

## SEVENTY-SECOND DAY

St. Paul, Minnesota, Wednesday, March 4, 1992

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

### CALL OF THE SENATE

Mr. Johnson, D.E. 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. Marilyn S. Breckenridge.

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

|              |                    |          |           |             |
|--------------|--------------------|----------|-----------|-------------|
| Adkins       | Flynn              | Knaak    | Metzen    | Reichgott   |
| Belanger     | Frank              | Kroening | Moe, R.D. | Riveness    |
| Benson, D.D. | Frederickson, D.R. | Laidig   | Mondale   | Sams        |
| Benson, J.E. | Gustafson          | Langseth | Morse     | Solon       |
| Berg         | Halberg            | Larson   | Neuville  | Spear       |
| Bertram      | Hottinger          | Lessard  | Novak     | Stumpf      |
| Chmielewski  | Hughes             | Luther   | Olson     | Terwilliger |
| Dahl         | Johnson, D.E.      | Marty    | Pappas    | Vickerman   |
| Davis        | Johnson, D.J.      | McGowan  | Pariseau  |             |
| Dicklich     | Johnson, J.B.      | Mehrkens | Price     |             |
| Finn         | Johnston           | Merriam  | Ranum     |             |

The President declared a quorum present.

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

### MEMBERS EXCUSED

Messrs. Beckman; DeCramer; Frederickson, D.J. and Ms. Traub were excused from the Session of today.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 81: A bill for an act relating to towns; clarifying certain provisions for the terms of town supervisor; providing for the compensation of certain town officers and employees; amending Minnesota Statutes 1990, sections 367.03, subdivision 1; and 367.05, subdivision 1.

There has been appointed as such committee on the part of the House:

Janezich; Anderson, I. and Pellow.

Senate File No. 81 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 2, 1992

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1852, 1957 and 2031.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 2, 1992

### **FIRST READING OF HOUSE BILLS**

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

H.F. No. 1852: A bill for an act relating to Big Stone, Chippewa, and Kandiyohi counties; permitting each county to consolidate the offices of auditor and treasurer.

Referred to the Committee on Local Government.

H.F. No. 1957: A bill for an act relating to elected officials; restricting compensation for local elected officials; providing for terms for Cook county hospital district board members; amending Minnesota Statutes 1990, section 43A.17, by adding a subdivision; and Laws 1989, chapter 211, section 8, subdivision 3.

Referred to the Committee on Local Government.

H.F. No. 2031: A bill for an act relating to taxation; property; providing for the valuation and assessment of vacant platted property; excluding certain unimproved land sales from sales ratio studies; amending Minnesota Statutes 1990, section 124.2131, subdivision 1; Minnesota Statutes 1991 Supplement, section 273.11, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

### **REPORTS OF COMMITTEES**

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

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

S.F. No. 1944: A bill for an act relating to housing; authorizing the issuance and sale of state bonds for the neighborhood land trust program; appropriating money.

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

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

S.F. No. 1896: A bill for an act relating to economic development; providing for the return of money under certain grant programs to be credited to the agricultural and economic development account; amending Minnesota Statutes 1990, section 116J.873, subdivision 4; Laws 1987, chapter 386, article 9, section 19, as amended.

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

Page 1, lines 22 and 23, reinstate the stricken language and delete the new language and insert “, *except that money repaid to the state which is derived from the sale of a loan by a local community or recognized Indian tribal government must be credited to the commissioner’s revolving economic recovery account*”

Page 2, line 15, after “*money*” insert “*derived*” and after the first “*the*” insert “*sale of a loan from the*”

Page 2, line 16, delete “*shall*” and insert “*after the effective date of this section must*”

Amend the title as follows:

Page 1, line 4, after “to” insert “the commissioner’s revolving economic recovery account or”

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

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

S.F. No. 1869: A bill for an act relating to transportation; authorizing privileged highway use for transit buses and requiring instruction in the driver’s manual; providing tax credits for transit use; imposing a tax on gasoline sales at retail and requiring tax proceeds to be used for transit; authorizing municipalities to impose transportation utility fees; amending Minnesota Statutes 1990, sections 169.01, by adding a subdivision; 169.04; 169.18, by adding a subdivision; 169.19, subdivision 1; 171.13, by adding a subdivision; 297A.02, by adding a subdivision; 297A.021, subdivision 1; and 297A.25, subdivision 7; Minnesota Statutes 1991 Supplement, section 297A.44, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapters 290; and 444.

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 1990, section 169.01, is amended by adding a subdivision to read:

*Subd. 77. [TRANSIT.] “Transit” has the meaning given “regular route transit” in section 174.22, subdivision 8.*

Sec. 2. Minnesota Statutes 1990, section 169.04, is amended to read:

169.04 [LOCAL AUTHORITIES.]

The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction, and with the consent of the commissioner, with respect to state trunk highways, within the corporate limits of a municipality, or within the limits of a town in a county in this state now having or which may hereafter have, a population of 500,000 or more, and a land area of not more than 600 square miles, and within the reasonable exercise of the police power from:

- (1) Regulating the standing or parking of vehicles;
- (2) Regulating traffic by means of police officers or traffic-control signals;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways as one-way roadways and requiring that all vehicles, except emergency vehicles, when on an emergency run, thereon be moved in one specific direction;
- (5) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same, or designating any intersection as a stop intersection, and requiring all vehicles to stop at one or more entrances to such intersections;
- (6) Restricting the use of highways as authorized in sections 169.80 to 169.88; and
- (7) *Designating particular lanes of a street or highway for the sole use of transit buses.*

No ordinance or regulation enacted under clause (4), (5), ~~or~~ (6), or (7) shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrance to the highway or part thereof affected as may be most appropriate. No ordinance or regulation enacted under clause (3) or any other provision of law shall prohibit the use of motorcycles utilizing flashing red lights for the purpose of escorting funeral processions, oversize buildings, heavy equipment, parades or similar processions or assemblages on the highways.

Sec. 3. Minnesota Statutes 1990, section 169.18, is amended by adding a subdivision to read:

*Subd. 11. [TRANSIT BUSES.] Except as provided in section 169.20, subdivision 5, or when otherwise directed by a police officer, a driver changing into the right-hand lane of a four-lane roadway shall yield the right of way in the lane to a transit bus traveling, turning, or stopping to load or unload passengers.*

Sec. 4. Minnesota Statutes 1990, section 169.19, subdivision 1, is amended to read:

Subdivision 1. [TURNING AT INTERSECTION.] The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
- (2) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;

(3) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection;

(4) A left turn from a one-way roadway into a two-way roadway shall be made from the left hand lane and by passing to the right of the center line of the roadway being entered upon leaving the intersection;

(5) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway;

(6) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs;

(7) Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn, and shall make the turn, yielding the right-of-way to any vehicles approaching so close thereto as to constitute an immediate hazard; and

(8) *No person shall turn a vehicle at an intersection in front of a transit bus that is stopped to load or unload passengers except as directed by a police officer.*

Sec. 5. Minnesota Statutes 1990, section 171.13, is amended by adding a subdivision to read:

*Subd. 1e. [TRANSIT BUS RIGHT-OF-WAY.] The commissioner shall include in each edition of the driver's manual published by the department instruction relating to transit bus rights-of-way."*

Delete the title and insert:

"A bill for an act relating to transportation; authorizing privileged highway use for transit buses and requiring instruction in the driver's manual: amending Minnesota Statutes 1990, sections 169.01, by adding a subdivision; 169.04; 169.18, by adding a subdivision; 169.19, subdivision 1; and 171.13, by adding a subdivision."

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

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

S.F. No. 1643: A bill for an act relating to child support; prohibiting issuance of drivers' licenses to persons with child support arrearages; requiring suspension of a driver's license for failure to pay child support; appropriating money; amending Minnesota Statutes 1990, section 171.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 171; and 518.

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

as follows:

Page 1, line 14, delete "*submits a verified*" and insert "*signs a*"

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

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

S.F. No. 1993: A bill for an act relating to transportation; providing tax incentives for the use of alternative means of commuting; directing the regional transit board to establish a program to reduce traffic congestion; increasing the penalty for assaulting a transit operator; prohibiting right turns in front of buses; providing public transit operations priority in the event of an energy supply emergency; establishing a demonstration enforcement project for high occupancy vehicle lane use; amending Minnesota Statutes 1990, sections 169.19, subdivision 1; 216C.15, subdivision 1; 290.01, subdivision 19b, and by adding a subdivision; and 609.2231, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 169.346, subdivision 1; and 290.01, subdivision 19d; proposing coding for new law in Minnesota Statutes, chapters 290; and 473.

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

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 1990, section 169.01, is amended by adding a subdivision to read:

*Subd. 77. [HIGH-OCCUPANCY VEHICLE.] "High-occupancy vehicle" means a passenger vehicle with two or more occupants clearly visible from a distance of at least 50 feet, a truck with a gross vehicle weight rating of 12,000 pounds or less with two or more occupants clearly visible from a distance of at least 50 feet, and the following, regardless of the number of occupants: buses, vans displaying the marking of the metropolitan transit commission, clearly marked and licensed taxicabs, authorized emergency vehicles, and motorcycles.*

Sec. 2. [169.055] [HIGH-OCCUPANCY VEHICLE ROADWAYS.]

