

SEVENTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 11, 1992

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

CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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

Adkins	Dicklich	Kelly	Moe, R.D.	Renneke
Belanger	Finn	Knaak	Mondale	Riveness
Benson, D.D.	Flynn	Kroening	Morse	Sams
Benson, J.E.	Frank	Laidig	Neuville	Samuelson
Berg	Frederickson, D.J.	Langseth	Novak	Solon
Berglin	Gustafson	Larson	Olson	Spear
Bernhagen	Halberg	Lessard	Pappas	Stumpf
Brataas	Hottinger	Luther	Pariseau	Terwilliger
Chmielewski	Hughes	Marty	Piper	Traub
Cohen	Johnson, D.E.	McGowan	Pogemiller	Vickerman
Dahl	Johnson, D.J.	Mehrkens	Price	
Davis	Johnson, J.B.	Merriam	Ranum	
DeCramer	Johnston	Metzen	Reichgott	

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Beckman, Bertram and Waldorf were excused from the Session of today.

REPORTS OF COMMITTEES

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

Mr. Dahl from the Committee on Education, to which was referred

S.F. No. 1898: A bill for an act relating to education; prohibiting the use of all tobacco products in public elementary and secondary schools; amending Minnesota Statutes 1990, sections 144.413, subdivision 2; and 144.417, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 144.413, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PLACE.] "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities *other than public schools, as defined in section 120.05, subdivision 2*, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Sec. 2. [144.4165] [TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.]

No person shall at any time smoke or use any other tobacco product in a public school, as defined in section 120.05, subdivision 2. This prohibition extends to all facilities, whether owned, rented, or leased, all school grounds, and all vehicles that a school district owns, leases, rents, or controls. This prohibition does not apply to a technical college.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 15, 1993."

Delete the title and insert:

"A bill for an act relating to education; prohibiting the use of all tobacco products in public elementary and secondary schools; amending Minnesota Statutes 1990, section 144.413, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144."

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

Mr. Dahl from the Committee on Education, to which was referred

S.F. No. 1813: A bill for an act relating to education; allowing children to attend school for 30 days without participating in early childhood developmental screening; allowing parents to decline to provide certain information without penalty; adding health history as an optional screening component; adding height and weight as a required component; amending Minnesota Statutes 1991 Supplement, section 123.702, subdivisions 1, 1a, and 1b.

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 1991 Supplement, section 123.702, subdivision 1, is amended to read:

Subdivision 1. Every school board shall provide for a mandatory program of early childhood developmental screening for children who are four years old and older but who have not entered kindergarten or first grade in a public school. This screening program shall be established either by one

board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood family education programs, or by other existing programs. ~~This screening examination is a mandatory prerequisite to enrolling a student~~ *A child who is enrolled in kindergarten or first grade in a public school must receive developmental screening according to this section.* A child need not submit to developmental screening provided by a school board if the child's health records indicate to the school board that the child has received ~~comparable~~ developmental screening from a public or private health care organization or individual health care provider. The school districts are encouraged to reduce the costs of preschool developmental screening programs by utilizing volunteers in implementing the program.

Sec. 2. Minnesota Statutes 1991 Supplement, section 123.702, subdivision 1a, is amended to read:

Subd. 1a. A child must not be enrolled ~~in this state~~ in kindergarten or first grade in a public school ~~until~~ unless the parent or guardian of the child submits to the school principal or other person having general control and supervision of the school a record indicating the months and year the child received developmental screening and the results of the screening *not later than 30 days after the first day of attendance.* If a child is transferred from one kindergarten to another or from one first grade to another, the parent or guardian of the child must be allowed 30 days to submit the child's record, during which time the child may attend school.

Sec. 3. Minnesota Statutes 1991 Supplement, section 123.702, subdivision 1b, is amended to read:

Subd. 1b. (a) A screening program shall include at least the following components: developmental assessments, hearing and vision screening or referral, immunization review and referral, *the child's height and weight,* review of any special family circumstances that ~~might~~ may affect development, identification of additional risk factors that may influence learning, an interview with the parent about the child, and referral for assessment, diagnosis, and treatment when potential needs are identified. *The school district and the person performing or supervising the screening shall provide a parent or guardian with clear written notice that the parent or guardian may decline to answer questions or provide information about family circumstances that may affect development and identification of risk factors that may influence learning. The notice shall clearly state that declining to answer questions or provide information does not prevent the child from being enrolled in kindergarten or first grade if all other screening components are met. The notice shall be given to a parent or guardian at the time the district initially provides information to the parent or guardian about screening and shall be given again at the screening location. If a parent or guardian is not able to read and comprehend the written notice, the school district and the person performing or supervising the screening must convey the information in another manner.*

(b) All screening components shall be consistent with the standards of the state commissioner of health for early developmental screening programs. No developmental screening program shall provide laboratory tests, ~~a health history~~ or a physical examination to any child. The school district shall request from the public or private health care organization or the individual health care provider the results of any laboratory test, ~~health history~~ or physical examination within the 12 months preceding a child's

scheduled screening.

(c) If a child is without health coverage, the school district shall refer the child to an appropriate health care provider.

(d) A school board may offer additional components such as nutritional, physical and dental assessments, blood pressure, ~~and~~ laboratory tests, *and health history*. State aid shall not be paid for additional components."

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was re-referred

S.F. No. 1252: A bill for an act relating to state lands; authorizing the commissioner of administration to lease certain land adjacent to Minnehaha state park to the Minneapolis park and recreation board.

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

Amend the title as follows:

Page 1, lines 2 and 3, delete "commissioner of administration" and insert "Minnesota veterans homes board"

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2029: A bill for an act relating to veterans; clarifying procedures for searches of veterans' home residents' rooms or property; amending Minnesota Statutes 1990, section 198.33, subdivision 1.

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2013: A bill for an act relating to state government; adopting the square dance as the American folk dance of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 1.

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

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

S.F. No. 2210: A bill for an act relating to Ramsey county; providing for the certification of eligibles for county positions; amending Minnesota Statutes 1990, section 383A.291, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 2208: A bill for an act relating to Olmsted county; permitting certain exemptions for the conveyance of certain county property.

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

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

S.F. No. 2170: A bill for an act relating to local government; regulating certain interests in contracts by public officers; amending Minnesota Statutes 1990, section 471.88, by adding subdivisions.

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

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

S.F. No. 2009: A bill for an act relating to the city of Cloquet; permitting the city to issue bonds for a water line.

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

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

S.F. No. 1693: A bill for an act relating to crimes; providing that certain health care providers who administer medications to relieve another person's pain do not violate the law making it a crime to aid or attempt aiding suicide; authorizing certain licensure disciplinary options against physicians, physician assistants, nurses, dentists, and pharmacists who are convicted of aiding or attempting to aid suicide; amending Minnesota Statutes 1990, sections 147.091, subdivision 1; 148.261, subdivision 1; 150A.08, subdivision 1; 151.06, subdivision 1; and 609.215, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 147.

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 147.091, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the

licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(c) Conviction, during the previous five years, of a felony reasonably related to the practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) Revocation, suspension, restriction, limitation, or other disciplinary action against the person's medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

(e) Advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by another physician.

(f) Violating a rule promulgated by the board or an order of the board, a state, or federal law which relates to the practice of medicine, or in part regulates the practice of medicine including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law.

(g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Failure to supervise a physician's assistant or failure to supervise a physician under any agreement with the board.

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

(j) Adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board

orders otherwise.

(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) Inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.

(m) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(n) Failure by a doctor of osteopathy to identify the school of healing in the professional use of the doctor's name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

(o) Improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335 or to furnish a medical record or report required by law.

(p) Fee splitting, including without limitation:

(1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices;

(2) dividing fees with another physician or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the physician has disclosed the terms of the division;

(3) referring a patient to any health care provider as defined in section 144.335 in which the referring physician has a significant financial interest unless the physician has disclosed the physician's own financial interest; and

(4) dispensing for profit any drug or device, unless the physician has disclosed the physician's own profit interest.

The physician must make the disclosures required in this clause in advance and in writing to the patient and must include in the disclosure a statement that the patient is free to choose a different health care provider. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the physician or under a physician's direct supervision, or to the division or distribution of prepaid or capitated health care premiums, or fee-for-service withhold amounts paid under contracts established under other state law.

(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(r) Becoming addicted or habituated to a drug or intoxicant.

(s) Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral.

(t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient.

(u) Failure to make reports as required by section 147.111 or to cooperate with an investigation of the board as required by section 147.131.

(v) *Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:*

(1) *a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;*

(2) *a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;*

(3) *a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or*

(4) *a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.*

Sec. 2. [147.36] [PHYSICIAN ASSISTANT; DISCIPLINARY OPTIONS FOR AIDING OR ATTEMPTING TO AID SUICIDE.]

The board of medical examiners shall refuse to grant or renew a registration, or shall suspend or revoke a registration, or use any reasonable lesser remedy against a physician assistant if the assistant aids suicide or aids attempted suicide in violation of section 609.215 as established by any of the following:

(1) *a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;*

(2) *a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;*

(3) *a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or*

(4) *a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.*

Sec. 3. Minnesota Statutes 1990, section 148.261, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board shall have power to deny, revoke, suspend, limit, or condition the license and registration of any person to practice professional or practical nursing pursuant to sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant as described in section 148.262. The following are grounds for disciplinary action:

(1) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in section 148.171 to 148.285 or rules of the board.

In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements.

(2) Employing fraud or deceit in procuring or attempting to procure a permit, license, or registration certificate to practice professional or practical nursing or attempting to subvert the licensing examination process. Conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to:

(i) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

(ii) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or

(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(3) Conviction during the previous five years of a felony or gross misdemeanor reasonably related to the practice of professional or practical nursing. Conviction as used in this subdivision shall include a conviction of an offense that if committed in this state would be considered a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(4) Revocation, suspension, limitation, conditioning, or other disciplinary action against the person's professional or practical nursing license in another state, territory, or country; failure to report to the board that charges regarding the person's nursing license are pending in another state, territory, or country; or having been refused a license by another state, territory, or country.

(5) Failure to or inability to perform professional or practical nursing as defined in section 148.171, paragraph (3) or (5), with reasonable skill and safety, including failure of a registered nurse to supervise or a licensed practical nurse to monitor adequately the performance of acts by any person working at the nurse's direction.

(6) Engaging in unprofessional conduct including, but not limited to, a departure from or failure to conform to board rules of professional or practical nursing practice that interpret the statutory definition of professional or practical nursing as well as provide criteria for violations of the statutes, or, if no rule exists, to the minimal standards of acceptable and prevailing professional or practical nursing practice, or any nursing practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

(7) Delegating or accepting the delegation of a nursing function or a prescribed health care function when the delegation or acceptance could reasonably be expected to result in unsafe or ineffective patient care.

(8) Actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.

(9) Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or without this state.

(10) Engaging in any unethical conduct including, but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

(11) Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or engaging in sexual exploitation of a patient or former patient.

(12) Obtaining money, property, or services from a patient, other than reasonable fees for services provided to the patient, through the use of undue influence, harassment, duress, deception, or fraud.

(13) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(14) Engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.

(15) Improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to section 144.335, or to furnish a patient record or report required by law.

(16) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of professional or practical nursing.

(17) Violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional or practical nursing, or a state or federal narcotics or controlled substance law.

(18) Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 4. Minnesota Statutes 1990, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, any license to practice dentistry or dental hygiene or the registration of any dental assistant upon any of the following grounds:

(1) Fraud or deception in connection with the practice of dentistry or the securing of a license or annual registration certificate;

(2) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

(3) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

(4) Habitual overindulgence in the use of intoxicating liquors;

(5) Improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 152;

(6) Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant, or conduct contrary to the best interest of the public, as such conduct is defined by the rules of the board;

(7) Gross immorality;

(8) Any physical, mental, emotional, or other disability which adversely affects a dentist's, dental hygienist's, or registered dental assistant's ability to perform the service for which the person is licensed or registered;

(9) Revocation or suspension of a license, registration, or equivalent authority to practice, or other disciplinary action or denial of a license or registration application taken by a licensing, registering, or credentialing authority of another state, territory, or country as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was taken only after affording the credentialed person or applicant notice and opportunity to refute the allegations or pursuant to stipulation or other agreement;

(10) Failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules of the board;

(11) Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry;

(12) Failure or refusal to attend, testify, and produce records as directed by the board under subdivision 7; ~~or~~

(13) Violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the board of dentistry, or any disciplinary order issued by the board or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct; *or*

(14) *Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:*

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 5. Minnesota Statutes 1990, section 151.06, subdivision 1, is amended to read:

Subdivision 1. (a) [POWERS AND DUTIES.] The board of pharmacy shall have the power and it shall be its duty:

- (1) to regulate the practice of pharmacy;
- (2) to regulate the manufacture, wholesale, and retail sale of drugs within this state;
- (3) to regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States Pharmacopeia and the National Formulary, or any revisions thereof, or standards adopted under the federal act as the standard;
- (4) to enter and inspect by its authorized representative any and all places where drugs, medicines, medical gases, or veterinary drugs or devices are sold, vended, given away, compounded, dispensed, manufactured, wholesaled, or held; it may secure samples or specimens of any drugs, medicines, medical gases, or veterinary drugs or devices after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of these items provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;
- (5) to examine and license as pharmacists all applicants whom it shall deem qualified to be such;
- (6) to license wholesale drug distributors;
- (7) to deny, suspend, revoke, or refuse to renew any registration or license required under this chapter, to any applicant or registrant or licensee upon any of the following grounds:
 - (i) fraud or deception in connection with the securing of such license or registration;
 - (ii) in the case of a pharmacist, conviction in any court of a felony;
 - (iii) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;
 - (iv) habitual indulgence in the use of narcotics, stimulants, or depressant drugs; or habitual indulgence in intoxicating liquors in a manner which could cause conduct endangering public health;
 - (v) unprofessional conduct or conduct endangering public health;
 - (vi) gross immorality;
 - (vii) employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;
 - (viii) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;

(ix) violation of any of the provisions of this chapter or any of the rules of the state board of pharmacy;

(x) in the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;

(xi) in the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy; ~~or~~

(xii) in the case of a pharmacist, the suspension or revocation of a license to practice pharmacy in another state; *or*

(xiii) in the case of a pharmacist, aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(a) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(b) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(c) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(d) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2;

(8) to employ necessary assistants and make rules for the conduct of its business; and

(9) to perform such other duties and exercise such other powers as the provisions of the act may require.

(b) [TEMPORARY SUSPENSION.] In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend a license for not more than 60 days if the board finds that a pharmacist has violated a statute or rule that the board is empowered to enforce and continued practice by the pharmacist would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the pharmacist, specifying the statute or rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held under the administrative procedure act. The pharmacist shall be provided with at least 20 days notice of any hearing held under this subdivision.

(c) [RULES.] For the purposes aforesaid, it shall be the duty of the board to make and publish uniform rules not inconsistent herewith for carrying out and enforcing the provisions of this chapter.

Sec. 6. Minnesota Statutes 1990, section 609.215, is amended by adding a subdivision to read:

Subd. 3. [ACTS OR OMISSIONS NOT CONSIDERED AIDING SUICIDE OR AIDING ATTEMPTED SUICIDE.] (a) A health care provider, as defined in section 145B.02, subdivision 6, who administers, prescribes, or dispenses medications or procedures to relieve another person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, does not violate this section unless the medications or procedures are knowingly administered, prescribed, or dispensed to cause death.

(b) A health care provider, as defined in section 145B.02, subdivision 6,

who withholds or withdraws a life-sustaining procedure in compliance with chapter 145B or in accordance with reasonable medical practice does not violate this section.

Sec. 7. Minnesota Statutes 1990, section 609.215, is amended by adding a subdivision to read:

Subd. 4. [INJUNCTIVE RELIEF.] A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the course of violating this section by any person who is:

(1) the spouse, parent, child, or sibling of the person who would commit suicide;

(2) an heir or a beneficiary under a life insurance policy of the person who would commit suicide;

(3) a health care provider of the person who would commit suicide;

(4) a public official authorized to prosecute or enforce the laws of this state; or

(5) a legally appointed guardian or conservator of the person who would have committed suicide.

Sec. 8. Minnesota Statutes 1990, section 609.215, is amended by adding a subdivision to read:

Subd. 5. [CIVIL DAMAGES.] A person given standing by subdivision 4, clause (1), (2), or (5), or the person who would have committed suicide, in the case of an attempt, may maintain a cause of action against any person who violates or who attempts to violate subdivision 1 or 2 for compensatory damages and punitive damages as provided in section 549.20. A public official described in subdivision 4, clause (4), may maintain a cause of action against a person who violates or attempts to violate subdivision 1 or 2 for a civil penalty of up to \$50,000 on behalf of the state. An action under this subdivision may be brought whether or not the plaintiff consented to or had prior knowledge of the violation or attempt.

Sec. 9. Minnesota Statutes 1990, section 609.215, is amended by adding a subdivision to read:

Subd. 6. [ATTORNEY FEES.] Reasonable attorney fees shall be awarded to the prevailing plaintiff in a civil action brought under subdivision 4 or 5."

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

S.F. No. 1671: A bill for an act relating to statutes; providing for the numbering of session law chapters; amending Minnesota Statutes 1990, section 3C.04, subdivision 5.

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

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

S.F. No. 1866: A bill for an act relating to the environment; providing protection from liability for releases of hazardous substances to persons not otherwise liable who undertake and complete cleanup actions under an approved cleanup plan; providing for submission and approval of cleanup plans and supervision of cleanup by the commissioner of the pollution control agency; authorizing the commissioner of the pollution control agency to issue determinations or enter into agreements with property owners near the source of releases of hazardous substances regarding future cleanup liability; appropriating money; amending Minnesota Statutes 1990, section 115B.17, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 115B.

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. 2177: A bill for an act relating to juries; prohibiting exclusion from jury service based on a disability; amending Minnesota Statutes 1990, section 593.32.

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

Page 1, line 11, before "*disability*" insert "*a physical or sensory*" and delete everything after "*disability*"

Page 1, line 12, delete the new language

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

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

S.F. No. 1644: A bill for an act relating to commerce; regulating negotiable instruments; adopting the revised article 3 of the Uniform Commercial Code with conforming amendments to articles 1 and 4 approved by the American Law Institute and the National Conference of Commissioners on Uniform State Laws.

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

Page 95, line 30, after the second semicolon, insert "*336.3-120; 336.3-121; 336.3-122;*"

Page 95, line 31, after the fourth semicolon, insert "*336.3-208;*"

Page 95, line 33, delete everything after the first semicolon

Page 95, line 37, delete "*336.3-420;*"

Page 95, line 38, after the fifth semicolon, insert "*336.3-506; 336.3-507; 336.3-508; 336.3-509; 336.3-510; 336.3-511;*"

Page 95, line 39, before the comma, insert "*;; 336.3-606; 336.3-701; 336.3-801; 336.3-802; 336.3-803; 336.3-804; 336.3-805*"

Amend the title as follows:

Page 1, line 7, before the period, insert "*;; amending Minnesota Statutes*

1990, sections 336.1-201; 336.1-207; 336.4-101; 336.4-102; 336.4-103; 336.4-104; 336.4-105; 336.4-106; 336.4-107; 336.4-108; 336.4-201; 336.4-202; 336.4-203; 336.4-204; 336.4-205; 336.4-206; 336.4-207; 336.4-208; 336.4-209; 336.4-210; 336.4-211; 336.4-212; 336.4-213; 336.4-214; 336.4-301; 336.4-302; 336.4-303; 336.4-401; 336.4-402; 336.4-403; 336.4-404; 336.4-405; 336.4-406; 336.4-407; 336.4-501; 336.4-502; 336.4-503; and 336.4-504; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.3-101 to 336.3-805; and 336.4-109"

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

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

S.F. No. 1985: A bill for an act relating to human rights; declaring a state policy of zero tolerance of violence; encouraging state agencies to act to implement the policy; proposing coding for new law in Minnesota Statutes, chapters 1 and 15.

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

Page 1, line 15, delete "*statement*" and insert "*goal*"

Page 2, line 3, delete "*eliminating*" and insert "*elimination*"

Page 2, after line 18, insert:

"Subd. 4. [LIABILITY.] This section does not create any civil liability on the part of the state of Minnesota."

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

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

S.F. No. 2239: A bill for an act relating to retirement; setting an earlier accrual date for a certain retired member of the state retirement system.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 2486: A bill for an act relating to licensure board powers; amending the examination procedure for licensing optometrists; amending Minnesota Statutes 1990, section 148.57, subdivision 1.

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

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

S.F. No. 1699: A bill for an act relating to courts; providing for the creation of a board of Minnesota certified shorthand court reporters; proposing coding for new law in Minnesota Statutes, chapter 486.

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

as follows:

Page 1, delete section 1

Page 1, line 17, delete "486.11" and insert "486.10"

Page 1, line 25, delete "*in the state of Minnesota*"

Page 2, lines 4 and 16, delete "*Minnesota*"

Page 2, line 5, delete "3" and insert "2"

Page 2, line 14, delete "486.12" and insert "486.11" and delete "MINNESOTA"

Page 2, line 36, delete "486.13" and insert "486.12"

Page 3, line 1, delete "*Subject to the approval of the supreme court,*"

Page 3, line 2, delete "*may*" and insert "*shall*"

Page 3, line 4, delete "*within Minnesota*"

Page 3, line 6, delete "*for applicants*" and delete "*Minnesota*"

Page 3, line 11, delete "*Minnesota shorthand certified*" and insert "*certified shorthand*"

Page 3, lines 15, 19, 31, and 35, delete "*Minnesota*"

Page 3, line 20, before "By" insert "*The board shall submit proposed rules to the supreme court for review and approval before final adoption.*"

Page 3, line 23, delete "486.14" and insert "486.13"

Page 3, line 24, delete "7" and insert "6"

Page 3, line 29, delete "486.15" and insert "486.14"

Page 4, line 2, delete "486.16" and insert "486.15"

Page 4, lines 4 and 6, delete "6" and insert "5"

Page 4, line 7, delete "486.17" and insert "486.16"

Page 4, line 10, delete "*Minnesota*"

Page 4, after line 12, insert:

"Sec. 8. [486.17] [PENALTY; UNAUTHORIZED PRACTICE.]

A person may not engage in the practice of shorthand court reporting without being licensed or registered in accordance with the rules adopted by the board and the supreme court. A record made by a shorthand court reporter who is not licensed or registered in accordance with the rules adopted by the board and the supreme court is not admissible in any judicial or administrative proceeding."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "*Minnesota*"

Page 1, line 4, after the semicolon, insert "*imposing penalties;*"

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

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

S.F. No. 2375: A bill for an act relating to the city of Ely; permitting a local sales tax.

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

Page 2, line 8, delete everything after "*project*"

Page 2, line 9, delete "*subdivision 8*"

Page 3, delete lines 35 and 36

Page 4, delete lines 1 to 9

Page 4, line 10, delete "9" and insert "8"

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

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

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.

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

Page 1, line 13, delete "*or administrative*"

Page 1, line 16, after the period, insert "*Directories of public services provided by the county or city are exempt from this subdivision.*"

Amend the title as follows:

Page 1, line 3, after "in" insert "certain"

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

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

S.F. No. 2171: A bill for an act relating to Kandiyohi county; permitting the consolidation of the offices of auditor and treasurer.

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

Page 1, line 7, after "*commissioners*" insert "*or the Chippewa county board of commissioners in their respective counties*"

Page 2, line 10, after "*effect*" insert "*for Kandiyohi county*"

Page 2, line 13, after the period, insert "*This act takes effect for Chippewa county the day after the filing of a certificate of local approval by the Chippewa county board in compliance with Minnesota Statutes, section 645.021, subdivision 3.*"

Amend the title as follows:

Page 1, line 2, delete "county" and insert "and Chippewa counties"

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

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

S.F. No. 1691: A bill for an act relating to courts; authorizing certain appearances in conciliation court; modifying and clarifying conciliation court jurisdiction and procedures; increasing jurisdictional amounts; amending Minnesota Statutes 1990, sections 487.30, subdivisions 1, 3a, 4, 7, and by adding subdivisions; 488A.12, subdivision 3; and 488A.29, subdivision 3; Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3; repealing Minnesota Statutes 1990, section 487.30, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received

and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal;

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause; or

(14) the delivery of legal services by a specialized legal assistant in accordance with a specialty license issued by the supreme court before July 1, 1995; or

(15) an officer, partner, or employee from appearing on behalf of a corporation, partnership, sole proprietorship, or association in conciliation court in accordance with section 8.

Sec. 2. Minnesota Statutes 1990, section 487.30, subdivision 1, is amended to read:

Subdivision 1. [JURISDICTION; GENERAL.] (a) ~~Except as provided in paragraph (b),~~ The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed ~~\$4,000~~ \$5,000 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the ~~county district~~ court for a trial on the merits. *Except as otherwise provided in this section,* the territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

(b) ~~If the claim involves a consumer credit transaction, the amount of money or property that is the subject matter of the claim may not exceed \$2,500. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which:~~

(1) ~~credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind;~~

(2) ~~the buyer is a natural person;~~

(3) ~~the claimant is the seller or lender in the transaction; and~~

(4) ~~the personal property is purchased primarily for a personal, family, or household purpose and not for a commercial, agricultural, or business purpose. The summons in an action under subdivisions 3a to 4 may be served anywhere within the state. The conciliation court does not have jurisdiction to hear a claim brought by a person who has purchased or for other value taken an assignment of the claim after the claim arose.~~

(b) If the controversy concerns the ownership or possession of personal property the value of which does not exceed \$5,000, the court may determine the ownership and possession of the property and order any party to deliver the property to another party. The order is enforceable by the sheriff of the county in which the property is located without further legal process.

Sec. 3. Minnesota Statutes 1990, section 487.30, subdivision 3a, is amended to read:

Subd. 3a. [JURISDICTION; STUDENT LOANS.] ~~Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary,~~ The conciliation court *also* has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:

(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;

(b) ~~the loan or loans are overdue at the time the action is commenced;~~

(c) ~~the amount sought in any single action does not exceed \$4,000;~~

(d) ~~notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and~~

(e) (c) the notice states that the educational institution may commence a

conciliation court action in the county where the loan was awarded to recover the amount of the loan.

~~Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.~~

Sec. 4. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 3b. [JURISDICTION; FOREIGN DEFENDANTS.] (a) A conciliation court action may be commenced against a foreign corporation doing business in this state in the county where the corporation's registered agent is located, or if the corporation does not appoint or maintain a registered agent in this state, in the county in which the plaintiff resides.

(b) In the case of a nonresident other than a foreign corporation, if this state has jurisdiction under section 543.19, a conciliation court action may be commenced against the nonresident in the county in which the plaintiff resides.

Sec. 5. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 3c. [JURISDICTION; MULTIPLE DEFENDANTS.] A conciliation court action may be commenced by a plaintiff against two or more defendants in the county in which one or more of the defendants resides. Counterclaims may be commenced in the county where the original action was commenced.

Sec. 6. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 3d. [JURISDICTION; CERTAIN CLAIMS ARISING OUT OF RENTAL PROPERTY.] An action under section 504.20 for the recovery of a deposit on rental property, or an action under section 504.245, 504.255, or 504.26, also may be brought in the county in which the rental property is located.

Sec. 7. Minnesota Statutes 1990, section 487.30, subdivision 4, is amended to read:

Subd. 4. [JURISDICTION; DISHONORED CHECKS.] The conciliation court also has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of the county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawee as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This subdivision does not apply to a check that has been dishonored by a stop payment order. ~~Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The court administrator of conciliation court shall attach a copy of the dishonored check to the summons before it is issued.~~

Sec. 8. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 4a. [ATTORNEYS; REPRESENTATION.] (a) A party to a conciliation court action may appear without an attorney or may be represented by an attorney when the conciliation court, in its discretion, finds the interests of justice would best be served by that representation, and it is limited to the extent and in the manner that the judge considers helpful. The court shall adopt simplified procedures to allow parties to represent themselves.

(b) A corporation, partnership, sole proprietorship, or association may be represented by an officer or partner who is not an attorney or may appoint an employee who is not an attorney to appear on its behalf or settle a claim in conciliation court. If all of the partners or shareholders of a partnership, association, or corporation are attorneys, an officer, partner, or employee representing the partnership, association, or corporation may be an attorney. In the case of an employee, an authorized power of attorney or other evidence of authority acceptable to the court must be filed with the claim or presented at the hearing.

Sec. 9. Minnesota Statutes 1990, section 487.30, subdivision 7, is amended to read:

*Subd. 7. [NOTICE OF COSTS ON REMOVAL.] A notice of order for judgment shall contain a statement that if the cause is removed to ~~county~~ district court, the court may, ~~in its discretion,~~ allow the prevailing party to recover from the aggrieved party an amount not to exceed \$50 as costs if the prevailing party on appeal is not the aggrieved party in the original action. *The notice must also contain a statement that if the removing party does not prevail, the opposing party will be awarded costs as provided under subdivision 8, and must include the actual dollar amount of costs applicable to the case.**

Sec. 10. Minnesota Statutes 1990, section 487.30, subdivision 8, is amended to read:

Subd. 8. [COSTS AND DISBURSEMENTS ON REMOVAL.] (a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.

(b) If the removing party prevails in district court, the removing party may recover costs from the opposing party as provided by rules of the supreme court. If the removing party does not prevail, the court shall award the opposing party an additional ~~\$200~~ amount as costs equal to five percent of the conciliation court jurisdictional limit applicable to the original claim.

(c) The removing party prevails in district court if:

(1) the removing party recovers at least \$500 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party

recovered in conciliation court by at least \$500 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 11. Minnesota Statutes 1990, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$4,000, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed \$2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:

(1) the student loan or loans were originally awarded in Hennepin county;

(2) the loan or loans are overdue at the time the action is commenced;

(3) the amount sought in any single action does not exceed \$3,500;

(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.

Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued. The provisions of section 487.30 dealing with jurisdiction of conciliation courts apply in Hennepin county.

Sec. 12. Minnesota Statutes 1990, section 488A.15, subdivision 2, is amended to read:

Subd. 2. [APPEARANCE OF PARTIES, ATTORNEYS.] Any party may appear in the party's own behalf without an attorney, or may retain and be represented by a duly admitted attorney ~~who may participate in the hearing when the conciliation court, in its discretion, finds the interests of justice would best be served by that representation, and it is limited to the extent and in the manner that the judge, in the judge's discretion, deems helpful to accomplish the purposes of this act. The court shall adopt simplified procedures to allow parties to represent themselves.~~

Sec. 13. Minnesota Statutes 1990, section 488A.16, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] The court administrator shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to ~~municipal~~ district court. The notice shall contain a statement that if the cause is removed to ~~municipal~~ district court, the court may, ~~in its discretion,~~ allow the prevailing party to recover from the aggrieved party an amount not to exceed \$50 as costs if the prevailing party on appeal is not the aggrieved party in the original action. ~~The notice must also contain a statement that if the removing party does not prevail, the opposing party will be awarded costs as provided under section 488A.17, subdivision 10, and must include the actual dollar amount of costs applicable to the case.~~

Sec. 14. Minnesota Statutes 1990, section 488A.17, subdivision 10, is amended to read:

Subd. 10. [COSTS AND DISBURSEMENTS ON REMOVAL.] (a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.

(b) If the removing party prevails in district court, the removing party may recover \$5 as costs from the opposing party, together with disbursements in conciliation and district court. If the removing party does not prevail, the court shall award the opposing party an additional ~~\$200~~ amount

as costs *equal to five percent of the conciliation court jurisdictional limit applicable to the original claim*, together with disbursements.

(c) The removing party prevails in district court if:

(1) the removing party recovers at least \$500 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 15. Minnesota Statutes 1990, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) ~~Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$4,000, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed \$2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.~~

(b) ~~Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.~~

(c) ~~Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court~~

administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:

- (1) the student loan or loans were originally awarded in Ramsey county;
- (2) the loan or loans are overdue at the time the action is commenced;
- (3) the amount sought in any single action does not exceed \$4,000;
- (4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and
- (5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.

Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued. The provisions of section 487.30 dealing with jurisdiction of conciliation courts apply in Ramsey county.

Sec. 16. Minnesota Statutes 1990, section 488A.32, subdivision 2, is amended to read:

Subd. 2. [APPEARANCE OF PARTIES.] Any party may appear in the party's own behalf without an attorney, or may retain and be represented by a duly admitted attorney ~~who may participate in the hearing when the conciliation court, in its discretion, finds the interests of justice would best be served by that representation, and it is limited to the extent and in the manner that the judge deems helpful. The court shall adopt simplified procedures to allow parties to represent themselves.~~

Sec. 17. Minnesota Statutes 1990, section 488A.33, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] The administrator shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to ~~municipal district~~ court. The notice shall also contain a statement that if the cause is removed to ~~municipal district~~ court, the court may, ~~in its discretion,~~ allow the prevailing party to recover from the aggrieved party an amount not to exceed \$50 as costs if the prevailing party on appeal is not the aggrieved party in the original action. ~~The notice must also contain a statement that if the removing party does not prevail, the opposing party will be awarded costs as provided under section 488A.34, subdivision 9, and must include the actual dollar amount of costs applicable to the case.~~

Sec. 18. Minnesota Statutes 1990, section 488A.34, subdivision 9, is amended to read:

Subd. 9. [COSTS AND DISBURSEMENTS ON REMOVAL.] (a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.

(b) If the removing party prevails in district court, the removing party may recover costs and disbursements from the opposing party as though the action were commenced in district court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 amount as costs equal to five percent of the conciliation court jurisdictional limit applicable to the original claim, together with disbursements.

(c) The removing party prevails in district court if:

(1) the removing party recovers at least \$500 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 19. [CONFLICT OF INTEREST RULES.]

The supreme court is requested to adopt rules governing conflict of interest procedures and policies for conciliation court referees and judges. The rules should address direct conflicts of interest as well as conflicts of interest arising from an area of private practice in which a referee is significantly involved.

Sec. 20. [REPEALER.]

Minnesota Statutes 1990, sections 487.30, subdivision 3; 488A.14, subdivision 6; and 488A.31, subdivision 6, are repealed."

Delete the title and insert:

"A bill for an act relating to courts; authorizing certain appearances in conciliation court; modifying and clarifying conciliation court jurisdiction and procedures; increasing jurisdictional amounts; amending Minnesota Statutes 1990, sections 487.30, subdivisions 1, 3a, 4, 7, 8, and by adding subdivisions; 488A.12, subdivision 3; 488A.15, subdivision 2; 488A.16, subdivision 1; 488A.17, subdivision 10; 488A.29, subdivision 3; 488A.32,

subdivision 2; 488A.33, subdivision 1; 488A.34, subdivision 9; Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3; repealing Minnesota Statutes 1990, sections 487.30, subdivision 3; 488A.14, subdivision 6; 488A.31, subdivision 6.”

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2185: A bill for an act relating to game and fish; limiting the prohibition on the use of radio equipment to take protected wild animals to big game and small game; amending Minnesota Statutes 1990, section 97B.085, subdivision 1.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

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.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2238: A bill for an act relating to appropriations; appropriating money for control, research, and abatement of nuisance aquatic exotic species in public waters and wetlands.

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

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

S.F. No. 2145: A bill for an act relating to metropolitan government; permitting the metropolitan council to issue bonds for development of light rail transit; amending Minnesota Statutes 1990, section 473.39.

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

Page 3, line 8, delete “\$320,000,000” and insert “\$92,000,000 to match federal money equal to 80 percent of the cost”

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

on Metropolitan Affairs. Amendments adopted. Report adopted.

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

S.F. No. 1767: A bill for an act relating to highways; changing description of a route in the state highway system.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2389: A bill for an act relating to natural resources; allowing use of alternative rulemaking procedures for certain rules of the commissioner of natural resources; regulating activities relating to stromatolites; changing definitions; modifying provisions relating to game refuges, scientific and natural areas, experimental waters, and special management waters; expanding certain authorities relating to deer licenses; exempting certain rules of the commissioner from the administrative procedure act; allowing nonmetal tags for fish nets; authorizing rulemaking; amending Minnesota Statutes 1990, sections 86A.05, subdivision 5; 97A.015, subdivisions 15 and 40; 97A.085, subdivisions 2, 3, 4, 5, 8, and by adding a subdivision; 97A.411, subdivision 3; 97A.485, subdivision 9; 97C.001, subdivisions 1 and 3; 97C.005; 97C.351; and 103G.615, subdivision 3; Minnesota Statutes 1991 Supplement, sections 14.29, subdivision 4; and 97A.093; and Laws 1991, chapter 259, section 25, as amended; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Page 2, line 2, delete "*gingseng*" and insert "*ginseng*"

Page 7, line 9, after "HUNTING" insert ", *TRAPPING*,"

Page 9, line 28, after the first "*Sections*" insert "2," and after "1" insert ", 3"

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

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

S.F. No. 1288: A bill for an act relating to traffic regulations; allowing use of studded tires on emergency vehicles; amending Minnesota Statutes 1990, section 169.72, by adding a subdivision.

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

Page 1, delete lines 22 to 25

Page 2, line 1, delete "(3)" and insert "(2)"

Page 2, line 3, delete "(4)" and insert "(3)"

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

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

S.F. No. 2103: A bill for an act relating to drivers' licenses; increasing fees; appropriating money; amending Minnesota Statutes 1990, section 171.06, subdivision 2.

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

Page 1, line 22, before the period, insert "*that are more impervious to alteration*"

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. 1972: A bill for an act relating to highways; directing the commissioner of transportation to erect a directional sign on interstate highway No. 94 in St. Paul.

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

Page 1, line 11, before the period, insert "*if Metropolitan State University pays all costs of erecting the sign*"

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

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

S.F. No. 1841: A bill for an act relating to commerce; consumer protection; regulating the sale of dogs and cats by animal distributors; requiring the registration of distributors; prescribing penalties; providing remedies; creating a commission on commercial animal facilities and practices; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Delete everything after the enacting clause and insert:

"Section 1. [325F.79] [DEFINITIONS.]

For purposes of sections 1 to 3, the following definitions apply:

(a) "*Animal*" means a dog, wholly or in part of the species *Canis familiaris*, or a cat, wholly or in part of the species *Felis domesticus*.

(b) "*Pet dealer*" means a person, firm, partnership, corporation, or association, including breeders, that is required to collect sales tax for the sale of animals to the public. Pet dealer does not include humane societies, nonprofit organizations performing the functions of humane societies, or animal control agencies.

(c) "*Breeder*" means a person, firm, partnership, corporation, or association that breeds animals for direct or indirect sale to the public.

(d) "*Broker*" means a person, firm, partnership, corporation, or association that purchases animals for resale to other brokers or pet dealers.

(e) "Health problem" means a disease, illness, or congenital or hereditary condition that is apparent at the time of sale, or which should have been apparent to the seller from the veterinary history of the animal.

(f) "Veterinarian" means a licensed veterinarian in the state of Minnesota.

Sec. 2. [325F.791] [SALES OF DOGS AND CATS.]

Subdivision 1. [DISCLOSURE.] A pet dealer shall deliver to each retail purchaser of an animal written disclosure as follows:

(1) the name, address, and USDA license number of the breeder and any broker who has had possession of the animal; the date of the animal's birth; the date the pet dealer received the animal; the breed, sex, color, and identifying marks of the animal; the individual identifying tag, tattoo, or collar number; the name and registration number of the sire and dam and the litter number; and a record of inoculations, worming treatments, and medication received by the animal while in the possession of the pet dealer;

(2) a statement signed by the pet dealer that the animal has no known health problems, or a statement signed by the pet dealer disclosing any known health problem and a statement signed by a veterinarian that recommends necessary treatment.

The disclosure must be made part of the statement of consumer rights specified in subdivision 10.

Subd. 2. [RECORDS.] A pet dealer shall maintain a copy of the statement of consumer rights delivered to the purchaser for one year.

Subd. 3. [REGISTRATION.] A pet dealer who represents an animal as eligible for registration with an animal pedigree organization shall provide the retail purchaser with the documents necessary for registration within 90 days of sale or, if the animal is being purchased under an installment payment agreement, within 90 days after receipt of the final payment. If the documents are not received from the pet dealer, the purchaser may retain the animal and receive a refund of 50 percent of the purchase price, or return the animal, along with all documentation previously provided, and receive a full refund. The pet dealer is not responsible for delays in registration which are caused by persons other than the pet dealer.

Subd. 4. [HEALTH.] No animal may be offered for sale by a broker or pet dealer to a retail purchaser until the animal has been examined by a veterinarian. The veterinarian used by the broker must not be the same veterinarian used by the pet dealer. If the pet dealer is not the breeder of the animal, each animal must be examined within two days after receipt of the animal by a pet dealer and within four days of delivery of the animal to the purchaser by the pet dealer. The cost of the examination must be paid by the pet dealer.

Subd. 5. [RESPONSIBILITIES OF PURCHASER.] To obtain the remedies provided in subdivision 6, the purchaser shall with respect to an ill animal:

(1) notify the pet dealer, within two business days, of the diagnosis by a veterinarian of a health problem and provide the pet dealer with the name and telephone number of the veterinarian and a copy of the veterinarian's report on the animal; and

(2) if the purchaser wishes to receive a full refund for the animal, return the animal no later than two business days after receipt of a written statement

from a veterinarian indicating the animal is unfit due to a health problem.

With respect to a dead animal the purchaser shall provide the pet dealer with a written statement from a veterinarian, indicating that the animal died from a health problem which existed on or before the receipt of the animal by the purchaser.

Subd. 6. [RIGHTS OF THE PURCHASER.] If, within ten days after receipt of the animal by the purchaser, a veterinarian states in writing that the animal is ill due to a disease which existed in the animal at the time of delivery, or if, within one year after receipt of the animal by the purchaser, a veterinarian states in writing that the animal has died or is ill due to a hereditary or congenital defect, or is not of the breed type represented, the animal is considered to have been unfit for sale at the time of sale.

In the event an animal dies due to a disease which existed in the animal at the time of delivery to the purchaser, the pet dealer shall provide the purchaser with one of the following remedies selected by the purchaser: receive an animal of equal value, if available and reimbursement for reasonable veterinary fees that do not exceed the original purchase price of the animal; or receive a refund of the full purchase price.

In the event of illness, the pet dealer shall provide the purchaser with one of the following remedies selected by the purchaser: return the animal to the pet dealer for a refund of the full purchase price; exchange the animal for an animal of the purchaser's choice of equivalent value, providing a replacement is available; or retain the animal, and receive reimbursement for reasonable veterinary fees that do not exceed the original purchase price of the animal.

The price of veterinary service is considered reasonable if the service is appropriate for the diagnosis and treatment of the health problem and the price of the service is comparable to that of similar service provided by other veterinarians in proximity to the treating veterinarian.

Subd. 7. [RIGHTS OF PET DEALER.] No refund, replacement, or reimbursement of veterinary fees may be required if any one or more of the following conditions exist:

(1) the health problem or death resulted from maltreatment or neglect, or from an injury sustained subsequent to receipt of the animal by the purchaser;

(2) a veterinarian's statement was provided to the purchaser as specified under subdivision 1, clause (2), which disclosed the health problem for which the purchaser seeks to return the animal; or

(3) the purchaser fails to carry out recommended treatment prescribed by the examining veterinarian, as provided under subdivision 1, clause (2).

Subd. 8. [CONTEST.] (a) In the event that a pet dealer wishes to contest a demand for the relief specified in subdivision 3 or 6, the pet dealer may require the purchaser to produce the animal for examination or autopsy by a veterinarian designated by the pet dealer. The pet dealer shall pay the cost of this examination.

(b) If the pet dealer does not provide the relief selected by the purchaser as specified in subdivision 3 or 6, the purchaser may initiate a court action.

(c) The prevailing party in the court action shall have the right to recover costs and reasonable attorney fees not to exceed \$500.

Subd. 9. [POSTED NOTICE.] A pet dealer shall post in a prominent location of the facility, a notice, in 48-point bold face type, containing the following language:

"Information on all dogs and cats is available. You are entitled to a statement of consumer rights. Make sure you receive this statement at the time of purchase."

Subd. 10. [STATEMENT OF CONSUMER RIGHTS.] A pet dealer shall provide the retail purchaser with a written notice of rights, which must be signed by the purchaser, acknowledging that the purchaser has reviewed the notice, and signed by the pet dealer certifying the accuracy of the information contained in it. A signed copy must be retained by the pet dealer and one given to the purchaser. The notice must be in 16-point bold face type and must state as follows:

"A STATEMENT OF MINNESOTA LAW GOVERNING

THE SALE OF DOGS AND CATS

The sale of dogs and cats is subject to consumer protection regulations. Minnesota law also provides safeguards to protect pet dealers and animal purchasers. Attached is a copy of Minnesota Statutes, sections 325F.79, 325F.791, and 325F.792. Contained within this law is a statement of your consumer rights."

The statement of consumer rights must also contain or have attached the disclosures required under subdivision 1.

Subd. 11. [LIMITATION.] Nothing in this section or section 325F.792 limits the rights or remedies which are otherwise available to a purchaser under any other law. An agreement or contract to waive any rights under this section or section 325F.792 is null and void and unenforceable.

Sec. 3. [325F.792] [ADDITIONAL PENALTIES.]

Subdivision 1. [CRIMINAL PENALTY.] A violation of a United States Department of Agriculture statute or regulation covering animal breeders or groomers, pet dealers, or the transportation of dogs or cats is a misdemeanor.

Subd. 2. [CIVIL PENALTY.] (a) A pet dealer who: (1) sells an animal without delivery of the disclosure required in section 2, subdivision 1; (2) fails to maintain the records required by section 2, subdivision 2; (3) fails to provide registration papers as provided in section 2, subdivision 3; (4) fails to make or provide payment for the examinations required by section 2, subdivision 4; (5) fails to post the notice required by section 2, subdivision 9; or (6) fails to provide the statement of consumer rights required by section 2, subdivision 10, is subject to a civil fine of up to \$1,000 per violation.

(b) Civil fines collected under this subdivision must be collected by the court and turned over to the prosecuting attorney."

Amend the title as follows:

Page 1, line 5, delete "creating a"

Page 1, delete line 6

Page 1, line 7, delete "practices;"

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

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

H.F. No. 1911 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1911	1766				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1911 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1911 and insert the language after the enacting clause of S.F. No. 1766, the first engrossment; further, delete the title of H.F. No. 1911 and insert the title of S.F. No. 1766, the first engrossment.

And when so amended H.F. No. 1911 will be identical to S.F. No. 1766, and further recommends that H.F. No. 1911 be given its second reading and substituted for S.F. No. 1766, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2002 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2002	1908

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2002 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2002 and insert the language after the enacting clause of S.F. No. 1908, the first engrossment; further, delete the title of H.F. No. 2002 and insert the title of S.F. No. 1908, the first engrossment.

And when so amended H.F. No. 2002 will be identical to S.F. No. 1908, and further recommends that H.F. No. 2002 be given its second reading and substituted for S.F. No. 1908, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2044 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2044	1830				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1827 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1827	1681

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1827 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1827 and insert the language after the enacting clause of S.F. No. 1681, the first engrossment; further, delete the title of H.F. No. 1827 and insert the title of S.F. No. 1681, the first engrossment.

And when so amended H.F. No. 1827 will be identical to S.F. No. 1681, and further recommends that H.F. No. 1827 be given its second reading and substituted for S.F. No. 1681, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 917 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No.

S.F. No.

917

CONSENT CALENDAR

H.F. No.

S.F. No.

1109

CALENDAR

H.F. No.

S.F. No.

and that the above Senate File be indefinitely postponed.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2233: A bill for an act relating to outdoor recreation; granting counties an option to decline to participate in the distribution of snowmobile and all-terrain vehicle trail grant-in-aid funds; amending Minnesota Statutes 1990, sections 84.83, by adding a subdivision; and 85.018, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 84.83, is amended by adding a subdivision to read:

Subd. 4. [PROVISIONS APPLICABLE TO FUNDING RECIPIENTS.] Recipients of Minnesota trail assistance program funds from counties or municipalities must be afforded the same protection and be held to the same standard of liability as a landowner under chapter 87 for activities associated with the administration, design, construction, maintenance, and grooming of snowmobile trails.

Sec. 2. Minnesota Statutes 1990, section 84.87, is amended by adding a subdivision to read:

Subd. 2c. [APPLICATION OF SPEED LIMITS TO TESTING ACTIVITIES.] (a) A speed limit established by the commissioner in rules adopted under section 84.86 does not apply to a snowmobile that is being operated as part of a testing program established by a snowmobile manufacturer if:

(1) the snowmobile is operated for testing purposes by a driver employed by the snowmobile manufacturer;

(2) the snowmobile is clearly marked as a test machine; and

(3) the snowmobile is operated in compliance with all other applicable laws and rules.

(b) A card containing a photograph of the driver and identifying the driver as a test driver for the manufacturer must be in the driver's possession at all times when the snowmobile is being operated at a speed in excess of the limit established by the commissioner under section 84.86.

Sec. 3. Minnesota Statutes 1990, section 84A.55, is amended by adding a subdivision to read:

Subd. 7a. [SNOWMOBILES ON CERTAIN LANDS.] Unless specifically prohibited by a rule of the commissioner, snowmobiles may be operated on lands subject to this section that have been identified by the commissioner

as wildlife management areas.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; specifying certain provisions applicable to recipients of grant funds; exempting snowmobile testing activities from applicable speed limits under certain conditions; allowing the use of snowmobiles on certain conservation lands unless prohibited by rule of the commissioner of natural resources; amending Minnesota Statutes 1990, sections 84.83, by adding a subdivision; 84.87, by adding a subdivision; and 84A.55, by adding a subdivision."

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

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

S.F. No. 2603: A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 43A.316, by adding a subdivision; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62E.11, by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A; 62A; 62E; 62J; 136A; 137; 144; 144A; 256; 256B; 295; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 62A.02, subdivisions 4 and 5.

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

Page 5, line 32, delete "*be a senior*" and insert "*represent persons over age 65*"

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

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

S.F. No. 738: A bill for an act relating to public safety; requiring a permit to transport hazardous materials and authorizing the commissioner of transportation to adopt rules and establish fees; requiring the commissioner of public safety to implement a state hazardous materials incident response plan; creating an advisory task force; creating the hazardous materials incident response account and distributing money to the account; proposing coding for new law in Minnesota Statutes, chapters 221; 299A; and 299K.

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

Delete everything after the enacting clause and insert:

“Section 1. [221.0335] [HAZARDOUS MATERIALS TRANSPORTATION REGISTRATION; FEES.]

A person required to file a registration statement under section 106(c) of the federal Hazardous Materials Transportation Safety Act of 1990 may not transport a hazardous material unless the person files an annual hazardous materials registration statement with the commissioner and pays a fee. The commissioner shall adopt rules to implement this section, including administration of the registration program and establishing registration fees. A fee may not exceed a person's annual registration fee under the federal act. Fees must be set in accordance with section 16A.128, subdivision 1a, to cover the costs of administering and enforcing this section and the costs of hazardous materials incident response capability under sections 2 to 8. All fees collected under this section must be deposited in the general fund and credited to the hazardous materials incident response account.

Sec. 2. [299A.47] [CITATION.]

Sections 2 to 8 may be cited as the “Minnesota hazardous materials incident response act.”

Sec. 3. [299A.48] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 2 to 8, the following terms have the meanings given them.

Subd. 2. [CHEMICAL ASSESSMENT TEAM.] “Chemical assessment team” means a team trained and equipped to evaluate a hazardous materials incident and recommend the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of local resources, or other relevant factors.

Subd. 3. [COMMISSIONER.] “Commissioner” means the commissioner of public safety.

Subd. 4. [HAZARDOUS MATERIALS.] “Hazardous materials” means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. “Hazardous materials” includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and flammable gases.

Subd. 5. [LOCAL UNIT OF GOVERNMENT.] “Local unit of government” means a county, home rule charter or statutory city, or town.

Subd. 6. [PERSON.] “Person” means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

Subd. 7. [REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM.] "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release. A regional hazardous materials response team may include strategically located chemical assessment teams.

Sec. 4. [299A.49] [RESPONSE PLAN.]

Subdivision 1. [ELEMENTS OF PLAN; RULES.] (a) After consultation with the commissioners of natural resources, agriculture, transportation, and the pollution control agency, the state fire marshal, the emergency response commission, and appropriate technical emergency response representatives, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

(1) the locations of up to five regional hazardous materials response teams, based on the location of hazardous materials, response time, and proximity to large population centers;

(2) the number and qualifications of members on each team;

(3) the responsibilities of regional hazardous materials response teams;

(4) equipment needed for regional hazardous materials response teams;

(5) procedures for selecting and contracting with local governments or nonpublic persons to establish regional hazardous materials response teams;

(6) procedures for dispatching teams at the request of local governments;

(7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and

(8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Subd. 2. [CONTRACTS AND AGREEMENTS.] The commissioner may cooperate with and enter into contracts with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, or nonpublic persons to implement the response plan.

Sec. 5. [299A.50] [LIABILITY AND WORKERS' COMPENSATION.]

Subdivision 1. [LIABILITY.] During operations authorized under section 4, members of a regional hazardous materials response team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. [WORKERS' COMPENSATION.] During operations authorized under section 4, members of a regional hazardous materials response team operating outside their geographic jurisdiction are considered state employees for purposes of chapter 176.

Subd. 3. [GOOD SAMARITAN.] A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

Sec. 6. [299A.51] [RESPONSIBLE PERSON.]

Subdivision 1. [RESPONSE LIABILITY.] A responsible person, as described in section 115B.03, is liable for the reasonable and necessary costs, including legal and administrative costs, of response to a hazardous materials incident incurred by a regional hazardous materials response team or local unit of government. For the purposes of this section, "hazardous substance" as used in section 115B.03 means "hazardous material" as defined in section 3.

Subd. 2. [EXPENSE RECOVERY.] The commissioner shall assess the responsible person for the regional hazardous materials response team costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs.

Subd. 3. [ATTEMPTED AVOIDANCE OF LIABILITY.] For purposes of sections 2 to 8, a responsible person may not avoid liability by conveying any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

Sec. 7. [299A.52] [HAZARDOUS MATERIALS INCIDENT RESPONSE ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] The hazardous materials response account is created in the general fund. The account consists of money from hazardous materials registration fees under section 1, fees collected from persons under section 8, and gifts.

Subd. 2. [GIFTS.] The commissioner may accept monetary gifts for deposit in the account and equipment for use by regional hazardous materials response teams.

Subd. 3. [EXPENDITURES.] Money in the account may be spent for:

(1) vehicles, equipment, training, and personnel costs for regional hazardous materials response teams;

(2) reimbursing response costs of regional hazardous materials response teams;

(3) maintaining a statewide 24-hour emergency response center;

(4) maintaining a hazardous materials incident follow-up reporting system; and

(5) administrative costs of the commissioner of transportation under section 1 and the commissioner of public safety under sections 2 to 8.

Sec. 8. [299K.095] [HAZARDOUS MATERIALS INCIDENT RESPONSE FEES.]

(a) Persons, except individuals engaged in a farming operation, required under section 11002 of the federal act to notify the commission of the storage of an extremely hazardous substance shall pay an annual fee of \$75 for each facility.

(b) Persons required under section 11023 of the federal act to submit a toxic chemical release form to the commission shall pay an annual fee of \$500 for each facility. This fee is in addition to fees collected under section 115D.12.

(c) All fees collected under this section must be deposited in the general fund and credited to the hazardous materials incident response account.

Sec. 9. [APPROPRIATION.]

\$ is appropriated from the hazardous materials incident response account to the commissioner of transportation for the purposes of section 1.

\$ is appropriated from the hazardous materials incident response account to the commissioner of public safety for the purposes of sections 2 to 8."

Delete the title and insert:

"A bill for an act relating to public safety; requiring registration and payment of an annual fee to transport hazardous materials; authorizing the commissioner of transportation to adopt rules; requiring the commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account and distributing money to the account; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 221; 299A; and 299K."

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

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

S.F. No. 1846: A bill for an act relating to corrections; requiring community-based sex offender treatment programs to be certified; establishing a sex offender treatment fund; requiring the legislative auditor to prepare a plan to implement an outcome-based evaluation and quality management system for sex offender treatment programs; requiring a report; amending Minnesota Statutes 1990, section 241.67, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 241.

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

Delete everything after the enacting clause and insert:

"SEX OFFENDER TREATMENT

Section 1. Minnesota Statutes 1990, section 241.021, is amended by adding a subdivision to read:

Subd. 4a. [CHEMICAL DEPENDENCY TREATMENT PROGRAMS.] All residential chemical dependency treatment programs operated by the commissioner of corrections to treat adults and juveniles committed to the commissioner's custody shall comply with the standards mandated in Minnesota Rules, parts 9530.4100 to 9530.4450, for treatment programs operated by community-based residential treatment facilities.

Sec. 2. Minnesota Statutes 1990, section 241.67, subdivision 1, is amended to read:

Subdivision 1. [SEX OFFENDER TREATMENT.] A sex offender treatment system is established under the administration of the commissioner of corrections to provide and finance a range of sex offender treatment programs for eligible adults and juveniles. ~~Eligible~~ *Offenders who are eligible to receive treatment, within the limits of available funding, are:*

(1) adults and juveniles committed to the custody of the commissioner;

(2) adult offenders for whom treatment is required by the court as a condition of probation; ~~and~~

(3) juvenile offenders who have been found delinquent or received a stay of adjudication, for whom the juvenile court has ordered treatment; and

(4) adults and juveniles who are eligible for community-based treatment under the sex offender treatment fund established in section 5.

Sec. 3. Minnesota Statutes 1990, section 241.67, subdivision 2, is amended to read:

Subd. 2. [TREATMENT PROGRAM STANDARDS.] ~~By July 1, 1991,~~ (a) The commissioner shall adopt rules under chapter 14 for the certification of adult and juvenile sex offender treatment programs in state and local correctional facilities. The rules shall require that sex offender treatment programs be at least four months in duration. ~~After July 1, 1991,~~ A correctional facility may not operate a sex offender treatment program unless the program has met the standards adopted by and been certified by the commissioner of corrections. As used in this subdivision, "correctional facility" has the meaning given it in section 241.021, subdivision 1, clause (5).

(b) *By July 1, 1993, the commissioner shall adopt rules under chapter 14 for the certification of community-based adult and juvenile sex offender treatment programs not operated in state or local correctional facilities.*

(c) *In addition to other certification requirements established under paragraphs (a) and (b), rules adopted by the commissioner must require all certified programs to participate in an ongoing outcome-based evaluation and quality management system established by the commissioner.*

Sec. 4. Minnesota Statutes 1990, section 241.67, subdivision 3, is amended to read:

Subd. 3. [PROGRAMS FOR ADULT OFFENDERS COMMITTED TO THE COMMISSIONER.] (a) The commissioner shall provide for a range of sex offender treatment programs, including intensive sex offender treatment, within the state adult correctional facility system. *The commissioner shall establish a certified sex offender program at the Minnesota correctional facility in St. Cloud. Except as provided in section 243.18 or 244.04,* participation in any treatment program is voluntary and is subject to the rules and regulations of the department of corrections. Nothing in this section requires the commissioner to accept or retain an offender in a treatment program. Nothing in this section creates a right of an offender to treatment.

(b) The commissioner shall provide for residential and outpatient sex offender treatment and aftercare when required for conditional release under section 609.1352 or as a condition of supervised release.

Sec. 5. [241.671] [SEX OFFENDER TREATMENT FUND.]

Subdivision 1. [TREATMENT FUND ADMINISTRATION.] A sex offender treatment fund is established to pay for community-based sex offender treatment for adults and juveniles. The commissioner of corrections and the commissioner of human services shall establish an interagency staff work group to coordinate agency activities relating to sex offender treatment. The commissioner of human services is responsible for administering the sex offender treatment fund, including establishing requirements for submitting claims for payment, paying vendors, and enforcing the county maintenance of effort requirement in subdivision 7. The commissioner of corrections is responsible for overseeing and coordinating a statewide sex offender treatment system under section 241.67, subdivision 1, certifying

sex offender treatment providers under section 241.67, subdivision 2, paragraph (b); establishing eligibility criteria and an assessment process under subdivision 3; determining county allocations of treatment fund money under subdivision 4; and approving special project grants under subdivision 5. The county is responsible for developing and coordinating sex offender treatment services within the county under the supervision of the commissioner of corrections, approving sex offender treatment vendors under subdivision 8, approving persons for treatment within the limits of the county's allocation of treatment fund money under subdivision 4, and selecting an eligible vendor to provide the appropriate level of treatment to each person who is eligible to receive treatment and for whom funding is available. The assessment of eligibility and treatment needs under subdivision 3, must be conducted by the agency responsible for probation services. If this agency is not a county agency, the county shall enter into an agreement with the agency that prescribes the process for county approval of treatment and treatment vendors within the limits of the county's allocation of treatment fund money. The commissioner of corrections shall adopt rules under chapter 14 governing the sex offender treatment fund. At the request of the commissioner of corrections, the commissioner of human services shall provide technical assistance relating to the duties required under this section.

Subd. 2. [PERSONS ELIGIBLE TO RECEIVE TREATMENT.] *Within the limits of available funding, the sex offender treatment fund pays for sex offender treatment for sex offenders who have been ordered by the court to receive treatment and high-risk persons who seek treatment voluntarily. For purposes of this section, a sex offender is an adult who has been convicted of, or a juvenile who has been adjudicated to be delinquent based on a violation of, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.746, 609.79, 617.23, 617.246, or 617.247, or another offense arising out of a charge based on one or more of these sections. The treatment fund pays for treatment only to the extent that the costs of treatment cannot be met by the person's income or assets, health coverage, or other resources. Payment may be made on behalf of eligible persons only if:*

(1) the person has been assessed and determined to be in need of community-based treatment under subdivision 3;

(2) the county has approved treatment and designated a treatment vendor within the limits of the county's allocation of money under subdivision 4;

(3) the person received the appropriate level of treatment as determined through the assessment process;

(4) the person received services from a vendor certified by the commissioner of corrections under section 241.67, subdivision 2, paragraph (b); and

(5) the vendor submitted a claim for payment in accordance with requirements established by the commissioner of human services.

Subd. 3. [ASSESSMENT.] *The commissioner of corrections shall establish a process and criteria for assessing the eligibility and treatment needs of persons on whose behalf payment from the sex offender treatment fund is sought. The assessment determines: (1) whether the individual is eligible under subdivision 2; (2) the person's ability to contribute to the cost of treatment; (3) whether a need for treatment exists; (4) if treatment is needed, the appropriate level of treatment; and (5) if the person is seeking treatment voluntarily, whether the person represents a high risk of becoming a sex*

offender in the absence of intervention and treatment. The commissioner shall develop a sliding fee scale to determine the amount of the contribution required from persons who have income or other financial resources. The fee scale must require persons whose income and assets are above the limits for the medical assistance program to contribute to the cost of the assessment and treatment and require persons whose income is above the state median income to pay the entire cost of assessment and treatment.

Subd. 4. [COUNTY ALLOCATIONS.] (a) For the first year of the sex offender treatment fund, the money appropriated for the treatment fund must be allocated among the counties according to the following formula:

(1) two-thirds based on the number of sex offender convictions or adjudications in the county in the previous year; and

(2) one-third based on county population.

(b) Any balance remaining in the fund at the end of the first year of the fund does not cancel and is available for the next year. Any balance remaining in subsequent years does not carry forward unless specifically authorized by the legislature.

(c) For the second year of the fund, an amount equal to the balance carried forward from the first year, plus any legislative appropriation for special project grants, must be reserved for special projects under subdivision 5. This becomes the base funding level for special project grants. The appropriation for the treatment fund must be allocated to counties in proportion to the amount actually paid out of each county's treatment fund allocation in the previous year.

(d) For the third and subsequent years of the fund, the appropriation for the sex offender treatment fund must be allocated to counties in proportion to the previous year's allocations. Any increase or decrease in funding for the sex offender treatment fund must be allocated proportionately among counties.

(e) For the second and subsequent years of the treatment fund, a reduction in the special projects base funding and a corresponding increase in a county's sex offender treatment fund allocation may be made under subdivision 5.

Subd. 5. [SPECIAL PROJECT GRANTS.] The commissioner of corrections shall approve grants to counties for special projects using the money reserved for special projects under subdivision 4, paragraph (c), and any appropriations specifically designated for sex offender treatment special projects. Special project grants may be used to develop new sex offender treatment services or providers, develop or test new treatment methods, educate courts and corrections personnel on treatment programs and methods, address special treatment needs in a particular county, or provide additional funding to counties that demonstrate that their treatment needs cannot be met within their formula allocation under subdivision 4. For the first three years of the fund, highest priority for special project grants must be given to counties that spent less than their allocation under the formula in subdivision 4, paragraph (a), during the previous year; demonstrate a significant need to increase their spending for sex offender treatment; and submit a detailed plan for improving their sex offender treatment system. For these high priority counties, upon successful completion of a special project the commissioner shall increase that county's base allocation under subdivision 4 for subsequent years by the amount of the special project

grant or another amount determined by the commissioner and agreed to by the county as a condition of receiving a special project grant. The base funding level for special projects for the subsequent year must be reduced by the amount of the increase in the county's base allocation. After the third year of the treatment fund, the commissioner may allocate up to 40 percent of the special project grant money to increase the base allocation of treatment fund money for those counties that demonstrate the greatest need to increase funding for sex offender treatment. The base funding level for special projects must be reduced by the amount of the increase in counties' base allocations.

Subd. 6. [COUNTY ADMINISTRATION.] A county may use up to five percent of the money allocated to it under subdivision 4 for administrative costs associated with the sex offender treatment fund, including the costs of assessment and referral of persons for treatment, state administrative and reporting requirements, service development, and other activities directly related to sex offender treatment. Nothing in this section requires a county to spend local money or commit local resources in addition to state money provided under this section, except as provided in subdivision 7.

Subd. 7. [MAINTENANCE OF EFFORT.] As a condition of receiving an allocation of money from the sex offender treatment fund under this section, a county must agree not to reduce the level of funding provided for sex offender treatment below the average annual funding level for calendar years 1989, 1990, and 1991.

Subd. 8. [ELIGIBILITY OF VENDORS.] To be eligible to receive payment from the sex offender treatment fund, a vendor must be certified by the commissioner of corrections under section 241.67, subdivision 2, paragraph (b), and must comply with billing and reporting requirements established by the commissioner of human services. A county may become certified and approved as a vendor by satisfying the same requirements that apply to other vendors.

Subd. 9. [START-UP GRANTS.] Within the limits of appropriations made specifically for this purpose, the commissioner of corrections shall award grants to counties or providers for the initial start-up costs of establishing new certified, community-based sex offender treatment programs eligible for reimbursement under the sex offender treatment fund. In awarding the grants, the commissioner shall promote a statewide system of sex offender treatment programs that will provide reasonable geographic access to treatment throughout the state.

Subd. 10. [COORDINATION OF FUNDING FOR SEX OFFENDER TREATMENT.] The commissioners of corrections and human services shall identify all sources of funding for sex offender treatment in the state and develop methods of coordinating funding sources.

Subd. 11. [FUNDING PRIORITY; PROGRAM EFFECTIVENESS.] (a) Unless otherwise directed by the terms of a particular appropriations provision, the commissioner shall give priority to the funding of juvenile sex offender programs over the funding of adult sex offender programs.

(b) Every county or private sex offender program that seeks new or continued state funding or reimbursement shall provide the commissioner with any information relating to the program's effectiveness that the commissioner considers necessary. The commissioner shall deny state funding or reimbursement to any county or private program that fails to provide

this information or that appears to be an ineffective program.

Sec. 6. [241.675] [CHEMICAL DEPENDENCY PROGRAM.]

A chemical dependency treatment program is established under the administration of the commissioner of corrections to provide a range of culturally appropriate chemical dependency treatment programs for adults and juveniles committed to the custody of the commissioner. On and after July 1, 1994, every adult and juvenile correctional facility must have a certified chemical dependency treatment program.

Sec. 7. Minnesota Statutes 1990, section 242.195, subdivision 1, is amended to read:

Subdivision 1. ~~[TREATMENT SEX OFFENDER PROGRAMS.]~~ The commissioner of corrections shall provide for a range of sex offender ~~treatment~~ programs, including intensive sex offender ~~treatment~~ programs, for juveniles within state juvenile correctional facilities and through purchase of service from county and private residential and outpatient juvenile sex offender ~~treatment~~ programs. *The commissioner shall establish and operate a juvenile sex offender program at one of the state juvenile correctional facilities.*

Sec. 8. Minnesota Statutes 1990, section 243.53, is amended to read:

243.53 [SEPARATE CELLS.]

When there are cells sufficient, each convict shall be confined in a separate cell. On and after July 1, 1992, every new and existing medium security correctional facility that is built or remodeled for the purpose of increasing inmate capacity must be designed and built to comply with multiple-occupancy standards for not more than one-half of the facility's capacity and must include a maximum capacity figure. Every new and existing minimum security facility must be designed and built to comply with minimum security multiple-occupancy standards. All inmates in future and current close, maximum, and high security facilities including St. Cloud, Stillwater, and Oak Park Heights shall be confined in a separate cell with the exception of geriatric/honor dormitory-type facilities.

Sec. 9. [244.051] [EARLY REPORTS OF MISSING OFFENDERS.]

All programs serving inmates on supervised release following a prison sentence shall notify the appropriate probation officer, appropriate law enforcement agency, and the department of corrections within two hours after an inmate in the program fails to make a required report or after program officials receive information indicating that an inmate may have left the area in which the inmate is required to remain or may have otherwise violated conditions of the inmate's supervised release. The department of corrections and county corrections agencies shall ensure that probation offices are staffed on a 24-hour basis or make available a 24-hour telephone number to receive the reports.

Sec. 10. [SEX OFFENDER TREATMENT; PILOT PROGRAM.]

The commissioners of corrections and human services shall administer a grant to create a pilot program to test the effectiveness of pharmacological agents, such as antiandrogens, in the treatment of sex offenders including psychopathic personalities.

Participation in the study must be by volunteers who meet defined criteria. The commissioner of corrections shall report to the legislature by February

1, 1993, regarding the preliminary results of the study.

Sec. 11. [REPORT ON SEX OFFENDER TREATMENT FUNDING.]

By January 1, 1993, the commissioners of corrections and human services shall submit a report to the legislature on funding for sex offender treatment, including:

(1) a summary of the sources and amounts of public and private funding for sex offender treatment;

(2) a progress report on implementation of sections 2 to 5;

(3) methods currently being used to coordinate funding;

(4) recommendations on whether other sources of funding should be consolidated into the sex offender treatment fund;

(5) recommendations regarding medical assistance program changes or waivers that will improve the cost-effective use of medical assistance funds for sex offender treatment;

(6) recommendations on whether start-up grants are needed to promote the development of needed sex offender treatment vendors, and if so, the amount of money needed for various regions, types of vendor, and class of sex offender;

(7) an estimate of the amount of money needed to fully fund the sex offender treatment fund and information regarding the cost of an array of possible options for partial funding, including funding options that prioritize treatment needs based on the age of the offender, the level of offense, or other factors identified by the commissioner; and

(8) recommendations for other changes that will improve the effectiveness and efficiency of the sex offender treatment funding system.

Sec. 12. [EVALUATION OF SEX OFFENDER PROGRAMS.]

The legislative auditor shall prepare a design plan to implement a comprehensive, permanent system of ongoing, outcome-based evaluation and quality management for publicly funded adult and juvenile sex offender programs, operated both within and outside correctional facilities. The plan must provide for evaluation that is independent of the agency administering or operating the treatment program. The auditor shall present the design plan and make recommendations to the chairs of the judiciary committees in the senate and house of representatives by February 15, 1993. The plan must be designed to integrate an effective ongoing, outcome-based evaluation component into sex offender programs that will gather data and reach conclusions concerning:

(1) the effectiveness of sex offender programs in reducing recidivism and protecting public safety;

(2) the relative effectiveness of different treatment approaches;

(3) a meaningful, statistically valid comparison of offenders who receive programming with those who do not;

(4) the effectiveness of existing methods of selecting a program for a particular offender; and

(5) any other issues the legislative auditor determines should be included in this type of a program evaluation.

Sec. 13. [COUNTY JUVENILE FACILITY NEEDS ASSESSMENT.]

The county correctional administrators of each judicial district shall evaluate and provide a combined report to the chairs of the judiciary committees in the senate and house of representatives by November 1, 1992, concerning the needs of the counties in the judicial district for secure juvenile detention facilities, including preadjudication and, in conjunction with the commissioner of corrections, post-adjudication facilities.

Sec. 14. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of corrections for intensive community supervision of adult and juvenile sex offenders who are sentenced to probation, for the purpose of decreasing case loads of probation officers supervising sex offenders; the funds must be allocated so that 65 percent of the money is granted directly to community corrections act counties and 35 percent for probation officers in other counties.

\$ is appropriated from the general fund to the commissioner of corrections for the creation of an absconder's fund to reimburse local corrections officials for costs incurred to hire professional investigators to track down persons on supervised release who fail to report to their probation officers or otherwise abscond while on supervised release. To be eligible for the funds, local corrections officials must have complied with section 9.

\$ is appropriated from the general fund to the commissioner of corrections to provide grants to counties on the basis of need for the purpose of providing or increasing juvenile sex offender treatment programs.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to corrections; requiring community-based sex offender treatment programs to be certified; establishing a sex offender treatment fund; requiring the legislative auditor to prepare a plan to implement an outcome-based evaluation and quality management system for sex offender treatment programs; requiring a report; requiring new and remodeled correctional facilities to comply with multiple occupancy standards; appropriating money; amending Minnesota Statutes 1990, sections 241.021, by adding a subdivision; 241.67, subdivisions 1, 2, and 3; 242.195, subdivision 1; and 243.53; proposing coding for new law in Minnesota Statutes, chapters 241; and 244."

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

S.F. No. 2006: A bill for an act relating to criminal justice information; creating a commission on criminal and juvenile justice information; creating a partnership council on criminal and juvenile justice information to advise and assist the commission; prescribing duties; requiring the preparation of a supplementary sex offender information statement for persons sentenced as patterned sex offenders; appropriating money; amending Minnesota Statutes 1990, section 609.1352, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 13C.

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

Delete everything after the enacting clause and insert:

"Section 1. [13C.01] [COMMISSION ON CRIMINAL AND JUVENILE JUSTICE INFORMATION.]

Subdivision 1. [DEFINITIONS.] As used in this section and section 2:

(1) "criminal justice information" means data on defendants, offenders, and criminal incidents, and administrative data on the operation and management of criminal justice agencies; and

(2) "criminal justice agency" means courts and state or local agencies or agency units that perform criminal justice administration duties under law or executive order.

Subd. 2. [CREATION AND MEMBERSHIP.] A commission on criminal and juvenile justice information is created. The commission has the following members:

(1) two senators appointed under the rules of the senate and two members of the house of representatives appointed by the speaker; one senator and one house member must be appointed from each political party;

(2) the chair of the sentencing guidelines commission;

(3) the commissioner of corrections;

(4) the commissioner of public safety; and

(5) the state court administrator.

The commission shall select a chair from among its members. The chair shall serve for a two-year term.

The terms, compensation, and removal of commission members are governed by section 15.059.

Subd. 3. [DUTIES.] The commission has the following duties:

(1) make recommendations on a framework for integrated criminal justice information systems;

(2) make recommendations on the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) make recommendations to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) make recommendations on an information system containing criminal justice information on felony-level juvenile offenders that is part of the integrated criminal justice information system framework;

(5) make recommendations on an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) make recommendations on comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) *make recommendations on continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;*

(8) *make recommendations on a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems; and*

(9) *to review on a periodic basis the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems.*

Subd. 4. [REPORTS.] The commission shall file a report with the governor and the legislature by January 15 of each odd-numbered year, beginning in 1993. The report shall summarize the commission's activities and make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently.

Sec. 2. [13C.02] [CRIMINAL JUSTICE INFORMATION PARTNERSHIP COUNCIL.]

Subdivision 1. [CREATION AND MEMBERSHIP.] The criminal justice information partnership council is created. The council's membership includes the members of the commission on criminal and juvenile justice information or their designees and the following additional members:

- (1) the director of the office of strategic and long-range planning;*
- (2) two sheriffs recommended by the Minnesota sheriffs association and appointed by the governor;*
- (3) two police chiefs recommended by the Minnesota chiefs of police association and appointed by the governor;*
- (4) two county attorneys recommended by the Minnesota county attorneys association and appointed by the governor;*
- (5) two city attorneys recommended by the Minnesota league of cities and appointed by the governor;*
- (6) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;*
- (7) two community corrections administrators recommended by the Minnesota association of counties and appointed by the governor, one of whom represents a community corrections act county;*
- (8) two probation officers appointed by the governor; and*
- (9) two citizens appointed by the governor.*

The chair of the commission shall also serve as chair of the council. The vice-chair of the council shall be selected from among the council members who are not members of the commission. The terms, compensation, and removal of council members are governed by section 15.059.

Subd. 2. [DUTIES.] The council has the following duties:

- (1) to advise the commission on the needs of the various state and local agencies that collect, maintain, disseminate, share, and use criminal justice information;*

(2) to make recommendations to the commission regarding the development and implementation of the criminal justice information policies and programs described in section 1, subdivision 3;

(3) to communicate the commission's criminal justice information policies and programs to the state and local agencies that are represented on the council; and

(4) to promote the commission's policies and programs among the state and local agencies that are represented on the council.

Sec. 3. Minnesota Statutes 1990, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. [FILING PHOTOGRAPHS OR IMAGES; DATA CLASSIFICATION.] The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing driver licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of driver licenses;

(2) for law enforcement purposes in the investigation and prosecution of felonies and violations of section 169.09; 169.121; 169.123; 169.129; 171.22; 171.24; 171.30; 609.41; 609.487, subdivision 3; 609.631, subdivision 4, clause (3); ~~or 609.821, subdivision 3, clauses (1), item (iv), and (3); or 617.23; and~~

(3) for child support enforcement purposes under section 256.978.

Sec. 4. [241.301] [FINGERPRINTS OF INMATES, PAROLEES, AND PROBATIONERS FROM OTHER STATES.]

The commissioner of corrections shall establish procedures so that whenever this state receives an inmate, parolee, or probationer from another state under sections 241.28 to 241.30 or 243.16, fingerprints and thumbprints of the inmate, parolee, or probationer are obtained and forwarded to the bureau of criminal apprehension.

Sec. 5. Minnesota Statutes 1991 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as provided in paragraph (d). Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court ~~unless the child is alleged to have violated section 169.121 or 169.129~~. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing

a criminal investigation.

(c) *A photograph may be taken of a child taken into custody pursuant to section 260.165, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years.* The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

Sec. 6. Minnesota Statutes 1990, section 260.185, subdivision 1, is amended to read:

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

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

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

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

(1) a child placing agency; or

(2) the county welfare board; or

(3) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16; or

(4) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

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

(d) Transfer legal custody by commitment to the commissioner of corrections;

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

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

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

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

If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; ~~or~~ 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23; or an act described in section 609.1352, subdivision 2, if the court finds that the act described in section 609.1352, subdivision 2, was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. *Notwithstanding section 13.42, 13.85, 144.335, 260.161, or 626.556, the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:*

- (1) medical data under section 13.42;*
- (2) corrections and detention data under section 13.85;*
- (3) health records under section 144.335;*
- (4) juvenile court records under section 260.161; and*
- (5) local welfare agency records under section 626.556.*

Data disclosed under this paragraph may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) why the best interests of the child are served by the disposition ordered; and

(b) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 7. [609.3452] [SEX OFFENDER ASSESSMENT.]

When a person is convicted of a violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23; or an act described in section 609.1352, subdivision 2, if the court finds that the act described in section 609.1352, subdivision 2, was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal, the court shall order an independent professional assessment of the offender's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the offender is in need of and amenable to sex offender treatment, the court shall include in the sentence a requirement that the offender undergo treatment. Notwithstanding section 13.42, 13.85, 144.335, 260.161, or 626.556, the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment:

- (1) medical data under section 13.42;*
- (2) corrections and detention data under section 13.85;*
- (3) health records under section 144.335;*
- (4) juvenile court records under section 260.161; and*
- (5) local welfare agency records under section 626.556.*

Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

Sec. 8. [DATA PRACTICES COMMISSION.]

The governor shall appoint a study commission to make recommendations regarding the exchange of data among law enforcement agencies, local social service agencies, schools, the courts, court services agencies, and correctional agencies. The commission shall review data practices laws and rules and shall determine whether there are changes in statute or rule required to enhance the functioning of the criminal justice system. The commission shall consider the impact of any proposed recommendations on individual privacy rights. The commission shall submit a written report to the governor and the legislature not later than February 1, 1993.

The commission shall consist of:

- (1) the commissioners of administration, public safety, human services, health, corrections, and education, or their designees;*
- (2) one representative each, to be appointed by the governor, from a local public social service agency, a police department, a sheriff's office, and a court services department;*
- (3) two senators appointed under the rules of the senate and two members of the house of representatives appointed by the speaker; one senator and one house member must be appointed from each political party;*
- (4) one public defender appointed by the board of public defense;*
- (5) two citizens appointed by the governor; and*
- (6) one member appointed by the chief justice of the supreme court.*

Sec. 9. [ADVISORY TASK FORCE ON THE JUVENILE JUSTICE SYSTEM.]

Subdivision 1. [CREATION; MEMBERSHIP.] The advisory task force on the juvenile justice system consists of the following 18 members:

- (1) four judges appointed by the chief justice of the supreme court;*
- (2) two members of the house of representatives appointed by the speaker and two members of the senate appointed by the subcommittee on committees of the senate committee on rules and administration. One house member and one senator must be from the minority party;*
- (3) two professors of law appointed by the chief justice of the supreme court;*
- (4) the state public defender;*
- (5) one county attorney who is responsible for juvenile court matters, appointed by the chief justice of the supreme court on recommendation of the Minnesota county attorneys association;*
- (6) two community corrections administrators appointed by the governor, one from a community corrections act county and one from a noncommunity corrections act county;*
- (7) one employee of the department of human services who is responsible for children's services, appointed by the commissioner of human services;*
- (8) one employee of the department of corrections appointed by the commissioner of corrections; and*
- (9) two law enforcement officers who are responsible for juvenile delinquency matters, appointed by the governor.*

Subd. 2. [SELECTION OF CHAIR.] The chief justice of the supreme court shall select a chair from among the task force members, after consultation with the governor, the speaker of the house of representatives, and the senate majority leader.

Subd. 3. [STAFF] The task force may employ a research director and necessary staff to provide legal counsel, research, fiscal, secretarial, and clerical assistance.

Subd. 4. [EXPENSES.] Minnesota Statutes, section 15.059, subdivisions 3 and 6, apply to the task force.

Subd. 5. [DUTIES.] The task force shall conduct a study of the juvenile justice system and make recommendations concerning the following:

- (1) the juvenile certification process;*
- (2) the retention of juvenile delinquency adjudication records and their use in subsequent adult proceedings;*
- (3) the feasibility of a system of statewide juvenile guidelines;*
- (4) the effectiveness of various juvenile justice system approaches, including behavior modification and treatment; and*
- (5) the extension to juveniles of a nonwaivable right to counsel and a right to a jury trial.*

Subd. 6. [REPORT.] The task force shall submit a written report to the governor and the legislature by December 1, 1993, containing its findings

and recommendations.

Sec. 10. [PROBATION STANDARDS TASK FORCE.]

The commissioner of corrections shall establish a probation standards task force of up to 12 members. Members of the task force must represent the department of corrections, probation officers, law enforcement, public defenders, county attorneys, county officials from community corrections act counties and other counties, and the sentencing guidelines commission. The task force shall choose a chair from among the county officials sitting on the task force. The commissioner shall report to the legislature by January 15, 1993, concerning the following:

(1) the number of offenders being supervised by individual probation officers across the state, including a statewide average, metropolitan and nonmetropolitan, a statewide metropolitan and nonmetropolitan range, and other relevant information about current caseloads;

(2) minimum caseload goals and an appropriate mix for types of offenders;

(3) the adequacy of current staffing levels to provide effective supervision of violent offenders on probation and supervised release;

(4) the need for increasing the number of probation officers and the cost of doing so; and

(5) any other relevant recommendations.

Sec. 11. [APPROPRIATION.]

\$ is appropriated from the general fund to the commission on criminal and juvenile justice information, for the fiscal year ending June 30, 1993, for the purposes set forth in sections 1 and 2.

\$ is appropriated from the general fund to the commissioner of administration for the fiscal year ending June 30, 1993, for the data practices commission in section 8.

\$ is appropriated from the general fund to the supreme court for the task force on the juvenile justice system, for the fiscal year ending June 30, 1993, for the purposes of section 9."

Delete the title and insert:

"A bill for an act relating to criminal justice; creating a commission on criminal and juvenile justice information; creating a partnership council on criminal and juvenile justice information to advise and assist the commission; prescribing duties; requiring fingerprints and thumbprints of inmates, parolees, and probationers received from other states; allowing photographs to be taken of juveniles in custody; creating a criminal justice data practices study commission; creating an advisory task force on the juvenile justice system; establishing a probation standards task force; appropriating money; amending Minnesota Statutes 1990, sections 171.07, subdivision 1a; and 260.185, subdivision 1; Minnesota Statutes 1991 Supplement, section 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 241; and 609; proposing coding for new law as Minnesota Statutes, chapter 13C."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1898, 1813, 1252, 2029, 2013, 2210, 2208, 2170, 2009, 1671, 2177, 1644, 1985, 2239, 2486, 2293, 2171, 1691, 2185, 1767, 1288, 1972 and 1841 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1911, 2002, 2044, 1827 and 917 were read the second time.

MOTIONS AND RESOLUTIONS

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

Mr. Morse moved that the names of Ms. Johnson, J.B. and Mr. Novak be added as co-authors to S.F. No. 2238. The motion prevailed.

Mr. Renneke moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Sams be shown as chief author to S.F. No. 2257. The motion prevailed.

Mr. Bertram moved that his name be stricken as a co-author to S.F. No. 2300. The motion prevailed.

Mr. Sams moved that his name be stricken as a co-author to S.F. No. 2300. The motion prevailed.

Mr. Gustafson moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 2378. The motion prevailed.

Mr. Merriam moved that the name of Mr. Novak be added as a co-author to S.F. No. 2389. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Renneke be added as a co-author to S.F. No. 2485. The motion prevailed.

Mr. Frederickson, D.J. moved that the name of Mr. Morse be added as a co-author to S.F. No. 2519. The motion prevailed.

Mr. Spear moved that S.F. No. 2229 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Judiciary. The motion prevailed.

Ms. Johnston, Mr. Belanger, Mrs. Pariseau, Messrs. Halberg and Neuville introduced—

Senate Resolution No. 120: A Senate resolution commending members of the Airport Narcotics Detail for their outstanding performance.

Referred to the Committee on Rules and Administration.

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

Senate Resolution No. 121: A Senate resolution commending Mary Therese Schertler for her commitment and outstanding service to higher education in the State of Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Samuelson introduced—

Senate Resolution No. 122: A Senate resolution congratulating the Brainerd High School Kixters Dance Team on winning the 1992 State AAA Dance Line competition.

Referred to the Committee on Rules and Administration.

Mr. Metzen introduced—

Senate Resolution No. 123: A Senate resolution congratulating the Simley High School wrestling team on winning the 1992 State Class AA championship.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Pogemiller and Ms. Pappas introduced—

S.F. No. 2606: A bill for an act relating to libraries; changing the maintenance of local effort requirement for regional library basic system support grants; amending Minnesota Statutes 1990, section 134.34, subdivision 4.

Referred to the Committee on Education.

Mr. Larson, by request, introduced—

S.F. No. 2607: A bill for an act relating to the city of Roseau; authorizing the establishment of a detached banking facility under certain conditions.

Referred to the Committee on Commerce.

Mr. Knaak introduced—

S.F. No. 2608: A bill for an act relating to Ramsey county; providing for evening meetings of Ramsey county board; amending Minnesota Statutes 1990, section 383A.27, subdivision 1.

Referred to the Committee on Local Government.

Mr. Knaak introduced—

S.F. No. 2609: A bill for an act relating to Ramsey county; requiring commissioners to remit per diems to county's general fund; proposing coding for new law in Minnesota Statutes, chapter 383A.

Referred to the Committee on Local Government.

Mr. Knaak introduced—

S.F. No. 2610: A bill for an act relating to Ramsey county; requiring Ramsey county board to solicit proposals for depositories of county funds; proposing coding for new law in Minnesota Statutes, chapter 383A.

Referred to the Committee on Local Government.

Mr. Solon introduced—

S.F. No. 2611: A bill for an act relating to utilities; consumer protection; establishing the Minnesota utility consumers' nonprofit corporation; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 216E.

Referred to the Committee on Energy and Public Utilities.

Ms. Pappas introduced—

S.F. No. 2612: A bill for an act relating to economic development; providing a grant for small business assistance; appropriating money.

Referred to the Committee on Economic Development and Housing.

Mr. Chmielewski introduced—

S.F. No. 2613: A bill for an act relating to children; providing for appointment of guardians ad litem to represent certain children and unborn children; amending Minnesota Statutes 1990, sections 144.341; 145.415, subdivision 3; 145.423, subdivision 1; 257.60; and 524.2-108; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Novak, Frank and Marty introduced—

S.F. No. 2614: A bill for an act relating to taxation; property; reducing the penalties for taxes paid within 15 days of the date due on nonhomestead property; amending Minnesota Statutes 1991 Supplement, section 279.01, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon and Ms. Ranum introduced—

S.F. No. 2615: A bill for an act relating to education; requesting the University of Minnesota to establish a policy center for American Indian law and social justice on its Duluth campus; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Education.

Messrs. Neuville and Mehrkens introduced—

S.F. No. 2616: A bill for an act relating to children; authorizing grants for a demonstration project for community-based after school programs for post-secondary youth; appropriating money; amending Laws 1991, chapter 265, article 4, section 30, subdivision 4.

Referred to the Committee on Education.

Mr. Luther introduced—

S.F. No. 2617: A bill for an act relating to the world trade center; authorizing and establishing procedures for the privatization of the world trade corporation; appropriating money; amending Minnesota Statutes 1990, section 44A.0311; proposing coding for new law in Minnesota Statutes, chapter 44A.

Referred to the Committee on Economic Development and Housing.

Mr. Vickerman introduced—

S.F. No. 2618: A bill for an act relating to state lands; authorizing the sale of surplus land bordering public waters for public use.

Referred to the Committee on Environment and Natural Resources.

Messrs. Larson and Berg introduced—

S.F. No. 2619: A bill for an act relating to capital improvements; authorizing the issuance of state bonds for the Runestone telecommunications system; appropriating money.

Referred to the Committee on Education.

Messrs. Larson and Berg introduced—

S.F. No. 2620: A bill for an act relating to education; appropriating money for the Runestone telecommunications system.

Referred to the Committee on Education.

Ms. Traub, Mr. Hottinger, Mrs. Adkins and Ms. Pappas introduced—

S.F. No. 2621: A bill for an act relating to human services; mandating the design of a statewide program of school-linked services funded from federal sources; establishing two pilot projects; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Mr. Neuville introduced—

S.F. No. 2622: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 11A.23, subdivision 2; 13.791; 82B.20, subdivision 2; 86B.115; 86B.601, subdivision 1; 88.45; 103I.112; 115A.63, subdivision 3; 115A.82; 116J.70, subdivision 2a; 176.1041, subdivision 1; 176.361, subdivision 2; 177.23, subdivision 7; 183.38, subdivision 1; 214.01, subdivision 2; 268A.09, subdivision 7; 290.10; 297A.15, subdivision 5; 298.402; 298.405, subdivision 1; 326.405; 326.43; 348.13; 352.116, subdivision 3b; 352B.10, subdivision 5; 352B.105; 356.24; 356.82; 466.131; 504.02; 514.53; 517.08, subdivision 1c; and 609.0331; Minnesota Statutes 1991 Supplement, sections 3.873, subdivision 6; 16B.122, subdivision 2; 60D.20, subdivision 1; 60G.01, subdivision 2; 116.072, subdivision 1; 116J.693, subdivision 2; 124.19, subdivision 1; 124.479; 169.983; 171.06, subdivision 3; 179A.10, subdivision 2; 256.969, subdivisions 2 and 3a; 256B.74, subdivision 2; 256H.03, subdivision 5; 272.01, subdivision 2; 272.02, subdivision 1; 275.50, subdivision 5; 340A.4055; 457A.01, subdivision 5; 473.845, subdivision 3; and 611A.02, subdivision 2; reenacting Minnesota Statutes 1991 Supplement, section 256B.431, subdivision 3f; repealing Minnesota Statutes 1990, section 326.01, subdivision 20; Laws 1989, chapter 282, article 2, section 188; Laws 1991, chapters 182, section 1; and 305, section 10.

Referred to the Committee on Judiciary.

Ms. Ranum, Messrs. Marty, Knaak and Mrs. Brataas introduced—

S.F. No. 2623: A bill for an act relating to health; authorizing planning for an institute to promote the sexual health of youth and children; appropriating money.

Referred to the Committee on Health and Human Services.

Mr. Knaak introduced—

S.F. No. 2624: A bill for an act relating to motor vehicles; requiring the appointment of deputy registrars at the request of governing bodies of cities under certain conditions; amending Minnesota Statutes 1990, section 168.33, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Lessard introduced—

S.F. No. 2625: A bill for an act relating to taxation; providing that Itasca county may levy for economic development purposes outside of levy limits; amending Laws 1989, First Special Session chapter 1, article 5, section 50, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kelly introduced—

S.F. No. 2626: A bill for an act relating to housing and redevelopment authorities; permitting use of general obligation bonds for housing projects; amending Minnesota Statutes 1990, section 469.034.

Referred to the Committee on Economic Development and Housing.

Mr. Kelly introduced—

S.F. No. 2627: A bill for an act relating to the state fire marshal; providing for fire-safe cigarettes; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Veterans and General Legislation.

Mr. Kelly introduced—

S.F. No. 2628: A bill for an act relating to public safety officers; defining firefighters for purposes of the public safety officer's survivor benefits law; providing education benefits under the survivor law to eligible dependents attending technical colleges; amending Minnesota Statutes 1990, section 299A.41, subdivision 4; Minnesota Statutes 1991 Supplement, section 299A.45, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. McGowan, Neuville, Mrs. Benson, J.E.; Ms. Johnston and Mrs. Pariseau introduced—

S.F. No. 2629: A bill for an act relating to civil actions; providing a performer with a cause of action for injury caused the performer in an

obscene performance; proposing coding for new law in Minnesota Statutes, chapter 617.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S.F. No. 2630: A bill for an act relating to counties; providing for financing of acquisition, construction, equipping, and improvement of correctional facilities; authorizing certain leasing agreements; authorizing the sale of bonds; providing for tax levies; establishing a correctional facilities fund; amending Minnesota Statutes 1990, sections 401.02, subdivision 3; 401.05; 469.153, subdivision 2; and 641.24.

Referred to the Committee on Local Government.

Mr. Solon introduced—

S.F. No. 2631: A bill for an act relating to counties; establishing procedures for filling certain vacancies on county boards by general election; amending Minnesota Statutes 1990, section 375.101, by adding a subdivision.

Referred to the Committee on Elections and Ethics.

Mrs. Benson, J.E. and Mr. Neuville introduced—

S.F. No. 2632: A bill for an act relating to education; prohibiting new state mandates for schools without a funding source; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mrs. Benson, J.E.; Mr. Johnson, D.E. and Ms. Olson introduced—

S.F. No. 2633: A bill for an act relating to education; abolishing the higher education board; amending Minnesota Statutes 1991 Supplement, sections 15A.081, subdivision 7b; and 179A.10, subdivision 2; repealing Minnesota Statutes 1991 Supplement, sections 136E.01; 136E.02; 136E.03; 136E.04; and 136E.05; and Laws 1991, chapter 356, article 9, sections 8, 9, 10, 11, 12, 13, and 14.

Referred to the Committee on Education.

Mrs. Pariseau, Messrs. Neuville, Halberg, Metzen and Ms. Johnston introduced—

S.F. No. 2634: A bill for an act relating to appropriations; allowing funds to be used for a biological survey of Dakota county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Gustafson, Neuville and Mrs. Pariseau introduced—

S.F. No. 2635: A bill for an act relating to the legislature; regulating its budgets and accounts; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Finance.

Messrs. McGowan, Johnson, D.E.; Benson, D.D. and Mrs. Pariseau introduced—

S.F. No. 2636: A bill for an act relating to elections; requiring identification of judicial offices by numbering; amending Minnesota Statutes 1990, sections 204B.06, subdivision 6; 204B.36, subdivision 4; 488A.021, subdivision 3; and 488A.19, subdivision 3; repealing Minnesota Statutes 1990, section 204B.36, subdivision 5.

Referred to the Committee on Elections and Ethics.

Ms. Pappas, Mrs. Benson, J.E.; Messrs. Mehrkens, Riveness and Vickerman introduced—

S.F. No. 2637: A bill for an act relating to motor carriers; regulating courier services carriers and local cartage carriers; amending Minnesota Statutes 1990, section 221.011, subdivisions 25, 28, and by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Morse and Merriam introduced—

S.F. No. 2638: A bill for an act relating to the environment; establishing an environmental cleanup program for landfills; authorizing the public facilities authority to make loans to counties for landfill closure; imposing an additional tax on certain insurance premiums; proposing coding for new law in Minnesota Statutes, chapters 60A; 115B; and 446A.

Referred to the Committee on Environment and Natural Resources.

Messrs. Morse and Merriam introduced—

S.F. No. 2639: A bill for an act relating to the environment; establishing an environmental cleanup program for landfills; authorizing the public facilities authority to make loans to counties for landfill closure; establishing a registration and registration fee system for priority toxic materials in consumer products and packaging to fund the landfill cleanup program; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 115A; 115B; and 446A.

Referred to the Committee on Environment and Natural Resources.

Messrs. Sams, Davis, Bertram and Morse introduced—

S.F. No. 2640: A bill for an act relating to agriculture; providing assistance to legal challenges of certain aspects of the federal milk marketing order system; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Mr. Johnson, D.J. introduced—

S.F. No. 2641: A bill for an act relating to occupations and professions; establishing a board of plumbing; preempting certain local units of government from licensing plumbers; providing administrative remedies; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 214.01, subdivision 3; 326.01, subdivision 9; 326.37; 326.38; 326.39; 326.40; 326.401, subdivisions 2, 3, and by adding a subdivision;

326.405; 326.41; 326.42; and 326.44; Minnesota Statutes 1991 Supplement, section 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1990, sections 325F.75, subdivision 2; and 326.45.

Referred to the Committee on Employment.

Mr. Halberg and Ms. Johnston introduced—

S.F. No. 2642: A bill for an act relating to domestic abuse; increasing penalties for certain repeat offenders who have prior out-of-state convictions; amending Minnesota Statutes 1990, section 609.224, subdivision 2; and Minnesota Statutes 1991 Supplement, section 518B.01, subdivision 14.

Referred to the Committee on Judiciary.

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

S.F. No. 2643: A bill for an act relating to the public defense system; providing that the public defense systems of Hennepin and Ramsey counties are independent from the state public defense system; providing for state aid payment of 50 percent of public defense services in Hennepin and Ramsey counties; amending Minnesota Statutes 1990, sections 475.53, by adding a subdivision; 477A.012, subdivisions 2 and 3; 611.26, by adding a subdivision; and 611.27, subdivision 2, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 477A.012, subdivision 6; 611.215, subdivision 2; 611.25; 611.26, subdivisions 2, 3, 4, 10, and by adding a subdivision; and 611.27, subdivisions 1, 4, 5, 6, and 7.

Referred to the Committee on Judiciary.

Mr. Moe, R.D. introduced—

S.F. No. 2644: A bill for an act relating to state government; requiring state agencies to act on permit and license applications within 60 days; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations.

Messrs. Morse, Davis, Lessard and Moe, R.D. introduced—

S.F. No. 2645: A bill for an act relating to agriculture; providing requirements for discharges from aquatic farms; requiring permits; requiring monitoring; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1991 Supplement, section 17.498.

Referred to the Committee on Agriculture and Rural Development.

Mr. Hottinger introduced—

S.F. No. 2646: A bill for an act relating to education; adding independent school district No. 2071, Lake Crystal-Wellcome Memorial, to those districts with certain additional capital bonding authority; amending Laws 1991, chapter 265, article 5, section 18.

Referred to the Committee on Education.

Messrs. Gustafson; Moe, R.D. and Benson, D.D. introduced—

S.F. No. 2647: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 23; amending provisions governing time deadlines for governors' vetoes.

Referred to the Committee on Rules and Administration.

Mr. Pogemiller introduced—

S.F. No. 2648: A bill for an act relating to bond allocation; changing procedures for allocating bonding authority; amending Minnesota Statutes 1991 Supplement, sections 474A.03, subdivision 4; 474A.061, subdivision 1; and 474A.091, subdivisions 2 and 3.

Referred to the Committee on Finance.

Mr. Dicklich introduced—

S.F. No. 2649: A bill for an act relating to the city of Hibbing; providing for membership terms for the Hibbing public safety commission; providing for the size of the public utilities commission; providing for its compensation; amending Laws 1949, chapter 422, section 2, as amended.

Referred to the Committee on Local Government.

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

MOTIONS AND RESOLUTIONS

Ms. Johnson, J.B. moved that S.F. No. 2497 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Commerce. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, March 12, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate