the general fund.*"

Page 20, delete lines 13 to 16 and insert:

"\$109,000 is appropriated from the general fund to the commissioner of commerce to administer sections 1 to 19. \$67,000 is for fiscal year 1990 and \$42,000 is for fiscal year 1991. The approved complement of the department of commerce is increased by one position."

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. 937: A bill for an act relating to Hennepin county; permitting the issuance of obligations by the county board of Hennepin county for a public safety building.

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

Page 1, line 9, delete "\$130,000,000" and insert "\$20,000,000"

Page 1, line 10, delete "the" and insert "land" and delete the first "and" and insert "*planning, design, site preparation, and other preliminary work for the*"

Page 1, after line 18, insert:

"Sec. 2. [REPORTS TO THE LEGISLATURE.]

The board of county commissioners of Hennepin county, the judges of

the fourth judicial district, the Hennepin county attorney, and the Hennepin county sheriff shall each prepare a report to the legislature on ways and means to improve the administration of the criminal justice system in the fourth judicial district. The reports shall specifically identify ways to make the criminal justice system more timely and cost effective, including savings from night, weekend, and other additional court sessions. The report of the county commissioners must specifically include a review of the required bed capacity for the facility. The reports shall also identify any state mandates that unduly increase the cost of the criminal justice system. The reports shall be submitted to the legislature on or before January 15, 1990. The reports must be referred to the judiciary committees of the house of representatives and senate. The judiciary committees must review the report and make recommendations on the proposed facilities to the respective committees on taxes of the house of representatives and senate before April 1, 1990."

Renumber the sections in sequence

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

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

S.F. No. 525: A bill for an act relating to nonprofit corporations; providing for the organization, operation, and dissolution of nonprofit corporations; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 8.31, subdivision 1; 79A.09, subdivision 1; 257.03; 309.67; 319A.20; 354A.021, subdivision 2; and 469.144, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 317A; repealing Minnesota Statutes 1988, sections 317.01 to 317.69.

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

Page 86, line 29, delete "\$" and insert "\$25"

Page 88, lines 9 and 34, delete "\$" and insert "\$25"

Page 99, line 8, delete "\$" and insert "\$185,000"

Page 99, line 10, after the period, insert "\$93,000 is for fiscal year 1990 and \$92,000 is for fiscal year 1991. The approved complement for the office of the secretary of state is increased by two positions."

Page 99, line 11, delete "\$" and insert "\$160,000"

Page 99, line 13, after the period, insert "\$83,000 is for fiscal year 1990 and \$77,000 is for fiscal year 1991. The approved complement of the office of the attorney general is increased by two positions."

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. 1689 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.
1689	1585				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1689 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1689 and insert the language after the enacting clause of S.F. No. 1585, the first engrossment; further, delete the title of H.F. No. 1689 and insert the title of S.F. No. 1585, the first engrossment.

And when so amended H.F. No. 1689 will be identical to S.F. No. 1585, and further recommends that H.F. No. 1689 be given its second reading and substituted for S.F. No. 1585, 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. 950 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.
950	446				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 950 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 950 and insert the language after the enacting clause of S.F. No. 446, the first engrossment; further, delete the title of H.F. No. 950 and insert the title of S.F. No. 446, the first engrossment.

And when so amended H.F. No. 950 will be identical to S.F. No. 446, and further recommends that H.F. No. 950 be given its second reading and substituted for S.F. No. 446, 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. 1436, 1067, 564, 1582, 1242, 1099, 188, 937 and 525 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1689 and 950 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, D.M. moved that S.F No. 331 be taken from the table. The motion prevailed.

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

CONCURRENCE AND REPASSAGE

Mr. Moe, D.M. moved that the Senate concur in the amendments by the House to S.F No. 331 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F No. 331 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 0, 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	Renneke
Benson	Diessner	Kroening	Moe, D.M.	Samuelson
Berg	Frank	Laidig	Moe, R.D.	Schmitz
Bernhagen	Frederick	Langseth	Morse	Spear
Bertram	Frederickson, D.J.	Lantry	Novak	Storm
Brandl	Frederickson, D.R.	Larson	Olson	Stumpf
Brataas	Freeman	Luther	Pariseau	Taylor
Chmielewski	Gustafson	Marty	Pehler	Vickerman
Cohen	Hughes	McGowan	Peterson, D.C.	Waldorf

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Frank moved that H.F No. 260, No. 33 on General Orders, be stricken and laid on the table. The motion did not prevail.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 784: A bill for an act relating to commerce; prohibiting car rental companies from holding renters liable for damages, except under certain circumstances; amending Minnesota Statutes 1988, section 65B.49, subdivision 5a; proposing coding for new law in Minnesota Statutes, chapter 325E.

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	Knaak	Metzen	Renneke
Anderson	Decker	Knutson	Moe, D.M.	Samuelson
Beckman	DeCramer	Kroening	Moe, R.D.	Schmitz
Belanger	Diessner	Laidig	Morse	Spear
Benson	Frank	Langseth	Novak	Storm
Berglin	Frederick	Lantry	Olson	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Pariseau	Taylor
Bertram	Frederickson, D.R.	Luther	Pehler	Vickerman
Brandl	Freeman	Marty	Peterson, D.C.	Waldorf
Brataas	Gustafson	McGowan	Piper	
Chmielewski	Hughes	McQuaid	Pogemiller	
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. 135: A bill for an act relating to juvenile court; limiting the court's authority to transfer legal custody of a child for the purpose of obtaining special treatment or care; clarifying the grounds for terminating parental rights to a child; clarifying the liability of persons who provide outreach services to runaways; amending Minnesota Statutes 1988, sections 260.015, subdivision 2a; 260.191, subdivision 1; 260.221, subdivisions 1 and 3; and 260.315.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 245: A bill for an act relating to environment; exempting generators of small amounts of hazardous waste from administrative regulation; amending Minnesota Statutes 1988, section 116.07, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 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	Knaak	Metzen	Renneke
Belanger	DeCramer	Knutson	Moe, D.M.	Samuelson
Benson	Dicklich	Kroening	Moe, R.D.	Schmitz
Berg	Diessner	Laidig	Morse	Spear
Berglin	Frank	Langseth	Novak	Storm
Bernhagen	Frederick	Lantry	Olson	Stumpf
Bertram	Frederickson, D.J.	Larson	Pariseau	Taylor
Brandl	Frederickson, D.R.	Luther	Pehler	Vickerman
Brataas	Freeman	Marty	Peterson, D.C.	Waldorf
Chmielewski	Gustafson	McGowan	Piper	
Cohen	Hughes	McQuaid	Pogemiller	

So the bill passed and its title was agreed to.

H.F. No. 761: A bill for an act relating to judgments; providing a reasonable exemption for employee benefits; amending Minnesota Statutes 1988, section 550.37, subdivision 24.

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

So the bill passed and its title was agreed to.

H.F. No. 1221: A bill for an act relating to education; allowing school districts to be considered providers under the state medical assistance plan; proposing coding for new law in Minnesota Statutes, chapter 124.

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

So the bill passed and its title was agreed to.

H.F. No. 1355: A bill for an act relating to probate; modifying provisions for the award of sentimental property and family allowances; amending Minnesota Statutes 1988, sections 525.151; and 525.152.

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

So the bill passed and its title was agreed to.

H.F. No. 1560: A bill for an act relating to natural resources; authorizing the Elephant Creek impoundment in St. Louis 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 58 and nays 0, 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	Knutson	Moe, R.D.	Samuelson
Belanger	DeCramer	Kroening	Morse	Schmitz
Benson	Dicklich	Laidig	Novak	Spear
Berg	Diessner	Langseth	Olson	Storm
Berglin	Frank	Lantry	Pariseau	Stumpf
Bernhagen	Frederick	Luther	Pehler	Taylor
Bertram	Frederickson, D.J.	Marty	Peterson, D.C.	Vickerman
Brandl	Frederickson, D.R.	McGowan	Piper	Waldorf
Chmielewski	Freeman	McQuaid	Pogemiller	
Cohen	Hughes	Mehrkens	Ramstad	

So the bill passed and its title was agreed to.

H.F. No. 1353: A bill for an act relating to insurance; requiring insurers to pay the insured's deductible first when recovering from an uninsured motorist under a subrogation claim; amending Minnesota Statutes 1988, section 72A.201, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1435: A bill for an act relating to employment; prohibiting termination of sales representative agreements under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Hughes	Metzen	Pogemiller
Beckman	Davis	Johnson, D.J.	Moe, D.M.	Ramstad
Berglin	Dicklich	Kroening	Moe, R.D.	Reichgott
Bertram	Diessner	Lantry	Morse	Schmitz
Brandl	Frank	Luther	Pehler	Spear
Chmielewski	Frederickson, D.J.	Marty	Peterson, D.C.	Stumpf
Cohen	Freeman	Merriam	Piper	Waldorf

Those who voted in the negative were:

Anderson	Decker	Knaak	McQuaid	Storm
Belanger	DeCramer	Knutson	Mehrrens	Taylor
Benson	Frederick	Laidig	Olson	Vickerman
Berg	Frederickson, D.R.	Langseth	Pariseau	
Bernhagen	Gustafson	Larson	Renneke	
Brataas	Johnson, D.E.	McGowan	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 775: A bill for an act relating to workers' compensation; requiring a report on recodification and simplification of the workers' compensation law; appropriating money.

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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Hughes	Moe, D.M.	Reichgott
Beckman	Davis	Johnson, D.J.	Moe, R.D.	Samuelson
Berg	DeCramer	Kroening	Morse	Schmitz
Berglin	Dicklich	Lantry	Novak	Spear
Bertram	Diessner	Luther	Pehler	Stumpf
Brandl	Frank	Marty	Peterson, D.C.	Waldorf
Chmielewski	Frederickson, D.J.	Merriam	Piper	
Cohen	Freeman	Metzen	Pogemiller	

So the bill passed and its title was agreed to.

S.F. No. 957: A bill for an act relating to economic development; transferring programs under the Minnesota agricultural and economic development board to the department of trade and economic development; changing the governing structure of the certified development company; transferring program responsibilities for the allocation of bonding authority to the department of finance; eliminating certain reporting requirements; transferring tax increment financing reporting requirements; amending Minnesota Statutes 1988, sections 41A.01; 41A.02, subdivisions 7a, 15, 16, and by adding subdivisions; 41A.021; 41A.022; 41A.023; 41A.03, subdivision 3; 41A.035; 41A.036, subdivisions 1, 4, 5, and 6; 41A.04; 41A.05, subdivisions 1, 2, 3, and 4; 41A.051; 41A.06, subdivisions 2, 4, and 5; 41A.07; 41A.08; 469.175, subdivisions 2 and 5; and 474A.02, subdivision 5a; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1988, sections 41A.02, subdivision 3; 41A.065; and 469.012, subdivision 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F No. 1221: A bill for an act relating to the city of Hopkins; authorizing the establishment of special service districts.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F No. 54: A bill for an act relating to the city of Edina; authorizing the city to operate a public transit system and to acquire necessary equipment, land, and interests in land; permitting the establishment of special service districts in the city; providing that the city and the housing and redevelopment authority need not require competitive bidding and bonds in connection with certain redevelopment projects.

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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam and Moe, D.M. voted in the negative.

So the bill passed and its title was agreed to.

S.F No. 764: A bill for an act relating to local government; changing conditions for the establishment and operation of special service districts in St. Cloud; amending Laws 1985, chapter 301, sections 5, subdivision 5; 7, subdivision 1; 9; 12; and 13, subdivision 2, and by adding a subdivision; repealing Laws 1985, chapter 301, section 7, 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 62 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, D.M.	Samuelson
Belanger	DeCramer	Knutson	Moe, R.D.	Schmitz
Benson	Dicklich	Kroening	Morse	Spear
Berg	Diessner	Laidig	Novak	Storm
Berglin	Frank	Langseth	Olson	Stumpf
Bernhagen	Frederick	Lantry	Pariseau	Taylor
Bertram	Frederickson, D.J.	Larson	Pehler	Vickerman
Brandl	Frederickson, D.R.	Luther	Peterson, D.C.	Waldorf
Brataas	Freeman	Marty	Piper	
Chmielewski	Gustafson	McGowan	Pogemiller	
Cohen	Hughes	McQuaid	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 989: A bill for an act relating to the town of Otsego; authorizing the town to establish an economic development authority and to exercise tax increment financing powers; granting the town the power of a city with respect to the authority.

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 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Marty	Ramstad	Reichgott	Spear
Berglin	Merriam			

So the bill passed and its title was agreed to.

S.F. No. 84: A bill for an act relating to watercraft; providing for titling of watercraft; providing for perfection of security interests in watercraft; imposing penalties; appropriating money; amending Minnesota Statutes 1988, section 336.9-302; proposing coding for new law as Minnesota Statutes, chapter 361A.

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 42 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Hughes	Mehrkens	Piper
Anderson	Dahl	Johnson, D.E.	Merriam	Ramstad
Beckman	Davis	Knutson	Moe, D.M.	Reichgott
Belanger	Decker	Laidig	Moe, R.D.	Renneke
Berg	Frank	Langseth	Morse	Spear
Berglin	Frederick	Luther	Novak	Storm
Bernhagen	Frederickson, D.R.	Marty	Olson	
Bertram	Freeman	McGowan	Pariseau	
Brandl	Gustafson	McQuaid	Pehler	

Those who voted in the negative were:

Benson	Frederickson, D.J.	Lantry	Pogemiller	Taylor
Brataas	Johnson, D.J.	Larson	Samuelson	Vickerman
DeCramer	Knaak	Metzen	Schmitz	Waldorf
Dicklich	Kroening	Peterson, D.C.	Stumpf	

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 1734 at 1:30 p.m.:

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

MOTIONS AND RESOLUTIONS - CONTINUED**SUSPENSION OF RULES**

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. 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. 1323, 1253, 1541, 536, H.F. Nos. 162, 1287, 1502 and 1432, which the committee recommends to pass.

H.F. No. 1160, which the committee recommends to pass with the following amendment offered by Mr. Knaak:

Amend H.F. No. 1160, as amended pursuant to Rule 49, adopted by the Senate April 20, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 1102.)

Page 1, after line 19, insert:

"Prior to entering into a contract under this subdivision, the board shall provide published notice of the meeting in which it proposes to award the contract as well as the parties to the proposed contract, and its purpose."

The motion prevailed. So the amendment was adopted.

H.F. No. 260, which the committee recommends to pass with the following amendments offered by Mr. Knaak and Mrs. Brataas:

Mr. Knaak moved to amend H.F. No. 260, as amended pursuant to Rule 49, adopted by the Senate May 3, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 312.)

Page 1, line 15, delete the comma and insert a period

Page 1, line 16, delete everything before "The" and insert "*The term includes any person who has been separated from employment for less than six months.*"

The motion prevailed. So the amendment was adopted.

Mr. Knaak then moved to amend H.F. No. 260, as amended pursuant to Rule 49, adopted by the Senate May 3, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 312.)

Page 1, line 15, delete the comma

Page 1, line 16, delete everything before the period and insert "*for an average of 20 or more hours per week over the last six months*"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Bertram	Frederickson, D.R.	McGowan	Ramstad
Belanger	Brataas	Gustafson	McQuaid	Storm
Benson	Decker	Knaak	Morse	Stumpf
Bernhagen	Diessner	Larson	Olson	

Those who voted in the negative were:

Adkins	Davis	Langseth	Novak	Schmitz
Beckman	DeCramer	Lantry	Pehler	Spear
Berg	Dicklich	Luther	Peterson, D.C.	Taylor
Berglin	Frank	Marty	Piper	Vickerman
Brandl	Frederick	Mehrkens	Pogemiller	Waldorf
Chmielewski	Frederickson, D.J.	Merriam	Purfeerst	
Cohen	Johnson, D.J.	Metzen	Reichgott	
Dahl	Kroening	Moe, R.D.	Samuelson	

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

Mr. Knaak then moved to amend H.F. No. 260, as amended pursuant to Rule 49, adopted by the Senate May 3, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 312.)

Page 1, line 18, delete "20" and insert "50"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Knaak	McQuaid	Ramstad
Belanger	Diessner	Laidig	Novak	Samuelson
Bertram	Frederickson, D.R.	Larson	Olson	
Brataas	Gustafson	McGowan	Pariseau	

Those who voted in the negative were:

Adkins	Dahl	Kroening	Morse	Schmitz
Beckman	Davis	Lantry	Pehler	Spear
Berglin	DeCramer	Luther	Peterson, D.C.	Stumpf
Brandl	Frank	Marty	Piper	Vickerman
Chmielewski	Frederick	Merriam	Pogemiller	Waldorf
Cohen	Frederickson, D.J.	Metzen	Reichgott	

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

Mr. Knaak then moved to amend H.F. No. 260, as amended pursuant to Rule 49, adopted by the Senate May 3, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 312.)

Page 5, line 1, delete ", plus"

Page 5, line 2, delete "*reasonable attorney fees*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Frederick	Laidig	Olson
Anderson	Brataas	Frederickson, D.R.	Larson	Pariseau
Beckman	Decker	Gustafson	McGowan	Ramstad
Belanger	Diessner	Knaak	McQuaid	Vickerman

Those who voted in the negative were:

Berglin	DeCramer	Lantry	Moe, R.D.	Pogemiller
Chmielewski	Dicklich	Luther	Morse	Reichgott
Cohen	Frank	Marty	Pehler	Schmitz
Dahl	Frederickson, D.J.	Merriam	Peterson, D.C.	Spear
Davis	Kroening	Metzen	Piper	

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

Mrs. Brataas moved to amend H.F. No. 260, as amended pursuant to Rule 49, adopted by the Senate May 3, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 312.)

Page 3, line 12, before the period, insert “; *except that, upon separation from employment, an employee may review the employee’s personnel record at any one time within six months of separation*”

Page 3, delete lines 25 to 28

Page 3, line 36, after “reached” insert “:

(1) the employer shall provide, upon the written request of the employee, a copy of the disputed information, and may charge a fee for the copy not to exceed the actual cost of making and compiling the copy; and

(2)”

Page 4, delete lines 10 to 16 and insert:

“Subd. 2. [DEFAMATION ACTION PROHIBITED.] No communication of information contained in an employee’s personnel record may be made the subject of any common law civil action for libel, slander, or defamation, unless the information is disputed pursuant to subdivision 1, an agreement is not reached between the employer and the employee to remove or revise the disputed information, and the employer refuses or negligently fails to include the employee’s position statement along with the disputed information or thereafter provide a copy of the statement to other persons as required under subdivision 1; except that, an employee is not prohibited from bringing a common law civil action for libel, slander, or defamation, based upon a communication of the disputed information in the employee’s personnel record, if the employee has exercised all of the employee’s rights under subdivision 1 and the employer thereafter communicates the disputed information in the employee’s personnel record with knowledge of its falsity or in reckless disregard of its falsity.”

Mr. Merriam requested division of the amendment as follows:

First portion:

Page 3, line 12, before the period, insert “; *except that, upon separation from employment, an employee may review the employee’s personnel record at any one time within six months of separation*”

Second portion:

Page 3, delete lines 25 to 28

Page 3, line 36, after “reached” insert “:

(1) the employer shall provide, upon the written request of the employee, a copy of the disputed information, and may charge a fee for the copy not to exceed the actual cost of making and compiling the copy; and

(2)”

Third portion:

Page 4, delete lines 10 to 16 and insert:

“Subd. 2. [DEFAMATION ACTION PROHIBITED.] No communication of information contained in an employee's personnel record may be made the subject of any common law civil action for libel, slander, or defamation, unless the information is disputed pursuant to subdivision 1, an agreement is not reached between the employer and the employee to remove or revise the disputed information, and the employer refuses or negligently fails to include the employee's position statement along with the disputed information or thereafter provide a copy of the statement to other persons as required under subdivision 1; except that, an employee is not prohibited from bringing a common law civil action for libel, slander, or defamation, based upon a communication of the disputed information in the employee's personnel record, if the employee has exercised all of the employee's rights under subdivision 1 and the employer thereafter communicates the disputed information in the employee's personnel record with knowledge of its falsity or in reckless disregard of its falsity.”

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

The motion prevailed. So the first portion of the amendment was adopted.

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

The roll was called, and there were yeas 30 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Gustafson	McGowan	Purfeerst
Anderson	Chmielewski	Johnson, D.E.	McQuaid	Ramstad
Belanger	Decker	Knaak	Metzen	Renneke
Berg	Diessner	Laidig	Olson	Samuelson
Bernhagen	Frank	Langseth	Pariseau	Schmitz
Bertram	Frederick	Larson	Pehler	Vickerman

Those who voted in the negative were:

Beckman	DeCramer	Lantry	Morse	Spear
Berglin	Dicklich	Luther	Peterson, D.C.	Waldorf
Cohen	Frederickson, D.J.	Marty	Piper	
Dahl	Freeman	Merriam	Pogemiller	
Davis	Kroening	Moe, R.D.	Reichgott	

The motion prevailed. So the second portion of the amendment was adopted.

The question was taken on the adoption of the third portion of the amendment.

The roll was called, and there were yeas 24 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Gustafson	McQuaid	Renneke
Anderson	Decker	Knaak	Olson	Samuelson
Belanger	Frank	Laidig	Pariseau	Taylor
Bernhagen	Frederick	Larson	Pehler	Vickerman
Bertram	Frederickson, D.R.	McGowan	Ramstad	

Those who voted in the negative were:

Beckman	Davis	Lantry	Morse	Spear
Berglin	DeCramer	Luther	Piper	
Chmielewski	Frederickson, D.J.	Marty	Pogemiller	
Cohen	Freeman	Merriam	Reichgott	
Dahl	Kroening	Moe, R.D.	Schmitz	

The motion prevailed. So the third portion of the amendment was adopted.

S.F. No. 522, which the committee recommends to pass with the following amendments offered by Ms. Berglin and Mr. Pogemiller:

Ms. Berglin moved to amend S.F. No. 522 as follows:

Page 27, after line 27, insert:

“Sec. 3. [412.223] [INDIAN HOUSING AUTHORITY.]

A home rule charter or statutory city may establish an Indian housing authority as provided in the Code of Federal Regulations, title 24, part 905, with all necessary legal powers to carry out housing projects for low- and moderate-income American Indians.”

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S.F. No. 522 as follows:

Page 48, line 11, after the period, insert *“This is intended to be a nonrecurring appropriation and must not be included in the budget base for the 1992-1993 biennium.”*

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller, for Mr. Solon, moved to amend S.F. No. 522 as follows:

Page 19, after line 36, insert:

“Sec. 8. Minnesota Statutes 1988, section 566.17, is amended to read: 566.17 [EXECUTION OF THE WRIT OF RESTITUTION.]

Subdivision 1. [GENERAL.] The officer holding the writ of restitution shall execute the same by making a demand upon defendant if found in the county or any adult member of the defendant’s family holding possession of the premises, or other person in charge thereof, for the possession of the same, and that the defendant leave, taking family and all personal property from such premises within 24 hours after such demand. If defendant fails to comply with the demand, then the officer shall bring, if necessary, the force of the county and whatever assistance may be necessary, at the cost of the complainant, remove the said defendant, family and all personal property from said premises detained, immediately and place the plaintiff in the possession thereof. In case defendant cannot be found in the county, and there is no person in charge of the premises detained, so that no demand can be made upon the defendant, then the officer shall enter into the possession of the premises, breaking in if necessary, and remove all property of the defendant at the expense of the plaintiff. The plaintiff shall have a lien upon all of the goods upon the premises for the reasonable costs and expenses incurred for removing the personal property and for the proper caring and storing the same, and the costs of transportation of the same to some suitable place of storage, in case defendant shall

fail or refuse to make immediate payment for all the expenses of such removal from the premises and plaintiff shall have the right to enforce such lien by detaining the same until paid, and, in case of nonpayment for 60 days after the execution of the writ, shall have the right to enforce the lien and foreclose the same by public sale as provided for in case of sales under sections 514.18 to 514.22.

Subd. 2. [REMOVAL AND STORAGE OF PROPERTY.] The plaintiff may provide for the removal and storage of the defendant's property on the plaintiff's real property if the plaintiff prepares a property inventory and mails a copy to the defendant's last known address. The property inventory must include a description of the general condition of the property and the name and badge number of the officer required to be present under subdivision 1. The plaintiff is responsible for the proper care and storage of the property and section 504.24 applies to the property."

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Gustafson	McGowan	Samuelson
Anderson	Cohen	Hughes	Metzen	Schmitz
Beckman	Dahl	Kroening	Olson	Solon
Belanger	Davis	Laidig	Peterson, D.C.	Spear
Berg	Dicklich	Langseth	Piper	Storm
Berglin	Diessner	Lantry	Pogemiller	Vickerman
Bernhagen	Frank	Luther	Ramstad	
Bertram	Frederickson, D.R.	Marty	Reichgott	

Those who voted in the negative were:

Benson	Frederick	Knutson	McQuaid	Merriam
Brataas	Freeman	Larson	Mehrkens	Pariseau
Decker	Knaak			

The motion prevailed. So the amendment was adopted.

S.F. No. 1101, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 5, line 8, delete the third comma and insert a period

Page 5, delete lines 9 to 11

Page 5, delete section 9

Page 5, line 35, after the period, insert "*The costs must not be apportioned on the value of the property, but on the basis of the services provided.*"

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 166, which the committee recommends to pass, after the following motions:

Mr. Belanger moved to amend H.F. No. 166, as amended pursuant to Rule 49, adopted by the Senate April 24, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 985.)

Page 2, after line 7, insert:

“Sec. 3. Minnesota Statutes 1988, section 16B.13, is amended to read:
16B.13 [ADVERTISEMENT OF HIGHWAY CONTRACTS.]

Subdivision 1. [ADVERTISEMENT OF CONTRACTS.] Notwithstanding anything in this chapter to the contrary, all contracts for the repair, improvement, maintenance, or construction of highways or highway bridges must be advertised and let as provided by law for highway construction contracts.

Subd. 2. [SPECIFICATIONS; WAGE RATES.] (a) A specification for a contract described in subdivision 1 must permit the competitive bidding for all supplies and equipment, including transportation service provided by a truck owner-operator. The specification may not exclude any type or kind of equipment or type or kind of contractor.

(b) No rule adopted by a state agency or department may (1) restrict competitive bidding on a contract described in subdivision 1 or restrict the provision of services or equipment under the contract on any basis, or (2) require the payment of a wage in excess of the minimum wage provided in section 177.24 to a person not an employee of the contractor or to a person who provides transportation services to the contractor.”

Page 10, after line 13, insert:

“Sec. 20. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment, and applies to contracts described in section 3 and advertised for bid on and after that date.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert “imposing requirements on contracts for the repair, improvement, maintenance, and construction of highways and highway bridges;”

Page 1, line 17, after the semicolon, insert “16B.13;”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knaak	Mehrrens	Renneke
Belanger	Decker	Knutson	Morse	Storm
Benson	Frederick	Langseth	Olson	Vickerman
Berg	Frederickson, D.R.	Larson	Pariseau	
Bernhagen	Gustafson	McGowan	Purfeerst	
Bertram	Johnson, D.E.	McQuaid	Ramstad	

Those who voted in the negative were:

Adkins	DeCramer	Kroening	Novak	Schmitz
Beckman	Dicklich	Lantry	Pehler	Solon
Berglin	Diessner	Luther	Peterson, D.C.	Spear
Brandl	Frank	Marty	Piper	Stumpf
Cohen	Freeman	Merriam	Pogemiller	Waldorf
Dahl	Hughes	Metzen	Reichgott	
Davis	Johnson, D.J.	Moe, R.D.	Samuelson	

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

Mr. Schmitz moved to amend H.F. No. 166, as amended pursuant to Rule 49, adopted by the Senate April 24, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 985.)

Page 4, delete section 8

Pages 8 and 9, delete section 16

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on S.F. No. 1625 at 7:30 p.m.:

Messrs. Dicklich, DeCramer, Taylor, Waldorf and Mrs. Brataas. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. No. 262, which the committee recommends to pass, subject to the following motions:

Mr. Renneke moved to amend S.F. No. 262 as follows:

Page 4, line 17, after the period, insert "*Sensitive areas may only be identified in counties with completed and published Minnesota geologic survey county atlases.*"

Page 5, lines 31 and 32, delete "*located in a sensitive area and*"

Page 7, line 2, before the period, insert “for best management practices within specific sensitive areas”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	McQuaid	Renneke
Bernhagen	Gustafson	McGowan	Pariseau	Storm

Those who voted in the negative were:

Adkins	Davis	Knaak	Merriam	Piper
Beckman	Decker	Kroening	Metzen	Ramstad
Belanger	Diessner	Laidig	Moe, D.M.	Reichgott
Berg	Frank	Langseth	Moe, R.D.	Samuelson
Berglin	Frederickson, D.J.	Lantry	Morse	Schmitz
Bertram	Frederickson, D.R.	Luther	Olson	Solon
Cohen	Freeman	Marty	Pehler	Vickerman
Dahl	Johnson, D.E.	Mehrkens	Peterson, D.C.	

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

Mr. Dahl moved to amend S.F. No. 262 as follows:

Page 2, delete lines 4 to 8 and insert:

“Subdivision 1. [GOAL.] It is the goal of the state that groundwater be maintained in its natural condition, free from degradation caused by human activity. The legislature recognizes that for many human activities the degradation prevention goal cannot always be practicably achieved. In areas where degradation prevention is practicable, the legislature intends that prevention is achieved, and where degradation prevention is not currently practicable, the legislature intends to encourage the development of methods and technology that will make degradation prevention practicable in the future.”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 26, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Laidig	Metzen	Piper
Cohen	Freeman	Lantry	Moe, D.M.	Ramstad
Dahl	Knaak	Luther	Moe, R.D.	Reichgott
Davis	Knutson	Marty	Morse	Schmitz
Diessner	Kroening	Merriam	Peterson, D.C.	Solon

Those who voted in the negative were:

Adkins	Bernhagen	Frederickson, D.R.	McQuaid	Storm
Anderson	Bertram	Gustafson	Mehrkens	Vickerman
Beckman	Decker	Johnson, D.E.	Olson	
Belanger	DeCramer	Langseth	Pariseau	
Benson	Frederick	Larson	Renneke	
Berg	Frederickson, D.J.	McGowan	Samuelson	

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

Mr. Freeman moved to amend S.F. No. 262 as follows:

Page 145, after line 23, insert:

“The study and report must include a plan for assessing surcharges under section 3, subdivision 5.”

The motion prevailed. So the amendment was adopted.

Mr. Freeman then moved to amend S.F. No. 262 as follows:

Page 137, line 26, after "to" insert "and may not exceed"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 262 as follows:

Page 133, delete lines 5 to 9

Page 134, delete lines 4 to 14

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Bernhagen	Johnson, D.E.	Olson	Taylor
Anderson	Bertram	Knutson	Pariseau	Vickerman
Beckman	Decker	Laidig	Ramstad	
Belanger	Frederick	Larson	Renneke	
Benson	Frederickson, D.R.	McGowan	Schmitz	
Berg	Gustafson	Mehrkens	Storm	

Those who voted in the negative were:

Berglin	Frank	Langseth	Metzen	Peterson, D.C.
Cohen	Frederickson, D.J.	Lantry	Moe, D.M.	Piper
Dahl	Freeman	Luther	Moe, R.D.	Reichgott
Davis	Knaak	Marty	Morse	Samuelson
Diessner	Kroening	Merriam	Pehler	Solon

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 262 as follows:

Page 3, delete lines 29 to 36

Re-number the subdivisions in sequence

Page 9, line 6, before "If" insert "(a)"

Page 9, after line 11, insert:

"(b) The pollution control agency or, for agricultural chemicals and practices, the commissioner of agriculture may adopt water resource protection requirements under subdivision 2 that are commensurate with the groundwater pollution if the implementation of best management practices have proven to be ineffective. The water resource protection requirements must be submitted to the joint legislative committee on water before they are adopted."

Page 9, delete lines 12 to 30 and insert:

"Subd. 2. [ADOPTION OF WATER RESOURCE PROTECTION REQUIREMENTS.] (a)"

Page 9, line 31, after "or" insert a comma

Page 9, line 32, after "practices" insert a comma

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 27, as follows:

Those who voted in the affirmative were:

Beckman	Diessner	Luther	Morse	Ramstad
Berglin	Freeman	Marty	Pehler	Reichgott
Cohen	Knaak	Merriam	Peterson, D.C.	Samuelson
Dahl	Kroening	Moe, D.M.	Piper	Solon
Davis	Lantry	Moe, R.D.	Pogemiller	Vickerman

Those who voted in the negative were:

Adkins	Bertram	Gustafson	McGowan	Schmitz
Anderson	Decker	Johnson, D.E.	McQuaid	Storm
Belanger	Frank	Knutson	Mehrkens	Stumpf
Benson	Frederick	Laidig	Olson	
Berg	Frederickson, D.J.	Langseth	Pariseau	
Bernhagen	Frederickson, D.R.	Larson	Renneke	

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

Mr. Frederickson, D.R. moved to amend S.F. No. 262 as follows:

Page 32, line 24, delete the period and insert “, except tubular wells of a diameter of six inches or less that are located outside of municipal boundaries and on land used for farming or agricultural purposes or for use by a single-family dwelling, and all sandpoint wells, are exempt from this permit requirement.”

Page 35, line 10, delete “\$50” and insert “\$100”

Page 35, line 12, delete “\$100” and insert “\$150”

Page 47, line 27, delete “\$250” and insert “\$400”

Page 52, line 7, delete “\$100” and insert “\$125”

Page 52, line 16, delete “\$50” and insert “\$75”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Bertram	Johnson, D.E.	Mehrkens	Taylor
Belanger	Decker	Laidig	Olson	Vickerman
Benson	Frederick	Langseth	Pariseau	
Berg	Frederickson, D.R.	Larson	Renneke	
Bernhagen	Gustafson	McQuaid	Storm	

Those who voted in the negative were:

Adkins	DeCramer	Knutson	Merriam	Peterson, D.C.
Berglin	Diessner	Kroening	Metzen	Piper
Brataas	Frank	Lantry	Moe, D.M.	Ramstad
Cohen	Frederickson, D.J.	Luther	Moe, R.D.	Reichgott
Dahl	Freeman	Marty	Morse	Schmitz
Davis	Knaak	McGowan	Pehler	Waldorf

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

Mr. Dahl moved to amend S.F. No. 262 as follows:

Page 145, after line 23, insert:

“ARTICLE 10

WATERSHED DISTRICTS

Section 1. [METROPOLITAN LOCAL WATER MANAGEMENT TASK FORCE.]

Subdivision 1. [ESTABLISHMENT AND PURPOSE.] (a) A metropolitan local water management task force is established to study and prepare a report on the following issues:

(1) how to accomplish constructive public participation in and local coordination of local water management;

(2) how to avoid excessive public costs associated with the planning and implementation of capital improvement projects;

(3) whether adequate oversight exists of local water management activities to assure adherence to state law and approved watershed management plans;

(4) the procedures to be used in urbanizing areas to maintain, repair, improve, construct, and abandon public drainage systems;

(5) the appropriate methods for financing capital improvement projects;

(6) whether local water management levies and bonds should be exempt from levy limits and caps on net indebtedness;

(7) whether the metropolitan water management act has met its original expectations; and

(8) what changes are needed in state law or the structure of local watershed management organizations to achieve greater consistency and stability in metropolitan watershed management organizations.

(b) The task force shall elect a chair at its first meeting.

(c) The task force shall be given legal and technical staff support by the board of water and soil resources. The board of water and soil resources shall provide administrative support.

Subd. 2. [MEMBERSHIP] The task force shall consist of:

(1) three members of the senate appointed by the majority leader;

(2) three members of the house of representatives appointed by the speaker;

(3) the chair and two additional members of the board of water and soil resources appointed by the chair;

(4) the state planning commissioner or the commissioner's designee;

(5) the commissioner of the department of natural resources or the commissioner's designee;

(6) the commissioner of the pollution control agency or the commissioner's designee;

(7) the chair of the metropolitan council or the chair's designee;

(8) a member of the association of metropolitan municipalities appointed by the chair of the board of water and soil resources;

(9) a member of the Minnesota association of watershed districts appointed by the chair of the board of water and soil resources;

(10) a member of the association of Minnesota soil and water conservation districts appointed by the chair of the board of water and soil resources;

(11) a member representing watershed management organizations appointed by the chair of the board of water and soil resources;

(12) a member of the association of Minnesota counties appointed by the chair of the board of water and soil resources;

(13) a member of the metropolitan inter-county association appointed by the chair of the board of water and soil resources;

(14) a member representing consulting engineers appointed by the chair of the board of water and soil resources;

(15) a member representing the reinvest in Minnesota coalition appointed by the chair of the board of water and soil resources; and

(16) a resident of the state interested in metropolitan water management issues appointed by the chair of the board of water and soil resources.

Subd. 3. [REPORT.] *The task force shall prepare a report and submit it to the governor and the legislature by December 15, 1989.*

Sec. 2. [COON CREEK WATERSHED DISTRICT.]

Subdivision 1. [EXPENDITURES NOT CHARGED TO INDIVIDUAL DITCHES.] *Notwithstanding Minnesota Statutes, section 106A.725, the Coon Creek watershed district shall not charge back to public ditches number 11, 39, 44, 57, 58, 59, and 60 the \$143,140.94 spent prior to January 1, 1989, by the district from its administrative fund for legal and other administrative expenses on these ditches.*

Subd. 2. [EXPENDITURES CHARGED TO INDIVIDUAL DITCHES.] *The Coon Creek watershed district may impose ad valorem tax levies within the subwatersheds of public ditches number 11, 39, 44, 57, 59, and 60 to raise their individual proportionate shares of the \$207,169.50 needed to reimburse the district's administrative fund for advances made prior to January 1, 1989, to these ditch accounts for engineering expenses and maintenance and repair work. Levies made pursuant to this subdivision may be spread over up to five consecutive years and must be adopted and collected in accordance with the procedure in Minnesota Statutes, section 112.611.*

Sec. 3. [LOCAL APPROVAL.]

Section 2 is effective upon approval of the Coon Creek watershed board.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective June 1, 1989."

Page 145, line 24, delete "10" and insert "11"

Page 146, after line 27, insert:

*"(e) Study and preparation of metropolitan
local water management task force 25,000"*

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend S.F. No. 262 as follows:

Page 71, line 5, delete "or" and insert a comma and after "agency" insert ", or consumptive or nonconsumptive uses by hospitals providing health care"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 37, as follows:

Those who voted in the affirmative were:

Belanger	Frederick	Laidig	Mehrkens	Renneke
Benson	Frederickson, D.R.	Larson	Merriam	Storm
Brataas	Knutson	McQuaid	Pariseau	Vickerman
Decker				

Those who voted in the negative were:

Adkins	DeCramer	Kroening	Moe, R.D.	Schmitz
Beckman	Diessner	Langseth	Morse	Solon
Berg	Frank	Lantry	Pehler	Stumpf
Berglin	Frederickson, D.J.	Luther	Peterson, D.C.	Taylor
Bertram	Freeman	Marty	Pogemiller	Waldorf
Brandl	Johnson, D.E.	McGowan	Ramstad	
Dahl	Johnson, D.J.	Metzen	Reichgott	
Davis	Knaak	Moe, D.M.	Samuelson	

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

Mr. Samuelson moved to amend S.F. No. 262 as follows:

Page 32, line 22, before "A" insert "*Except as provided in paragraph (d),*"

Page 32, after line 33, insert:

"(d) A permit is not required for a drive point well but the owner of the well must notify the commissioner of the installation and location of the well. The owner must complete the notification form prescribed by the commissioner and mail it to the commissioner by ten days after the well is completed. A fee may not be charged for the notification. A person who sells drive point wells at retail must provide buyers with notification forms and informational materials including requirements regarding wells, their location, construction, and disclosure. The commissioner must provide the notification forms and informational materials to the sellers."

Page 66, line 13, delete "is" and insert "*and section 9, subdivision 1, paragraph (d), relating to notification of drive point wells, are*"

The motion prevailed. So the amendment was adopted.

Mr. Mehrkens moved to amend S.F. No. 262 as follows:

Page 5, line 17, before "is" insert "*and land in or immediately surrounding a sinkhole*"

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend S.F. No. 262 as follows:

Page 7, line 33, delete "*is unlikely to*" and insert "*will not*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 7 and nays 41, as follows:

Those who voted in the affirmative were:

Dahl	Laidig	McQuaid	Merriam	Ramstad
Knaak	Larson			

Those who voted in the negative were:

Adkins	Cohen	Johnson, D.E.	Moe, R.D.	Schmitz
Anderson	Davis	Johnson, D.J.	Morse	Storm
Beckman	Decker	Knutson	Novak	Stumpf
Belanger	DeCramer	Langseth	Pehler	Vickerman
Benson	Diessner	Lantry	Peterson, D.C.	Waldorf
Berglin	Frank	Luther	Piper	
Bertram	Frederick	Marty	Pogemiller	
Brandl	Frederickson, D.J.	McGowan	Reichgott	
Brataas	Frederickson, D.R.	Moe, D.M.	Samuelson	

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

Mr. Waldorf moved to amend S.F. No. 262 as follows:

Page 71, delete lines 4 to 6

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 262 as follows:

Page 12, line 14, delete "COMMITTEES" and insert "SUBCOMMITTEES"

Page 33, line 2, delete "and" and insert "or"

Page 37, line 5, delete "town, range, section,"

Page 37, line 6, after "quartile," insert "section, township, range,"

Page 37, line 15, delete "seller" and insert "buyer"

Page 135, line 6, delete "CHAPTER" and insert "CHAPTERS"

Amend the title as follows:

Page 1, line 36, after "18B;" insert "40;"

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 Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 723, 811, 1105, 1498 and 1502.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1989

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 829: A bill for an act relating to insurance; prohibiting insurers from maintaining subrogation actions against insureds; proposing coding for new law in Minnesota Statutes, chapter 60A.

Senate File No. 829 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1989

CONCURRENCE AND REPASSAGE

Mr. Freeman moved that the Senate concur in the amendments by the House to S.F. No. 829 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 829 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Frederick voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1285:

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.

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

Skoglund, Burger and Carruthers have been appointed as such committee on the part of the House.

House File No. 1285 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

Mr. Brandl moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1285, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 456:

H.F. No. 456: A bill for an act relating to human rights; allowing results of job evaluation systems as evidence in discrimination actions; amending Minnesota Statutes 1988, sections 43A.05, by adding a subdivision; and 471.997.

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

Williams, Pauly and Solberg have been appointed as such committee on the part of the House.

House File No. 456 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

Ms. Reichgott moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 456, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 412:

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.

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

McEachern, Nelson, K. and Ozment have been appointed as such committee on the part of the House.

House File No. 412 is herewith transmitted to the Senate with the request

that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

Mr. Pehler moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 412, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 811:

H.F. No. 811: A bill for an act relating to natural resources; changing certain provisions relating to the taking of turtles; amending Minnesota Statutes 1988, sections 97A.475, subdivision 41; 97C.605, subdivisions 2 and 3; and 97C.611; repealing Minnesota Statutes 1988, section 97C.615.

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

Pugh; Johnson, R. and Weaver have been appointed as such committee on the part of the House.

House File No. 811 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

Mr. Berg moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 811, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 193:

H.F. No. 193: A bill for an act relating to crimes; providing that an offender may not demand execution of sentence except under certain circumstances; requiring the board of pardons to meet at least twice each year; amending Minnesota Statutes 1988, sections 609.135, by adding a subdivision; and 638.04.

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

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

House File No. 193 is herewith transmitted to the Senate with the request

that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

Ms. Peterson, D.C. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 193, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 257, 1448, 607, 1137 and 1143.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1989

FIRST READING OF HOUSE BILLS

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

H.F. No. 257: 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 certain small business assistance programs; clarifying responsibility for the operation and maintenance of certain buildings; regulating government record keeping; prescribing compensation for certain board members; amending Minnesota Statutes 1988, sections 15.0575, subdivision 3; 15.16; 15.17, subdivision 1; 15.39, subdivision 1; 15A.081, subdivisions 1 and 7; 16A.85, subdivision 2; 16B.06, subdivision 4; 16B.19, subdivision 6; 16B.20, subdivision 2; 16B.22, subdivision 1; 16B.24, subdivisions 1, 5, and 6; 16B.405, subdivision 1; 16B.48; 16B.54, subdivision 2; 138.17, subdivision 1; 214.07, subdivision 2; 214.09, subdivision 3; 473.141, subdivision 3; and 600.135, subdivision 1; repealing Minnesota Statutes 1988, section 15.38.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 257, now on General Orders.

H.F. No. 1448: A bill for an act relating to Hennepin county; permitting the issuance of obligations by the county board of Hennepin county for a public safety building; requiring reports to the legislature.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 937, now on General Orders.

H.F. No. 607: A bill for an act relating to economic development; establishing the capital access program; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Finance.

H.F. No. 1137: A bill for an act relating to metropolitan government; regulating the borrowing authority of the regional transit board; amending Minnesota Statutes 1988, section 473.39, subdivision 1a, and by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1253, now on the Calendar.

H.F. No. 1143: A bill for an act relating to taxation; permitting the city of Rochester to continue levying a general sales tax for flood control costs; amending Laws 1983, chapter 342, article 19, sections 4 and 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 920, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 1197: A bill for an act relating to natural resources; establishing a task force to study and report on metropolitan water management issues; appropriating money.

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

Page 3, line 16, delete "\$" and insert "\$25,000" and delete "form" and insert "from"

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

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

S.F. No. 748: A bill for an act relating to human services; establishing state child mortality review panel; authorizing the state to require local reviews; protecting data generated by the review panel as confidential and nondiscoverable; clarifying neglect or endangerment of a child; clarifying provisions of the child abuse reporting act dealing with neglect; requiring the commissioner of health to develop uniform procedures for coroner and medical examiner investigations relating to sudden deaths of infants; amending Minnesota Statutes 1988, sections 256.01, by adding a subdivision; 609.378; 626.556, subdivisions 2 and 10e; and 626.558; proposing coding for new law in Minnesota Statutes, chapter 145.

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

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

S.F. No. 499: A bill for an act relating to transportation; specifying that state airports fund money may be used as state's match of costs of the federal essential air services program; establishing registration classification for recreational aircraft; amending Minnesota Statutes 1988, sections 360.305, subdivision 2; and 360.55, by adding a subdivision.

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

Report adopted.

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

S.F. No. 143: A bill for an act relating to public safety; appropriating fees charged by state patrol and capitol complex security division for escort and contracted security services; amending Minnesota Statutes 1988, section 299D.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 299D and 299E.

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

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

S.F. No. 631: A bill for an act relating to electric utilities; service areas; establishing a task force to study issues relating to service area boundary changes; authorizing the public utilities commission to assess costs associated with the study.

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

Page 3, after line 11, insert:

“Sec. 2. [APPROPRIATION.]

Assessments collected under section 1, subdivision 6, are appropriated to the public utilities commission to cover the costs associated with the task force study required by section 1. The money is available until March 1, 1990. Any money from assessments unexpended on that date remains in the general fund.”

Page 3, line 13, after the period, insert “*Section 2 is effective July 1, 1989.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before the period, insert “; appropriating money”

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

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

S.F. No. 1198: A bill for an act relating to motor vehicles; requiring dealers acquiring graded vehicles to submit information to the department of public safety within ten days and keep records for three years; setting fee for inspection of certain motor vehicles for which salvage certificate of title has been issued; amending Minnesota Statutes 1988, sections 168A.151, by adding a subdivision; and 168A.152.

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

Page 2, after line 11, insert:

“Sec. 3. [APPROPRIATION.]

\$246,000 is appropriated from the general fund to the commissioner of

public safety to conduct salvage vehicle inspections. \$125,000 is available the day following final enactment and until June 30, 1990, and \$121,000 is for fiscal year 1991."

Page 2, line 12, delete "3" and insert "4"

Page 2, line 13, delete "Section 2 is" and insert "Sections 2 and 3 are"

Amend the title as follows:

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

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

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

S.F. No. 491: A bill for an act relating to health care; creating a health care access commission to plan, implement, and administer a health care access program; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 62J.

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

Page 1, delete section 1

Page 1, line 13, delete "[62J.01]" and delete "COMMISSION"

Page 1, delete lines 14 to 25

Page 2, delete lines 1 to 8 and insert:

"Subdivision 1. [STUDIES.] The commissioner of state planning, in consultation with the commissioner of employee relations, shall:"

Page 2, line 13, after "groups" insert "and all alternatives to insurance options"

Page 3, delete lines 22 to 36

Page 4, delete lines 1 to 36

Page 5, delete lines 1 to 11

Page 5, line 12, delete "commission" and insert "commissioner of state planning"

Page 5, line 13, delete "its" and insert "the"

Page 5, line 14, delete "its" and delete ", including proposed language" and insert a period

Page 5, delete lines 15 and 16

Renumber the subdivisions in sequence

Page 5, line 18, delete "\$" and insert "\$500,000" and delete "health"

Page 5, line 19, delete "care access commission" and insert "state planning agency" and delete "administrative and" and insert "study in section 1."

Page 5, delete lines 20 to 23

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to health care; requiring a health care access study; appropriating money."

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. 1573: A bill for an act relating to commerce; regulating divesting transactions involving a principal domestic subsidiary; providing for worker and consumer protections after a leveraged buyout; imposing a tax on golden parachute compensation agreements; amending Minnesota Statutes 1988, sections 80B.01, subdivision 10; 268.07, subdivision 2; and 302A.011, subdivision 41, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 290; 300; 302A; and 325E; proposing coding for new law as Minnesota Statutes, chapter 268A.

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

Pages 1 to 16, delete article 1

Page 16, delete lines 3 and 4

Page 19, line 9, delete "3" and insert "8"

Page 20, line 30, before the period, insert ", or if the mass layoff is the result of a natural disaster"

Page 23, line 9, delete "and"

Page 23, line 13, delete the period and insert "; and

(3) the tax imposed under this section on excess parachute payments that do not exceed 300 percent of the individual's base amount will not apply to a person who is a disqualified individual under section 280G(c)(2) of the Internal Revenue Code because that person is a shareholder unless that person is also an officer or a highly compensated individual."

Amend the title as follows:

Page 1, line 2, delete "regulating divesting"

Page 1, delete line 3

Page 1, line 4, delete "subsidiary;"

Page 1, line 7, delete everything after the first comma and insert "section"

Page 1, line 8, delete "10;" and delete everything after the second semicolon

Page 1, line 9, delete "41, and by adding subdivisions;"

Page 1, line 10, delete "; 300;"

Page 1, line 11, delete "302A;"

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 re-referred

H.F. No. 951: A bill for an act relating to utilities; providing for the establishment of competitive electric utility rates for certain customers subject to effective competition; authorizing public utilities commission to require utility to initiate rate proceeding under limited circumstances; removing repealer of laws providing for establishment of flexible gas utility rates for certain customers subject to effective competition; amending Minnesota Statutes 1988, sections 216B.045, subdivision 5; and 216B.17, subdivision 6, and by adding a subdivision; Laws 1987, chapter 371, section 4; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 1988, section 216B.17, subdivisions 2, 3, 4, and 5.

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

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

H.F. No. 450: A bill for an act relating to state lands; authorizing additions and deletions from certain state parks; authorizing nonpark use of certain state parks; authorizing sale and conveyance of certain state park lands; authorizing acquisition of certain land for road purposes; repealing Minnesota Statutes 1988, section 85.012, subdivision 39.

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

Amend the report from the Committee on Environment and Natural Resources, adopted by the Senate April 21, 1989, as follows:

Page 4, delete section 9 and insert:

“Sec. 9. [APPROPRIATION.]

Subdivision 1. \$350,000 is appropriated from the land acquisition account in the special revenue fund to the commissioner of natural resources to acquire lands and interests in lands within High Falls State Park as established in this act.

Subd. 2. \$40,000 is appropriated from the land acquisition account in the special revenue fund to acquire land within the boundaries of Sibley State Park.”

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

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

H.F. No. 59: A bill for an act relating to public safety; authorizing bonding for capital improvements; appropriating money to convert a regional treatment center for use as an adult correctional facility and to operate the facility; appropriating money for a variety of correctional and treatment programs; revising and increasing penalties for controlled substance crimes; authorizing increased sentences and juvenile court reference for controlled substance crimes committed within a drug free school or park zone; increasing penalties for a variety of other crimes; providing for life imprisonment without supervised release for persons convicted of first degree murder or a third criminal sexual conduct offense; providing for sex offender treatment

programs; providing that an inmate who completes a sex offender treatment program is eligible for an adjustment to the supervised release date; providing for the collection and admissibility of DNA evidence; modifying certain forfeiture provisions; permitting a school-sponsored alcohol awareness program; requiring reporting of newborns with signs of controlled substance exposure and reporting of certain controlled substance use by pregnant women; providing for toxicology testing; requiring an education program to protect unborn children from such prenatal exposure; providing for civil commitment of pregnant women for certain controlled substance use; establishing a community crime prevention grant program; providing a soft body armor reimbursement program; creating a drug abuse prevention resource council; establishing a child protection system study commission; providing for a community resources program for cities of the first class; appropriating money; amending Minnesota Statutes 1988, sections 152.01, subdivision 7, and by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.15, subdivision 4a; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; 169.09, subdivision 14; 243.05, subdivision 1; 244.05, subdivisions 1, 4, 5, and by adding a subdivision; 244.09, subdivision 5; 253B.02, subdivisions 2 and 10; 256.01, by adding a subdivision; 260.125, subdivision 3; 260.161, subdivision 1; 260.185, subdivision 1; 297D.09, subdivision 1a; 299F80, subdivision 1; 325D.56, subdivision 2; 340A.701; 340A.702; 526.10; 609.11, subdivisions 7 and 9; 609.185; 609.19; 609.195; 609.205; 609.221; 609.222; 609.223; 609.2231, subdivision 1; 609.255, subdivision 3; 609.2665; 609.267; 609.323, subdivision 1; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.346; 609.377; 609.445; 609.48, subdivision 4; 609.487, subdivision 4; 609.52; 609.53, subdivisions 1 and 4; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; 609.576; 609.62, subdivision 2; 609.631, subdivision 2; 609.86, subdivision 3; 611A.038; 624.701; 624.712, subdivision 5; and 626.556, subdivisions 2, 3, and 10; proposing coding for new law in Minnesota Statutes, chapters 116K; 121; 144; 152; 241; 242; 244; 299A; 299C; 466A; 609; 626; 634; and 638; repealing Minnesota Statutes 1988, sections 152.09; 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5; 609.53, subdivisions 1a, 3, and 3a; and 609.55.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

CONTROLLED SUBSTANCE CRIMES

Section 1. Minnesota Statutes 1988, section 126.036, is amended to read:

126.036 [LAW ENFORCEMENT RECORDS.]

Subdivision 1. [NOTICE REQUIRED.] A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section 152.09, subdivision 1, or 340A.503, subdivision 1, 2, or 3. *Except as provided in subdivision 2*, the notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.

Subd. 2. [EXCEPTION.] *If providing the notice within two weeks after*

the incident occurs would jeopardize an ongoing criminal investigation, the law enforcement agency is not required to provide notice until the investigation is completed or a petition or complaint is filed against the student.

Sec. 2. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 5. [HALLUCINOGEN.] "Hallucinogen" means any hallucinogen listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, except marijuana and Tetrahydrocannabinols.

Sec. 3. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 9a. [MIXTURE.] "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity.

Sec. 4. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 12a. [PARK ZONE.] "Park zone" means an area designated by the state or a local governmental unit as a public park.

Sec. 5. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 14a. [SCHOOL ZONE.] "School zone" means:

(1) any property owned, leased, or controlled by a school district or an organization operating a nonpublic school, as defined in section 123.932, subdivision 3, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade one through grade 12 is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided; and

(2) the area surrounding a school property to a distance of 1,000 feet beyond the school property.

Sec. 6. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 15a. [SELL.] "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another; or to offer or agree to do the same; or to manufacture.

Sec. 7. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 16a. [SUBSEQUENT CONTROLLED SUBSTANCE CONVICTION.] "Subsequent controlled substance conviction" means that before commission of the offense for which the person is convicted under this chapter, the person was convicted in Minnesota of a felony violation of this chapter or a felony-level attempt or conspiracy to violate this chapter, or convicted elsewhere for conduct that would have been a felony under this chapter if committed in Minnesota. An earlier conviction is not relevant if ten years have elapsed since: (1) the person was restored to civil rights; or (2) the sentence has expired, whichever occurs first.

Sec. 8. [152.021] [CONTROLLED SUBSTANCE CRIME IN THE FIRST

DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing ten grams or more of cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 100 kilograms or more containing marijuana or Tetrahydrocannabinols;

(5) the person unlawfully sells any amount of a Schedule I or II narcotic drug, and:

(i) the person unlawfully sells the substance to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

(ii) the sale occurred in a school zone or a park zone.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures containing 25 grams or more of cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 100 kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than four years nor more than 40 years or to payment of a fine of not more than \$1,000,000, or both.

Sec. 9. [152.022] [CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing three grams or more of cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units; or

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures containing six grams or more of cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than three years nor more than 40 years or to payment of a fine of not more than \$500,000, or both.

Sec. 10. [152.023] [CONTROLLED SUBSTANCE CRIME IN THE THIRD DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully sells one or more mixtures containing a narcotic drug;

(2) the person unlawfully sells one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;

(3) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except a Schedule I or

II narcotic drug, marijuana or Tetrahydrocannabinols, to a person under the age of 18; or

(4) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except a Schedule I or II narcotic drug, marijuana or Tetrahydrocannabinols.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully possesses one or more mixtures containing three grams or more of cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures containing a narcotic drug with the intent to sell it;

(4) the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units; or

(5) the person unlawfully possesses any amount of a Schedule I or II narcotic drug in a school zone or a park zone.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$250,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than two years nor more than 30 years or to payment of a fine of not more than \$250,000, or both.

Sec. 11. [152.024] [CONTROLLED SUBSTANCE CRIME IN THE FOURTH DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

(2) the person unlawfully sells one or more mixtures containing marijuana or Tetrahydrocannabinols to a person under the age of 18;

(3) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing marijuana or Tetrahydrocannabinols;

(4) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or

(5) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully possesses one or more mixtures containing

phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units; or

(2) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols, with the intent to sell it.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$100,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than one year nor more than 30 years or to payment of a fine of not more than \$100,000, or both.

Sec. 12. [152.025] [CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully sells one or more mixtures containing marijuana or Tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.

Subd. 2. [POSSESSION AND OTHER CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be sentenced to imprisonment for not less than six months nor more than ten years or to payment of a fine of not more than \$20,000, or both.

Sec. 13. [152.026] [MANDATORY MINIMUM SENTENCES.]

A defendant convicted and sentenced to a mandatory minimum sentence under sections 8 to 12 is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by law, notwithstanding sections 242.19,

243.05, 609.12, and 609.135.

Sec. 14. [152.027] [OTHER CONTROLLED SUBSTANCE OFFENSES.]

Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.] A person who unlawfully sells one or more mixtures containing a controlled substance classified in Schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.] A person who unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. The court may order that a person who is convicted under this subdivision and placed on probation be required to take part in a drug education program as specified by the court.

Subd. 3. [POSSESSION OF MARIJUANA IN A MOTOR VEHICLE.] A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. [POSSESSION OR SALE OF SMALL AMOUNTS OF MARIJUANA.] (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$200 and participation in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

Sec. 15. [152.028] [PERMISSIVE INFERENCE OF KNOWING POSSESSION.]

Subdivision 1. [RESIDENCES.] The presence of a controlled substance in open view in a room, other than a public place, under circumstances evincing an intent by one or more of the persons present to unlawfully mix, compound, package, or otherwise prepare for sale the controlled substance permits the factfinder to infer knowing possession of the controlled substance by each person in close proximity to the controlled substance when

the controlled substance was found. The permissive inference does not apply to any person if:

- (1) one of them legally possesses the controlled substance; or*
- (2) the controlled substance is on the person of one of the occupants.*

Subd. 2. [PASSENGER AUTOMOBILES.] The presence of a controlled substance in a passenger automobile permits the factfinder to infer knowing possession of the controlled substance by the driver or person in control of the automobile when the controlled substance was in the automobile. The inference does not apply:

- (1) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of the operator's trade;*
- (2) to any person in the automobile if one of them legally possesses a controlled substance; or*
- (3) when the controlled substance is concealed on the person of one of the occupants.*

Sec. 16. Minnesota Statutes 1988, section 152.096, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS; PENALTIES.] Any person who conspires to commit any act prohibited by ~~section 152.09~~ *this chapter*, except possession or distribution for no remuneration of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount authorized by law for the act the person conspired to commit.

Sec. 17. Minnesota Statutes 1988, section 152.097, is amended by adding a subdivision to read:

Subd. 4. [PENALTY.] A person who violates this section may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$20,000, or both. Sentencing for a conviction for attempting to sell, transfer, or deliver a noncontrolled substance in violation of this section is governed by section 609.17, subdivision 4.

Sec. 18. Minnesota Statutes 1988, section 152.151, is amended to read:

152.151 [REPORT TO LEGISLATURE.]

The state alcohol and drug authority shall ~~build into~~ *evaluate* the drug education program required by ~~section 152.15, subdivision 2, proper evaluation 14~~ and report directly each legislative session to the legislative standing committees having jurisdiction over the subject matter.

Sec. 19. [152.152] [STAYED SENTENCE LIMITED.]

If a person is convicted under section 8, 9, or 10 and the sentencing guidelines grid calls for a presumptive prison sentence for the offense, the court may stay imposition or execution of the sentence only as provided in this section. The sentence may be stayed based on amenability to probation only if the offender presents adequate evidence to the court that the offender has been accepted by, and can respond to, a treatment program that has been approved by the commissioner of human services. The court may impose a sentence that is a mitigated dispositional departure on any

other ground only if the court includes as a condition of probation incarceration in a local jail or workhouse.

Sec. 20. Minnesota Statutes 1988, section 152.18, subdivision 1, is amended to read:

Subdivision 1. If any person is found guilty of a violation of section ~~152.09, subdivision 1, clause (2) 11, 12, or 14~~ for possession of a controlled substance, after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum term of imprisonment provided for such violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge the person from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against that person. Discharge and dismissal hereunder shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the department of public safety solely for the purpose of use by the courts in determining the merits of subsequent proceedings against such person. The court shall forward a record of any discharge and dismissal hereunder to the department of public safety who shall make and maintain the nonpublic record thereof as hereinbefore provided. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

Sec. 21. Minnesota Statutes 1988, section 152.20, is amended to read:

152.20 [PENALTIES UNDER OTHER LAWS.]

Any penalty imposed for violation of ~~Laws 1971, chapter 937~~ this chapter is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

Sec. 22. Minnesota Statutes 1988, section 152.21, subdivision 6, is amended to read:

Subd. 6. [EXEMPTION FROM CRIMINAL SANCTIONS.] For the purposes of this section, the following are not violations ~~listed in section 152.09 or 152.15~~ under this chapter:

- (1) use or possession of THC, or both, by a patient in the research program;
- (2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and
- (3) possession or distribution of THC, or both, by a pharmacy registered to handle schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to

forfeiture under sections 609.531 to 609.5316.

For the purposes of this section, THC is removed from schedule I contained in section 152.02, subdivision 2, and inserted in schedule II contained in section 152.02, subdivision 3.

Sec. 23. Minnesota Statutes 1988, section 243.55, subdivision 1, is amended to read:

Subdivision 1. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or state hospital, or within or upon the grounds belonging to or land or controlled by any such facility or hospital, any controlled substance as defined in section 152.01, subdivision 4, or any firearms, weapons or explosives of any kind, without the consent of the chief executive officer thereof, shall be guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of not ~~less than three, nor more than five,~~ *ten* years. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, any intoxicating or alcoholic liquor or malt beverage of any kind without the consent of the chief executive officer thereof, shall be guilty of a gross misdemeanor. The provisions of this section shall not apply to physicians carrying drugs or introducing any of the above described liquors into such facilities for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of duties.

Sec. 24. Minnesota Statutes 1988, section 260.185, subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or the parents, guardian, or custodian;

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

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245.781 to 245.812; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home

established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) If the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, *or the court has found the child delinquent for having committed a felony-level violation of chapter 152*, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

Sec. 25. Minnesota Statutes 1988, section 609.11, is amended by adding a subdivision to read:

Subd. 5a. [ILLEGAL WEAPON.] (a) A defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice, at the time of the offense, had in possession an illegal weapon, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than two years nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, had in possession an illegal weapon, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than six years nor more than the maximum sentence provided by law.

(b) A defendant convicted of an offense listed in subdivision 9 in which

the defendant or an accomplice, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, an illegal weapon, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than six years nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, used an illegal weapon, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than ten years nor more than the maximum sentence provided by law.

(c) For purposes of this subdivision, "illegal weapon" means a machine gun or short-barreled shotgun as defined in section 609.67; a firearm, as defined in section 97A.015, subdivision 19, that is equipped with a silencer or equipped to have a silencer attached; or a Saturday night special, as defined in section 624.712, subdivision 4.

Sec. 26. Minnesota Statutes 1988, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served before eligibility for probation, parole, or supervised release as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 27. Minnesota Statutes 1988, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5316, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, or a city or airport police department.

(f) "Designated offense" includes:

(1) For weapons used: any violation of this chapter;

(2) For all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; ~~subdivision 1 or 2~~; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.671, subdivisions 3, 4, and 5; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; or 617.246.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 28. Minnesota Statutes 1988, section 609.5311, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS ON FORFEITURE OF CERTAIN PROPERTY ASSOCIATED WITH CONTROLLED SUBSTANCES.] (a) A conveyance device is subject to forfeiture under this section only if the retail value of the controlled substance is ~~\$500~~ \$25 or more and the conveyance device is associated with a felony-level controlled substance crime.

(b) Real property is subject to forfeiture under this section only if the retail value of the controlled substance is \$5,000 or more.

(c) Property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the use or intended use of the property as described in subdivision 2.

(d) Property is subject to forfeiture under this section only if its owner was privy to the use or intended use described in subdivision 2, or the unlawful use or intended use of the property otherwise occurred with the owner's knowledge or consent.

(e) Forfeiture under this section of a conveyance device or real property encumbered by a bona fide security interest is subject to the interest of the secured party unless the secured party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.

(f) Notwithstanding paragraphs (d) and (e), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the unlawful use or intended use of the property if the owner or secured party took reasonable steps to terminate use of the property by the offender.

Sec. 29. Minnesota Statutes 1988, section 609.5314, subdivision 1, is amended to read:

Subdivision 1. [PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE; PRESUMPTION.] (a) The following are presumed to be subject to administrative forfeiture under this section:

(1) all money, precious metals, and precious stones found in proximity to:

(i) controlled substances;

(ii) forfeitable drug manufacturing or distributing equipment or devices;

or

(iii) forfeitable records of manufacture or distribution of controlled substances; and

(2) all conveyance devices containing controlled substances with a retail value of ~~\$500~~ \$100 or more *if possession or sale of the controlled substance would be a felony under chapter 152.*

(b) A claimant of the property bears the burden to rebut this presumption.

Sec. 30. Minnesota Statutes 1988, section 609.5315, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] If the court finds under section 609.5313 or 609.5314 that the property is subject to forfeiture, it ~~may~~ shall order the appropriate agency to:

(1) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5;

(2) take custody of the property and remove it for disposition in accordance with law;

(3) forward the property to the federal drug enforcement administration;

(4) disburse money as provided under subdivision 5; or

(5) keep property other than money for official use by the agency and the prosecuting agency.

Sec. 31. Minnesota Statutes 1988, section 609.685, is amended by adding a subdivision to read:

Subd. 1a. [GROSS MISDEMEANOR.] (a) Whoever sells tobacco to a person under the age of 18 years is guilty of a gross misdemeanor. If the sale is made from a cigarette vending machine, the culpable person is the person who owns or is in control of the premises on which the vending machine is installed.

(b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

Sec. 32. Minnesota Statutes 1988, section 609.685, subdivision 2, is amended to read:

Subd. 2. [~~CRIME~~ MISDEMEANOR.] Whoever furnishes tobacco or tobacco related devices to a person under the age of 18 years is guilty of a misdemeanor.

Sec. 33. [CONVICTIONS STUDY.]

The sentencing guidelines commission shall compile information on charges and convictions under sections 8 to 12 and report the results to the chairs of the judiciary committees in the senate and the house of representatives by January 1, 1990, with a second report by January 1, 1991. The reports must include:

(1) the number of controlled substance charges and convictions in each jurisdiction;

(2) a comparison of the original charge and the conviction offense; and

(3) information concerning the amount of controlled substance actually involved in each incident, when available.

Sec. 34. [REPEALER.]

Minnesota Statutes 1988, sections 152.09; and 152.15, subdivisions 1, 2, 2a, 2b, 3, 4a, and 5, are repealed.

Sec. 35. [EFFECTIVE DATE.]

Sections 2 to 32 and 34 are effective August 1, 1989, and apply to crimes and violations occurring on or after that date.

ARTICLE 2

PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES

Section 1. Minnesota Statutes 1988, section 253B.02, subdivision 2, is amended to read:

Subd. 2. [CHEMICALLY DEPENDENT PERSON.] "Chemically dependent person" means any person (a) determined as being incapable of self-management or management of personal affairs by reason of the habitual and excessive use of alcohol or drugs; and (b) whose recent conduct as a result of habitual and excessive use of alcohol or drugs poses a substantial likelihood of physical harm to self or others as demonstrated by (i) a recent attempt or threat to physically harm self or others, (ii) evidence of recent serious physical problems, or (iii) a failure to obtain necessary food, clothing, shelter, or medical care *including prenatal care*.

Sec. 2. Minnesota Statutes 1988, section 253B.02, subdivision 10, is amended to read:

Subd. 10. [INTERESTED PERSON.] "Interested person" means an adult, including but not limited to, a public official, *including a local welfare agency acting under section 4*, and the legal guardian, spouse, parent, legal counsel, adult child, next of kin, or other person designated by a proposed patient.

Sec. 3. Minnesota Statutes 1988, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to

supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (1) mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, or (2) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, or medical care, a duty to provide that care. "Neglect" includes prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision ~~4~~ 2a, clause ~~(e)~~ (5).

(d) "Physical abuse" means any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245A.02.

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

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

(k) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 4. [626.5561] [REPORTING OF PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES.]

Subdivision 1. [REPORTS REQUIRED.] A person mandated to report under section 626.556, subdivision 3, shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance, as defined in section 152.01, subdivision 4, for a nonmedical purpose during the pregnancy. Any person may make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy.

Subd. 2. [LOCAL WELFARE AGENCY.] If the report alleges a pregnant

woman's use of a controlled substance for a nonmedical purpose, the local welfare agency shall immediately conduct an appropriate assessment and offer services indicated under the circumstances. Services offered may include, but are not limited to, a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, and a referral for prenatal care. The local welfare agency may also take any appropriate action under chapter 253B, including seeking an emergency admission under section 253B.05.

Subd. 3. [RELATED PROVISIONS.] Reports under this section are governed by section 626.556, subdivisions 4, 4a, 5, 6, 7, 8, and 11.

Sec. 5. [626.5562] [TOXICOLOGY TESTS REQUIRED.]

Subdivision 1. [TEST; REPORT.] A physician shall administer a toxicology test to a pregnant woman under the physician's care to determine whether there is evidence that she has ingested a controlled substance, if the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose. If the test results are positive, the physician shall report the results under section 626.556, subdivision 3, paragraph (a). A negative test result does not eliminate the obligation to report under section 626.556, if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose.

Subd. 2. [NEWBORNS.] A physician shall administer to each newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance, if the physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose prior to the birth. If the test results are positive, the physician shall report the results as neglect under section 626.556. A negative test result does not eliminate the obligation to report under section 626.556 if other medical evidence of prenatal exposure to a controlled substance is present.

Subd. 3. [REPORT TO DEPARTMENT OF HEALTH.] Physicians shall report to the department of health the results of tests performed under subdivisions 1 and 2. A report shall be made on February 1 and August 1 of each year, beginning February 1, 1990. The reports are medical data under section 13.42.

Subd. 4. [IMMUNITY FROM LIABILITY.] Any physician or other medical personnel administering a toxicology test to determine the presence of a controlled substance in a pregnant woman or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test, if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice.

ARTICLE 3

PREVENTION, TREATMENT, EDUCATION, AND REHABILITATION PROGRAMS

Section 1. [241.81] [PILOT PROBATION PROGRAMS FOR DRUG OFFENDERS.]

The commissioner of corrections, in consultation with the commissioner

of public safety, shall establish and assist in funding county pilot programs to conduct urine testing to detect the presence of controlled substances, during probation and supervised release of persons convicted of felonies under chapter 152. The commissioner shall establish guidelines for testing, information collection and evaluation, and total program costs. The commissioner shall develop guidelines regarding the appropriate sanctions for violating the conditions of probation and supervised release with respect to the use of controlled substances. The guidelines shall provide for revocation of supervised release upon detection of the presence of a Schedule I or II narcotic drug as defined in section 152.01, subdivision 10.

OFFICE OF DRUG POLICY

Sec. 2. [299A.29] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 2 to 8, the following terms have the meanings given them in this section.

Subd. 2. [DEMAND REDUCTION.] "Demand reduction" means an activity carried on by a drug program agency that is designed to reduce demands for drugs, including education, prevention, treatment, and rehabilitation programs.

Subd. 3. [DRUG.] "Drug" means a controlled substance as defined in section 152.01, subdivision 4.

Subd. 4. [DRUG PROGRAM AGENCY.] "Drug program agency" means an agency of the state, a political subdivision of the state, or the United States government that is involved in demand reduction or supply reduction.

Subd. 5. [SUPPLY REDUCTION.] "Supply reduction" means an activity carried on by a drug program agency that is designed to reduce the supply or use of drugs, including law enforcement, eradication, and prosecutorial activities.

Sec. 3. [299A.30] [OFFICE OF DRUG POLICY.]

Subdivision 1. [OFFICE; DIRECTOR.] The office of drug policy is an office in the department of public safety headed by an assistant commissioner appointed by the commissioner to serve in the unclassified service. The assistant commissioner may appoint other employees in the unclassified service. The assistant commissioner shall coordinate the activities of drug program agencies, gather and make available information on demand reduction and supply reduction throughout the state, foster cooperation among drug program agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of demand reduction and supply reduction.

Subd. 2. [DUTIES.] The assistant commissioner shall:

(1) after consultation with all drug program agencies operating in the state, develop a state drug strategy encompassing the efforts of those agencies and taking into account all money available for demand reduction and supply reduction, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of demand reduction and supply reduction during the preceding calendar year;

(3) assist appropriate professional and occupational organizations,

including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of demand reduction and supply reduction; and

(4) provide information and assistance to drug program agencies, both directly and by functioning as a clearinghouse for information from other drug program agencies.

Sec. 4. [299A.31] [DRUG ABUSE RESISTANCE EDUCATION PROGRAM.]

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.

Subd. 4. [AVAILABILITY OF PEACE OFFICER TRAINING.] The training described in subdivision 3 is available on a voluntary basis to local law enforcement agencies and school districts.

Subd. 5. [COORDINATION OF ACTIVITIES.] If the commissioner receives grant requests from more than one applicant for programs to be conducted in a single school district, the commissioner shall require the applicants to submit a plan for coordination of their training and programs.

Subd. 6. [REPORTS.] The commissioner may require grant recipients to account to the director at reasonable time intervals regarding the use of the grants and the training and programs provided.

Sec. 5. [299A.32] [LAW ENFORCEMENT AND COMMUNITY GRANTS.]

Subdivision 1. [GRANT PROGRAM.] (a) The commissioner shall develop grant programs to:

(1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs; and

(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs.

(b) The commissioner shall by rule prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Subd. 2. [ADVISORY TASK FORCE.] The commissioner shall appoint an advisory task force to assist in the selection and monitoring of grant recipients. The task force must include representatives of local governmental units, community or neighborhood organizations, and law enforcement agencies. The task force is governed by section 15.014, subdivision 2.

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, education, 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.*

Sec. 7. [299A.34] [OTHER DUTIES.]

The assistant commissioner assigned to the office of drug policy shall:

- (1) provide information and assistance upon request to school pre-assessment teams established under section 126.034 and school and community advisory teams established under section 126.035;*
- (2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152; and*
- (3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services.*

Sec. 8. [299A.35] [COOPERATION OF OTHER AGENCIES.]

State agencies and agencies and governing bodies of political subdivisions shall cooperate with the assistant commissioner assigned to the office of drug policy and shall provide any information requested by the assistant commissioner assigned to the office of drug policy.

Sec. 9. [299A.36] [CRIME VICTIMIZATION SURVEYS.]

Subdivision 1. [PURPOSE OF SURVEYS.] The commissioner shall conduct a statewide crime victimization survey every three years. Each survey shall compile information concerning:

- (1) the extent to which Minnesota citizens, households, and commercial establishments were victimized by crimes, whether completed or attempted;*
- (2) the characteristics of victims;*
- (3) the circumstances surrounding the criminal acts, such as the relationship between victim and offender;*
- (4) the characteristics of offenders;*
- (5) the extent of victim injuries;*
- (6) the economic consequences to victims;*
- (7) whether the use of drugs or alcohol was involved in the incident;*
- (8) the time and place of criminal acts;*
- (9) the use of weapons; and*
- (10) whether the incident was reported to police, and if not, the reasons for not doing so.*

Subd. 2. [CRIMES.] For purposes of the survey required by subdivision 1, "crime" means a felony crime of violence or crime against property. The commissioner shall develop a list of crimes to be included in the surveys, and may add any non-felony offense if the commissioner determines that including the offense will substantially increase the value of the surveys.

Subd. 3. [CONSULTANT.] The commissioner shall contract for each three-year survey with a qualified consultant who has demonstrated expertise in conducting crime victimization surveys.

Subd. 4. [REPORTS.] The commissioner shall report the survey results to the legislature every third year by January 1, beginning January 1, 1993.

Sec. 10. [299A.37] [SOFT BODY ARMOR REIMBURSEMENT.]

Subdivision 1. [DEFINITIONS.] As used in this section:

- (a) "Commissioner" means the commissioner of public safety.*
- (b) "Peace officer" means a person who is licensed under section 626.84, subdivision 1, paragraph (c).*
- (c) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and custom fitted to the peace officer to provide ballistic and trauma protection.*

Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement

of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-third of the vest's purchase price or \$165. The political subdivision that employs the peace officer shall pay at least the lesser of one-third of the vest's purchase price or \$165.

Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that either meet or exceed the requirements of standard 0101.01 of the National Institute of Justice in effect on December 30, 1986, or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

Subd. 4. [RULES.] The commissioner may adopt rules under chapter 14 to administer this section.

Subd 5. [LIMITATION OF LIABILITY.] A state agency, political subdivision of the state, or state or local government employee is not liable to a peace officer or the peace officer's heirs for the death of or injury to the peace officer resulting from a defect or deficiency in a vest for which reimbursement has been made under this section.

Subd. 6. [RIGHT TO BENEFITS UNAFFECTED.] A peace officer who suffers injury or death because that officer failed to wear a vest for which reimbursement was made under this section may not lose or be denied a benefit or right to which the officer, or the officer's heirs, is otherwise entitled. However, nothing in this section prevents a peace officer from being subjected to a disciplinary proceeding, if applicable, for failure to obey a lawful order of a superior officer requiring the peace officer to wear the vest.

Sec. 11. Minnesota Statutes 1988, section 388.14, is amended to read:
388.14 [CONTINGENT FUND; EXPENSES.]

The county board may set apart yearly a sum, not exceeding ~~\$5,000~~ \$7,500, except in counties containing cities of the first class, where the sum shall not exceed ~~\$7,500~~ \$10,000, as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, making contributions to a statewide county attorney's organization, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund.

Sec. 12. Minnesota Statutes 1988, section 609.115, is amended by adding a subdivision to read:

Subd. 8. [CHEMICAL USE ASSESSMENT REQUIRED.] (a) If a person is convicted of a felony that involved the sale or possession of a controlled substance, or in which the use of a controlled substance was a major contributing factor, the probation officer shall include in the report prepared under subdivision 1 a chemical use assessment of the defendant. The probation officer shall make an appointment for the defendant to undergo

the chemical use assessment as soon as possible.

(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. The assessment must be conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An assessor providing a chemical use assessment 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 probation officer 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.

(c) The commissioner of corrections shall reimburse the county for the costs associated with a chemical use assessment and report at a rate established by the department of human services up to a maximum of \$100 in each case.

Sec. 13. [INCARCERATION TASK FORCE.]

The incarceration task force consists of the commissioner of corrections or the commissioner's designee, the commissioner of public safety or the commissioner's designee, the attorney general or the attorney general's designee, one member appointed by the senate under the rules of the senate, one member appointed by the house of representatives under the rules of the house of representatives, and no more than 12 other members appointed by the governor, who must represent local governmental units and local law enforcement and corrections agencies. The commissioner of corrections or the commissioner's designee shall serve as the chair. The task force shall study the availability of space in state and local correctional facilities and shall develop a plan to make more space available for long-term inmates, convicted of drug offenses or violent crimes, in state facilities by housing other offenders in local facilities or by use of other sentencing options. The task force shall also study, evaluate, and recommend improvements to existing literacy, educational, and vocational training programs, as well as work opportunities, private employment opportunities, and job placement programs. The task force report must be submitted to the legislature by January 15, 1990. The task force ceases to exist upon the submission of its report. The task force is governed by section 15.014, subdivision 2.

Sec. 14. [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.

Sec. 15. [TRANSFER OF DRUG PREVENTION PROGRAM.]

Responsibility to administer the federal Anti-Drug Abuse Act in Minnesota is transferred under Minnesota Statutes, section 15.039, from the

commissioner of state planning to the commissioner of public safety.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 8 and 15 are effective the day following final enactment. Section 12 is effective August 1, 1989, and applies to proceedings commenced on or after that date.

ARTICLE 4

SEX OFFENDERS

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

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

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

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

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

(b) The commissioner shall provide for residential and outpatient sex offender treatment and aftercare when required for conditional release under section 11 or as a condition of supervised release.

Subd. 4. [PROGRAMS FOR JUVENILE OFFENDERS COMMITTED TO THE COMMISSIONER.] The commissioner shall provide for sex offender treatment programs for juveniles committed to the commissioner by the courts under section 260.185, as provided under section 2.

Subd. 5. [PILOT PROGRAMS TO INCREASE ADULT AND JUVENILE SEX OFFENDER TREATMENT.] (a) The commissioner shall designate three or more pilot programs to increase sex offender treatment for:

(1) adults convicted of a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.746, 609.79, 617.23, 617.246, or 617.247 who are sentenced by the court to incarceration in a local correctional facility or to sex offender treatment as a condition of probation; and

(2) juveniles found delinquent or receiving a stay of adjudication for a violation of one of those sections for whom the juvenile court has ordered sex offender treatment.

(b) At least one pilot program must be in the seven-county metropolitan area, at least one program must be outside the seven-county metropolitan area, at least one program must be in a community corrections act county, and at least one program must be in a noncommunity corrections act county.

(c) A public human services or community corrections agency may apply to the commissioner for a pilot program grant. The application must be submitted in a form approved by the commissioner and must include:

(1) a proposal to increase treatment availability for sex offenders sentenced by the district court in the county;

(2) evidence of participation by local correctional, human services, court, and treatment professionals in identifying the current treatment funding level in the county and unmet sex offender treatment needs; and

(3) any other content the commissioner may require.

The commissioner may appoint an advisory task force to assist in the review of applications and the award of grants.

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

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

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

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

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

and private residential and outpatient juvenile sex offender treatment programs.

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

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

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

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

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

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

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

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

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

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

Subdivision 1. [REDUCTION OF SENTENCE.] Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, the term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate, *except that the period of supervised release for a sex offender sentenced and conditionally released by the commissioner under section 11, subdivision 5, is governed by that provision.*

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

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

Subdivision 1. [SUPERVISED RELEASE REQUIRED.] Except as provided in subdivisions 4 and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. *Except for a sex offender conditionally released under section 11, subdivision 5, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.*

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

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

- (1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or
- (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate period of time.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, *except that for a sex offender sentenced and conditionally released under section 11, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the original sentence imposed less good time earned under section 244.04, subdivision 1.*

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

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

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

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

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

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

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

Sec. 7. Minnesota Statutes 1988, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision paragraph (b) or (c), the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so.

(b) Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

(c) Court jurisdiction over an individual found to have committed or attempted to commit an act in violation of section 609.342, 609.343, 609.344, or 609.345 continues until the individual becomes 21 years of age, if the court determines at the original disposition hearing that continued jurisdiction will facilitate the juvenile's completion of a treatment or aftercare program.

Sec. 8. Minnesota Statutes 1988, section 260.185, subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or the parents, guardian, or custodian;

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

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential

facility pursuant to sections 245.781 to 245.812; or

(4) ~~Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d),~~ A county home school, if the county maintains a home school or enters into an agreement with a county home school; or

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

(d) ~~Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d),~~ Transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) If the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

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

If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342, 609.343, 609.344, or 609.345, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

~~This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.~~

Sec. 9. [299C.155] [STANDARDIZED EVIDENCE COLLECTION; DNA

ANALYSIS DATA AND RECORDS.]

Subdivision 1. [DEFINITION.] As used in this section, "DNA analysis" means the process through which deoxyribonucleic acid (DNA) in a human biological specimen is analyzed and compared with DNA from another human biological specimen for identification purposes.

Subd. 2. [UNIFORM EVIDENCE COLLECTION.] The bureau shall develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct, including procedures and protocols for the collection and preservation of human biological specimens for DNA analysis. Law enforcement agencies and medical personnel who conduct evidentiary exams shall use the uniform procedures and protocols in their investigation of criminal sexual conduct offenses.

Subd. 3. [DNA ANALYSIS AND DATA BANK.] The bureau shall adopt uniform procedures and protocols to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis.

Subd. 4. [RECORDS.] The bureau shall perform DNA analysis and make data obtained available to law enforcement officials in connection with criminal investigations in which human biological specimens have been recovered. Upon request, the bureau shall also make the data available to the prosecutor and the subject of the data in any subsequent criminal prosecution of the subject.

Sec. 10. [609.1351] [PETITION FOR CIVIL COMMITMENT.]

When a court sentences a person under section 11, 609.342, 609.343, 609.344, or 609.345, the court shall make a preliminary determination whether in the court's opinion a petition under section 526.10 may be appropriate. If the court determines that a petition may be appropriate, the court shall forward its preliminary determination along with supporting documentation to the county attorney. If the person is subsequently committed under section 526.10, the person shall be committed to the commissioner of corrections to serve the sentence imposed before being transferred by the commissioner of corrections to a state hospital designated by the commissioner of human services.

Sec. 11. [609.1352] [PATTERNED SEX OFFENDERS; SPECIAL SENTENCING PROVISION.]

Subdivision 1. [SENTENCING AUTHORITY.] A court may sentence a person to a term of imprisonment of not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, to a term of imprisonment equal to the statutory maximum, if:

(1) the court is imposing an executed sentence, based on a sentencing guidelines presumptive imprisonment sentence or a dispositional departure for aggravating circumstances or a mandatory minimum sentence, on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, or 609.345, or on a person convicted of committing or attempting to commit any other crime listed in subdivision 2 if it reasonably appears to the court that the crime was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal;

(2) the court finds that the offender is a danger to public safety; and

(3) *the court finds that the offender needs long-term treatment or supervision beyond the presumptive term of imprisonment and supervised release. The finding must be based on a professional assessment by an examiner experienced in evaluating sex offenders that concludes that the offender is a patterned sex offender. The assessment must contain the facts upon which the conclusion is based, with reference to the offense history of the offender or the severity of the current offense, the social history of the offender, and the results of an examination of the offender's mental status. The conclusion may not be based on testing alone. A patterned sex offender is one whose criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term controls.*

Subd. 2. [PREDATORY CRIME.] A predatory crime is a felony violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.24, 609.245, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.365, 609.498, or 609.582, subdivision 1, or a violation of section 609.224.

Subd. 3. [DANGER TO PUBLIC SAFETY.] The court shall base its finding that the offender is a danger to public safety on either of the following factors:

(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines; or

(2) the offender previously committed or attempted to commit a predatory crime, including an offense committed as a juvenile that would have been a predatory crime if committed by an adult.

Subd. 4. [DEPARTURE FROM GUIDELINES.] A sentence imposed under subdivision 1 is a departure from the sentencing guidelines.

Subd. 5. [CONDITIONAL RELEASE.] At the time of sentencing under subdivision 1, the court may provide that after the offender has completed one-half of the full pronounced sentence imposed, without regard to good time, the commissioner of corrections may place the offender on conditional release for the remainder of the statutory maximum period or for ten years, whichever is longer, if the commissioner finds that:

(1) the offender is amenable to treatment and has made sufficient progress in a sex offender treatment program available in prison to be released to a sex offender treatment program operated by the department of human services or a community sex offender treatment and reentry program; and

(2) the offender has been accepted in a program approved by the commissioner that provides treatment, aftercare, and phased reentry into the community.

The conditions of release must include successful completion of treatment and aftercare in a program approved by the commissioner and any other conditions the commissioner considers appropriate. Release may be revoked and the stayed sentence executed in its entirety less good time if the offender fails to meet any condition of release. The commissioner shall not dismiss the offender from supervision before the sentence expires.

Conditional release granted under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.

Subd. 6. [COMMISSIONER OF CORRECTIONS.] The commissioner shall pay the cost of treatment of a person released under subdivision 5. This section does not require the commissioner to accept or retain an offender in a treatment program.

Sec. 12. Minnesota Statutes 1988, section 609.341, subdivision 11, is amended to read:

Subd. 11. (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to ~~(j)~~ (k), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or the use of a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts; or

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

Sec. 13. Minnesota Statutes 1988, section 609.342, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~20~~ 25 years or to a payment of a fine of not more than ~~\$35,000~~ \$40,000, or both.

Sec. 14. Minnesota Statutes 1988, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~15~~ 20 years or to a payment of a fine of not more than ~~\$30,000~~ \$35,000, or both.

Sec. 15. Minnesota Statutes 1988, section 609.344, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to a payment

of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 16. Minnesota Statutes 1988, section 609.345, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~five~~ ten years or to a payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

Sec. 17. Minnesota Statutes 1988, section 609.346, subdivision 2, is amended to read:

Subd. 2. [SUBSEQUENT SEX OFFENSE; PENALTY.] *Except as provided in section 19, if a person is convicted of a second or subsequent offense under sections 609.342 to 609.345, within 15 years of the prior a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135. The court may stay the execution of the sentence imposed under this section subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; and (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.*

Sec. 18. Minnesota Statutes 1988, section 609.346, is amended by adding a subdivision to read:

Subd. 2a. [MAXIMUM SENTENCE IMPOSED.] (a) The court shall sentence a person to a term of imprisonment of the statutory maximum sentence under section 609.342 for criminal sexual conduct in the first degree, if:

(1) the person is convicted under section 609.342, 609.343, or 609.344; and

(2) the person has two previous sex offense convictions.

(b) Notwithstanding sections 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; and subdivision 2, the court may not stay imposition of the sentence required by this subdivision.

Sec. 19. Minnesota Statutes 1988, section 609.346, subdivision 3, is amended to read:

Subd. 3. [PRIOR PREVIOUS SEX OFFENSE CONVICTIONS UNDER SIMILAR STATUTES.] For the purposes of this section, ~~an offense a conviction~~ is considered a ~~second or subsequent~~ previous sex offense conviction if ~~conviction of the actor for the offense follows or coincides with a conviction of the actor under~~ person was convicted of a sex offense, before the commission of the present offense of conviction. A person has two previous sex offense convictions if the person was convicted and sentenced for a sex offense committed after the person was earlier convicted and sentenced for a sex offense, and both convictions preceded the commission of the present offense of conviction. A "sex offense" is a violation

of sections 609.342 to 609.345 or under any similar statute of the United States, or this or any other state.

Sec. 20. [609.3461] [DNA ANALYSIS OF SEX OFFENDERS REQUIRED.]

When a court sentences a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or the juvenile court adjudicates a person a delinquent child for violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in section 9. The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 9. If a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, and committed to the custody of the commissioner of corrections for a term of imprisonment has not provided a biological specimen for the purpose of DNA analysis, the commissioner of corrections or local corrections authority shall order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Sec. 21. Minnesota Statutes 1988, section 628.26, is amended to read:
628.26 [LIMITATIONS.]

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within two years after the offense was reported to law enforcement authorities, but in no event may an indictment or complaint be found or made after the victim attains the age of 25 years.

(d) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(f) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of

the offense; but the time during which the defendant shall not be an inhabitant of, or usually resident within, this state, shall not constitute any part of the limitations imposed by this section.

Sec. 22. [634.25] [ADMISSIBILITY OF RESULTS OF DNA ANALYSIS.]

In a civil or criminal trial or hearing, the results of DNA analysis, as defined in section 9, are admissible in evidence without antecedent expert testimony that DNA analysis provides a trustworthy and reliable method of identifying characteristics in an individual's genetic material upon a showing that the offered testimony meets the standards for admissibility set forth in the Rules of Evidence.

Sec. 23. [634.26] [STATISTICAL PROBABILITY EVIDENCE.]

In a civil or criminal trial or hearing, statistical population frequency evidence, based on genetic or blood test results, is admissible to demonstrate the fraction of the population that would have the same combination of genetic markers as was found in a specific human biological specimen. "Genetic marker" means the various blood types or DNA types that an individual may possess.

Sec. 24. [CHILD PROTECTION SYSTEM STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A child protection system study commission is created consisting of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the senate subcommittee on committees. The commission shall select from its membership a chair or co-chairs and other officers it considers necessary.

Subd. 2. [STUDIES.] The commission shall study:

(1) the current structure and operation of the child protection system at the state and county level;

(2) the current operation of the child abuse reporting act;

(3) the ways in which the child protection system can provide more effective intervention and prevention services for sexually aggressive and sexually abused children; and

(4) other ways in which the child protection system and the child abuse reporting act can be improved.

Subd. 3. [REPORT.] The commission shall report to the legislature on its findings and recommendations not later than February 15, 1990, and ceases to function after that date.

Subd. 4. [COMPENSATION.] Members of the commission must be compensated in the same manner as for other legislative meetings.

Sec. 25. [EVALUATION OF SEX OFFENDER TREATMENT FUNDING.]

Subdivision 1. [EVALUATION.] The commissioner of corrections and the commissioner of human services shall evaluate funding mechanisms for existing sex offender treatment programs. The commissioners must evaluate the funding of sex offender treatment programs for adults and juveniles and make findings concerning:

(1) the extent to which sex offender treatment programs are used on a statewide basis; and

(2) *the effectiveness and adequacy of existing funding mechanisms.*

Subd. 2. [PILOT PROGRAM EVALUATION.] The commissioner of corrections and the commissioner of human services shall evaluate the pilot programs designated under section 1, subdivision 5, and include an analysis of the programs in the report required under this section.

Subd. 3. [REPORT.] The commissioner of corrections and the commissioner of human services shall report to the legislature by January 1, 1991, their findings and recommendations to improve funding equity and state-wide availability of treatment programs, including recommendations to increase funding.

Sec. 26. [PRELIMINARY REPORT ON SEX OFFENDER RECIDIVISM.]

The sentencing guidelines commission shall prepare a preliminary plan to coordinate the collection of data under section 6. The commission must report its preliminary plan to the judiciary committees of the senate and the house of representatives by January 15, 1991. The report must include the elements of the commission's plan to coordinate the collection and analysis of data on recidivism rates of sex offenders required by section 6, and any legislative action necessary to facilitate the plan.

Sec. 27. [EFFECTIVE DATE.]

Sections 1 to 10, 22, and 23 are effective August 1, 1989. Sections 12 to 20 are effective August 1, 1989, and apply to crimes committed on or after that date. Section 11 is effective August 1, 1989, and applies to crimes committed on or after that date, but a court may consider acts committed before the effective date in determining whether an offender is a danger to public safety under section 11, subdivision 3. Section 21 is effective August 1, 1989, and applies to crimes committed on or after that date, and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 1989.

ARTICLE 5

SENTENCING PROVISIONS

Section 1. Minnesota Statutes 1988, section 243.18, is amended to read: 243.18 [DIMINUTION OF SENTENCE.]

Subdivision 1. [GOOD TIME.] Every inmate sentenced for any term other than life, confined in a state adult correctional facility or on parole therefrom, may diminish the term of sentence one day for each two days during which the inmate has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the inmate, may afterwards restore the inmate, in whole or in part, to the standing the inmate possessed before such good time was taken away.

Subd. 2. [WORK REQUIRED.] An inmate for whom a work assignment is available may not earn good time under subdivision 1 for any day on which the inmate does not perform the work assignment. The commissioner may excuse an inmate from work only for illness, physical disability, or to participate in an education or treatment program.

Sec. 2. Minnesota Statutes 1988, section 244.05, subdivision 4, is amended

to read:

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence shall not be given supervised release under this section without having served a minimum term of imprisonment of ~~47~~ 25 years.

Sec. 3. Minnesota Statutes 1988, section 244.09, subdivision 5, is amended to read:

Subd. 5. The commission shall, on or before January 1, 1980, promulgate sentencing guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

(1) The circumstances under which imprisonment of an offender is proper; and

(2) A presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines may provide for an increase or decrease of up to 15 percent in the presumptive, fixed sentence.

The sentencing guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and nonresidential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

In establishing *and modifying* the sentencing guidelines, the commission shall take into substantial consideration *public safety*, current sentencing and release practices, and correctional resources, including but not limited to the capacities of local and state correctional facilities.

The provisions of sections 14.01 to 14.69 do not apply to the promulgation of the sentencing guidelines, and the sentencing guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, on or before January 1, 1986, the commission shall adopt rules pursuant to sections 14.01 to 14.69 which establish procedures for the promulgation of the sentencing guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the legislative commission to review administrative rules.

Sec. 4. [609.152] [INCREASED SENTENCES FOR CERTAIN DANGEROUS AND CAREER OFFENDERS.]

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

(b) "Prior conviction" means any of the following accepted and recorded by the court: a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court, that occurred before the offense for which the person is being sentenced under this section. The term includes a conviction by any court in Minnesota or another jurisdiction.

(c) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: section 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum term of imprisonment greater than ten years.

Subd. 2. [INCREASED SENTENCES; DANGEROUS OFFENDERS.] Whenever a person is convicted of a violent crime, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the offender was at least 18 years old at the time the felony was committed, and the judge finds that the circumstances in clauses (1) and (2) exist:

(1) the offender has either (i) two or more prior convictions for violent crimes, or (ii) one prior conviction for a violent crime and three or more prior convictions for felonies that are not violent crimes; and

(2) the court finds that the offender is a danger to public safety and specifies on the record the basis for the finding, which may include:

(i) the offender's past criminal behavior, such as the offender's high frequency rate of criminal activity or juvenile adjudications, long involvement in criminal activity including juvenile adjudications, or commission of an offense resulting in a prior conviction that involved an aggravating factor that would justify a departure under the sentencing guidelines; or

(ii) the fact that the present offense of conviction involved an aggravating factor that would justify a departure under the sentencing guidelines.

Subd. 3. [INCREASED SENTENCES; CAREER OFFENDERS.] Whenever a person is convicted of a felony, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the judge finds and specifies on the record that the circumstances in either clause (1) or (2) exist:

(1) the offender was convicted of a felony that was committed as part of a pattern of criminal conduct from which a substantial portion of the offender's income was derived, and the offender has three or more prior felony convictions; or

(2) the offender has more than six prior felony convictions.

Sec. 5. [SENTENCING GUIDELINES MODIFICATIONS.]

Subdivision 1. [EARLIER EFFECTIVE DATE FOR INCREASED SENTENCES FOR VIOLENT CRIME.] The increases in presumptive sentences for severity levels VII and VIII of the sentencing guidelines grid, adopted by the sentencing guidelines commission on December 15, 1988, apply to crimes committed on or after the effective date of this section.

Subd. 2. [EARLIER EFFECTIVE DATE FOR INCREASED CRIMINAL HISTORY POINTS FOR SERIOUS OFFENDERS.] The modifications in the weight assigned for each prior felony conviction in the severity levels VI, VII, VIII, IX, and X, and for first degree murder, for purposes of computing a defendant's criminal history score, adopted by the sentencing guidelines commission on December 15, 1988, apply to crimes committed

on or after the effective date of this section.

Subd. 3. [EFFECTIVE DATE OF MODIFICATIONS.] All modifications adopted by the sentencing guidelines commission on December 15, 1988, apply to crimes committed on or after the effective date of this section.

Sec. 6. [EFFECTIVE DATE.]

Sections 2 and 4 are effective August 1, 1989, and apply to crimes committed on or after that date. Section 5 is effective June 15, 1989.

ARTICLE 6

PENALTY INCREASES

Section 1. Minnesota Statutes 1988, section 169.09, subdivision 14, is amended to read:

Subd. 14. [PENALTIES.] (a) The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:

(1) if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both;

(2) if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both; or

(3) if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.

(b) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ~~one year and one day~~ *two years*, or to payment of a fine of not more than ~~\$3,000~~ *\$4,000*, or both; or

(3) if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(d) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

(e) Any person who violates subdivision 2, 3, clause (a), 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 2. Minnesota Statutes 1988, section 297D.09, subdivision 1a, is amended to read:

Subd. 1a. [CRIMINAL PENALTY; SALE WITHOUT AFFIXED STAMPS.] In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than ~~five~~ *seven* years or to payment of a fine of not more than ~~\$10,000~~ *\$14,000*, or both.

Sec. 3. Minnesota Statutes 1988, section 299F80, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 2, whoever possesses explosives without a valid license or permit may be sentenced to imprisonment for not more than ~~three~~ *five* years.

Sec. 4. Minnesota Statutes 1988, section 325D.56, subdivision 2, is amended to read:

Subd. 2. Any person who is found to have willfully committed any of the acts enumerated in section 325D.53 shall be guilty of a felony and subject to a fine of not more than \$50,000 or imprisonment in the state penitentiary for not more than ~~five~~ *seven* years, or both.

Sec. 5. Minnesota Statutes 1988, section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]

A person who causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than ~~seven~~ *ten* years or to payment of a fine of not more than ~~\$14,000~~ *\$20,000*, or both:

(1) by the person's culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) by shooting another with a firearm or other dangerous weapon as a result of negligently believing the other to be a deer or other animal; or

(3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined.

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

Sec. 6. Minnesota Statutes 1988, section 609.21, subdivision 1, is amended to read:

Subdivision 1. [RESULTING IN DEATH.] Whoever causes the death of a human being not constituting murder or manslaughter as a result of

operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more,

is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than ~~five~~ *ten* years or to payment of a fine of not more than ~~\$10,000~~ *\$20,000*, or both.

Sec. 7. Minnesota Statutes 1988, section 609.21, subdivision 2, is amended to read:

Subd. 2. [RESULTING IN INJURY.] Whoever causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more,

is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than ~~three~~ *five* years or the payment of a fine of not more than ~~\$5,000~~ *\$10,000*, or both.

Sec. 8. Minnesota Statutes 1988, section 609.221, is amended to read:

609.221 [ASSAULT IN THE FIRST DEGREE.]

Whoever assaults another and inflicts great bodily harm may be sentenced to imprisonment for not more than ~~ten~~ *20* years or to payment of a fine of not more than ~~\$20,000~~ *\$30,000*, or both.

Sec. 9. Minnesota Statutes 1988, section 609.222, is amended to read:

609.222 [ASSAULT IN THE SECOND DEGREE.]

Whoever assaults another with a dangerous weapon may be sentenced to imprisonment for not more than ~~five~~ *seven* years or to payment of a fine of not more than ~~\$10,000~~ *\$14,000*, or both.

Sec. 10. Minnesota Statutes 1988, section 609.223, is amended to read:

609.223 [ASSAULT IN THE THIRD DEGREE.]

Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment for not more than ~~three~~ *five* years or to payment of a fine of not more than ~~\$5,000~~ *\$10,000*, or both.

Sec. 11. Minnesota Statutes 1988, section 609.2231, subdivision 1, is amended to read:

Subdivision 1. [PEACE OFFICERS.] Whoever assaults a peace officer licensed under section 626.845, subdivision 1, when that officer is effecting

a lawful arrest or executing any other duty imposed by law and inflicts demonstrable bodily harm is guilty of a felony and may be sentenced to imprisonment for not more than ~~one year and a day~~ *two years* or to payment of a fine of not more than ~~\$3,000~~ *\$4,000*, or both.

Sec. 12. Minnesota Statutes 1988, section 609.255, subdivision 3, is amended to read:

Subd. 3. [UNREASONABLE RESTRAINT OF CHILDREN.] A parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under the circumstances, is guilty of unreasonable restraint of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the confinement or restraint results in substantial bodily harm, that person may be sentenced to imprisonment for not more than ~~three~~ *five* years or to payment of not more than ~~\$5,000~~ *\$10,000*, or both.

Sec. 13. Minnesota Statutes 1988, section 609.2665, is amended to read:

609.2665 [MANSLAUGHTER OF AN UNBORN CHILD IN THE SECOND DEGREE.]

A person who causes the death of an unborn child by any of the following means is guilty of manslaughter of an unborn child in the second degree and may be sentenced to imprisonment for not more than ~~seven~~ *ten* years or to payment of a fine of not more than ~~\$14,000~~ *\$20,000*, or both:

(1) by the actor's culpable negligence whereby the actor creates an unreasonable risk and consciously takes chances of causing death or great bodily harm to an unborn child or a person;

(2) by shooting the mother of the unborn child with a firearm or other dangerous weapon as a result of negligently believing her to be a deer or other animal;

(3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined.

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the mother of the unborn child provoked the animal to cause the unborn child's death.

Sec. 14. Minnesota Statutes 1988, section 609.267, is amended to read:

609.267 [ASSAULT OF AN UNBORN CHILD IN THE FIRST DEGREE.]

Whoever assaults a pregnant woman and inflicts great bodily harm on an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than ~~ten~~ *15* years or to payment of a fine of not more than ~~\$20,000~~ *\$30,000*, or both.

Sec. 15. Minnesota Statutes 1988, section 609.323, subdivision 1, is amended to read:

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 13 years, may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 16. Minnesota Statutes 1988, section 609.377, is amended to read:
609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 17. Minnesota Statutes 1988, section 609.445, is amended to read:
609.445 [FAILURE TO PAY OVER STATE FUNDS.]

Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 18. Minnesota Statutes 1988, section 609.48, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section may be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for not more than ~~five~~ seven years or to payment of a fine of not more than ~~\$10,000~~ \$14,000, or both; or

(2) In all other cases, to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 19. Minnesota Statutes 1988, section 609.487, subdivision 4, is amended to read:

Subd. 4. [FLEEING AN OFFICER; DEATH; BODILY INJURY.] Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than the perpetrator may be sentenced to imprisonment as follows:

(a) If the course of fleeing results in death, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both; or

(b) If the course of fleeing results in great bodily harm, to imprisonment for not more than ~~five~~ seven years or to payment of a fine of not more than

~~\$10,000~~ \$14,000, or both; or

(c) If the course of fleeing results in substantial bodily harm, to imprisonment for not more than ~~three~~ *five* years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 20. Minnesota Statutes 1988, section 609.576, is amended to read:
609.576 [NEGLIGENT FIRES.]

Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:

(a) a human being is injured and great bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment of not more than ~~three~~ *five* years or to a fine of not more than ~~\$5,000~~ \$10,000, or both; or

(b) property of another is injured, thereby, is guilty of a crime and may be sentenced as follows:

(1) to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the value of the property damage is under \$300;

(2) to imprisonment for not more than one year, or to a fine of \$3,000 or both, if the value of the property damaged is at least \$300 but is less than \$10,000;

(3) to imprisonment for not less than 90 days nor more than three years, or to a fine of not more than \$5,000, or both, if the value of the property damaged is \$10,000 or more.

Sec. 21. Minnesota Statutes 1988, section 609.62, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever, with intent to defraud, does any of the following may be sentenced to imprisonment for not more than ~~two~~ *three* years or to payment of a fine of not more than ~~\$4,000~~ \$6,000, or both:

(1) Conceals, removes, or transfers any personal property in which the actor knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

Sec. 22. Minnesota Statutes 1988, section 609.86, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits commercial bribery may be sentenced as follows:

(1) To imprisonment for not more than ~~three~~ *five* years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both, if the value of the benefit, consideration, compensation or reward is greater than \$500;

(2) In all other cases where the value of the benefit, consideration, compensation or reward is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700; provided, however, in any prosecution of the value of the benefit, consideration, compensation or reward received by the defendant within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are

committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed, or all of the offenses aggregated under this clause.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 22 are effective August 1, 1989, and apply to crimes committed on or after that date.

ARTICLE 7

MISCELLANEOUS CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 1988, section 609.52, is amended to read:
609.52 [THEFT.]

Subdivision 1. [DEFINITIONS.] In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any trade secret represented by the article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which the owner has suffered by reason of losing an advantage over those who do not know of or use the trade secret. For a theft committed within the meaning of subdivision 2, clause (5), (a) and (b), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing, or sketch made of or from an article while in the presence of the article.

(8) "Property of another" includes property in which the actor is coowner or has a lien, pledge, bailment, or lease or other subordinate interest, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, setoff, or counterclaim.

(9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services, telecommunication services, and the supplying of equipment for use.

(10) "*Motor vehicle*" means a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air.

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property; or

(2) having a legal interest in movable property, intentionally and without consent, takes the property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) obtains for the actor or another the possession, custody or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) the issuance of a check, draft, or order for the payment of money, except a forged check as defined in section 609.631, or the delivery of property knowing that the actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) a promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) the preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) by swindling, whether by artifice, trick, device, or any other means, obtains property or services from another person; or

(5) intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner; or

(b) the actor pledges or otherwise attempts to subject the property to an adverse claim; or

(c) the actor intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to the finder's own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to the owner; or

(7) intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to the actor's own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to the actor's own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to the defendant from a source other than the owner of the trade secret; or

(9) leases or rents personal property under a written instrument and who with intent to place the property beyond the control of the lessor conceals or aids or abets the concealment of the property or any part thereof, or any lessee of the property who sells, conveys, or encumbers the property or any part thereof without the written consent of the lessor, without informing the person to whom the lessee sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining the property or fails or refuses to return the property to lessor within five days after written demand for the return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to the person at the address for the person set forth in the lease or rental agreement, or, in the absence of the address, to the person's last known place of residence; or

(10) alters, removes, or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes, or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal, or obliteration; or

(11) with the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive, or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video rerecording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law Number 94-553, section 107; or

(13) except as provided in paragraphs (12) and (14), obtains the services of another with the intention of receiving those services without making the agreed or reasonably expected payment of money or other consideration; or

(14) intentionally deprives another of a lawful charge for telecommunications service by:

(i) making, using, or attempting to make or use an unauthorized connection whether physical, electrical, by wire, microwave, radio or other means to a component of a local telecommunication system as provided in chapter 237; or

(ii) attaching an unauthorized device to a cable, wire, microwave, radio, or other component of a local telecommunication system as provided in chapter 237.

The existence of an unauthorized connection is prima facie evidence that the occupier of the premises:

(i) made or was aware of the connection; and

(ii) was aware that the connection was unauthorized; or

(15) with intent to defraud, diverts corporate property other than in accordance with general business purposes or for purposes other than those specified in the corporation's articles of incorporation; or

(16) with intent to defraud, authorizes or causes a corporation to make a distribution in violation of section 302A.551, or any other state law in conformity with it; or

(17) intentionally takes or drives a motor vehicle without the consent of the owner or an authorized agent of the owner.

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the value of the property or services

stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds \$2,500, or if the property stolen was *an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule 1 or 2 pursuant to section 152.02 with the exception of marijuana*; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) the value of the property or services stolen is more than \$500 but not more than \$2,500; or

(b) the property stolen was a controlled substance listed in schedule 3, 4, or 5 pursuant to section 152.02; or

(c) the value of the property or services stolen is more than \$200 but not more than \$500 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.18, subdivision 3; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

~~(4) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, notwithstanding~~

~~(d) the value of the property or services stolen is not more than \$200, if \$500, and any of the following circumstances exist:~~

~~(a) (i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or~~

~~(b) (ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or~~

~~(c) (iii) the property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or~~

~~(d) (iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or~~

~~(e) (v) the property is a firearm; or~~

~~(f) (vi) the property stolen was is a motor vehicle as defined in section 609.55; or~~

~~(5) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or~~

~~(6) (4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than \$200 but not more than \$500; or~~

(7) (5) in all other cases where the value of the property or services stolen is \$200 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, provided, however, in any prosecution under subdivision 2. clauses (1), (2), (3), (4), and (13), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 2. [609.526] [PRECIOUS METAL DEALERS; RECEIVING STOLEN PROPERTY.]

Any precious metal dealer as defined in section 325F731, subdivision 2, or any person employed by a precious metal dealer as defined in section 325F731, subdivision 2, who receives, possesses, transfers, buys, or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:

(1) if the value of the property received, bought, or concealed is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;

(2) if the value of the property received, bought, or concealed is less than \$1,000 but more than \$300, to imprisonment for not more than five years or to payment of a fine of not more than \$40,000, or both;

(3) if the value of the property received, bought, or concealed is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Any person convicted of violating this section a second or subsequent time within a period of one year may be sentenced as provided in clause (1).

Sec. 3. Minnesota Statutes 1988, section 609.53, subdivision 1, is amended to read:

Subdivision 1. [PENALTY.] *Except as otherwise provided in section 2, any person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:*

(1) if the value of the property is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both;

(2) if the value of the property is less than \$1,000, but more than \$300, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(3) if the value of the property is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both;

(4) notwithstanding the value of the property, if the property is a firearm, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both in accordance with the provisions of section

609.52, subdivision 3.

Sec. 4. Minnesota Statutes 1988, section 609.53, subdivision 4, is amended to read:

Subd. 4. [CIVIL ACTION; TREBLE DAMAGES.] Any person who has been injured by a violation of ~~subdivisions~~ *subdivision 1 or 3* section 2 may bring an action for three times the amount of actual damages; sustained by the plaintiff or \$1,500, whichever is greater, and the costs of suit and reasonable attorney's fees.

Sec. 5. [609.546] [MOTOR VEHICLE TAMPERING.]

A person is guilty of a misdemeanor who intentionally:

(1) rides in or on a motor vehicle knowing that the vehicle was taken and is being driven by another without the owner's permission; or

(2) tampers with or enters into or on a motor vehicle without the owner's permission.

Sec. 6. Minnesota Statutes 1988, section 609.631, subdivision 2, is amended to read:

Subd. 2. [CHECK FORGERY; ELEMENTS.] A person ~~who~~, *is guilty of check forgery and may be sentenced under subdivision 4 if the person, with intent to defraud, does any of the following:*

(1) falsely makes or alters a check so that it purports to have been made by another or by the maker under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give authority; is guilty of check forgery and may be sentenced as provided in subdivision 4; or

(2) falsely endorses or alters a check so that it purports to have been endorsed by another.

Sec. 7. Laws 1989, chapter 5, section 3, is amended to read:

Sec. 3. [609.396] [UNAUTHORIZED PRESENCE AT CAMP RIPLEY.]

Subdivision 1. [MISDEMEANOR.] A person is guilty of a misdemeanor if the person intentionally and without authorization of the adjutant general enters or is present on the Camp Ripley military reservation.

Subd. 2. [FELONY.] A person is guilty of a felony and may be sentenced to not more than five years imprisonment or to payment of a fine of not more than \$10,000, or both, if:

(1) the person intentionally enters or is present ~~without authorization of the adjutant general~~ in an area at the Camp Ripley military reservation that is posted by order of the adjutant general as restricted for weapon firing or other hazardous military activity; and

(2) the person knows that doing so creates a risk of death, bodily harm, or serious property damage.

Sec. 8. [INSTRUCTION TO REVISOR; REFERENCE CHANGE.]

The revisor of statutes shall change the reference to Minnesota Statutes, section 609.55, subdivision 1, in section 609.605, subdivision 1, clause (10), to section 609.52, subdivision 1, clause (10).

Sec. 9. [REPEALER.]

Minnesota Statutes 1988, sections 609.53, subdivisions 1a, 3, and 3a, is repealed. Minnesota Statutes 1988, section 609.55, as amended by Laws 1989, chapter 5, sections 5, 6, and 7, is repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective August 1, 1989, and apply to crimes committed on or after that date.

ARTICLE 8

APPROPRIATIONS

Section 1. [APPROPRIATION.]

\$14,760,000 is appropriated from the state building fund to the commissioner of administration to remodel and construct facilities at regional treatment centers to accommodate an increased number of prisoners.

To provide the money appropriated in this section from the state building fund, the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to \$14,760,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 2. [COMMISSIONER OF CORRECTIONS.]

Subdivision 1. [CORRECTIONAL INSTITUTIONS.] (a) \$17,800,000 is appropriated from the general fund to the commissioner of corrections for the operation of correctional institutions. Of this amount, \$6,500,000 is available for the fiscal year ending June 30, 1990, and \$8,300,000 is available for the fiscal year ending June 30, 1991; and \$3,000,000 is available, along with the necessary complement, with the approval of the governor after consulting the legislative advisory commission, to establish an additional correctional facility if the capacity of existing facilities, including the new Faribault facility, is insufficient.

(b) \$3,600,000 is appropriated from the general fund to the commissioner of corrections to establish a correctional facility at Faribault, to be available until June 30, 1990.

Subd. 2. [SEXUAL ASSAULT COALITION.] \$75,000 each year of the biennium ending June 30, 1991, is appropriated from the general fund to the commissioner of corrections to award a grant to an existing statewide sexual assault coalition of sexual assault programs, providers, and agencies. Grant money may be used to promote the availability of services to all sexual assault victims throughout the state; to educate the general public and professionals in related fields about victimization issues through programs, publications, and the media; to provide training on issues of common concern to sexual assault service programs through conferences, workshops, and forums; and to offer an opportunity for providers, programs, and agencies to share expertise, experience, and knowledge about sexual assault issues.

Subd. 3. [SEX OFFENDER TREATMENT PROGRAMS.] \$400,000 is appropriated from the general fund to the commissioner of corrections to provide sex offender treatment programs in state adult correctional facilities. Of this amount, \$100,000 is available for the fiscal year ending June 30, 1990, and \$300,000 is available for the fiscal year ending June 30, 1991.

Subd. 4. [TREATMENT AND AFTERCARE.] \$600,000 is appropriated from the general fund to the commissioner of corrections for residential and outpatient sex offender treatment and aftercare when required for conditional release or as a condition of supervised release. Of this amount, \$300,000 is available for the fiscal year ending June 30, 1990, and \$300,000 is available for the fiscal year ending June 30, 1991.

Subd. 5. [PILOT PROGRAMS.] \$1,500,000 is appropriated from the general fund to the commissioner of corrections for pilot programs to increase funding for court-ordered sex offender treatment for juveniles and for sex offender treatment for adults sentenced by the court to local incarceration or probation in the community. Of this amount, \$500,000 is available for the fiscal year ending June 30, 1990, and \$1,000,000 is available for the fiscal year ending June 30, 1991.

Subd. 6. [PROBATIONARY DRUG TESTING.] \$300,000 is appropriated from the general fund to the commissioner of corrections for county pilot programs for probationary drug testing under article 3, section 1. Of this amount, \$150,000 is available for the fiscal year ending June 30, 1990, and \$150,000 is available for the fiscal year ending June 30, 1991.

Subd. 7. [CHEMICAL USE ASSESSMENTS.] \$100,000 is appropriated from the general fund to the commissioner of corrections to reimburse counties for the cost of chemical use assessments required under article 3, section 12. Of this amount, \$50,000 is available for the fiscal year ending June 30, 1990, and \$50,000 is available for the fiscal year ending June 30, 1991.

Subd. 8. [SUBSTANCE ABUSE TREATMENT.] \$125,000 is appropriated from the general fund to the commissioner of corrections to expand existing substance abuse treatment programs. Of this amount, \$62,500 is available for the fiscal year ending June 30, 1990, and \$62,500 is available for the fiscal year ending June 30, 1991.

Sec. 3. [HUMAN SERVICES.]

\$900,000 is appropriated from the general fund to the commissioner of human services to make grants to agencies providing chemical dependency treatment to pregnant women and mothers. Of this amount, \$300,000 is available for the fiscal year ending June 30, 1990, and \$600,000 is available for the fiscal year ending June 30, 1991.

Sec. 4. [PUBLIC SAFETY.]

Subdivision 1. [OFFICE OF DRUG POLICY.] \$281,977 is appropriated from the general fund to the commissioner of public safety for use by the office of drug policy in administering article 3, sections 2 to 8. Of this amount, \$149,282 is available for the fiscal year ending June 30, 1990, and \$132,695 is available for the fiscal year ending June 30, 1991.

Subd. 2. [GRANTS.] \$250,000 each year of the biennium ending June 30, 1991, is appropriated from the general fund to the commissioner of public safety for grant programs under article 3, sections 4 and 5. Of this amount, \$20,000 the first year and \$20,000 the second year is for administering the drug abuse resistance education grant programs under article 3, section 4; and \$20,000 the first year and \$20,000 the second year is for administering the community grant program under article 3, section 5.

Subd. 3. [DRUG ABUSE RESISTANCE EDUCATION TRAINING.]

\$200,000 is appropriated from the general fund to the commissioner of public safety for the bureau of criminal apprehension to develop and operate a training program in drug abuse resistance education under article 3, section 4. Of this amount, \$125,000 is available for the fiscal year ending June 30, 1990, and \$75,000 is available for the fiscal year ending June 30, 1991.

Subd. 4. [DNA LABORATORY AND RECORDING SYSTEM.] \$1,000,000 is appropriated from the general fund to the commissioner of public safety to be used by the bureau of criminal apprehension for the following purposes:

(1) establishing and operating a laboratory to perform DNA analysis; and

(2) establishing a system for collecting and maintaining DNA analysis data and human biological specimens.

Of this amount, \$724,000 is available for the fiscal year ending June 30, 1990, and \$276,000 is available for the fiscal year ending June 30, 1991.

Subd. 5. [SOFT BODY ARMOR.] \$300,000 is appropriated from the general fund to the commissioner of public safety to reimburse peace officers and law enforcement agencies for a portion of the cost of purchasing soft body armor as provided under article 3, section 10. Of this amount, \$150,000 is available for the fiscal year ending June 30, 1990, and \$150,000 is available for the fiscal year ending June 30, 1991.

Subd. 6. [CRIME VICTIMIZATION SURVEY.] \$125,000 is appropriated from the general fund to the commissioner of public safety for the crime victimization survey. This appropriation is available for the fiscal year ending June 30, 1990, and any unencumbered balance does not cancel and is available for the fiscal year ending June 30, 1991, if necessary to complete the survey.

Sec. 5. [COMPLEMENT INCREASES.]

Subdivision 1. [DEPARTMENT OF CORRECTIONS.] The complement of the department of corrections is increased by 169 positions.

Subd. 2. [DEPARTMENT OF PUBLIC SAFETY.] The complement of the department of public safety is increased by ten positions.

Sec. 6. [ATTORNEY GENERAL.]

\$140,000 is appropriated from the general fund to the attorney general for the alliance for a drug-free Minnesota. Of this amount, \$70,000 is available for the fiscal year ending June 30, 1990, and \$70,000 is available for the fiscal year ending June 30, 1991.

The attorney general shall take all necessary steps to assure that women and men are fairly represented among the participants in the alliance for a drug-free Minnesota.

Sec. 7. [SENTENCING GUIDELINES COMMISSION.]

\$20,000 is appropriated from the general fund to the sentencing guidelines commission for the study of controlled substance convictions to be available until June 30, 1991.

Sec. 8. [EFFECTIVE DATE.]

Section 2, subdivision 1, paragraph (b), is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crime; authorizing bonding for capital improvements; increasing penalties for controlled substance offenses; increasing penalties for criminal sexual conduct; permitting courts to sentence dangerous offenders and career criminals to longer periods of incarceration; increasing minimum parole eligibility date for persons serving a life sentence for first degree murder; increasing statutory maximum sentences for the crimes of failure to report an accident, failure to use a drug stamp, possessing explosives, restraint of trade, manslaughter in the second degree, criminal vehicular operation, assault, child abuse, manslaughter of an unborn child, assault of an unborn child, criminal sexual conduct in the fourth degree, perjury, fleeing a peace officer, negligently causing a fire, and bribery; permitting courts to sentence dangerous or patterned sex offenders to longer periods of incarceration and supervision; imposing a mandatory sentence for third criminal sexual conduct conviction; extending the statute of limitations for criminal sexual conduct; providing for sex offender treatment programs; providing a mandatory minimum sentence for use of an illegal weapon during a dangerous felony; creating a permissible inference that occupants of a room and drivers of automobiles knowingly possess controlled substances found there; 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 gross misdemeanor penalty for selling tobacco to a minor; establishing an office of drug policy in the department of public safety; requiring testing for and reporting of prenatal exposure to controlled substances; providing for coordination of drug programs; providing for the admissibility of DNA evidence; expanding the theft statute to include unauthorized use of a motor vehicle; 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; 169.09, subdivision 14; 243.18; 243.55, subdivision 1; 244.04, subdivision 1; 244.05, subdivisions 1, 3, and 4; 244.09, subdivision 5; 253B.02, subdivisions 2 and 10; 260.181, subdivision 4; 260.185, subdivision 1; 297D.09, subdivision 1a; 299F80, subdivision 1; 325D.56, subdivision 2; 388.14; 609.11, subdivision 9, and by adding a subdivision; 609.115, by adding a subdivision; 609.205; 609.21, subdivisions 1 and 2; 609.221; 609.222; 609.223; 609.2231, subdivision 1; 609.255, subdivision 3; 609.2665; 609.267; 609.323, subdivision 1; 609.341, subdivision 11; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.346, subdivisions 2 and 3, and by adding a subdivision; 609.377; 609.445; 609.48, subdivision 4; 609.487, subdivision 4; 609.52; 609.53, subdivisions 1 and 4; 609.531, subdivision 1; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; 609.576; 609.62, subdivision 2; 609.631, subdivision 2; 609.685, subdivision 2, and by adding a subdivision; 609.86, subdivision 3; 626.556, subdivision 2; and 628.26; Laws 1989, chapter 5, section 3; proposing coding for new law in Minnesota Statutes, chapters 152; 241; 242; 244; 299A; 299C; 609; 626; and 634; repealing Minnesota Statutes 1988, sections 152.09; 152.15, subdivisions 1, 2, 2a, 2b, 3, 4a, and 5; 609.53, subdivisions 1a, 3, and 3a; and 609.55."

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. 1548 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.
1548	1355				

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. 907 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.
907	879				

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. 579 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.
579	132				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 579 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 579 and insert the language after the enacting clause of S.F. No. 132, the first engrossment; further, delete the title of H.F. No. 579 and insert the title of S.F. No. 132, the first engrossment.

And when so amended H.F. No. 579 will be identical to S.F. No. 132, and further recommends that H.F. No. 579 be given its second reading and

substituted for S.F. No. 132, 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. 1197, 748, 499, 143, 631, 1198, 491 and 1573 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 951, 450, 59, 1548, 907 and 579 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Marty moved that the name of Ms. Piper be added as a co-author to S.F. No. 1633. The motion prevailed.

Messrs. Laidig and Bertram introduced—

Senate Resolution No. 129: A Senate resolution commending Robert L. Flaherty for his many years of dedicated and effective service for the American Legion.

Referred to the Committee on Rules and Administration.

Mr. Merriam moved that H.F. No. 1046 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1198, now on General Orders. 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. 486: Ms. Berglin, Mr. Spear and Mrs. Brataas.

H.F. No. 412: Mr. Pehler, Ms. Peterson, D.C. and Mr. Frederickson, D.J.

H.F. No. 811: Mr. Berg, Ms. Piper and Mr. Frederickson, D.R.

H.F. No. 193: Ms. Peterson, D.C.; Messrs. Spear and Belanger.

H.F. No. 456: Meses. Reichgott, Berglin and Mr. Laidig.

H.F. No. 1285: Messrs. Brandl, Luther and Storm.

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

MEMBERS EXCUSED

Messrs. Lessard and Peterson, R.W. were excused from the Session of today. Mr. Purfeerst was excused from the Session of today from 12:00 noon to 3:00 p.m. Mr. Solon was excused from the Session of today from 12:00 noon to 4:00 p.m. Mr. Moe, D.M. was excused from the Session of today from 2:00 to 4:45 p.m. Mr. Morse was excused from the Session of today from 3:00 to 4:45 p.m. Mrs. Pariseau was excused from the Session of today at 11:20 p.m. Mr. Spear was excused from the Session of today at 7:30 p.m. Mr. Hughes was excused from the Session of today at 9:00 p.m.

ADJOURNMENT

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

Patrick E. Flahaven, Secretary of the Senate