*Subdivision 1. Road authorities may designate portions of roadways for the exclusive use of high-occupancy vehicles. Such designated roadways shall be indicated by signs or distinctive pavement markings. No vehicle except those defined in section 1 shall be operated on a roadway designated for use by high-occupancy vehicles.*

*Subd. 2. The owner, or in the case of a leased vehicle, the lessee of a motor vehicle, operated in violation of this section, is liable for a civil penalty of up to \$100. The owner or lessee shall not be liable for the civil penalty if the vehicle was stolen, or if another person is convicted of a violation of this subdivision for the same violation."*

Page 7, lines 1 and 2, delete "5 to 8" and insert "7 to 10"

Page 7, line 12, delete "7" and insert "9"

Page 7, line 15, delete "6, subdivision 5" and insert "8, subdivision 3"

Page 7, line 32, before "*local*" insert "*and*"

Page 7, line 33, delete everything after “area”

Page 7, line 34, delete “council”

Page 8, delete lines 1 to 28

Page 8, line 29, delete “4” and insert “2”

Page 9, line 7, delete “5” and insert “3”

Page 9, line 17, delete “6” and insert “8”

Page 9, line 18, delete “5” and insert “3”

Page 10, delete lines 21 to 31

Page 10, line 32, delete “7” and insert “6”

Page 10, line 32, delete “GOVERNMENT EMPLOYERS” and insert “COMPLIANCE” and delete “a government” and insert “an affected”

Page 10, lines 35 and 36, delete “government” and insert “affected”

Page 11, delete lines 3 and 4

Page 11, line 12, delete “5 to 8” and insert “7 to 10”

Renumber the sections of article 1 in sequence

Page 11, delete article 2

Page 11, line 24, delete “3” and insert “2”

Page 15, after line 28, insert:

*“No tapes may be retained after the demonstration project ends unless needed for legal purposes.”*

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete everything before “prohibiting”

Page 1, line 11, after “sections” insert “169.01, by adding a subdivision;”

Page 1, line 12, after the second semicolon, insert “and”

Page 1, line 13, delete the second “and”

Page 1, line 14, delete everything before “Minnesota”

Page 1, line 17, after “chapters” insert “169;”

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1704: A bill for an act relating to the city of Minneapolis; regulating the use of the proceeds of the city sales and use tax; permitting their use for school readiness centers; amending Laws 1986, chapter 396, section 4, subdivision 3, as amended.

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

Delete everything after the enacting clause and insert:

“Section 1. [NEIGHBORHOOD SCHOOL READINESS CENTER.]

*A neighborhood school readiness center provides programs to promote the physical, emotional, and social development of all children residing in the city of Minneapolis from birth until ready to enter first grade. A center may include:*

*(1) way to grow school readiness programs as defined in Minnesota Statutes, section 145.926;*

*(2) Head Start and other preschool programs;*

*(3) kindergarten and related programs; and*

*(4) other family support and child development activities which strengthen the capacity of a family to give birth to and successfully nurture healthy children.*

*A center shall be located as close as possible to the families and children it serves and may be housed in one structure or in structures in close proximity to each other. A center may be owned by any private or public entity other than the board established under section 2.*

Sec. 2. [CREATION OF BOARD.]

*Special school district No. 1 and the city of Minneapolis may establish a neighborhood school readiness board under Minnesota Statutes, section 471.59, to create, manage, and operate neighborhood school readiness centers on the terms and conditions agreed to by the district and the city. The Minneapolis youth coordinating board established under Laws 1985, chapter 91, may serve as the neighborhood school readiness board provided that the governing bodies of special school district No. 1 and the city of Minneapolis, together with the youth coordinating board, adopt resolutions designating the youth coordinating board as the neighborhood school readiness board under the authority of this act. If an existing board ceases to function, and in the absence of a new joint powers agreement creating a new board, an interim joint powers board shall govern. The interim board shall consist of five members, two of whom shall be selected by resolution of the governing body of special school district No. 1, two of whom shall be selected by resolution of the city council of the city of Minneapolis, and one of whom shall be selected by the mayor with the approval of the city council. Persons selected to serve may be elected officials from their respective bodies. Any interim board shall elect its own officers and shall serve until a new joint powers agreement establishes a new board.*

Sec. 3. [POWERS.]

*The neighborhood school readiness board is authorized to:*

*(1) manage and operate and acquire leasehold interests in neighborhood school readiness centers, and all leasehold interests in centers shall be vested in the board or in another governmental unit as may be designated by the board;*

*(2) employ permanent or temporary employees as it may require, and determine their qualifications, duties, and compensation;*

*(3) use the services of the participating local public bodies and of other political subdivisions or public bodies whose jurisdiction includes all or a part of the area of the city of Minneapolis;*

*(4) sublease space or assign any of its leasehold interests to any public*



*or private entity in connection with the programs described in section 1;*

*(5) develop criteria and request proposals for the provision of services described in section 1, clauses (2) and (3), by private entities which propose to provide these services to less than 100 children at any one location, and provide financial assistance to those private entities for the costs of managing and operating a facility and providing these services;*

*(6) receive funds or other assistance from both private and public sources; and*

*(7) take other action as it deems necessary or useful to carry out its responsibilities under this act.*

*The board shall not exercise any control over the content or curriculum of Head Start or any programs operated by special school district No. 1.*

**Sec. 4. [SUPPORT BY PARTICIPANTS AND OTHER PUBLIC BODIES.]**

*The city of Minneapolis and special school district No. 1 are authorized to appropriate money to the board, to the Minneapolis community development agency, or to each other, for use in connection with neighborhood school readiness centers and facilities described in section 3, clause (5), and to undertake activities in support of the purposes of the board, including the acquisition, construction, equipping, and improving of neighborhood school readiness centers. Any appropriations may be subject to any conditions that the appropriating entity may establish. Other political subdivisions and public bodies whose jurisdictions include all or a part of the city of Minneapolis, including the Minneapolis community development agency, are authorized to exercise any of their powers for the purposes for which the board may act and to acquire, construct, provide facilities for, and equip neighborhood school readiness centers on behalf of the city or special school district No. 1. Any appropriations may be subject to the conditions that the appropriating entity may establish. Notwithstanding any limitations in Laws 1986, chapter 396, the city of Minneapolis may annually appropriate the proceeds of sales and use taxes collected or received by the city under Laws 1986, chapter 396, section 4, to the board or otherwise expend such funds in support of the board's purposes. Neighborhood school readiness centers shall be an authorized use of such tax revenues under Laws 1986, chapter 396.*

**Sec. 5. [EFFECTIVE DATE.]**

*This act is effective the day after its approval by the governing bodies of special school district No. 1 and the city of Minneapolis and compliance with Minnesota Statutes, section 645.021, subdivision 3."*

Delete the title and insert:

*"A bill for an act relating to local government; authorizing the creation of a neighborhood school readiness board in the city of Minneapolis and special school district No. 1; authorizing the acquisition and betterment and operation of neighborhood school readiness centers; authorizing the pledge and expenditure of local sales and use taxes."*

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1705: A bill for an act relating to the city of Minneapolis; authorizing the city to issue general obligation bonds to finance certain parking, plaza, and other improvements related to federal courts project.

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1932: A bill for an act relating to counties; providing for a tax levy for land management systems; amending Minnesota Statutes 1990, section 381.12, subdivision 2.

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1849: A bill for an act relating to the city of St. Paul; setting the maximum amounts and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, section 1, subdivision 2, as amended; and section 2, as amended.

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

Page 2, line 1, delete "1989" and insert "1998"

Page 2, line 9, delete "1998" and insert "1992"

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

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

S.F. No. 1681: A bill for an act relating to livestock diseases; modifying requirements for certain tests; amending Minnesota Statutes 1990, sections 35.245, subdivisions 1 and 2; and 35.251; repealing Minnesota Statutes 1990, section 35.245, subdivision 1a.

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

Page 1, after line 7, insert:

"Section 1. [35.243] [RULES FOR CONTROL OF BRUCELLOSIS IN CATTLE.]

*The board of animal health shall adopt rules to provide for the control of brucellosis in cattle. The rules may include provisions for quarantine, tests, and vaccinations, and such other measures as the board deems appropriate."*

Page 1, line 10, after "sell" insert " , lease, or loan"

Page 1, line 11, after "sale" insert ", lease, or loan" and strike "over six months of age at"

Page 1, line 12, strike the old language and delete the new language

Page 1, line 13, strike the old language

Page 1, line 15, strike everything after the period

Page 1, strike lines 16 to 18

Page 2, line 13, delete "Canada" and insert "a country"

Page 2, line 14, strike "health" and after "certificate" insert "*of veterinary inspection*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 35;"

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

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

S.F. No. 1945: A bill for an act relating to health; appropriating money to the commissioner of health to review proposals from occupations and professions seeking to be licensed or regulated.

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

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

S.F. No. 589: A bill for an act relating to occupations and professions; establishing a board of nutrition and dietetics practice; requiring nutritionists and dietitians to be licensed; establishing licensing requirements and exemptions; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Pages 11 and 12, delete section 16 and insert:

"Sec. 16. Minnesota Statutes 1991 Supplement, section 214.04, subdivision 3, is amended to read:

Subd. 3. The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors

or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) dentistry;
- (2) medical examiners;
- (3) nursing;
- (4) pharmacy;
- (5) accountancy;
- (6) architecture, engineering, land surveying, and landscape architecture;
- (7) barber examiners;
- (8) cosmetology;
- (9) electricity;
- (10) teaching;
- (11) peace officer standards and training;
- (12) social work; ~~and~~
- (13) marriage and family therapy; *and*
- (14) *nutrition and dietetics practice.*

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations."

Page 12, line 32, delete "1991" and insert "1992"

Amend the title as follows:

Page 1, line 8, delete "sections" and insert "section" and after "and" insert "Minnesota Statutes 1991 Supplement, section"

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

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

S.F. No. 2000: A bill for an act relating to family law; modifying provisions dealing with the administration, computation, and enforcement of child support; modifying visitation provisions; imposing penalties; appropriating money; amending Minnesota Statutes 1990, sections 257.67, subdivision

3; 357.021, subdivision 1a; 518.003, subdivision 3; 518.14; 518.171, subdivisions 1, 3, 4, 5, 6, 7, and 9; 518.175, subdivision 1; 518.54, subdivision 4; 518.551, subdivisions 1, 7, and 10, and by adding subdivisions; 518.57, subdivision 1, and by adding subdivisions; 518.611, subdivision 4; 548.091, subdivision 1a; 588.20; and 609.375, subdivisions 1 and 2; Minnesota Statutes 1991 Supplement, sections 214.101, subdivision 1; 357.021, subdivision 2; 518.551, subdivisions 5 and 12; and 518.64, subdivisions 1, 2, and 5; proposing coding for new law in Minnesota Statutes, chapters 16B and 518; repealing Minnesota Statutes 1990, section 609.37.

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

Page 8, after line 27, insert:

“Sec. 13. Minnesota Statutes 1990, section 518.24, is amended to read:  
518.24 [SECURITY; SEQUESTRATION; CONTEMPT.]

In all cases when maintenance or support payments are ordered, the court may require sufficient security to be given for the payment of them according to the terms of the order. Upon neglect or refusal to give security, or upon failure to pay the maintenance or support, the court may sequester the obligor's personal estate and the rents and profits of real estate of the obligor, and appoint a receiver of them. The court may cause the personal estate and the rents and profits of the real estate to be applied according to the terms of the order. The obligor is presumed to have an income from a source sufficient to pay the maintenance or support order. *A child support order constitutes a finding by the court that the obligor has the ability to pay the award.* If the obligor disobeys the order, it is prima facie evidence of contempt.”

Page 9, line 8, delete everything after the period

Page 9, delete line 9

Page 9, line 10, delete everything before the period and insert “*The order shall specify the proportion of the expenses to be paid by the obligor, equal to the proportion of the obligor's share of the total combined incomes of the parents*”

Page 9, line 21, delete “*half*” and insert “*the proportion of*”

Page 9, line 22, before the semicolon, insert “*equal to the proportion specified in the court's order for adjustment*”

Page 9, line 30, delete “*half the*” and insert “*the specified*”

Page 11, line 11, delete “20” and insert “548.091, subdivision 1a”

Page 15, after line 6, insert:

“*The deduction under clause (v) may not exceed \$125.*”

Page 18, delete lines 11 to 13 and insert:

“(j) *The court may not deviate downward from the child support guidelines if the child support payments are assigned to the public agency under section 256.74.*”

Sec. 19. Minnesota Statutes 1991 Supplement, section 518.551, subdivision 5b, is amended to read:

Subd. 5b. [DETERMINATION OF INCOME.] (a) The parties shall timely

serve and file documentation of earnings and income. When there is a prehearing conference, the court must receive the documentation of income at least ten days prior to the prehearing conference. Documentation of earnings and income also includes, but is not limited to, pay stubs for the most recent three months, employer statements, or statement of receipts and expenses if self-employed. Documentation of earnings and income also includes copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms, unemployment compensation statements, workers' compensation statements, and all other documents evidencing income as received that provide verification of income over a longer period.

(b) *In addition to the requirements of paragraph (a), at any time after an action seeking child support has been commenced or when a child support order is in effect, a party or the public authority may require the other party to give them their most recent federal tax returns. The party shall provide a copy of the tax returns within 20 days of receipt of the request.*

(c) If a parent under the jurisdiction of the court does not appear at a court hearing after proper notice of the time and place of the hearing, the court shall set income for that parent based on credible evidence before the court or in accordance with paragraph ~~(e)~~ (d). Credible evidence may include documentation of current or recent income, testimony of the other parent concerning recent earnings and income levels, and the parent's wage reports filed with the Minnesota department of jobs and training under section 268.121.

~~(e)~~ (d) If the court finds that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of imputed income. A parent is not considered voluntarily unemployed or underemployed upon a showing by the parent that the unemployment or underemployment: (1) is temporary and will ultimately lead to an increase in income; or (2) represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child. Imputed income means the estimated earning ability of a parent based on the parent's prior earnings history, education, and job skills, and on availability of jobs within the community for an individual with the parent's qualifications. If the court is unable to determine or estimate the earning ability of a parent, the court may calculate child support based on full-time employment of 40 hours per week at the federal minimum wage or the Minnesota minimum wage, whichever is higher. If a parent is physically or mentally incapacitated, it shall be presumed that the parent is not voluntarily unemployed or underemployed."

Page 20, line 6, delete "28" and insert "548.091, subdivision 1a,"

Page 23, line 32, delete "and" and insert "or"

Page 23, delete line 33

Page 23, line 34, delete the new language and insert:

*"(ii) the current support order deviated upward from the guidelines or the presumptive child support amount under section 518.551, subdivision 5, paragraph (i), and the motion is to decrease child support to the guidelines or presumptive amount.*

*If the court considers the financial needs of new children in a motion under clause (i) or (ii), the court shall consider the financial circumstances of the obligor's spouse, if any"*

Page 27, line 13, delete "23" and insert "25"

Page 27, line 15, delete "24" and insert "26"

Page 27, line 16, delete "28" and insert "30"

Page 27, line 19, delete "29 to 31 and 33" and insert "31 to 33 and 35"

Renumber the sections of article 1 in sequence

Page 31, line 15, after the period, insert "*Other counties may elect to participate in the process.*"

Page 31, line 18, strike everything after "counties"

Page 31, line 19, strike "services" and insert "*that participate in the process*"

Page 32, line 34, delete "*Within the limits of available appropriations.*"

Page 32, line 35, delete "*provide grants*" and insert "*distribute money appropriated for this purpose*"

Page 33, line 1, after the period, insert "*If available appropriations are insufficient to cover the costs, the commissioner shall prorate the amount appropriated among the counties.*"

Page 33, line 31, delete "*reducing the number of cases in which there are*" and insert "*prohibiting*"

Amend the title as follows:

Page 1, line 9, after "1;" insert "518.24;"

Page 1, line 16, after "5" insert ", 5b,"

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1013: A bill for an act relating to local government; transferring authority for incorporations, detachments, and annexations to the office of administrative hearings and the state planning agency; providing a single annexation procedure; amending Minnesota Statutes 1990, sections 414.01, subdivisions 1, 14, 15, 16, and by adding subdivisions; 414.011, subdivisions 7 and 8; 414.012; 414.02; 414.031; 414.035; 414.041; 414.051; 414.06; 414.061; 414.063; 414.067; 414.07; 414.08; and 414.09; repealing Minnesota Statutes 1990, section 414.01, subdivisions 2, 3, 3a, 4, 5, 6a, 7a, 8, 10, 11, and 12; 414.0325; 414.033; and 414.036.

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 1990, section 414.01, subdivision 2, is amended to read:

Subd. 2. The board shall be composed of three *permanent* members, *two of whom shall be* appointed by the governor, ~~at least~~. One of ~~whom the governor's appointees~~ shall be learned in the law, and ~~at least one of whom~~ shall be a resident from outside of the metropolitan area as defined in section

473.121, subdivision 2. *The third member is the director of the office of strategic and long-range planning or the director's designee from the office.* The board shall select from its members a chair who shall have the powers and duties prescribed by the general law applicable to the heads of departments and agencies of the state. In proceedings before the board for the incorporation of a statutory city, *or the consolidation of two or more municipalities, or annexation of unincorporated land to a municipality,* two county commissioners of the board of the county in which all or a majority of the affected land is located shall serve on the board during ~~such the time as~~ the board ~~shall have~~ *has the matter* under consideration ~~said matter~~. *In an annexation proceeding, an official of the affected town and an official of the affected city appointed by the affected town board or city council shall serve on the board during the time the board has the annexation proceeding under consideration.* The executive director of the board shall upon initiation of a proceeding for such incorporation, consolidation, or annexation notify the county auditor of the county in which the majority of the affected property is situated of the need for the appointment of ~~the~~ two county commissioners *or a town and city official* to the board. At the next succeeding meeting of the county *or town board or city council* the ~~commissioners~~ *appropriate body* shall designate the ~~two~~ appointed commissioners *or official* and shall thereupon immediately notify the Minnesota municipal board executive director of ~~their~~ *its* action. The county commissioners shall represent districts which do not contain any of the affected territory. If commissioners from the unaffected districts are unavailable, commissioners from the affected district may serve.

Sec. 2. Minnesota Statutes 1990, section 414.01, subdivision 14, is amended to read:

Subd. 14. [POPULATION.] When a board order enlarges or diminishes the area of an existing municipality or town, the population of the annexed or detached area shall be as found by the board at its hearing *or as stated in the resolution or ordinance in cases in which no hearing for the boundary change is required.* The effective date of the population change shall be the same as the effective date of the order *whether or not the order is from a hearing or from the approval of an annexation resolution or ordinance.* The board shall communicate its population finding to the state demographer who shall incorporate that data into the population estimate for the municipality or town. When a new municipality is created by an order of the board, the municipality shall request a separation census from the United States bureau of the census and bear any costs incurred.

Sec. 3. Minnesota Statutes 1990, section 414.01, is amended by adding a subdivision to read:

Subd. 17. [DATA FROM STATE AGENCIES.] *The board may request information from any state department or agency in order to assist in carrying out its duties and the department or agency is authorized and required to promptly furnish the information requested to the board.*

Sec. 4. Minnesota Statutes 1990, section 414.0325, subdivision 1, is amended to read:

Subdivision 1. [INITIATING THE PROCEEDING.] One or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation and may confer jurisdiction on the board over annexations in the designated area and over



the various provisions in said agreement by submission of said joint resolution to the executive director. The resolution shall include a description of the designated area. Thereafter, an annexation of any part of the designated area may be initiated by submitting to the executive director a resolution of any signatory to the joint resolution or by the board of its own motion. ~~Whenever the pollution control agency or other state agency pursuant to sections 115.03, 115.071, 115.49, or any law giving a state agency similar powers, orders a municipality to extend a municipal service to a designated unincorporated area, such an order will confer jurisdiction on the Minnesota municipal board to consider designation of the area for orderly annexation.~~

If a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the board may review and comment, but may not alter the boundaries.

If a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the board is necessary, the board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.

Sec. 5. Minnesota Statutes 1990, section 414.0325, is amended by adding a subdivision to read:

*Subd. 1a. [CERTAIN ORDERLY ANNEXATIONS.] When the pollution control agency or other state agency or the affected county health department under section 115.03, 115.071, 115.49, or any law giving a state agency or county agency similar powers receives a citizen or local unit of government complaint alleging pollution within two miles of a city, the agency or department shall investigate the alleged pollution complaint and make a finding that pollution either does or does not exist within a reasonable period of time of up to 180 days. The agency's or department's finding shall be reported to the board and the complaining person or local unit of government within seven days of the finding. If the agency or department:*

*(1) orders a municipality to extend a municipal service to a designated unincorporated area and files the order with the board; or*

*(2) finds that a pollution problem exists;*

*the order or finding confers jurisdiction on the board to consider designation of the area for orderly annexation.*

*An area designated for orderly annexation under this subdivision may be annexed by ordinance without objection by the affected township under section 414.033 if:*

*(1) the area is determined in need of service or a finding of pollution in the area has been made;*

*(2) the municipality has the capacity to provide the necessary service to the affected area; and*

*(3) the servicing of the affected area is generally consistent with the plans of the municipality.*

*In its ordinance for annexation, the municipality must affirmatively state that it meets each of the above conditions.*

Sec. 6. Minnesota Statutes 1990, section 414.0325, is amended by adding

a subdivision to read:

*Subd. 1b. [ORDERLY ANNEXATION BY PETITION.] If the board receives a petition for annexation of an area owned by a municipality or from all of the property owners in an area, and the area is within two miles of the corporate boundaries of the municipality, the petition shall confer jurisdiction on the board to consider designation of the area for orderly annexation. Upon receipt of the petition, the board shall inform the affected parties of their opportunity to request a hearing before the board on the petition, and if a hearing is requested, it must be held within 30 days of the request. Any person aggrieved by the board's designation of an area as appropriate for orderly annexation may appeal the board's order to district court in accordance with section 414.07.*

Sec. 7. Minnesota Statutes 1990, section 414.033, subdivision 2, is amended to read:

Subd. 2. A municipal council may by ordinance declare land annexed to the municipality and any such land is deemed to be urban or suburban in character or about to become so if:

~~(a)~~ (1) the land is owned by the municipality; ~~or~~

~~(b)~~ (2) the land is completely surrounded by land within the municipal limits; *or*

*(3) the land abuts the municipality and the municipality receives a petition for annexation from all the property owners of the land.*

Sec. 8. Minnesota Statutes 1990, section 414.033, is amended by adding a subdivision to read:

*Subd. 2a. [MUNICIPALITY MAY ANNEX.] Notwithstanding the abutting requirement of subdivision 1, if land is owned by a municipality or if all of the landowners petition for annexation, and the land is within an existing orderly annexation area as provided by section 414.0325, then the municipality may declare the land annexed.*

Sec. 9. Minnesota Statutes 1990, section 414.033, subdivision 3, is amended to read:

Subd. 3. If the perimeter of the area to be annexed by a municipality is 60 percent or more bordered by the municipality and if the area to be annexed is 40 acres or less, the municipality shall serve notice of intent to annex upon the town board and the municipal board, *unless the area is appropriate for annexation by ordinance under subdivision 2, clause (3).* The town board shall have 90 days from the date of service to serve objections with the board. If no objections are forthcoming within the said 90 day period, such land may be annexed by ordinance. If objections are filed with the board, the board shall conduct hearings and issue its order as in the case of annexations under section 414.031, subdivisions 3 and 4.

Sec. 10. Minnesota Statutes 1990, section 414.033, subdivision 5, is amended to read:

Subd. 5. If the land is platted, or, if unplatted, does not exceed 200 acres, ~~the property owner or~~ a majority of the property owners in number may petition the municipal council to have such land included within the abutting municipality and, within ten days thereafter, shall file copies of the petition with the board, the town board, the county board and the municipal council of any other municipality which borders the land to be annexed. Within 90

days from the date of service, the town board or the municipal council of such abutting municipality may submit written objections to the annexation to the board and the annexing municipality. Upon receipt of such objections, the board shall proceed to hold a hearing and issue its order in accordance with section 414.031, subdivisions 3, 4, and 5. If written objections are not submitted within the time specified hereunder and if the municipal council determines that property proposed for the annexation is now or is about to become urban or suburban in character, it may by ordinance declare such land annexed to the municipality. If the petition is not signed by all the property owners of the land proposed to be annexed, the ordinance shall not be enacted until the municipal council has held a hearing on the proposed annexation after at least 30 days mailed notice to all property owners within the area to be annexed.

Sec. 11. Minnesota Statutes 1990, section 414.06, subdivision 1, is amended to read:

Subdivision 1. [INITIATING THE PROCEEDING.] Property which is situated within a municipality and abutting the municipal boundary, rural in character and not developed for urban residential, commercial, or industrial purposes may be detached from the municipality *to an abutting township* according to the following procedure. The proceeding may be initiated by submitting to the board a resolution of the municipality to which the land is attached or by submitting to the board a petition of all of the property owners of the land to be detached if the area is less than 40 acres or of 75 percent of the property owners if over 40 acres. The petition or resolution shall set forth the boundaries and the area of the land to be detached, the number and character of the buildings, the resident population, and the municipal improvements, if any, in the area.

Sec. 12. Minnesota Statutes 1990, section 414.061, subdivision 5, is amended to read:

Subd. 5. [PROPERTY OWNER INITIATION.] Property owners may initiate proceedings for the concurrent detachment of their property from one municipality and its annexation to an adjacent municipality by a petition signed by all of them *submitted to the board with an accompanying resolution of the city council of at least one of the affected municipalities*. The board shall conduct hearings and issue its order as in the case of consolidations of two or more municipalities under sections 414.041, subdivision 5 and 414.09.

Sec. 13. [REPORT TO LEGISLATURE.]

*The Minnesota municipal board shall establish criteria for defining the term "urban or suburban in character," as the term is used in Minnesota Statutes, chapter 414, and report its criteria to the legislature by February 1, 1993.*

Sec. 14. [REPEALER.]

*Minnesota Statutes 1990, section 414.031, subdivision 5, is repealed.*

Sec. 15. [EFFECTIVE DATE.]

*The provision of section 1 relating to the appointment to the municipal board of the director of the office of strategic and long-range planning or the director's designee is effective for the appointment of the member whose term begins in 1993. The remainder of section 1 and sections 2 to 14 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to local government; changing the membership of the municipal board; clarifying the board's duties and authority; clarifying the annexation process; requiring a report; amending Minnesota Statutes 1990, sections 414.01, subdivisions 2, 14, and by adding a subdivision; 414.0325, subdivision 1, and by adding subdivisions; 414.033, subdivisions 2, 3, 5, and by adding a subdivision; 414.06, subdivision 1; and 414.061, subdivision 5; repealing Minnesota Statutes 1990, section 414.031, subdivision 5."

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

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

S.F. No. 422: A bill for an act relating to human services; establishing a board of chemical dependency counselors; licensing and regulating chemical dependency counselors; providing penalties; appropriating money; amending Minnesota Statutes 1990, section 595.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 148C.

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

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 148B.60, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.] "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical examiners under chapter 147; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.28; the board of marriage and family therapy under sections 148B.29 to 148B.39; *the board of chemical dependency counselors*; or another licensing board if the person is practicing within the scope of the license; or members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

(1) hospital and nursing home social workers exempt from licensure by the board of social work under section 148B.28, subdivision 6, including hospital and nursing home social workers acting within the scope of their employment by the hospital or nursing home;

(2) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;

(3) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services

in private practice; and

(4) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.”

Page 1, line 10, delete “148C.01” and insert “148B.74”

Page 1, line 12, delete “1 to 12” and insert “2 to 13”

Page 1, line 25, delete “1 to 11” and insert “2 to 13”

Page 1, line 27, delete “1” and insert “2”

Page 2, line 1, delete “12” and insert “13”

Page 2, lines 3 and 4, delete “1 to 11” and insert “2 to 13”

Page 2, line 31, delete “board of”

Page 2, line 32, after “counseling” insert “licensing board”

Page 3, line 18, delete “148C.02” and insert “148B.75”

Page 3, lines 22 and 23, delete “with the advice and consent of the senate”

Page 4, lines 5, 13, and 17, delete “1 to 11” and insert “2 to 13”

Page 4, line 18, delete “3” and insert “4”

Page 4, line 19, delete “148C.03” and insert “148B.76”

Page 4, line 26, delete “4” and insert “5”

Page 5, line 1, delete “1 to 11” and insert “2 to 13”

Page 5, line 22, delete “5” and insert “6”

Page 5, line 30, delete “148C.04” and insert “148B.77”

Page 5, lines 32 and 33, delete “1 to 11” and insert “2 to 13”

Page 6, lines 18, 32, and 35, delete “1 to 11” and insert “2 to 13”

Page 6, line 23, delete “148C.05” and insert “148B.78”

Page 6, line 33, delete “148C.06” and insert “148B.79” and delete “LICENSE WITHOUT EXAMINATION” and insert “SPECIAL LICENSE REQUIREMENTS”

Page 6, line 36, delete “without examination”

Page 7, line 1, after the first “applicant” insert “who does not meet the requirements in section 5”

Page 7, line 23, delete “148C.07” and insert “148B.80”

Page 7, line 28, delete “1 to 11” and insert “2 to 13”

Page 7, line 29, delete “148C.08” and insert “148B.81”

Page 7, line 31, delete “148C.09” and insert “148B.82”

Page 7, lines 35 and 36, delete “, after a hearing under the contested case provisions of chapter 14,”

Page 8, line 19, after “board” insert “at least annually”

Page 8, after line 21, insert:

“Subd. 4. [APPEALS.] An individual whose application for a license

*has been denied, or an individual whose license has been suspended, revoked, or restricted, may appeal the decision of the board and is entitled to a contested case hearing under chapter 14."*

Page 8, line 22, delete "148C.10" and insert "148B.83"

Page 8, line 31, after the period, insert "*Hospital chemical dependency counselors who are not licensed under sections 2 to 13 may use the title "hospital chemical dependency counselor" while acting within the scope of their employment."*

Page 8, delete lines 32 and 33

Page 8, line 34, delete "148C.11" and insert "148B.84"

Page 8, line 36, delete "1 to 10" and insert "2 to 11"

Page 9, line 6, before "*professional*" insert "*social workers,*"

Page 9, line 8, delete "*state that they*" and insert "*use a title incorporating the words "chemical dependency counselor" or "licensed chemical dependency counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of chemical dependency counseling."*

Page 9, delete lines 9 and 10

Page 9, line 11, delete "1 to 10" and insert "2 to 11"

Page 9, after line 29, insert:

*"Subd. 5. [CITIES OF 5,000 OR LESS.] The licensing of chemical dependency counselors in cities with a population of 5,000 people or less is voluntary.*

*Subd. 6. [HOSPITAL CHEMICAL DEPENDENCY COUNSELORS.] The licensing of hospital chemical dependency counselors shall be voluntary. Hospitals employing chemical dependency counselors shall not be required to employ licensed chemical dependency counselors, nor shall they require their chemical dependency counselors to be licensed.*

Sec. 13. [148B.85] [PENALTY.]

*A person who violates a provision of sections 2 to 12 is guilty of a misdemeanor.*

Sec. 14. Minnesota Statutes 1990, section 214.01, subdivision 2, is amended to read:

Subd. 2. "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the board of medical examiners created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of psychology established pursuant to section 148.90, the social work licensing board pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the board of unlicensed mental health service providers established pursuant to section 148B.41, the chemical dependency counseling licensing board established pursuant to section 3; the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine

established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 15. Minnesota Statutes 1991 Supplement, section 214.04, subdivision 3, is amended to read:

Subd. 3. The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) dentistry;
- (2) medical examiners;
- (3) nursing;
- (4) pharmacy;
- (5) accountancy;
- (6) architecture, engineering, land surveying, and landscape architecture;
- (7) barber examiners;
- (8) cosmetology;
- (9) electricity;
- (10) teaching;
- (11) peace officer standards and training;
- (12) social work; ~~and~~
- (13) marriage and family therapy; *and*
- (14) *chemical dependency counseling.*

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations."

Page 14, line 1, delete "1 to 12" and insert "2 to 13"

Page 14, line 3, delete "13" and insert "17" and delete "1991" and insert "1992"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections 214.01, subdivision 2; and" and after "1;" insert "Minnesota Statutes 1991 Supplement, sections 148B.60, subdivision 3; and 214.04, subdivision 3;"

Page 1, line 7, delete "as" and insert "in"

Page 1, line 8, delete "148C" and insert "148B"

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 1823: A bill for an act relating to government purchasing; requiring the state to purchase, use, and require contractors to use packing materials made of renewable resources; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Page 1, line 10, after the second "use" insert "loose fill"

Page 1, line 11, after "renewable" insert "agriculture"

Page 1, after line 19, insert:

"Sec. 2. [115A.992] [LOOSE FOAM POLYSTYRENE PACKING MATERIALS; BAN.]

*Subdivision 1. [DEFINITION.] For purposes of this section, "loose foam polystyrene packing material" means packing made primarily from polystyrene that consists of loose particles intended to fill space and cushion a packaged article in a shipping or display container.*

*Subd. 2. [BAN.] A person may not use loose foam polystyrene packing material or place loose foam polystyrene packing material in or on the land, in the solid waste stream, or in a waste management facility in the state.*

Sec. 3. [EFFECTIVE DATE.]

*Section 2 is effective August 1, 1993."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "banning the use or disposal of loose foam polystyrene packing materials;"

Page 1, delete line 6 and insert "chapters 16B; and 115A."

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 1512: A bill for an act relating to the state budget; requiring the commissioner of finance to prepare performance budgets; prescribing their



contents; requiring the commissioner of administration to prepare a functional analysis of state government; amending Minnesota Statutes 1990, section 16A.095, by adding subdivisions; repealing Minnesota Statutes 1990, section 16A.095, subdivision 3.

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

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

S.F. No. 1740: A bill for an act relating to corporations; providing for the formation, organization, operation, taxation, management, and ownership of limited liability companies; prescribing the procedures for filing articles of organization; establishing the powers of a limited liability company; providing for the naming of a limited liability company; providing for the appointment of a resident agent for a limited liability company; establishing the relationship of the members of a limited liability company to each other and to third parties; permitting the merger of one or more limited liability companies with other domestic limited liability companies and domestic and foreign corporations; providing for the dissolution, winding up, and termination of a limited liability company; providing for foreign limited liability companies to do business in this state; defining certain terms; appropriating money; amending Minnesota Statutes 1990, sections 290.01, by adding a subdivision; 302A.011, subdivision 19; 302A.115, subdivision 1; 302A.121, subdivision 2; 302A.601, by adding a subdivision; 308A.005, subdivision 6; 308A.121, subdivision 1; 317A.011, subdivision 16; 317A.115, subdivision 2; 319A.02, subdivision 5, and by adding a subdivision; 319A.03; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1a and 2; 319A.20; 322A.01; 322A.02; 333.001; 333.18, subdivision 2; 333.20, subdivision 2; and 333.21, subdivision 1; Minnesota Statutes 1991 Supplement, sections 290.06, subdivision 22; and 302A.471, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 322B.

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

Page 2, line 2, delete "*must be*" and insert "*is*"

Page 8, line 11, delete "*this*" and insert "*a*"

Page 17, line 20, delete "*this*" and insert "*a member control*"

Page 17, line 26, delete "*this*" and insert "*a member control*"

Page 18, line 15, delete "*this*" and insert "*a member control*"

Page 21, line 26, delete "OR LCC"

Page 21, line 27, delete "*or* "*LCC*"

Page 26, line 10, after "*I,*" insert "*clause (5),*"

Page 26, line 12, delete "*and leaves the limited liability company with at least*"

Page 26, line 13, delete "*two remaining members*"

Page 27, line 23, delete "*must be*" and insert "*is*"

Page 42, line 9, delete "*this*"

- Page 42, line 22, delete "*that*" and insert "*a*"
- Page 47, line 24, delete "*must not be*" and insert "*is not*"
- Page 47, line 25, delete "*must not be*" and insert "*is not*"
- Page 47, line 26, delete "*must*" and insert "*may*"
- Page 51, line 17, delete "*I*" and insert "*2*"
- Page 53, line 18, delete "*must*" and insert "*are to*"
- Page 54, line 6, delete "*to be made*"
- Page 54, line 7, after "*(1)*" insert "*to be made*"
- Page 54, line 8, after "*(2)*" insert "*to be made*"
- Page 54, line 9, after "*(3)*" insert "*to be made*"
- Page 54, line 13, after "*(4)*" insert "*to be made*"
- Page 54, line 14, delete "*and*" and insert "*or*"
- Page 54, line 15, before "*or*" insert "*to be made*"
- Page 55, line 10, delete the colon and insert a semicolon
- Page 58, line 4, delete "*except*"
- Page 61, line 17, delete "*this*" and insert "*the*"
- Page 66, line 15, delete "*, clause (2)*"
- Page 66, line 35, delete "*(2)*" and insert "*(1)*"
- Page 72, line 8, delete "*must be accepted*" and insert "*is acceptable*"
- Page 73, line 31, delete "*4*" and insert "*1*"
- Page 75, line 28, delete "*should*" and insert "*must*"
- Page 81, line 9, delete "*must*" and insert "*is to*" and after "*treated*" insert "*or considered*"
- Page 85, line 6, delete "*(4)*" and insert "*(5)*"
- Page 85, line 10, delete "*(4)*" and insert "*(5)*"
- Page 85, line 11, delete "*(5)*" and insert "*(6)*"
- Page 85, line 16, delete the semicolon and insert a colon
- Page 85, line 24, delete "*paragraph (b)*" and insert "*clause (1)*"
- Page 85, line 25, delete "*(b)*" and insert "*(1)*"
- Page 94, line 22, delete "*must*" and insert "*are to*"
- Page 95, line 15, delete "*must consist*" and insert "*consists*"
- Page 101, line 11, delete "*this*" and insert "*the*"
- Page 103, line 16, delete "*must*" and insert "*may*"
- Page 104, line 34, delete "*must not be*" and insert "*are not*"
- Page 106, line 33, before "*These*" insert "*Each of*"
- Page 106, line 34, delete "*have*" and insert "*has*"
- Page 113, line 20, delete "*must*"

Page 113, line 21, delete "*not be*" and insert "*are not*"

Page 117, line 10, delete everything after the period and insert:

*"If owners owning any class or"*

Page 121, line 30, delete "*it*" and insert "*real estate*"

Page 125, line 7, delete "*must be dissolved*" and insert "*dissolves*"

Page 125, line 17, after "*the*" insert "*occurrence of an event that terminates the continued membership of a member in the limited liability company, including*"

Page 126, line 1, delete everything after the comma and insert:

*"but the limited liability company is not dissolved and"*

Page 126, line 3, after "*if*" insert "*(A) either*"

Page 126, line 4, after "*members*" insert "*or a new member is admitted as provided in section 322B.103,*" and after the first "*and*" insert "*(B)*"

Page 128, line 6, delete "*must be*" and insert "*is*"

Page 135, line 34, after the period, insert "*After the notice is filed*"

Page 135, line 35, delete "*after the notice is filed*"

Page 139, line 5, after "*that*" delete "*the*" and insert "*any*"

Page 139, line 7, after "*awarded*" insert "*by the court*"

Page 149, line 13, delete "*it,*" and insert "*the proceeding*"

Page 152, line 24, after "*limited*" insert "*liability*"

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

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

S.F. No. 1735: A bill for an act relating to children; authorizing criminal background checks of professional and volunteer child care providers; establishing procedures for the sharing of criminal record data with child care employers; protecting privacy rights of subjects of the background checks; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Delete everything after the enacting clause and insert:

"Section 1. [299C.60] [CITATION.]

*Sections 1 to 5 may be cited as the "Minnesota child protection background check act."*

Sec. 2. [299C.61] [DEFINITIONS.]

*Subdivision 1. [TERMS.] The definitions in this section apply to sections 2 to 5.*

*Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime" includes felony-level violations of the following crimes: child abuse crimes,*

*murder, manslaughter, assault, kidnapping, arson, criminal sexual conduct, prostitution-related crimes, and controlled substance crimes.*

*Subd. 3. [CHILD.] "Child" means an individual under the age of 18.*

*Subd. 4. [CHILD ABUSE CRIME.] "Child abuse crime" means an act committed against a minor victim that constitutes a violation of section 609.185, clause (5); 609.221; 609.222; 609.223; 609.224; 609.322; 609.323; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; or 609.378.*

*Subd. 5. [CHILDREN'S SERVICE PROVIDER.] "Children's service provider" means a business or organization, whether public, private, for profit, nonprofit, or voluntary, that provides children's services, including a business or organization that licenses or certifies others to provide children's services.*

*Subd. 6. [CHILDREN'S SERVICE WORKER.] "Children's service worker" means a person who:*

*(1) is employed by, volunteers with, or seeks to be employed by or volunteer with a children's service provider;*

*(2) owns, operates, or seeks to own or operate a children's service provider; or*

*(3) may have access to a child to whom the children's service provider provides children's services.*

*Subd. 7. [CHILDREN'S SERVICES.] "Children's services" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children.*

*Subd. 8. [CJIS.] "CJIS" means the Minnesota criminal justice information system.*

*Subd. 9. [SUPERINTENDENT.] "Superintendent" means the superintendent of the bureau of criminal apprehension.*

### **Sec. 3. [299C.62] [BACKGROUND CHECKS.]**

*Subdivision 1. [GENERALLY.] The superintendent shall develop procedures to enable a children's service provider to request a background check to determine whether a children's service worker is the subject of any reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. The superintendent shall require the submission of fingerprints and is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of a criminal history check.*

*Subd. 2. [BACKGROUND CHECKS; REQUIREMENTS.] The superintendent may not perform a background check under this section unless the children's service provider submits a written document, signed by the children's service worker on whom the background check is to be performed, containing the following:*

*(1) a question asking whether the children's service worker has ever been convicted of, arrested for, or charged with a background check crime and if so, requiring a description of the crime, the particulars of the conviction, and the disposition of the arrest or charge;*

(2) a notification to the children's service worker that the children's service provider will request the superintendent to perform a background check under this section; and

(3) a notification to the children's service worker of the children's service worker's rights under subdivision 3.

Background checks performed under this section may only be requested by and provided to authorized representatives of a children's service provider who have a need to know the information and may be used only for the purposes of sections 1 to 5.

Subd. 3. [CHILDREN'S SERVICE WORKER RIGHTS.] (a) The children's service provider shall notify the children's service worker of the children's service worker's rights under paragraph (b).

(b) A children's service worker who is the subject of a background check request has the following rights:

(1) the right to be informed that a children's service provider will request a background check on the children's service worker;

(2) the right to obtain a copy of the background check report and any record that forms the basis for the report; and

(3) the right to challenge the accuracy and completeness of any information contained in the report or record.

Subd. 4. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request as soon as practicable after receiving the signed, written document described in subdivision 2. The superintendent's response shall be limited to a statement that the background check crime information contained in the document is or is not complete and accurate.

Sec. 4. [299C.63] [EXCEPTION; HUMAN SERVICES LICENSEES.]

A background check performed on a human services licensee or applicant under this section does not satisfy the requirements of section 245A.04 or the rules adopted under it.

Sec. 5. [299C.64] [RULEMAKING AUTHORIZED.]

The superintendent may adopt rules necessary to implement sections 1 to 4."

Delete the title and insert:

"A bill for an act relating to children; authorizing criminal background checks of professional and volunteer children's service workers; establishing procedures for the sharing of criminal record data with children's service providers; protecting privacy rights of subjects of the background checks; proposing coding for new law in Minnesota Statutes, chapter 299C."

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

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

H.F. No. 1948 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No. S.F. No.

1948

1855

**CONSENT CALENDAR**

H.F. No. S.F. No.

**CALENDAR**

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1948 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1948 and insert the language after the enacting clause of S.F. No. 1855, the first engrossment; further, delete the title of H.F. No. 1948 and insert the title of S.F. No. 1855, the first engrossment.

And when so amended H.F. No. 1948 will be identical to S.F. No. 1855, and further recommends that H.F. No. 1948 be given its second reading and substituted for S.F. No. 1855, 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. Metzen from the Committee on Economic Development and Housing, to which was referred the following appointment as reported in the Journal for February 24, 1992:

**MINNESOTA HOUSING FINANCE AGENCY  
COMMISSIONER**

James J. Solem

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

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred the following appointment as reported in the Journal for January 9, 1992:

**DEPARTMENT OF CORRECTIONS  
COMMISSIONER**

Orville B. Pung

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

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

Mr. Spear from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for January 7, 1992:

**DEPARTMENT OF HUMAN RIGHTS  
COMMISSIONER**

David L. Beaulieu

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

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

### **SECOND READING OF SENATE BILLS**

S.F. No. 1681 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 1948 was read the second time.

### **MOTIONS AND RESOLUTIONS**

Ms. Berglin moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 1790. The motion prevailed.

Mr. Price moved that the names of Messrs. Johnson, D.J.; Frederickson, D.R. and Moe, R.D. be added as co-authors to S.F. No. 2037. The motion prevailed.

Mr. Bertram moved that the name of Mr. Morse be added as a co-author to S.F. No. 2120. The motion prevailed.

Ms. Pappas moved that the name of Mr. Morse be added as a co-author to S.F. No. 2151. The motion prevailed.

Mr. Spear moved that the name of Mr. Marty be added as a co-author to S.F. No. 2177. The motion prevailed.

Mr. Renneke moved that the names of Messrs. Sams, Beckman and Davis be added as co-authors to S.F. No. 2257. The motion prevailed.

Mr. Riveness moved that the name of Ms. Ranum be added as a co-author to S.F. No. 2271. The motion prevailed.

Ms. Traub moved that the name of Mr. Knaak be added as a co-author to S.F. No. 2272. The motion prevailed.

Mr. Pogemiller moved that the names of Messrs. Davis and Dahl be added as co-authors to S.F. No. 2273. The motion prevailed.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Messrs. Vickerman and Stumpf introduced—

S.F. No. 2277: A bill for an act relating to taxation; providing an additional property tax refund to certain homeowners; amending Minnesota Statutes 1990, section 290A.04, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Ranum, Messrs. Kelly, Pogemiller, Merriam and McGowan introduced—

S.F. No. 2278: A bill for an act relating to corrections; requiring finger and thumb prints of inmates, parolees, and probationers received from other states; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 2279: A bill for an act relating to human services; creating the section of American Indian programs on alcohol and drug abuse; outlining duties of the special assistant for American Indian programs; amending Minnesota Statutes 1990, section 254A.03, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Kelly, Ms. Ranum and Mr. Pogemiller introduced—

S.F. No. 2280: A bill for an act relating to corrections; establishing a grant program to fund additional secure juvenile detention beds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Judiciary.

Mr. Kelly introduced—

S.F. No. 2281: A bill for an act relating to education; providing for a funding formula for a nonviolence curriculum in certain school districts; appropriating money for nonviolence programs in Ramsey county school districts; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Messrs. Hottinger; Knaak; Moe, R.D.; Belanger and Riveness introduced—

S.F. No. 2282: A bill for an act relating to state government; regulating administrative rulemaking; providing for corrective legislation; requiring the attorney general and administrative law judge to disregard harmless errors; regulating dual notices; establishing an expedited procedure for federally mandated rules; amending Minnesota Statutes 1990, sections 3C.04, subdivision 4; 14.115, subdivision 5; 14.15, by adding a subdivision; 14.22; 14.26; and 14.32; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations.

Mr. Vickerman introduced—

S.F. No. 2283: A bill for an act relating to lawful gambling; exempting certain organizations from the requirement to have an annual financial audit; amending Minnesota Statutes 1991 Supplement, section 349.19, subdivision 9.

Referred to the Committee on Gaming Regulation.

Mr. Vickerman introduced—

S.F. No. 2284: A bill for an act relating to capital improvements; authorizing the issuance of state bonds for design, engineering, and construction for a flood and erosion control project for the Middle Des Moines watershed district; appropriating money.



Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced—

S.F. No. 2285: A bill for an act relating to taxation; exempting the raising and sale of llamas; amending Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vickerman introduced—

S.F. No. 2286: A bill for an act relating to armories; providing for a public hearing before the adjutant general closes an armory; amending Minnesota Statutes 1990, section 193.36, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Mr. Lessard introduced—

S.F. No. 2287: A bill for an act relating to the local government trust fund; providing for payment from the fund for fiscal years 1994 and 1995; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vickerman introduced—

S.F. No. 2288: A bill for an act relating to public employment; requiring that employees of the state be Minnesota residents; amending Minnesota Statutes 1990, section 43A.13, by adding a subdivision.

Referred to the Committee on Governmental Operations.

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

S.F. No. 2289: A bill for an act relating to capital improvements; authorizing the issuance of state bonds for the Minnesota national guard education center; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Messrs. DeCramer, Vickerman and Frederickson, D.R. introduced—

S.F. No. 2290: A bill for an act relating to capital improvements; appropriating money for the reinvest in Minnesota resources program; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Messrs. Metzen; Bernhagen; Johnson, D.J.; Beckman and Ms. Berglin introduced—

S.F. No. 2291: A bill for an act relating to tax increment financing; clarifying, recodifying, and providing tax increment financing procedures and requirements; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Minnesota Statutes 1990, section 273.1399, as amended.

Referred to the Committee on Economic Development and Housing.

Mr. Kroening, Ms. Ranum and Mr. Samuelson introduced—

S.F. No. 2292: A bill for an act relating to state agencies; providing that agency heads may not delegate affirmative action duties; amending Minnesota Statutes 1990, section 43A.191, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Hughes introduced—

S.F. No. 2293: A bill for an act relating to local government; prohibiting publication of pictures of officials in county and city publications; amending Minnesota Statutes 1990, section 471.68, by adding a subdivision.

Referred to the Committee on Local Government.

Ms. Pappas, Messrs. Pogemiller, Marty, Ms. Ranum and Mr. Knaak introduced—

S.F. No. 2294: A bill for an act relating to education; authorizing a capital expenditure levy for certain installment contracts and lease purchases; amending Minnesota Statutes 1990, section 275.125, by adding a subdivision.

Referred to the Committee on Education.

Ms. Pappas, Messrs. Kelly, Marty, Cohen and Knaak introduced—

S.F. No. 2295: A bill for an act relating to education; creating a literacy center; authorizing the sale of bonds; appropriating money.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 2296: A bill for an act relating to unemployment compensation; permitting certain employees of educational institutions to receive benefits between academic years and terms; amending Minnesota Statutes 1991 Supplement, section 268.08, subdivision 6.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 2297: A bill for an act relating to Aitkin county; directing an exchange of certain tax-forfeited land.

Referred to the Committee on Environment and Natural Resources.

Messrs. Price; Morse; Frederickson, D.R. and DeCramer introduced—

S.F. No. 2298: A bill for an act relating to watershed districts; requiring counties to provide public notice prior to making watershed district manager appointments; eliminating the requirement that metropolitan counties must appoint watershed district managers from lists of nominees submitted by towns and municipalities; making local governments subject to watershed district permit fees; requiring watershed district audits by certified public accountants or the state auditor under certain circumstances; clarifying procedures for appealing watershed district decisions; allowing recovery of

attorney fees; amending Minnesota Statutes 1990, sections 103D.311, subdivisions 2 and 3; 103D.345, subdivision 3; 103D.355, subdivision 1; 103D.535, subdivision 1; and 103D.545, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 103D.

Referred to the Committee on Environment and Natural Resources.

Messrs. Morse; Benson, D.D. and Lessard introduced—

S.F. No. 2299: A bill for an act relating to state trails; providing for the establishment of the Blufflands Trail System; amending Minnesota Statutes 1990, section 85.015, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

Messrs. Morse; Johnson, D.J.; Stumpf; Bertram and Sams introduced—

S.F. No. 2300: A bill for an act relating to appropriations; validating certain appropriations for volunteer firefighters' supplemental benefits; limiting appropriations; appropriating money; amending Minnesota Statutes 1990, section 424A.10, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Price, Morse, Mondale, Davis and Novak introduced—

S.F. No. 2301: A bill for an act relating to water and soil resources; lands eligible for the reinvest in Minnesota program; amending Minnesota Statutes 1990, sections 103F.505; 103F.511, by adding a subdivision; and Minnesota Statutes 1991 Supplement, section 103F.515, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mr. Hottinger introduced—

S.F. No. 2302: A bill for an act relating to crime; increasing penalties for certain sex offenders; providing for life imprisonment for certain repeat sex offenders; increasing supervision of sex offenders following release from prison; eliminating the "good time" reduction in a prison sentence unless a sex offender satisfactorily completes a treatment program in prison; prohibiting the release of a prison inmate on a weekend or holiday; requiring review of sex offenders for psychopathic personality commitment before prison release; amending Minnesota Statutes 1990, sections 241.67, subdivision 3; 244.04, subdivision 1; 244.05, subdivisions 1, 3, 4, 5, and by adding a subdivision; 609.1352, subdivision 5, and by adding a subdivision; 609.342, subdivision 2; 609.343, subdivision 2; 609.346, subdivisions 2, 2a, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 244.05, subdivision 6; and 244.12, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Hottinger and Stumpf introduced—

S.F. No. 2303: A bill for an act relating to civil actions; including arbitration awards under the collateral source statute; amending Minnesota Statutes 1990, section 548.36, subdivisions 1, 2, 3, and 4.

Referred to the Committee on Judiciary.

Mr. Hottinger, Mses. Traub and Pappas introduced—

S.F. No. 2304: A bill for an act relating to health; expanding children's health plan eligibility to include pregnant women; appropriating money; amending Minnesota Statutes 1990, section 256.936, subdivisions 1, 2, 3, and 4.

Referred to the Committee on Health and Human Services.

Mr. Hottinger, Ms. Pappas and Mr. Mondale introduced—

S.F. No. 2305: A bill for an act relating to education; deleting the provision denying section 125.12 protection to licensed community education instructors; amending Minnesota Statutes 1991 Supplement, section 125.032, subdivision 2.

Referred to the Committee on Education.

Messrs. Mehrkens, Langseth, Ms. Pappas, Mr. Belanger and Mrs. Adkins introduced—

S.F. No. 2306: A bill for an act relating to commerce; regulating motor vehicle manufacturer warranty adjustment programs; requiring certain notice of the programs by manufacturers; requiring disclosures by dealers; providing for reimbursement in certain cases; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

Mr. Johnson, D.E. introduced—

S.F. No. 2307: A bill for an act relating to elections; changing deadlines for certain statutory cities to abolish the ward system; amending Minnesota Statutes 1990, section 412.023, subdivision 4.

Referred to the Committee on Elections and Ethics.

Mr. Johnson, D.E. introduced—

S.F. No. 2308: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Kandiyohi county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Solon, Metzen, Spear, Mrs. Adkins and Mr. Larson introduced—

S.F. No. 2309: A bill for an act relating to probate; altering the definition of successors; amending Minnesota Statutes 1990, sections 353A.02, subdivision 21; 524.1-201; 524.3-303; and 524.3-308.

Referred to the Committee on Judiciary.

Messrs. Price, Morse and DeCramer introduced—

S.F. No. 2310: A bill for an act relating to waters; changing the composition of the board of water and soil resource's dispute resolution committee;

amending Minnesota Statutes 1990, section 103B.101, subdivision 10.

Referred to the Committee on Environment and Natural Resources.

Messrs. Price, Morse and DeCramer introduced—

S.F. No. 2311: A bill for an act relating to waters; authorizing agreements by soil and water conservation districts for enforcement of city or county controls; amending Minnesota Statutes 1990, section 103C.331, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Riveness, Mrs. Adkins, Messrs. Mondale, Bertram and Hottinger introduced—

S.F. No. 2312: A bill for an act relating to lawful gambling; taxes; exempting lawful gambling profits from the unrelated business income tax; amending Minnesota Statutes 1991 Supplement, section 290.05, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lessard; Moe, R.D.; Mondale and Laidig introduced—

S.F. No. 2313: A bill for an act relating to insurance; providing for automobile insurance policy coverage on the repair or replacement of motor vehicle glass; amending Minnesota Statutes 1991 Supplement, section 72A.201, subdivision 6.

Referred to the Committee on Commerce.

Messrs. Kroening and Pogemiller introduced—

S.F. No. 2314: A bill for an act relating to cities; requiring an equitable distribution of state and local funds in neighborhood revitalization programs; amending Minnesota Statutes 1990, section 469.203, by adding a subdivision.

Referred to the Committee on Economic Development and Housing.

Messrs. Novak, Dahl, Merriam, Frank and Luther introduced—

S.F. No. 2315: A bill for an act relating to intoxicating liquor; authorizing Blaine to issue an on-sale license for the National Sports Center.

Referred to the Committee on Commerce.

Ms. Johnson, J.B. introduced—

S.F. No. 2316: A bill for an act relating to drivers' licenses; abolishing requirements to surrender driver's license under certain circumstances; amending Minnesota Statutes 1990, sections 169.121, subdivision 7; 169.123, subdivision 5a; 171.11; and 171.22, subdivision 1; Minnesota Statutes 1991 Supplement, section 171.02, subdivision 1; repealing Minnesota Statutes 1990, section 171.20, subdivision 1.

Referred to the Committee on Transportation.

Mrs. Pariseau introduced—

S.F. No. 2317: A bill for an act relating to education; authorizing a fund transfer for independent school district No. 195, Randolph.

Referred to the Committee on Education.

Mrs. Pariseau, Messrs. Dicklich, Dahl and Ms. Olson introduced—

S.F. No. 2318: A bill for an act relating to education; entitling the PER report the "Annual Report on Curriculum and Student Performances"; including in the PER report information about curriculum advisory committee membership; amending Minnesota Statutes 1990, section 126.666, subdivision 4.

Referred to the Committee on Education.

Messrs. Davis; Merriam; Moe, R.D.; Lessard and Renneke introduced—

S.F. No. 2319: A bill for an act relating to wetlands; making technical and other minor changes to the wetland conservation act of 1991; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 84.036; 103F.612, subdivision 2; 103F.616; 103F.901, subdivisions 5 and 8; 103F.902; 103F.903, subdivisions 1 and 4; 103F.904; 103G.005, subdivisions 10a and 19; 103G.222; 103G.2241, subdivision 1; 103G.2242, subdivisions 6 and 7; 103G.2369, subdivisions 2 and 3; 103G.237, subdivision 4, and by adding a subdivision; and 275.295.

Referred to the Committee on Environment and Natural Resources.

Ms. Ranum, Mr. Finn, Ms. Reichgott and Mr. Vickerman introduced—

S.F. No. 2320: A bill for an act relating to utilities; requiring more efficient customer service by telephone companies; requiring companies to honor a request for tracing calls made to a household that has received harassing calls; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Energy and Public Utilities.

Mr. Bertram introduced—

S.F. No. 2321: A bill for an act relating to agriculture; modifying license fees for certain food handlers; amending Minnesota Statutes 1991 Supplement, section 28A.08.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Bertram, Beckman and Mrs. Adkins introduced—

S.F. No. 2322: A bill for an act relating to veterans; establishing a grant program to enhance the operations of county veterans service offices; establishing an education program for county veterans service officers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on Veterans and General Legislation.

Messrs. Cohen, Kelly, Waldorf and Ms. Pappas introduced—

S.F. No. 2323: A bill for an act relating to cultural resources; reorganizing the nature of a Saint Paul tourism and cultural district; appropriating money.

Referred to the Committee on Economic Development and Housing.

Messrs. Samuelson, Dicklich and Johnson, D.J. introduced—

S.F. No. 2324: A bill for an act relating to recreation; establishing a Cuyuna country state recreation area; establishing a new unit in the outdoor recreation system; appropriating money; amending Minnesota Statutes 1990, sections 86A.04; 86A.05, subdivisions 2 and 3; and 86A.08, subdivision 1; Minnesota Statutes 1991 Supplement, section 85.045, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Samuelson; Morse; Stumpf; Moe, R.D. and Johnson, D.E. introduced—

S.F. No. 2325: A bill for an act relating to human services; requiring the commissioner to recalculate hospital payment rates using 1991 as the base year.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich, Dahl, Ms. Olson, Mr. Mehrkens and Ms. Traub introduced—

S.F. No. 2326: A bill for an act relating to education; making technical changes on programs administered by the department of education; amending Minnesota Statutes 1990, sections 121.935, by adding a subdivision; 123.35, by adding a subdivision; 124A.22, by adding subdivisions; 124A.23, subdivision 3; 124A.26, subdivision 2; and 275.125, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 120.17, subdivision 7a; 124.155, subdivision 2; 124.19, subdivision 1; 124.2727, subdivision 6; 124A.03, subdivision 2; 124A.23, subdivision 4; and 124A.24; Laws 1991, chapter 265, articles 7, section 37, subdivision 6; and 9, section 76; repealing Minnesota Statutes 1990, section 124A.23, subdivision 2a; Minnesota Statutes 1991 Supplement, sections 121.935, subdivision 7; 123.35, subdivision 19; and 124.646, subdivision 2; Laws 1991, chapter 265, articles 2, section 18; 3, section 36; 5, section 17; and 6, section 60.

Referred to the Committee on Education.

Ms. Piper, Messrs. Samuelson, Hottinger, Merriam and Benson, D.D. introduced—

S.F. No. 2327: A bill for an act relating to health care; establishing a premium assistance program; requiring health care coverage; authorizing a small employer health benefit plan; restricting underwriting and premium rating practices; establishing a small employer reinsurance association; establishing minimum standards for individual health insurance policies; requiring the commissioner of health to establish a health care analysis unit, a rural health advisory committee, a technology assessment committee, an administrative efficiencies task force, a data commission, a tort reform committee, and a cost containment advisory committee; providing for rural

health initiatives; establishing an office of rural health; providing a state income tax deduction for certain health insurance costs; imposing penalties; appropriating money; amending Minnesota Statutes 1990, sections 62E.04, subdivision 1; 62E.14, by adding subdivisions; 136A.1355, subdivisions 2 and 3; 144.147, subdivisions 1, 3, and 4; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, section 62A.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 136A; and 144; proposing coding for new law as Minnesota Statutes, chapters 62K; and 62L.

Referred to the Committee on Health and Human Services.

Mr. Frank introduced—

S.F. No. 2328: A bill for an act relating to drivers' licenses; eliminating requirement for drivers of special transportation vehicles to take examination for license endorsement; making technical changes; amending Minnesota Statutes 1991 Supplement, sections 171.01, subdivision 24; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivision 5; and 171.323, subdivisions 1 and 3.

Referred to the Committee on Transportation.

Mr. Beckman introduced—

S.F. No. 2329: A bill for an act relating to farm safety; providing flexibility in spending an appropriation; amending Laws 1991, chapter 254, article 1, section 7, subdivision 5.

Referred to the Committee on Agriculture and Rural Development.

Ms. Traub introduced—

S.F. No. 2330: A bill for an act relating to retirement; volunteer fire-fighters; permitting the payment of ancillary benefits to or on behalf of retired members under certain circumstances; amending Minnesota Statutes 1990, section 424A.02, subdivision 9.

Referred to the Committee on Governmental Operations.

Mr. Sams introduced—

S.F. No. 2331: A bill for an act relating to education; requiring biennial certification in safety training for school bus drivers; amending Minnesota Statutes 1991 Supplement, section 169.446, subdivision 3.

Referred to the Committee on Education.

Messrs. Frank and Novak introduced—

S.F. No. 2332: A bill for an act relating to certain cities; authorizing the cities of Fridley, Mounds View, New Brighton, and Spring Lake Park to participate in the establishment and operation of senior citizen centers and related facilities; authorizing the issuance of bonds; authorizing tax levies.

Referred to the Committee on Local Government.



Mr. Hottinger introduced—

S.F. No. 2333: A bill for an act relating to education; providing for nonlicensed employees in dissolution and consolidation situations; amending Minnesota Statutes 1990, sections 122.22, subdivision 20; 122.242, subdivision 5; 122.245, subdivision 2; Minnesota Statutes 1991 Supplement, section 122.23, subdivision 18; proposing coding for new law in Minnesota Statutes, chapter 122.

Referred to the Committee on Education.

Mr. Hottinger, Mses. Traub; Johnson, J.B.; Mr. Johnson, D.E. and Ms. Pappas introduced—

S.F. No. 2334: A bill for an act relating to child care; extending the prohibition on smoking to family day care providers; updating the reference to the rule governing child care centers; amending Minnesota Statutes 1990, section 144.414, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Davis; Johnson, D.J.; Metzen; Beckman and Bernhagen introduced—

S.F. No. 2335: A bill for an act relating to tax increment financing; authorizing the establishment of manufacturing districts; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Economic Development and Housing.

Mr. Chmielewski introduced—

S.F. No. 2336: A bill for an act relating to employment; providing that certain conduct by employers against employees for engaging in lawful activities during nonworking hours is an unfair labor practice; amending Minnesota Statutes 1991 Supplement, sections 179.12; and 179A.13, subdivision 2.

Referred to the Committee on Employment.

Mses. Flynn; Johnson, J.B.; Berglin; Mr. Benson, D.D. and Ms. Piper introduced—

S.F. No. 2337: A bill for an act relating to human services; providing for medical assistance coverage of personal care services provided outside the home when authorized by the responsible party; allowing recipients to request continuation of services at a previously authorized level while an appeal is pending; amending Minnesota Statutes 1991 Supplement, sections 256B.0625, subdivision 19a; and 256B.0627, subdivisions 5 and 6.

Referred to the Committee on Health and Human Services.

Ms. Pappas introduced—

S.F. No. 2338: A bill for an act relating to commerce; imposing health regulations for tanning facilities; requiring licenses; providing exemptions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 2339: A bill for an act relating to elections; suspending certain provisions relating to campaign contributions and public subsidies as they relate to major political parties; requiring major political parties to certify their compliance with apportionment and delegate selection requirements; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Elections and Ethics.

Messrs. Dicklich, Pogemiller, Beckman, Mondale and Ms. Olson introduced—

S.F. No. 2340: A bill for an act relating to education; clarifying permitted uses of staff development revenue; amending Minnesota Statutes 1991 Supplement, sections 124A.29, subdivision 1; and 126.70.

Referred to the Committee on Education.

Mr. Renneke introduced—

S.F. No. 2341: A bill for an act relating to capital improvements; authorizing bonds and appropriating money for the Chaska flood control project.

Referred to the Committee on Environment and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 2342: A bill for an act relating to human services; providing a statewide caregiver support and respite care project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 2343: A bill for an act relating to health; expanding conditions of eligibility for licensing hospital swing beds; amending Minnesota Statutes 1990, section 144.562, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Lessard, Merriam and Morse introduced—

S.F. No. 2344: A bill for an act relating to the Mississippi river headwaters area; updating and changing provisions relating to activities of the Mississippi headwaters board; amending Minnesota Statutes 1990, sections 103F.365, subdivision 1, and by adding a subdivision; 103F.369, subdivision 1; and 103F.371; Minnesota Statutes 1991 Supplement, section 103F.369, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Ms. Pappas, Messrs. DeCramer, Knaak and Beckman introduced—

S.F. No. 2345: A bill for an act relating to education; establishing a metropolitan regional library depository facility at the University of Minnesota; authorizing bonds; appropriating money.

Referred to the Committee on Education.

Mr. Kelly introduced—

S.F. No. 2346: A bill for an act relating to retirement; the public employees retirement association; restoring certain survivor benefits; amending Laws 1991, chapter 269, article 2, section 13.

Referred to the Committee on Governmental Operations.

Mr. Moe, R.D. introduced—

S.F. No. 2347: A bill for an act relating to the Wild Rice Watershed District; setting the size of its administrative fund and levy.

Referred to the Committee on Environment and Natural Resources.

Ms. Johnson, J.B.; Mr. Mondale, Ms. Pappas and Mr. Beckman introduced—

S.F. No. 2348: A bill for an act relating to crimes; prohibiting release of inmates on holidays and weekends; requiring the establishment of certified sex offender treatment programs in correctional facilities; providing for the establishment of a chemical dependency treatment program in all correctional facilities; prohibiting good time for offenders who fail to complete court-ordered chemical dependency treatment; establishing a probation standards task force; requiring courts to make findings when recommended drug treatment is not ordered; amending Minnesota Statutes 1990, section 241.67, subdivision 3; 242.195, subdivision 2; and 244.04, subdivision 1; Minnesota Statutes 1991 Supplement, section 609.115, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Judiciary.

Ms. Johnson, J.B.; Messrs. Moe, R.D.; Johnson, D.J.; Morse and Novak introduced—

S.F. No. 2349: A bill for an act relating to energy; providing incentives for the use of renewable energy sources; providing tax exemptions for photovoltaic devices; amending Minnesota Statutes 1990, sections 216C.06, by adding a subdivision; and 297A.25, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 272.02, subdivision 1.

Referred to the Committee on Energy and Public Utilities.

Ms. Johnson, J.B. and Mr. Beckman introduced—

S.F. No. 2350: A bill for an act relating to housing; providing for an emergency mortgage and rental assistance pilot project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

Referred to the Committee on Economic Development and Housing.

Messrs. Moe, R.D. and Stumpf introduced—

S.F. No. 2351: A bill for an act relating to human services; providing for a pilot project for an improved mental health services delivery system to include certain counties for adults with serious and persistent mental illness; appropriating money.

Referred to the Committee on Health and Human Services.

Ms. Piper introduced—

S.F. No. 2352: A bill for an act relating to retirement; local police and salaried firefighter relief associations; authorizing a local option in interest and salary increase actuarial assumptions; amending Minnesota Statutes 1991 Supplement, section 356.215, subdivisions 4d and 7.

Referred to the Committee on Governmental Operations.

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

### **MOTIONS AND RESOLUTIONS**

Mr. DeCramer moved that S.F. No. 2290 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:30 p.m., Thursday, March 5, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate