

EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, March 31, 1992

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Thomas E. Nyman.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1298, 2182, 2208, 1767, 1991, 2069, 1900, 2310, 2337 and 2308.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1992

Mr. President:

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

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

S.F. No. 2421: A bill for an act relating to natural resources; extending the term of certain timber permits.

Senate File No. 2421 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1992

CONCURRENCE AND REPASSAGE

Mr. Lessard moved that the Senate concur in the amendments by the House to S.F. No. 2421 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2421 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 2117: A bill for an act relating to human services; modifying requirements for earned income savings accounts for residents of residential facilities; requiring the signature of a representative of the residential facility before money may be withdrawn; amending Minnesota Statutes 1991 Supplement, section 256D.06, subdivision 1b.

Senate File No. 2117 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1992

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 2117 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2117 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 2514: A bill for an act relating to the Yellow Medicine county hospital district; providing for hospital board membership and elections; amending Laws 1963, chapter 276, sections 2, subdivision 2, and by adding subdivisions; and 4.

Senate File No. 2514 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1992

Mr. Frederickson, D.J. moved that S.F. No. 2514 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1399: A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections

216B.62, subdivision 3; and 237.295, subdivision 2.

There has been appointed as such committee on the part of the House: Jacobs, O'Connor and Boo.

Senate File No. 1399 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1992

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1948:

H.F. No. 1948: A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; proposing coding for new law in Minnesota Statutes, chapters 61A; and 309.

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

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

House File No. 1948 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1992

Mr. Luther moved that H.F. No. 1948 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2435, 2749, 2756, 419 and 2709.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1992

FIRST READING OF HOUSE BILLS

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

H.F. No. 2435: A bill for an act relating to the department of employee relations; public employment; removing a committee's expiration date; modifying retirement program options; expanding a bidding requirement exemption; amending Minnesota Statutes 1990, section 43A.316, subdivisions 4, 6, and 10; Minnesota Statutes 1991 Supplement, section 43A.316, subdivision 8; repealing Laws 1990, chapter 589, article 2, section 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2700, now on General Orders.

H.F. No. 2749: A bill for an act relating to telecommunications; authorizing the telecommunications access for communication-impaired persons' board to advance money to contractors under certain conditions; prescribing the terms and compensation of board members; amending Minnesota Statutes 1990, sections 237.51, subdivision 3; and 237.52, subdivision 5.

Referred to the Committee on Finance.

H.F. No. 2756: A bill for an act relating to the city of Virginia; authorizing annual increases in survivor benefits payable by the Virginia firefighters relief association.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2530, now on General Orders.

H.F. No. 419: A bill for an act relating to retirement; public employee retirement savings programs; authorizing an employer matching contribution to certain tax sheltered annuity contracts; amending Minnesota Statutes 1990, section 356.24.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 410.

H.F. No. 2709: A bill for an act relating to alcoholic beverages; exempting liquor investigation vehicles from taxes and registration fees; defining certain terms; clarifying certain language; authorizing issuance of certain liquor licenses and operation of a liquor store; reversion of certain unused liquor licenses; amending Minnesota Statutes 1990, sections 168.012, subdivision 1; 340A.101, subdivision 15; and 340A.602.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2483, now on General Orders.

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2402. The motion prevailed.

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

S.F. No. 2565: A bill for an act relating to the bureau of mediation services; eliminating the Minnesota public employment relations board; modifying arbitration procedures; amending Minnesota Statutes 1990, sections 14.03, subdivision 2; 43A.06, subdivision 2; 179A.03, subdivisions 3, 5, and 17; 179A.10, subdivisions 1 and 3; 179A.12, subdivision 3; 179A.13, subdivision 3; 179A.16, subdivisions 3, 5, and 8; 179A.17; 179A.18, subdivision 1; 179A.20, subdivision 1; 179A.21, subdivisions 2 and 3; 179A.22, subdivision 4; and 179A.25; Minnesota Statutes 1991 Supplement, sections 179A.04, subdivision 3; 179A.13, subdivision 2; and 179A.16, subdivisions 4, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 179A; repealing Minnesota Statutes 1990, section 179A.05, as amended.

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

Page 5, line 8, delete "*The petition*"

Page 5, delete lines 9 to 13 and insert "A petition for a writ of certiorari must be filed and served on the other party or parties and the commissioner within 30 days from the date of the mailing of the commissioner's decision. The petition must be served on the other party or parties at the party's or parties' last known address."

Page 13, line 13, delete the new language

Page 13, delete lines 14 to 17 and insert "that all arbitration proceedings have concluded. This deadline may be extended only with the approval of the chair of the board commissioner. The board commissioner shall adopt rules establishing criteria to be followed in determining whether an extension should be granted."

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. 684: A bill for an act relating to retirement; judges retirement fund; eliminating the offset for a portion of Social Security benefits; amending Minnesota Statutes 1990, sections 355.391, subdivision 1; and 490.123, subdivision 1; repealing Minnesota Statutes 1990, section 490.129.

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

Delete everything after the enacting clause, and insert:

"Section 1. [355.393] [SECOND SOCIAL SECURITY COVERAGE ELECTION.]

A member of the basic program of the judges retirement plan governed by sections 490.121 to 490.133 is entitled to elect social security coverage in a second social security referendum held for that purpose by the department of employee relations. The social security coverage is effective on the first of the month next following the referendum.

Sec. 2. Minnesota Statutes 1991 Supplement, section 490.123, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTION RATES.] (a) A judge who is covered by the federal old age, survivors, disability, and health insurance program shall contribute to the fund from each salary payment a sum equal to ~~four~~ 6.27 percent of salary.

(b) A judge not so covered shall contribute to the fund from each salary payment a sum equal to 8.15 percent of salary.

(c) The contribution under this subdivision is payable by salary deduction.

Sec. 3. [REPEALER.]

Minnesota Statutes 1990, section 490.129, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective on the first day of the first payroll period occurring after final enactment. Section 3 is effective on the day following final enactment and applies to judges who terminated active service on or after July 1, 1991."

Amend the title as follows:

Page 1, line 4, delete "1990" and insert "1991 Supplement"

Page 1, delete lines 5 to 7 and insert "section 490.123, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 355; repealing Minnesota Statutes 1990, section 490.129."

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. 2750: A bill for an act relating to retirement; St. Paul fire department relief association; increasing service pension amounts; substituting a revised longevity benefit; limiting future benefit reductions; amending Laws 1955, chapter 375, sections 21 and 22, as amended.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 1955, chapter 151, section 9, subdivision 5, as amended by Laws 1963, chapter 271, section 5, and Laws 1971, chapter 549, section 3, is amended to read:

Subd. 5. [ST. PAUL POLICE RELIEF ASSOCIATION: ADDITIONAL SERVICE PENSIONS.] (a) In addition to the pension of 40 units per month provided for in subdivision 4, the association shall pay a pension of one unit per month for each additional year of service over 20 years, provided, however that each member who retires from the service of the police department after June 1, 1971 shall receive two units per month for each additional year of service over 20 years, but the total of these pension payments shall not exceed 50 units per month.

(b) Beginning with the first service pension payment made after the effective date of this section, a person who retired before June 1, 1971, and who did not receive the benefit increase provided by Laws 1971, chapter 549, section 3, is entitled to receive an additional one unit per month for each year of active service rendered by the person with over 20 years of service, but not to result in a service pension in total that exceeds 50 units per month.

Sec. 2. Laws 1955, chapter 151, section 9, subdivision 6, as amended by Laws 1973, chapter 286, section 1, is amended to read:

Subd. 6. [ST. PAUL, CITY OF; POLICE PENSIONS.] (a) The association shall pay to any member permanently disabled physically or mentally because of an injury received while on duty as a member of the city police department so as to render necessary his retirement from active police service, a pension of 40 units per month, if the date of the retirement was prior to January 1, 1949. If the date of such retirement is subsequent to January 1, 1949, and occurs during the first 20 years of his service, the association shall pay him a pension of 40 units per month. If such retirement occurs after 21 years of service, the association shall pay him a pension of one unit per month for each additional year of service over 20 years; provided, however, if the date of such retirement is subsequent to June 1, 1971, the association shall pay him a pension of two units per month for each

year of service over 20 years, regardless of whether he has attained the age of 50 years; but the total of these pension payments shall not exceed 50 units per month.

(b) Beginning with the first disability benefit payment made after the effective date of this section, a person who was disabled before June 1, 1971, and who did not receive the benefit increase provided by Laws 1973, chapter 286, section 1, is entitled to receive an additional one unit per month for each year of active service rendered by the person with over 20 years of service, but not to result in a disability benefit in total that exceeds 50 units per month.

Sec. 3. Laws 1955, chapter 375, section 21, as amended by Laws 1967, chapter 644, section 1, is amended to read:

Sec. 21. [ST. PAUL, CITY OF; ~~FIREMEN'S FIRE DEPARTMENT RELIEF ASSOCIATIONS~~ ASSOCIATION; UNIT DEFINED; AMOUNT OF DISABILITY BENEFITS.]

Subdivision 1. [DEFINITION OF UNIT.] A unit as referred to hereinafter in this act shall be one-eightieth of the maximum current monthly salary of a first grade fire fighter on February 1 of the current calendar year in which the pensions provided for in this act are paid.

Subd. 2. [MAXIMUM DISABILITY BENEFITS.] A member of any such relief association is entitled to disability benefits as herein defined, shall receive the same from his association for such periods of time, at such times, and in such amounts, not to exceed 40 units per month, as the bylaws of said association provide.

Sec. 4. Laws 1955, chapter 375, section 22, as amended by Laws 1973, chapter 287, section 1, is amended to read:

Sec. 22. [SAINT PAUL, CITY OF; ~~FIREMEN'S FIRE DEPARTMENT RELIEF ASSOCIATION; RETIREMENT BENEFITS SERVICE PENSIONS.~~]

Subdivision 1. [PRIMARY SERVICE PENSION; GENERAL PROVISIONS.] A member of such association who has completed a period, or periods of service on the fire department equal to 20 years or more, shall, after he has arrived at the age of 50 years, or more, and has retired from the payroll of the fire department, be entitled to a basic pension of not less than 20 units and not more than 33 units per month for his natural life in conformity to the ~~by-laws~~ bylaws of such association. Any and all leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing said period of service; and all periods of time during which a member received a disability pension shall be excluded in such computation. No deduction shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said fire department. No member shall be entitled to draw both a disability and a service pension.

Such monthly basic payments may be increased by adding to said basic pension 1 unit per month, or any portion thereof, for each year of active duty over 20 and not more than 35 years. Provided further, however, that for a member who retires after July 1, 1973, such monthly basic payments may be increased by the addition of 2 units per month, or any portion thereof, for each year of active duty over 20 years.

The ~~by-laws~~ bylaws of such association may provide for these increases.

or any portion thereof: provided, that in no event the total pension exceed the sum of 40 units per month.

Subd. 2. [INCREASE IN CERTAIN PRE-1973 PENSION AMOUNTS.] Beginning with the first service pension payment made after the effective date of this section, a person who retired before July 1, 1973, and who did not receive the benefit increase provided by Laws 1973, chapter 287, section 1, is entitled to receive an additional one unit per month for each year of active service rendered by the person over 20 years of service, but not to exceed 35 years of service, and not to result in a service pension in total that exceeds 40 units per month.

Sec. 5. [LIMITATION ON POSTRETIREMENT BENEFIT REDUCTIONS.]

A monthly service pension or retirement benefit payment from the St. Paul fire department relief association or the St. Paul police relief association may not be reduced in amount to an amount that is less than that received by the person for the immediately previous month. This limitation may not be construed to limit the power of the board of trustees of the relief association to require proof of continuing eligibility for receipt of a disability benefit or a survivor benefit, or to require the reduction in amount or elimination of a disability benefit in the event of changed medical circumstances, or to require the reduction in amount or elimination of a survivor benefit in the event of changes in eligibility.

Sec. 6. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 4 are effective upon approval by the city council of the city of St. Paul and compliance with Minnesota Statutes, section 645.021. Section 5 is effective December 31, 1993, and upon approval by the city council of the city of St. Paul and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; St. Paul fire department and police relief associations; increasing service pension amounts; limiting future benefit reductions; amending Laws 1955, chapters 151, section 9, subdivisions 5, as amended, and 6, as amended; and 375, sections 21, as amended, and 22, as amended."

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. 1934: A bill for an act relating to retirement; requiring the metropolitan airports commission to apply for certain state aid; providing an optional method for calculating annuities of certain members of the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, section 69.011, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 69.011, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 422A.

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

Page 1, line 22, after "and" insert ", for purposes of the police state

aid program only."

Page 2, line 35, strike "or" and insert a comma

Page 2, line 36, after "fund" insert ", or the Minneapolis employees retirement fund"

Page 3, line 22, delete "fire and"

Page 3, after line 24, insert:

"Sec. 3. Minnesota Statutes 1990, section 69.031, subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, on receiving the fire state aid, shall within 30 days after receipt transmit it to the treasurer of the duly incorporated firefighters' relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in section 424A.08 and shall be disbursed only for the purposes and in the manner set forth in that section.

(2) The municipal treasurer, upon receipt of the police state aid, shall disburse the police state aid in the following manner:

(a) For a municipality in which a local police relief association exists and all peace officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all peace officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall be deposited in the public employees insurance reserve holding account of the public employees retirement association; or

(c) For a municipality other than a city of the first class with a population of more than 300,000 in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in clause (a), to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full-time peace officers, as defined in section 69.011, subdivision 1, clause (g).

For a city of the first class with a population of more than 300,000, in addition, the city may elect to allot the appropriate portion of the total police state aid to apply toward the employer contribution of the city to the

public employees police and fire fund based on the covered salary of police officers covered by the fund each payroll period and to transmit the balance to the police relief association.

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall be deposited in the public employees insurance reserve holding account of the public employees retirement association.

(4) *The designated metropolitan airports commission official, upon receipt of the police state aid for the metropolitan airports commission, shall apply the total police state aid toward the commission's employer contribution to the Minneapolis employees retirement fund under section 422A.101, subdivision 2a.*

Sec. 4. Minnesota Statutes 1990, section 422A.01, is amended by adding subdivisions to read:

Subd. 17. [FIREFIGHTER.] "Firefighter," for purposes of section 422A.151, means an employee of the metropolitan airports commission who was employed by the commission before June 30, 1978, and whose employment duties include, at a minimum, full-time service as an employee of a designated fire company who is engaged primarily in fire suppression and related duties, or as a person who is in charge of a designated fire company or companies and who is engaged in the hazards of fire fighting.

Sec. 5. Minnesota Statutes 1990, section 422A.01, is amended by adding a subdivision to read:

Subd. 18. [LICENSED PEACE OFFICER.] "Licensed peace officer," for purposes of section 422A.151, means an employee of the metropolitan airports commission who was employed by the commission before June 30, 1978, and whose employment duties include, at a minimum, full-time service as an officer whose primary job it is to enforce the law, who is licensed by the Minnesota board of peace officer standards and training under sections 626.84 to 626.855, who is engaged in the hazards of protecting the safety and property of others, and who has the power to arrest by warrant."

Page 3, line 25, delete "3" and insert "6"

Page 3, delete lines 26 to 31 and insert:

"(a) In the case of a contributing member of the Minneapolis employees retirement fund who is employed as a licensed peace officer or firefighter with the metropolitan airports commission and who retires, becomes disabled within the meaning of section 422A.18, or dies, the retirement, disability, or survivor allowance is equal to the"

Page 3, lines 33 and 34, delete "the person is entitled to as a member" and insert "calculated for the person under the applicable provisions"

Page 3, line 36, delete "allowance" and insert "benefit"

Page 4, after line 7, insert "In computing the alternative benefit under section 353.651, 353.656, or 353.657, the applicable definitions and related provisions of chapter 353 must be used."

(b) If a contributing member under paragraph (a) has periods of coverage

by the Minneapolis employees retirement fund that include service other than employment as a licensed peace officer or firefighter as well as employment as a licensed peace officer or firefighter, the calculation of the benefit under paragraph (a), clause (2), may only utilize service as a licensed peace officer or firefighter employed by the metropolitan airports commission."

Page 4, line 8, delete "4" and insert "7"

Page 4, line 9, delete ", 2, and 3" and insert "to 6" and delete the second "3" and insert "6"

Amend the title as follows:

Page 1, line 7, delete "section" and insert "sections" and after the semicolon, insert "69.031, subdivision 5; and 422A.01, by adding subdivisions;"

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. 2402: A bill for an act relating to state government; executive council; regulating depositories for state funds; amending Minnesota Statutes 1990, section 9.031, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 9; repealing Minnesota Statutes 1990, section 9.031, subdivisions 1, 2, 3, 4, 5, and 10.

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

Page 1, after line 20, insert:

"The banks or thrift institutions designated as depositories under this section must have received ratings of "outstanding" or "satisfactory" as their most recent rating under section 47.83 or under United States Code, title 12, section 2906."

Page 2, line 16, after "deposit" insert "or share certificates" and delete everything after "by"

Page 2, delete line 17

Page 2, line 18, delete "Corporation" and insert "an agency of the federal government insuring deposits"

Page 2, line 20, delete "and" and insert "or"

Page 3, line 1, delete the first "shall" and insert "must"

Page 3, lines 19 and 30, delete "shall" and insert "must"

Page 3, lines 24 and 25, delete "shall be" and insert "is"

Page 3, line 27, delete "shall" and insert "is" and delete "become"

Page 3, line 33, delete "shall" and insert "may"

Page 3, after line 34, insert:

"Sec. 8. Minnesota Statutes 1990, section 9.031, is amended by adding a subdivision to read:

Subd. 13. [LOSS OF REQUIRED COMMUNITY REINVESTMENT

RATING.] *If a state depository receives a community reinvestment rating, as provided in section 1, that is below "satisfactory," the executive council shall revoke its designation as a depository. The executive council may delay the effective date of the revocation if necessary to allow a reasonable period of time to arrange for a replacement depository."*

Page 3, line 35, delete "8" and insert "9"

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

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

H.F. No. 2106 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.
2106	1836				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2106 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2106 and insert the language after the enacting clause of S.F. No. 1836, the first engrossment; further, delete the title of H.F. No. 2106 and insert the title of S.F. No. 1836, the first engrossment.

And when so amended H.F. No. 2106 will be identical to S.F. No. 1836, and further recommends that H.F. No. 2106 be given its second reading and substituted for S.F. No. 1836, 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. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1974: A bill for an act relating to government data practices; referencing provisions codified outside the Minnesota government data practices act; proposing coding for new law in Minnesota Statutes, chapter 13.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 13.02, is amended by adding a subdivision to read:

Subd. 9a. [LICENSING DATA.] "Licensing data" means data on individuals collected for the purpose of issuing a license, permit, or certificate of registration or qualification.

Sec. 2. Minnesota Statutes 1991 Supplement, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data. The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. ~~If the responsible authority is a state agency, the amount received is appropriated to the agency and added to the appropriations from which the costs were paid.~~ If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 3. Minnesota Statutes 1990, section 13.03, is amended by adding a subdivision to read:

Subd. 3a. [ACCESS FOR COMMERCIAL PURPOSES; FEES.] A state agency shall charge a fee for providing licensing data that will be used for commercial purposes as part of a list for mailing or telephone solicitation that is authorized under subdivision 3 for the actual cost of providing the data plus the cost of separating data under section 5.

Sec. 4. Minnesota Statutes 1990, section 13.03, is amended by adding a subdivision to read:

Subd. 10. [COSTS FOR PROVIDING COPIES OF DATA.] Money collected by a responsible authority in a state agency for the actual cost to the agency of providing copies or electronic transmittal of government data is appropriated to the agency and added to the appropriations from which the costs were paid.

Sec. 5. Minnesota Statutes 1990, section 13.04, is amended by adding a subdivision to read:

Subd. 5. [COMMERCIAL LISTS.] If requested by the subject of the data, a state agency may not release licensing data on the individual if the data that are released will be used for commercial purposes as part of a list for mailing or telephone solicitation. A license application or renewal form must include a provision under which an individual may request that data not be released in accordance with this subdivision. This subdivision does not apply to the release of data to a motor vehicle manufacturer or its designee for the purpose of notifying purchasers of a motor vehicle recall.

Sec. 6. Minnesota Statutes 1990, section 13.05, subdivision 4, is amended to read:

Subd. 4. [LIMITATIONS ON COLLECTION AND USE OF DATA.] Private or confidential data on an individual shall not be collected, stored, used, or disseminated by political subdivisions, statewide systems, or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative, unless the statement is:

- (1) in plain language;
- (2) dated;
- (3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- (4) specific as to the nature of the information the subject is authorizing to be disclosed;
- (5) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

(6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;

(7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years the date of the policy.

The responsible authority may require a person requesting copies of data under this paragraph to pay the actual costs of making, certifying, and compiling the copies.

Sec. 7. [13.99] [OTHER GOVERNMENT DATA PROVISIONS.]

Subdivision 1. [PROVISIONS CODED IN OTHER CHAPTERS.] The laws enumerated in this section are codified outside of chapter 13 and classify government data as other than public or place restrictions on access to government data. The remedies and penalties provided in sections 13.08 and 13.09 also apply to data and records listed in this section and to other provisions of statute that provide access to government data and records or rights regarding government data similar to those established by section 13.04.

Subd. 2. [DATA PROVIDED TO THE TAX STUDY COMMISSION.] The commissioner of revenue shall provide data to the tax study commission under section 3.861, subdivision 6.

Subd. 3. [LEGISLATIVE AUDIT DATA.] Data relating to an audit performed under section 3.97 are classified under section 3.97, subdivision 11.

Subd. 4. [ETHICAL PRACTICES BOARD INFORMATION.] Disclosure by the ethical practices board of information about a complaint or investigation is governed by section 10A.02, subdivision 11.

Subd. 5. [ETHICAL PRACTICES INVESTIGATION DATA.] The record of certain investigations conducted under chapter 10A is classified, and disposition of certain information is governed, by section 10A.02, subdivision 11a.

Subd. 6. [REGISTER OF OWNERSHIP OF BONDS OR CERTIFICATES.] Information in a register of ownership of state bonds or certificates is classified under section 16A.672, subdivision 11.

Subd. 7. [PESTICIDE DEALER RECORDS.] Records of pesticide dealers inspected or copied by the commissioner of agriculture are classified under section 18B.37, subdivision 5.

Subd. 8. [DAIRY REPORTS TO COMMISSIONER OF AGRICULTURE.] Disclosure of information in reports about dairy production required to be filed with the commissioner of agriculture under section 32.19 is governed by that section.

Subd. 9. [FAMILY FARM SECURITY.] Data received or prepared by the commissioner of agriculture regarding family farm security loans are classified in section 41.63.

Subd. 10. [RURAL FINANCE AUTHORITY.] Certain data received or prepared by the rural finance authority are classified pursuant to section

41B.211.

Subd. 11. [WORLD TRADE CENTER.] Certain data received or developed by the governing board of the Minnesota world trade center corporation are classified in section 44A.08.

Subd. 12. [COMMERCE DEPARTMENT DATA ON FINANCIAL INSTITUTIONS.] The disclosure by the commissioner of commerce of facts and information obtained in the course of examining financial institutions is governed by section 46.07, subdivision 2.

Subd. 13. [COMMUNITY REINVESTMENT RATING.] The contents and disclosure of the confidential section of the community reinvestment rating prepared by the commissioner of commerce are governed by section 47.84.

Subd. 14. [EXAMINATION OF INSURANCE COMPANIES.] Information obtained by the commissioner of commerce in the course of supervising or examining insurance companies is classified under section 60A.03, subdivision 9. An examination report of a domestic or foreign insurance company prepared by the commissioner is classified pursuant to section 60A.031, subdivision 4.

Subd. 15. [INSURANCE COMPANY INFORMATION.] Data received by the department of commerce under section 60A.93 are classified as provided by that section.

Subd. 16. [PROCEEDING AND RECORDS IN SUMMARY PROCEEDINGS AGAINST INSURERS.] Access to proceedings and records of summary proceedings by the commissioner of commerce against insurers and judicial review of such proceedings is governed by section 60B.14, subdivisions 1, 2, and 3.

Subd. 17. [INSURANCE GUARANTY ASSOCIATION.] The commissioner may share data with the board of the Minnesota Insurance Guaranty Association as provided by section 60C.14, subdivision 2.

Subd. 18. [VARIOUS INSURANCE DATA.] Disclosure of information obtained by the commissioner of commerce under section 60D.18, 60D.19, or 60D.20 is governed by section 60D.22.

Subd. 19. [HMO EXAMINATIONS.] Data obtained by the commissioner of health in the course of an examination of the affairs of a health maintenance organization are classified under section 62D.14, subdivisions 1 and 4.

Subd. 20. [AUTO THEFT DATA.] The sharing of data on auto thefts between law enforcement and prosecutors and insurers is governed by section 65B.81.

Subd. 21. [SELF-INSURERS' SECURITY FUND.] Disclosure of certain data received by the self-insurers' security is governed by section 79A.09, subdivision 4.

Subd. 22. [ENVIRONMENTAL RESPONSE.] Certain data obtained by the pollution control agency from a person who may be responsible for a release are classified in section 115B.17, subdivision 5.

Subd. 23. [HAZARDOUS WASTE GENERATORS.] Data exchanged between the pollution control agency and the department of revenue under sections 115B.24 and 116.075, subdivision 2, are classified under section

115B.24, subdivision 5.

Subd. 24. [SOLID WASTE FACILITY RECORDS.] Records of solid waste facilities received, inspected, or copied by a county pursuant to section 115A.882 are classified pursuant to section 115A.882, subdivision 3.

Subd. 25. [HAZARDOUS WASTE GENERATORS.] Information provided by hazardous waste generators under section 473.151 and for which confidentiality is claimed is governed by section 116.075, subdivision 2.

Subd. 26. [POLLUTION CONTROL AGENCY TESTS.] Trade secret information made available by applicants for certain projects of the pollution control agency are classified under section 116.54.

Subd. 27. [LOW-LEVEL RADIOACTIVE WASTE.] Certain data given to the pollution control agency by persons who generate, transport, or dispose of low-level radioactive waste are classified under section 116C.840.

Subd. 28. [MINNESOTA EDUCATIONAL COMPUTING CORPORATION.] Trade secret data of the Minnesota educational computing corporation are classified under section 119.06, subdivision 1.

Subd. 29. [STUDENT FINANCIAL AID.] Data collected and used by the higher education coordinating board on applicants for financial assistance are classified under section 136A.162.

Subd. 30. [RESTRICTIONS ON ACCESS TO ARCHIVES RECORDS.] Limitations on access to records transferred to the state archives are provided in section 138.17, subdivision 1c.

Subd. 31. [FOUNDLING REGISTRATION.] The report of the finding of an infant of unknown parentage is classified under section 144.216, subdivision 2.

Subd. 32. [NEW CERTIFICATE OF BIRTH.] In circumstances in which a new certificate of birth may be issued under section 144.218, the original certificate of birth is classified as provided in that section.

Subd. 33. [BIRTH CERTIFICATE OF CHILD OF UNMARRIED PARENTS.] Access to the birth certificate of a child whose parents were not married to each other when the child was conceived or born is governed by sections 144.225, subdivision 2, and 257.73.

Subd. 34. [HUMAN LEUKOCYTE ANTIGEN TYPE REGISTRY.] Data identifying a person and the person's human leukocyte antigen type which is maintained by a government entity are classified under section 144.336, subdivision 1.

Subd. 35. [HEALTH THREAT PROCEDURES.] Data in a health directive issued by the commissioner of health or a board of health are classified in section 144.4186.

Subd. 36. [CERTAIN HEALTH INSPECTIONS.] Disclosure of certain data received by the commissioner of health under sections 144.50 to 144.56 is governed by section 144.58.

Subd. 37. [CANCER SURVEILLANCE SYSTEM.] Data on individuals collected by the cancer surveillance system are classified pursuant to section 144.69.

Subd. 38. [MEDICAL MALPRACTICE CLAIMS REPORTS.] Reports of medical malpractice claims submitted by an insurer to the commissioner

of health under section 144.693 are classified as provided in section 144.693, subdivision 1.

Subd. 39. [HEALTH TEST RESULTS.] Health test results obtained under chapter 144 are classified under section 144.768.

Subd. 40. [HOME CARE SERVICES.] Certain data from providers of home care services given to the commissioner of health are classified under section 144A.47.

Subd. 41. [TERMINATED PREGNANCIES.] Disclosure of reports of terminated pregnancies made to the commissioner of health is governed by section 145.413, subdivision 1.

Subd. 42. [REVIEW ORGANIZATION DATA.] Disclosure of data and information acquired by a review organization as defined in section 145.61, subdivision 5, is governed by section 145.64.

Subd. 43. [FAMILY PLANNING GRANTS.] Information gathered under section 145.925 is classified under section 145.925, subdivision 6.

Subd. 44. [PHYSICIAN INVESTIGATION RECORDS.] Patient medical records provided to the board of medical examiners under section 147.131 are classified under that section.

Subd. 45. [RECORD OF PHYSICIAN DISCIPLINARY ACTION.] The administrative record of any disciplinary action taken by the board of medical examiners under sections 147.01 to 147.33 is sealed upon judicial review as provided in section 147.151.

Subd. 46. [CHIROPRACTIC REVIEW RECORDS.] Data of the board of chiropractic examiners and the peer review committee are classified under section 148.106, subdivision 10.

Subd. 47. [DISCIPLINARY ACTION AGAINST NURSES.] Data obtained under section 148.261, subdivision 5, by the board of nursing are classified under that subdivision.

Subd. 48. [MEDICAL RECORDS OBTAINED BY BOARD OF NURSING.] Medical records of a patient cared for by a nurse who is under review by the board of nursing are classified under sections 148.191, subdivision 2, and 148.265.

Subd. 49. [RECORDS OF NURSE DISCIPLINARY ACTION.] The administrative records of any disciplinary action taken by the board of nursing under sections 148.171 to 148.285 are sealed upon judicial review as provided in section 148.266.

Subd. 50. [CLIENT RECORDS OBTAINED BY BOARDS ON MENTAL HEALTH AND SOCIAL WORK.] Client records obtained by a board conducting an investigation under chapter 148B are classified by section 148B.09.

Subd. 51. [RECORDS OF MENTAL HEALTH AND SOCIAL WORK DISCIPLINARY ACTION.] The administrative records of disciplinary action taken by a board under chapter 148B are sealed upon judicial review as provided in section 148B.10.

Subd. 52. [SOCIAL WORK AND MENTAL HEALTH BOARDS.] Certain data obtained by licensing boards under chapter 148B are classified under section 148B.175, subdivisions 2 and 5.

Subd. 53. [RECORDS OF UNLICENSED MENTAL HEALTH PRACTITIONER DISCIPLINARY ACTIONS.] The administrative records of disciplinary action taken by the commissioner of health pursuant to sections 148B.60 to 148B.71 are sealed upon judicial review as provided in section 148B.65.

Subd. 54. [BOARD OF DENTISTRY.] Data obtained by the board of dentistry under section 150A.08, subdivision 6, are classified as provided in that subdivision.

Subd. 55. [MOTOR VEHICLE REGISTRATION.] The residence address of certain individuals provided to the commissioner of public safety for motor vehicle registrations is classified under section 168.346.

Subd. 56. [DRIVERS' LICENSE PHOTOGRAPHS.] Photographs taken by the commissioner of public safety for drivers' licenses are classified under section 171.07, subdivision 1a.

Subd. 57. [DRIVERS' LICENSE ADDRESS.] The residence address of certain individuals provided to the commissioner of public safety in drivers' license applications is classified under section 171.12, subdivision 7.

Subd. 58. [ACCIDENT REPORTS.] Release of accident reports provided to the department of public safety under section 169.09 is governed by section 169.09, subdivision 13.

Subd. 59. [REPORT OF DEATH OR INJURY TO LABOR AND INDUSTRY.] Access to a report of worker injury or death during the course of employment filed by an employer under section 176.231 is governed by sections 176.231, subdivisions 8 and 9, and 176.234.

Subd. 60. [OCCUPATIONAL SAFETY AND HEALTH.] Certain data gathered or prepared by the commissioner of labor and industry as part of occupational safety and health inspections are classified under section 182.659, subdivision 8.

Subd. 61. [EMPLOYEE DRUG AND ALCOHOL TEST RESULTS.] Test results and other information acquired in the drug and alcohol testing process, with respect to public sector employees and applicants, are classified by section 181.954, subdivision 2, and access to them is governed by section 181.954, subdivision 3.

Subd. 62. [CERTAIN VETERANS BENEFITS.] Access to files pertaining to claims for certain veterans benefits is governed by section 196.08.

Subd. 63. [VETERANS SERVICE OFFICERS.] Data maintained by veterans service officers are classified under section 197.603.

Subd. 64. [HEALTH LICENSING BOARDS.] Data received by health licensing boards from the commissioner of human services are classified under section 214.10, subdivision 8.

Subd. 65. [COMMISSIONER OF PUBLIC SERVICES.] Certain energy data maintained by the commissioner of public safety are classified under section 216C.17, subdivision 4.

Subd. 66. [CHILDREN RECEIVING MENTAL HEALTH SERVICES.] Disclosure of identities of children receiving mental health services under sections 245.487 to 245.4887, and the identities of their families, is governed by section 245.4876, subdivision 7.

Subd. 67. [MENTAL HEALTH CLINICS AND CENTERS.] Data collected by mental health clinics and centers approved by the commissioner of human services are classified under section 245.69, subdivision 2.

Subd. 68. [STATE HOSPITAL PATIENTS.] Contents of, and access to, records of state hospital patients required to be kept by the commissioner of human services are governed by section 246.13.

Subd. 69. [CHEMICAL DEPENDENCY SERVICE AGREEMENTS.] Certain data received by the commissioner of human services from chemical dependency programs are classified under section 246.64, subdivision 4.

Subd. 70. [RAMSEY HEALTH CARE.] Data maintained by Ramsey Health Care, Inc., are classified under section 246A.17.

Subd. 71. [SUBJECT OF RESEARCH: RECIPIENTS OF ALCOHOL OR DRUG ABUSE TREATMENT.] Access to records of individuals who are the subject of research or who receive information, assessment, or treatment concerning alcohol or drug abuse is governed by section 254A.09.

Subd. 72. [CHILD MORTALITY REVIEW PANEL.] Data practices of the commissioner of human services as part of the child mortality review panel are governed by section 256.01, subdivision 12.

Subd. 73. [RECORDS OF ARTIFICIAL INSEMINATION.] Access to records held by a court or other agency concerning artificial insemination performed on a married woman with her husband's consent is governed by section 257.56, subdivision 1.

Subd. 74. [PARENTAGE ACTION RECORDS.] Inspection of records in parentage actions held by the court, the commissioner of human services, or elsewhere is governed by section 257.70.

Subd. 75. [COMMISSIONER'S RECORDS OF ADOPTION.] Records of adoption held by the commissioner of human services are classified, and access to them is governed by section 259.46, subdivisions 1 and 3.

Subd. 76. [ADOPTEE'S ORIGINAL BIRTH CERTIFICATE.] Access to the original birth certificate of a person who has been adopted is governed by section 259.49.

Subd. 77. [PEACE OFFICERS AND CORRECTIONS RECORDS OF JUVENILES.] Inspection and maintenance of juvenile records held by police and the commissioner of corrections are governed by section 260.161, subdivision 3.

Subd. 78. [COMMISSIONER OF JOBS AND TRAINING.] Data maintained by the commissioner of jobs and training are classified under section 268.12, subdivision 12.

Subd. 79. [TRANSITIONAL HOUSING DATA.] Certain data collected, used, or maintained by the recipient of a grant to provide transitional housing are classified under section 268.38, subdivision 9.

Subd. 80. [EMERGENCY JOBS PROGRAM.] Data maintained by the commissioner of public safety for the emergency jobs program are classified under section 268.673, subdivision 5.

Subd. 81. [VOCATIONAL REHABILITATION DATA.] Disclosure of data obtained by the commissioner of jobs and training regarding the vocational rehabilitation of an injured or disabled employee is governed by section 268A.05.

Subd. 82. [REVENUE RECAPTURE ACT.] Data maintained by the commissioner of revenue under the revenue recapture act are classified under section 270A.11.

Subd. 83. [TAX DATA; CLASSIFICATION AND DISCLOSURE.] Classification and disclosure of tax data created, collected, or maintained by the department of revenue under chapter 290, 290A, 291, or 297A are governed by chapter 270B.

Subd. 84. [HOMESTEAD APPLICATIONS.] The classification and disclosure of certain information collected to determine homestead classification is governed by section 273.124, subdivision 13.

Subd. 85. [MOTOR VEHICLE REGISTRARS.] Disclosure of certain information obtained by motor vehicle registrars is governed by section 297B.12.

Subd. 86. [MARIJUANA AND CONTROLLED SUBSTANCE TAX INFORMATION.] Disclosure of information obtained under chapter 297D is governed by section 297D.13, subdivisions 1 to 3.

Subd. 87. [MINERAL RIGHTS FILINGS.] Data filed pursuant to section 298.48 with the commissioner of revenue by owners or lessees of mineral rights are classified under section 298.48, subdivision 4.

Subd. 88. [UNDERCOVER BUY FUND.] Records relating to applications for grants under section 299C.065 are classified under section 299C.065, subdivision 4.

Subd. 89. [ARSON INVESTIGATIONS.] Data maintained as part of arson investigations are governed by sections 299F.055 and 299F.056.

Subd. 90. [OFFICE OF PIPELINE SAFETY.] Data obtained by the director of the office of pipeline safety are classified under section 299J.13.

Subd. 91. [HUMAN RIGHTS CONCILIATION EFFORTS.] Disclosure of information concerning efforts in a particular case to resolve a charge through education conference, conciliation, and persuasion is governed by section 363.06, subdivision 6.

Subd. 92. [HUMAN RIGHTS DEPARTMENT INVESTIGATIVE DATA.] Access to human rights department investigative data by persons other than department employees is governed by section 363.061.

Subd. 93. [RECORDS OF CLOSED COUNTY BOARD MEETINGS.] Records of Hennepin county board meetings permitted to be closed under section 383B.217, subdivision 7, are classified under that subdivision.

Subd. 94. [INQUEST DATA.] Certain data collected or created in the course of a coroner's or medical examiner's inquest are classified under sections 390.11, subdivision 7, and 390.32, subdivision 6.

Subd. 95. [RURAL DEVELOPMENT FINANCING AUTHORITY.] Treatment of preliminary information provided by the commissioner of trade and economic development to an authority contemplating the exercise of powers under sections 469.142 to 469.151 is governed by section 469.150.

Subd. 96. [MUNICIPAL SELF-INSURER CLAIMS.] Disclosure of information about individual claims filed by the employees of a municipality which is a self-insurer is governed by section 471.617, subdivision 5.

Subd. 97. [METROPOLITAN SOLID WASTE LANDFILL FEE.] Information obtained from the operator of a mixed municipal solid waste disposal facility under section 473.843 is classified under section 473.843, subdivision 4.

Subd. 98. [MUNICIPAL OBLIGATION REGISTER DATA.] Information contained in a register with respect to the ownership of certain municipal obligations is classified under section 475.55, subdivision 6.

Subd. 99. [CHILD CUSTODY PROCEEDINGS.] Court records of child custody proceedings may be sealed as provided in section 518.168.

Subd. 100. [FARMER-LENDER MEDIATION.] Data on debtors and creditors under the farmer-lender mediation act are classified under section 583.29.

Subd. 101. [SOURCES OF PRESENTENCE INVESTIGATION REPORTS.] Disclosure of confidential sources in presentence investigation reports is governed by section 609.115, subdivision 4.

Subd. 102. [USE OF MOTOR VEHICLE TO PATRONIZE PROSTITUTES.] Use of a motor vehicle in the commission of an offense under section 609.324 is noted on the offender's driving records and the notation is classified pursuant to section 609.324, subdivision 5.

Subd. 103. [SEXUAL ASSAULT CRIME VICTIMS.] Data on sexual assault victims are governed by section 609.3471.

Subd. 104. [FINANCIAL DISCLOSURE FOR PUBLIC DEFENDER SERVICES.] Disclosure of financial information provided by a defendant seeking public defender services is governed by section 611.17.

Subd. 105. [CRIME VICTIM NOTICE OF RELEASE.] Data on crime victims who request notice of an offender's release are classified under section 611A.06.

Subd. 106. [BATTERED WOMEN.] Data on battered women maintained by grantees for emergency shelter and support services for battered women are governed by section 611A.32, subdivision 5.

Subd. 107. [CRIME VICTIM CLAIMS FOR REPARATIONS.] Claims and supporting documents filed by crime victims seeking reparations are classified under section 611A.57, subdivision 6.

Subd. 108. [CRIME VICTIM OMBUDSMAN.] Data maintained by the crime victim ombudsman are classified under section 611A.74, subdivision 2.

Subd. 109. [REPORTS OF GUNSHOT WOUNDS.] Disclosure of the name of a person making a report under section 626.52, subdivision 2, is governed by section 626.53.

Subd. 110. [CHILD ABUSE REPORT RECORDS.] Data contained in child abuse report records are classified under section 626.556, subdivisions 11 and 11b.

Subd. 111. [VULNERABLE ADULT REPORT RECORDS.] Data contained in vulnerable adult report records are classified under section 626.557, subdivision 12.

Subd. 112. [PEACE OFFICER DISCIPLINE PROCEDURES.] Access by an officer under investigation to the investigating agency's investigative

report on the officer is governed by section 626.89, subdivision 6.

Sec. 8. [13C.01] [ACCESS TO CONSUMER REPORTS PREPARED BY CONSUMER REPORTING AGENCIES.]

Subdivision 1. [FEE FOR REPORT.] (a) A consumer who is the subject of a credit report maintained by a credit reporting agency is entitled to request and receive by mail, for a charge not to exceed \$8, a copy of the credit report once in any 12-month period. The mailing must contain a statement of the consumer's right to dispute and correct any errors and of the procedures set forth in the federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 et. seq., for that purpose. The credit reporting agency shall respond to a request under this subdivision within 30 days.

(b) A consumer who exercises the right to dispute and correct errors is entitled, after doing so, to request and receive by mail, without charge, a copy of the credit report in order to confirm that the credit report was corrected.

(c) For purposes of this section, the terms "consumer," "credit report," and "credit reporting agency" have the meanings given them in the federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 et. seq.

Subd. 2. [ENFORCEMENT.] This section may be enforced by the attorney general pursuant to section 8.31.

Sec. 9. Minnesota Statutes 1990, section 72A.20, is amended by adding a subdivision to read:

Subd. 28. [HIV TESTS; CRIME VICTIMS.] No insurer regulated under chapter 61A or 62B, or providing health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, or nonprofit health services corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal beneficiary association regulated under chapter 64B, may:

(1) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on an offender under section 22 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; or

(2) ask an applicant for coverage or a person already covered whether the person has had a test performed for the reason set forth in clause (1).

A question that purports to require an answer that would provide information regarding a test performed for the reason set forth in clause (1) may be interpreted as excluding this test. An answer that does not mention the test is considered to be a truthful answer for all purposes. An authorization for the release of medical records for insurance purposes must specifically exclude any test performed for the purpose set forth in clause (1) and must be read as providing this exclusion regardless of whether the exclusion is expressly stated. This subdivision does not affect tests conducted for purposes other than those described in clause (1).

Sec. 10. Minnesota Statutes 1991 Supplement, section 144.0525, is

amended to read:

144.0525 [DATA FROM LABOR AND INDUSTRY AND JOBS AND TRAINING; EPIDEMIOLOGIC STUDIES.]

All data collected by the commissioner of health under sections 176.234 and, 268.12, and 270B.14, subdivision 11, shall be used only for the purposes of epidemiologic investigations, *notification of persons exposed to health hazards as a result of employment*, and surveillance of occupational health and safety.

Sec. 11. Minnesota Statutes 1991 Supplement, section 144.335, subdivision 1, is amended to read:

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

(a) "Patient" means a natural person who has received health care services from a provider for treatment or examination of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, patient includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapter 147, 148, 148B, 150A, 151, or 153; (2) a home care provider licensed under section 144A.46; (3) a health care facility licensed pursuant to this chapter or chapter 144A; and (4) an unlicensed mental health practitioner regulated pursuant to sections 148B.60 to 148B.71.

(c) "*Individually identifiable form*" means a form in which the patient is or can be identified as the subject of the health records.

Sec. 12. Minnesota Statutes 1991 Supplement, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. A consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) ~~This subdivision~~ Paragraph (a) does not prohibit the release of health records for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency.

(c) Paragraph (a) does not prohibit the release of health records to a provider who is being advised or consulted with in connection with the treatment of the patient.

(d) Paragraph (a) does not prohibit the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

(1) the use or release of the records complies with sections 72A.49 to 72A.505;

(2) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and

(3) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.

(e) Paragraph (a) does not prohibit the release of health records to qualified personnel for purposes of medical or scientific research, provided that the patient has not objected to a release for research purposes and the provider who releases the records:

(1) determines that the use or disclosure does not violate any limitations under which the record was collected;

(2) determines that the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;

(3) requires that the recipient establish and maintain adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and

(4) requires that further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.

(f) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.

(d) A patient's consent to the release of data on the date and type of immunizations administered to the patient is effective until the patient directs otherwise, if the consent was executed before August 1, 1991.

Sec. 13. [144.3351] [IMMUNIZATION DATA.]

Providers as defined in section 144.335, subdivision 1, elementary or secondary schools or child care facilities as defined in section 123.70, subdivision 9, public or private post-secondary educational institutions as defined in section 135A.14, subdivision 1, paragraph (b), a board of health as defined in section 145A.02, subdivision 2, community action agencies as defined in section 268.53, subdivision 1, and the commissioner of health may exchange data with one another, without the patient's consent, on the date and type of immunizations administered to a patient, provided that the person requesting access provides services on behalf of the patient.

Sec. 14. Minnesota Statutes 1990, section 270B.14, is amended by adding a subdivision to read:

Subd. 11. [DISCLOSURE TO COMMISSIONER OF HEALTH.] *(a) The commissioner may disclose return information to the commissioner of health as provided in this subdivision. Data that may be disclosed are limited to the taxpayer's identity, as defined in section 270B.01, subdivision 5.*

(b) The commissioner of health may request data only for the purposes of carrying out epidemiologic investigations, which includes conducting occupational health and safety surveillance, and locating and notifying individuals exposed to health hazards as a result of employment. Requests for data by the commissioner of health must be in writing and state the purpose of the request. Data received may be used only for the purposes of section 144.0525.

Sec. 15. [299C.60] [CITATION.]

Sections 15 to 19 may be cited as the "Minnesota child protection background check act."

Sec. 16. [299C.61] [DEFINITIONS.]

Subdivision 1. [TERMS.] The definitions in this section apply to sections 16 to 19.

Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime" includes felony-level violations of the following crimes: child abuse crimes, murder, manslaughter, assault, kidnapping, arson, criminal sexual conduct, prostitution-related crimes, and controlled substance crimes.

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

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

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

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

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

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

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

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

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

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

Sec. 17. [299C.62] [BACKGROUND CHECKS.]

Subdivision 1. [GENERALLY.] The superintendent shall develop procedures to enable a children's service provider to request a background

check to determine whether a children's service worker is the subject of any reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. The superintendent shall require the submission of fingerprints and is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of a criminal history check. The superintendent shall recover the cost of a background check through a fee charged the children's service provider.

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

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

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

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

Background checks performed under this section may only be requested by and provided to authorized representatives of a children's service provider who have a need to know the information and may be used only for the purposes of sections 15 to 19.

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

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

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

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

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

(4) the right not to be required directly or indirectly to pay the cost of the background check.

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

Sec. 18. [299C.63] [EXCEPTION; HUMAN SERVICES LICENSEES.]

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

Sec. 19. [299C.64] [RULEMAKING AUTHORIZED.]

The superintendent may adopt rules necessary to implement sections 15 to 18.

Sec. 20. Minnesota Statutes 1990, section 388.23, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] The county attorney, or any deputy or assistant county attorney whom the county attorney authorizes in writing, has the authority ~~in that county~~ to subpoena and require the production of any records of telephone companies, *cellular phone companies, paging companies*, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery, *and records of the existence of safe deposit box account numbers and customer savings and checking account numbers maintained by financial institutions and safe deposit companies*. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation.

Sec. 21. Minnesota Statutes 1991 Supplement, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall release the information specified below to any state, county, or local law enforcement or prosecuting authority which certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer *and to the closing of the account*;

(2) Notices regarding nonsufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request;

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may not impose a fee for furnishing this information to law enforcement or prosecuting authorities.

A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Sec. 22. [611A.19] [TESTING OF SEX OFFENDER FOR HUMAN IMMUNODEFICIENCY VIRUS.]

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) The sentencing court may issue an order requiring a person convicted of violating section 609.342, 609.343, 609.344, or 609.345, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

(1) the prosecutor moves for the test order in camera;

(2) the victim requests the test; and

(3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime.

(b) If the court grants the prosecutor's motion, the court shall order that the test be performed by an appropriate health professional and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

Subd. 2. [DISCLOSURE OF TEST RESULTS.] The date and results of any test performed under subdivision 1 are private data as defined in section 13.02, subdivision 12, except that the results are available, on request, to the victim or, if the victim is a minor, to the victim's parent or guardian and positive test results may be reported to the commissioner of health. Any test results given to a victim or victim's parent or guardian shall be provided by a health professional who is trained to provide the counseling described in section 144.763. Data regarding administration and results of the test are not accessible to any other person for any purpose and shall not be maintained in any record of the court or court services or any other record. After the test results are given to the victim or the victim's parent or guardian, data on the test must be removed from any medical data or health records maintained under section 13.42 or 144.335.

Sec. 23. Minnesota Statutes 1990, section 611A.20, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF NOTICE.] The commissioners of public safety and corrections, in consultation with sexual assault victim advocates and health care professionals, shall develop the notice required by subdivision 1. The notice must inform the victim of:

(1) the risk of contracting sexually transmitted diseases as a result of a sexual assault;

(2) the symptoms of sexually transmitted diseases;

(3) recommendations for periodic testing for the diseases, where appropriate;

(4) locations where confidential testing is done and the extent of the confidentiality provided; ~~and~~

(5) *information necessary to make an informed decision whether to request a test of the offender under section 22; and*

(6) other medically relevant information.

Sec. 24. Minnesota Statutes 1990, section 626.14, is amended to read:
626.14 [TIME OF SERVICE.]

A search warrant may be served only ~~in the daytime~~ *between the hours*

of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search *outside those hours* is necessary to prevent the loss, destruction, or removal of the objects of the search *or to protect the searchers or the public*. The search warrant shall state that it may be served only *in the daytime between the hours of 7:00 a.m. and 8:00 p.m.* unless a nighttime search *outside those hours* is authorized.

Sec. 25. Minnesota Statutes 1990, section 638.02, subdivision 2, is amended to read:

Subd. 2. Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the board of pardons for the granting of a pardon extraordinary. *Unless the board of pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:*

(1) *if the person was convicted of a crime against a person, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and*

(2) *if the person was convicted of a property crime, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.*

If the board of pardons ~~shall determine~~ *determines* that ~~such the person has been convicted of no criminal acts other than the act upon which such conviction was founded~~ *and is of good character and reputation*, the board may, in its discretion, grant ~~to such the person~~ a pardon extraordinary. ~~Such The~~ *The* pardon extraordinary, when granted, ~~shall have~~ *has* the effect of restoring ~~such the person~~ to all civil rights, and ~~shall have~~ *has* the effect of setting aside ~~and nullifying the conviction and nullifying the same~~ and of purging ~~such the person thereof~~ of it, and ~~such the person shall never thereafter~~ *after that* be required to disclose the conviction at any time or place other than in a judicial proceeding thereafter instituted.

The application for ~~such a~~ pardon extraordinary ~~and, the proceedings thereunder to review an application, and the notice thereof shall be~~ *requirements* are governed by the statutes and the rules of the board in respect to other proceedings before the board ~~and. The application shall contain such~~ any further information ~~as that~~ the board may require.

Unless the board of pardons expressly provides otherwise in writing by unanimous vote, if the person was convicted of a crime of violence, as defined in section 624.712, subdivision 5, the pardon extraordinary must expressly provide that the pardon does not entitle the person to ship, transport, possess, or receive a firearm until ten years have elapsed since the sentence was discharged and during that time the person was not convicted of any other crime of violence.

Sec. 26. Minnesota Statutes 1991 Supplement, section 638.02, subdivision 3, is amended to read:

Subd. 3. Upon granting a pardon extraordinary the board of pardons shall file a copy ~~thereof~~ of it with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and

include a copy of the pardon in the court file. *The court shall send a copy of its order and the pardon to the bureau of criminal apprehension.*

Sec. 27. Minnesota Statutes 1990, section 638.02, subdivision 4, is amended to read:

Subd. 4. Any person granted a pardon extraordinary by the board of pardons prior to April 12, 1974 may apply to the district court of the county in which the conviction occurred for an order setting aside the conviction ~~and sealing all such records~~ as set forth in subdivision 3.

Sec. 28. Minnesota Statutes 1991 Supplement, section 638.05, is amended to read:

638.05 [APPLICATION FOR PARDON.]

Every application for ~~a relief by the pardon or commutation of sentence~~ board shall be in writing, addressed to the board of pardons, signed *under oath* by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the ~~pardon or commutation~~ relief is sought, and in addition shall contain the following facts:

(1) The name under which the convict was indicted, and every alias by which *the convict is or was* known;

(2) The date and terms of sentence, and the names of the offense for which it was imposed;

(3) The name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;

(4) A succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the ~~same statement~~ is substantially correct; If ~~such~~ *this* statement and endorsement are not furnished, the reason ~~thereof~~ *for failing to furnish them* shall be stated;

(5) The age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;

(6) A statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for ~~a relief by the pardon or commutation of sentence~~ board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the ~~pardon or commutation~~ relief is sought. *In addition, if the applicant resided in another state after the sentence was discharged, the application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant that was collected or maintained by the foreign state relating to the grounds on which the relief is sought.*

Sec. 29. Minnesota Statutes 1991 Supplement, section 638.06, is amended to read:

638.06 [ACTION ON APPLICATION.]

Every ~~such~~ application for relief by the pardon board shall be filed with the ~~clerk~~ secretary of the board of pardons *not less than 60 days before the meeting of the board at which consideration of the application is desired.*

If an application for a pardon or commutation has been once heard and denied on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed ~~thereon~~ *on the application*. ~~The clerk shall.~~ Immediately on receipt of any application, ~~the secretary to the board shall mail notice thereof of the application,~~ and of the time and place of hearing ~~thereon~~ *on it*, to the judge of the court ~~wherein~~ *where* the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. *Additionally, the secretary shall publish notice of an application for a pardon extraordinary in the local newspaper of the county where the crime occurred.* The ~~clerk~~ *secretary* shall also make all reasonable efforts to locate any victim of the applicant's crime. The ~~clerk~~ *secretary* shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

Sec. 30. [638.075] [ANNUAL REPORTS TO LEGISLATURE.]

By February 15 of each year, the board of pardons shall file a written report with the legislature containing the following information:

(1) the number of applications received by the board during the preceding calendar year for pardons, pardons extraordinary, and commutations of sentence;

(2) the number of applications granted by the board for each category; and

(3) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

Sec. 31. [SUPREME COURT: UNIFORM ORDER TO SET ASIDE CONVICTION.]

The supreme court shall, by rule, develop a standardized form to be used by district courts in entering orders to set aside a conviction under Minnesota Statutes, section 638.02, subdivision 3.

Sec. 32. [PARDON BOARD; REVIEW OF STAFFING AND WORKLOAD.]

No later than one year after the effective date of sections 25 to 32, the board of pardons shall assess whether it has adequate staff, resources, and procedures to perform the duties imposed on the board by Minnesota Statutes, chapter 638.

Sec. 33. [TELEPHONE ASSISTANCE PLAN.]

Notwithstanding Minnesota Statutes, section 13.46, subdivision 2, until August 1, 1993, welfare data collected by the telephone assistance plan may be disclosed to the department of revenue to conduct an electronic data match to the extent necessary to determine eligibility under Minnesota Statutes, section 237.70, subdivision 4a.

Sec. 34. [APPROPRIATION.]

\$ is appropriated from the general fund to the board of pardons, for the fiscal year ending June 30, 1993, to be used to computerize the records maintained by the board and to permit the board to provide statistical analysis of the board's records, as necessary.

Sec. 35. [EFFECTIVE DATE.]

Sections 1, 3, and 5 are effective August 1, 1993. Section 13 is effective the day following final enactment and applies to immunizations administered before, on, or after the effective date. Sections 22 and 23 are effective October 1, 1993, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to data practices; providing for the collection, classification, and dissemination of data; modifying provisions concerning patient consent to release of medical records; expanding the administrative subpoena power of the county attorney; making information on closed bank accounts available to authorities investigating worthless check cases; specifying when certain search warrants may be served; imposing a waiting period on persons who seek a pardon extraordinary from the board of pardons; requiring that a pardon extraordinary be made a part of the pardoned offender's court record and that a copy be sent to the bureau of criminal apprehension; improving the pardon application procedure; requiring certain reports; appropriating money; amending Minnesota Statutes 1990, sections 13.02, by adding a subdivision; 13.03, by adding subdivisions; 13.04, by adding a subdivision; 13.05, subdivision 4; 72A.20, by adding a subdivision; 270B.14, by adding a subdivision; 388.23, subdivision 1; 611A.20, subdivision 2; 626.14; 638.02, subdivision 2; 638.02, subdivision 4; Minnesota Statutes 1991 Supplement, sections 13.03, subdivision 3; 144.0525; 144.335, subdivisions 1 and 3a; 609.535, subdivision 6; 638.02, subdivision 3; 638.05; 638.06; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 299C; 611A; and 638; 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 Finance. Amendments adopted. Report adopted.

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

H.F. No. 1681 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.
1681	2212				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1681 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1681 and insert the language after the enacting clause of S.F. No. 2212, the first engrossment; further, delete the title of H.F. No. 1681 and insert the title of S.F. No. 2212, the first engrossment.

And when so amended H.F. No. 1681 will be identical to S.F. No. 2212, and further recommends that H.F. No. 1681 be given its second reading and substituted for S.F. No. 2212, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the

Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2565, 684, 2750 and 1934 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2106 and 1681 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Belanger introduced—

Senate Resolution No. 135: A Senate resolution congratulating Joe Bianchi for his achievement in the Tier I State High School Hockey Tournament.

Referred to the Committee on Rules and Administration.

Mr. Halberg introduced—

Senate Resolution No. 136: A Senate resolution congratulating the Burnsville High School Girls Basketball Team on winning the 1992 State High School Class AA Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Calendar.

CALENDAR

H.F. No. 2707: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land in Mille Lacs county, and the exchange of certain state-owned lands in Aitkin county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. Nos. 2547, 2380 and H.F. Nos. 2924, 1996, 1852, 2572, 1833, 2034, 2081, 2082, 1416, 2683, 2792, 2732, which the committee recommends to pass.

S.F. No. 2316, which the committee recommends to pass with the following amendment offered by Mr. McGowan:

Page 2, after line 5, insert:

"The court shall invalidate the driver's license or permit in such a way that no identifying information is destroyed."

Page 2, delete lines 22 to 26 and insert:

"of 0.04 or more. The officer shall either:

(1) take the driver's license or permit of the driver, if any, and issue a temporary license, effective only for seven days- The peace officer, and shall send the person's driver's license it to the commissioner of public safety along with the certificate required by subdivision 4; or

(2) invalidate the driver's license or permit in such a way that no identifying information is destroyed."

The motion prevailed. So the amendment was adopted.

S.F. No. 2233, which the committee recommends to pass with the following amendment offered by Mr. Finn:

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] In addition to requirements of other laws relating to watercraft, it is unlawful to operate or to permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device;

(2) between sunset and 8:00 a.m.;

(3) within 100 feet of a shoreline, dock, swimmer, or swimming diving raft or a moored, anchored, or nonmotorized watercraft at greater than slow-no wake speed;

(4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:

(i) an observer is on board; or

(ii) *the personal watercraft is equipped with factory-installed mirrors that are integrated into the body design of the watercraft and give the operator a wide field of vision to the rear;*

(5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

(6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

(7) to chase or harass wildlife;

(8) through emergent or floating vegetation at other than a slow-no wake speed;

(9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within 100 feet of the other watercraft; or

(10) in any other manner that is not reasonable and prudent."

Page 2, line 8, delete "*Section 1 is*" and insert "*Sections 1 and 3 are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "allowing towing of persons with personal watercraft equipped with rearview mirrors;"

Page 1, line 8, before the period, insert "; Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1"

The motion prevailed. So the amendment was adopted.

H.F. No. 2186, which the committee recommends to pass, subject to the following motion:

Mr. Marty moved that the amendment made to H.F. No. 2186 by the Committee on Rules and Administration in the report adopted March 26, 1992, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2031, which the committee recommends to pass with the following amendment offered by Ms. Reichgott:

Amend H.F. No. 2031, the unofficial engrossment, as follows:

Page 4, line 15, after "*land*" insert "*provided that if the resulting market value increase over the prior assessment is less than 100 percent, then the market value of each individual lot shall be the lesser of:*

(1) *the market value of each individual lot based upon the highest and best use of the property as platted land; or*

(2) *200 percent of the prior assessment year's market value"*

Page 4, line 20, delete "*one year has*" and insert "*two years have*"

The motion prevailed. So the amendment was adopted.

S.F. No. 2274, which the committee reports progress, subject to the following motions:

Mr. Waldorf moved to amend S.F. No. 2274 as follows:

Page 10, delete section 16

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2274 as follows:

Page 8, line 3, delete "and"

Page 8, line 6, before the period, insert "": and

(11) persons employing three or fewer employees, including the employer"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.E.	Moe, R. D.	Sams
Beckman	Day	Johnson, J.B.	Mondale	Stumpf
Benson, D.D.	Finn	Johnston	Morse	Terwilliger
Benson, J.E.	Frederickson, D.J.	Laidig	Neuville	Vickerman
Berg	Frederickson, D.R.	Langseth	Pariseau	
Bernhagen	Gustafson	Lessard	Pogemiller	
Bertram	Halberg	Mehrkens	Price	
Brataas	Hottinger	Metzen	Renneke	

Those who voted in the negative were:

Belanger	DeCramer	Kroening	Novak	Reichgott
Berglin	Flynn	Luther	Olson	Solon
Cohen	Frank	Marty	Pappas	Traub
Dahl	Kelly	McGowan	Piper	
Davis	Knaak	Merriam	Ranum	

The motion prevailed. So the amendment was adopted.

S.F. No. 2274 was then progressed.

S.F. No. 2194, which the committee reports progress, subject to the following motions:

Ms. Reichgott moved to amend S.F. No. 2194 as follows:

Page 5, line 27, delete "or town"

Page 5, line 28, after the comma, insert "*or town with a population of more than 2,500 with an annual revenue of \$500,000 or more,*"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott then moved to amend S.F. No. 2194 as follows:

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "complement of" and insert "authorizing two additional deputies in"

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved to amend S.F. No. 2194 as follows:

Page 9, after line 7, insert:

“Sec. 16. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution, article IV, section 4, and article V, sections 2 and 4, is proposed to the people.

If the amendment is adopted, article IV, section 4, will read:

Sec. 4. Representatives shall be chosen for a term of two years, except to fill a vacancy. Senators shall be chosen for a term of four years, except to fill a vacancy and except there shall be an entire new election of all the senators at the first election of representatives after each new legislative apportionment provided for in this article. *No person may be elected to a term that would cause the person to serve more than ten consecutive years in the legislature.* The governor shall call elections to fill vacancies in either house of the legislature.

article V, section 2, will read:

Sec. 2. The term of office for the governor and lieutenant governor is four years and until a successor is chosen and qualified. *No person may be elected to three consecutive terms as governor or to three consecutive terms as lieutenant governor.* Each shall have attained the age of 25 years and, shall have been a bona fide resident of the state for one year next preceding his election, and shall be a citizen of the United States.

and article V, section 4, will read:

Sec. 4. The term of office of the secretary of state, treasurer, attorney general and state auditor is four years and until a successor is chosen and qualified. *No person may be elected to three consecutive terms in one of the offices of secretary of state, state treasurer, attorney general, or state auditor.* The duties and salaries of the executive officers shall be prescribed by law.

Sec. 17. [SCHEDULE AND QUESTION.]

The amendment shall be submitted to the people at the 1992 general election.

Terms served pursuant to elections in 1992 or prior years shall be disregarded in the determination of the limits imposed by the amendment. The question submitted to the people shall be:

“Shall the Minnesota Constitution be amended to place limits on the terms of office of state legislators and executive officers?”

Yes
No”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Reichgott questioned whether the amendment was germane. The Chair ruled that the amendment was not germane.

Mr. Benson, D.D. appealed the decision of the Chair.

The question was taken on “Shall the decision of the Chair be the judgment of the Senate?”

The roll was called and there were yeas 38 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Kroening	Morse	Sams
Beckman	Dicklich	Langseth	Pappas	Solon
Berg	Finn	Lessard	Piper	Stumpf
Berglin	Flynn	Luther	Pogemiller	Traub
Bertram	Frank	Marty	Price	Vickerman
Chmielewski	Hottinger	Merriam	Ranum	Waldorf
Cohen	Johnson, D.J.	Metzen	Reichgott	
Dahl	Kelly	Moe, R.D.	Riveness	

Those who voted in the negative were:

Belanger	Day	Johnston	Neuville	Terwilliger
Benson, D.D.	Frederickson, D.R.	Knaak	Novak	
Benson, J.E.	Gustafson	Laidig	Olson	
Bernhagen	Halberg	McGowan	Pariseau	
Brataas	Johnson, D.E.	Mehrkens	Renneke	

The decision of the Chair was sustained.

S.F. No. 2194 was then progressed.

S.F. No. 430, which the committee recommends to pass with the following amendment offered by Mr. Morse:

Page 1, line 13, delete “(g)” and insert “(f)”

Page 1, delete lines 16 to 26

Page 2, delete line 1

Reletter the paragraphs in sequence

Page 2, delete lines 13 to 25 and insert:

“*Subd. 2. [PREMIUM TAX AMOUNT.] Every self-insurer who owns, leases, or operates a motor vehicle required to be registered or licensed in this state or principally garaged in this state for at least two months in the applicable calendar year shall pay an annual amount for each vehicle of:*

(1) \$15 for a private passenger vehicle as defined in section 65B.001, subdivision 3, or a utility vehicle as defined in section 65B.001, subdivision 4, not including a taxi; or

(2) \$25 for a taxi or any other self-insured vehicle not covered by clause (1).

The amount required under this subdivision is payable no later than July 1, annually, to the commissioner of revenue. A late payment penalty of \$10 a vehicle is assessed if the amount is not paid on or before July 1, and an additional amount equal to the original payment amount if the total amount is not paid until after December 1 of the same year. A self-insurer who is more than six months delinquent in paying the amount due must be referred to the commissioner of commerce for action, which may include revocation of the self-insured's self-insurer status.”

The motion prevailed. So the amendment was adopted.

S.F. No. 2523, which the committee reports progress, subject to the following motion:

Mr. Waldorf moved to amend S.F. No. 2523 as follows:

Page 13, line 24, after the period, insert “*Minnesota Rules, part 9503.0170, subpart 6, item D, is repealed.*”

The motion prevailed. So the amendment was adopted.

S.F. No. 2523 was then progressed.

S.F. No. 1935, which the committee recommends to pass with the following amendment offered by Mr. Pogemiller:

Page 6, line 10, after the period, insert "*The recalculated administrative expenses under section 1 are effective for special school district No. 1 on July 1, 1992.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1821, which the committee recommends to pass with the following amendments offered by Ms. Berglin, Messrs. Mondale, Riveness and Spear:

Ms. Berglin moved to amend S.F. No. 1821 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 257.072, subdivision 7, is amended to read:

Subd. 7. [DUTIES OF CHILD-PLACING AGENCIES.] Each authorized child-placing agency must:

(1) develop and follow procedures for implementing the order of preference prescribed by section 260.181, subdivision 3, and the *Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923*;

(a) *In implementing the order of preference, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate implementing the preference. If a parent makes an explicit request that the relative preference not be followed, the agency shall bring the matter to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact relatives unless ordered to do so by the juvenile court; and*

(b) *In implementing the order of preference, the authorized child-placing agency shall develop written standards for determining the suitability of proposed placements. The standards need not meet all requirements for foster care licensing, but must ensure that the safety, health, and welfare of the child is safeguarded. In the case of an Indian child, the standards to be applied must be the prevailing social and cultural standards of the Indian child's community, and the agency shall defer to tribal judgment as to suitability of a particular home when the tribe has intervened pursuant to the Indian Child Welfare Act;*

(2) have a written plan for recruiting minority adoptive and foster families. The plan must include (a) strategies for using existing resources in minority communities, (b) use of minority outreach staff wherever possible, (c) use of minority foster homes for placements after birth and before adoption, and (d) other techniques as appropriate;

(3) have a written plan for training adoptive and foster families of minority children;

(4) if located in an area with a significant minority population, have a written plan for employing minority social workers in adoption and foster care. The plan must include staffing goals and objectives; ~~and~~

(5) ensure that adoption and foster care workers attend training offered or approved by the department of human services regarding cultural diversity and the needs of special needs children; and

(6) *develop and implement procedures for implementing the requirements of the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.*

Sec. 2. Minnesota Statutes 1990, section 259.255, is amended to read:
259.255 [PROTECTION OF HERITAGE OR BACKGROUND.]

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the agency shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available that is described in clause (a) or (b) may the agency give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 3. Minnesota Statutes 1990, section 259.28, subdivision 2, is amended to read:

Subd. 2. [PROTECTION OF HERITAGE OR BACKGROUND.] The policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

~~In the adoption of a child of minority racial or minority ethnic heritage.~~ In reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 4. Minnesota Statutes 1990, section 259.455, is amended to read:
259.455 [FAMILY RECRUITMENT.]

Each authorized child placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.28, subdivision 2, and among families of the same ~~minority~~ racial or ~~minority~~ ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 5. Minnesota Statutes 1990, section 260.181, subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF RACIAL OR ETHNIC HERITAGE; OR RELIGIOUS AFFILIATION BACKGROUND.] The policy of the state is to ensure that the best interests of children are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who (a) is the child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of the child's ~~minority~~ racial or ~~minority~~ ethnic heritage when such a guardian is not immediately available. For purposes of this subdivision, "relative" includes members of a child's extended family and important friends with whom the child has resided or had significant contact.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall order placement of the child with an individual who meets the genetic parent's religious preference. Only if no individual is available who is described in clause (a) or (b) may the court give preference to an individual described in clause (c) who meets

the parent's religious preference.

Sec. 6. [DISPOSITIONS STUDY.]

The commissioner of human services shall examine issues raised by the alternative disposition recommendations made in the report prepared pursuant to Laws 1990, chapter 542, section 39, in consultation with a multidisciplinary task force that includes representatives of foster parents. By January 15, 1993, the commissioner shall report and make recommendations to the legislature on:

(1) the current practice and level of compliance with the placement preferences in Minnesota Statutes for protection of a child's heritage or background and the impact of alternative dispositions on the placement preferences;

(2) a process for ongoing monitoring of compliance with the placement preferences and possible sanctions for a failure to comply with the preferences;

(3) the need for establishing standards for social work practices for implementing the placement preferences;

(4) licensing and funding requirements that affect alternative disposition placements, the impact of disparate payment rates between foster care and other potential caretakers, and alternatives for establishing subsidized permanent placements without ongoing case management and review; and

(5) programs and resources to facilitate early intervention and prevention of out-of-home placements.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to children; changing certain provisions for placement of children; establishing a general preference for adoption by relatives; requiring continued study of out-of-home dispositions; amending Minnesota Statutes 1990, sections 257.072, subdivision 7; 259.255; 259.28, subdivision 2; 259.455; and 260.181, subdivision 3."

Mr. Mondale moved to amend the Berglin amendment to S.F. No. 1821 as follows:

Page 1, after line 2, insert:

"Section 1. Minnesota Statutes 1990, section 257.025, is amended to read:

257.025 [CUSTODY DISPUTES.]

(a) In any proceeding where two or more parties seek custody of a child the court shall consider and evaluate all relevant factors in determining the best interests of the child, including the following factors:

(1) the wishes of the party or parties as to custody;

(2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

(3) the child's primary caretaker;

(4) the intimacy of the relationship between each party and the child;

(5) the interaction and interrelationship of the child with a party or parties, siblings, and any other person who may significantly affect the child's best interests;

(6) the child's adjustment to home, school, and community;

(7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(8) the permanence, as a family unit, of the existing or proposed custodial home;

(9) the mental and physical health of all individuals involved;

(10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture, religion, or creed, if any;

(11) the child's cultural background; and

(12) the effect on the child of the actions of an abuser, if related to domestic abuse as defined in section 518B.01, that has occurred between the parents or the parties.

The court may not use one factor to the exclusion of all others. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The fact that the parents of the child are not or were never married to each other shall not be determinative of the custody of the child.

(c) The court shall not consider *a disability, as defined in section 363.01, of a proposed custodian or the child or conduct of a proposed custodian that does not affect the custodian's relationship to the child.*

(d) The court shall consider evidence of a violation of section 609.507 in determining the best interests of the child.

(e) A person may seek custody of a child by filing a petition or motion pursuant to section 518.156.

(f) Section 518.619 applies to this section."

Page 5, after line 24, insert:

"Sec. 6. Minnesota Statutes 1990, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

(1) the wishes of the child's parent or parents as to custody;

(2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

(3) the child's primary caretaker;

(4) the intimacy of the relationship between each parent and the child;

(5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;

- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background; and
- (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents.

The court may not use one factor to the exclusion of all others. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider *a disability, as defined in section 363.01, of a proposed custodian or the child or* conduct of a proposed custodian that does not affect the custodian's relationship to the child."

Renumber the sections in sequence and correct the internal references

Amend the title amendment accordingly

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Riveness moved to amend the Berglin amendment to S.F. No. 1821 as follows:

Page 1, after line 2, insert:

"Section 1. Minnesota Statutes 1990, section 257.071, subdivision 1, is amended to read:

Subdivision 1. [PLACEMENT; PLAN.] A case plan shall be prepared within 30 days after any child is placed in a residential facility by court order or by the voluntary release of the child by the parent or parents.

For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services.

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the residential facility placement and is signed by the parent or parents, or other custodian, of the child, the child's legal guardian, the social service agency responsible for the residential facility placement, and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

- (1) The specific reasons for the placement of the child in a residential

facility, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from home;

(2) The specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the residential facility;

(4) The visitation rights and obligations of the parent or parents during the period the child is in the residential facility;

(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the residential facility during the period the child is in the residential facility;

(6) The date on which the child is expected to be returned to the home of the parent or parents;

(7) The nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

(8) Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in chapter 260.

The parent or parents and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or the child's legal guardian. The parent or parents may also receive assistance from any person or social service agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved, the foster parents shall be fully informed of the provisions of the case plan.

When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had such an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has the examination within 30 days of coming into the agency's care and once a year in subsequent years."

Renumber the sections in sequence and correct the internal references

Amend the title amendment accordingly

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Spear moved to amend the Berglin amendment to S.F. No. 1821 as follows:

Page 5, line 26, delete "*The commissioner of human services*" and insert

"A multidisciplinary task force"

Page 5, line 29, delete everything after "39" and insert a period

Page 5, line 30, delete everything before the period and insert *"The members of the task force shall be appointed by the speaker of the house of representatives and the subcommittee on committees of the committee on rules and administration of the senate"*

Page 5, line 31, delete "commissioner" and insert "task force"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Berglin amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

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

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 410: A bill for an act relating to retirement; allowing payment of certain premiums on tax sheltered annuities; as an exception to the prohibition on supplemental pension plans; amending Minnesota Statutes 1990, section 356.24.

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 356.24, is amended to read:

356.24 [SUPPLEMENTAL PENSION OR DEFERRED COMPENSATION PLANS, RESTRICTIONS UPON GOVERNMENT UNITS.]

Subdivision 1. [RESTRICTION; EXCEPTIONS.] (a) It is unlawful for a school district or other governmental subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:

(1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;

(2) to a plan that provides solely for group health, hospital, disability, or death benefits, to the individual retirement account plan established by sections 354B.01 to 354B.04;

(3) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;

(4) for employees other than personnel employed by the state university board or the community college board and covered by section 136.80, subdivision 1, to:

(i) the state of Minnesota deferred compensation plan under section 352.96; or

(ii) *payment of the applicable portion of the premium on a tax sheltered annuity contract qualified under section 403(b) of the federal Internal Revenue Code, purchased from a qualified insurance company; if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee; or*

(5) for personnel employed by the state university board or the community college board and covered by section 136.80, subdivision 1, to the supplemental retirement plan under sections 136.80 to 136.85, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year for each employee.

(b) *A qualified insurance company is a company that:*

(1) *meets the definition in section 60A.02, subdivision 4;*

(2) *is licensed to engage in life insurance or annuity business in the state;*

(3) *is determined by the commissioner of commerce to have a rating within the top two rating categories by a recognized national rating agency or organization that regularly rates insurance companies; and*

(4) *is determined by the state board of investment to be among the ten applicant insurance companies with competitive options and investment returns on annuity products. The state board of investment determination must be made on or before January 1, 1993, and must be reviewed periodically. The state board of investment shall retain actuarial services to assist it in this determination. The state board of investment shall establish a budget for its costs in the determination process and shall charge a proportional share of that budget to each insurance company selected by the state board of investment. All contracts must be approved before execution by the state board of investment. The executive director of the state board of investment shall establish procedures to carry out this paragraph.*

(c) *A personnel policy for unrepresented employees or a collective bargaining agreement may establish limits on the number of vendors under clause (4) that it will utilize and conditions under which the vendors may contact employees both during working hours and after working hours.*

~~(b)~~ **Subd. 2. [LIMIT ON CERTAIN CONTRIBUTIONS OR BENEFIT CHANGES.]** No change in benefits or employer contributions in a supplemental pension plan to which this section applies after May 6, 1971, is effective without prior legislative authorization."

Delete the title and insert:

"A bill for an act relating to retirement; public employee retirement savings programs; authorizing an employer matching contribution to certain tax

sheltered annuity contracts; amending Minnesota Statutes 1990, section 356.24.”

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. 2599: A bill for an act relating to retirement; Columbia Heights paid firefighters relief association; authorizing the termination of the relief association; providing a procedure for the conversion of retirement benefits for the active and retired membership; continuing certain state aid payments; amending Laws 1965, chapter 605, sections 5, 16, 18 and 31; Laws 1975, chapter 424, section 13; and Laws 1977, chapter 374, sections 39, 40, 45, 47, 49, 51, as amended, and 54; repealing Laws 1965, chapter 605, sections 1, 2, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, and 30; Laws 1975, chapter 424, sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Laws 1977, chapter 374, sections 38, 48, 52, 53, 56, 57, 58, and 59; Laws 1978, chapter 563, sections 29 and 30; Laws 1979, chapter 201, section 40; and Laws 1981, chapter 224, section 267.

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

Page 16, after line 14, insert:

“ARTICLE 3

COLUMBIA HEIGHTS POLICE RELIEF ASSOCIATION BENEFIT AND RELATED CHANGES

Section 1. Laws 1977, chapter 374, section 8, subdivision 1, is amended to read:

Subdivision 1. The words “salary of a top patrolman” and “top patrolman’s salary” as used in this act shall mean all monthly wages and salaries subject to Minnesota state or federal withholding for tax purposes of a top patrolman employed by the city of Columbia Heights on scheduled shifts set by the city of Columbia Heights pursuant to the current terms of any labor agreement between the policeman or his union and the city of Columbia Heights. The terms “salary of a top patrolman” and “top patrolman’s salary” shall exclude payment for overtime work which shall be defined as work performed at the express authorization of the city of Columbia Heights in excess of the policeman’s scheduled shift, any increased amount of pay over the pay of a top patrolman for duties as a detective investigator, payment for volunteer work, payment for court time, payment for call back time which shall be defined as work performed by a policeman who is called to duty during his scheduled off-duty time, ~~payment of education incentive or for longevity~~, payment for clothing, payment for holiday service, night shift pay, emergency duty pay, standby pay or pay for or in lieu of any fringe benefit or term or condition of employment whatsoever other than payment for scheduled shifts. This definition shall be effective retroactive to June 15, 1976.

Sec. 2. [REQUIRED EMPLOYEE CONTRIBUTIONS.]

Each active member of the Columbia Heights police relief association who elects to be covered by the public employees police and fire fund benefit

plan following consolidation under Minnesota Statutes, section 353A.08, shall contribute the member contribution on the person's actual salary that the active member would have contributed to the public employees police and fire fund had the person been a member of the public employees police and fire fund since the start of the person's employment as a police officer by the city of Columbia Heights, reduced by the actual contribution to the relief association made by the member. The payment is due within 180 days of the public employees police and fire fund benefit plan election, plus interest from the midpoint of the member's period of service as a Columbia Heights police officer at an annual compound rate of 8.5 percent.

Sec. 3. [LOCAL APPROVAL.]

Sections 1 and 2 are effective upon an affirmative vote by the city of Columbia Heights police relief association to consolidate with the public employees police and fire fund under Minnesota Statutes, section 353A.04, and on approval of sections 1 and 2 by the Columbia Heights city council and compliance with Minnesota Statutes, section 645.021. Section 1 applies only to benefits payable and contributions made after that date. Notwithstanding Minnesota Statutes, section 645.021, subdivision 3, the Columbia Heights city council has until December 31, 1993, to approve sections 1 and 2."

Amend the title as follows:

Page 1, line 3, after "firefighters" insert "and police" and delete "association" and insert "associations"

Page 1, line 4, after "the" insert "firefighters"

Page 1, line 7, after the semicolon, insert "exclusions from salary in computing police relief association retirement benefits;"

Page 1, line 10, after "sections" insert "8, subdivision 1."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 410 and 2599 were read the second time.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Gustafson introduced—

S.F. No. 2783: A bill for an act relating to property tax aids; modifying disparity reduction aid to counties; extending the taconite homestead credit to certain property; amending Minnesota Statutes 1990, sections 273.134; 273.135, subdivisions 1 and 3, and by adding a subdivision; 273.136, subdivision 2; and 275.07, subdivision 3; Minnesota Statutes 1991 Supplement, section 273.1398, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that S.F. No. 2378 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

MEMBERS EXCUSED

Messrs. Metzen and Solon were excused from the Session of today from 12:00 noon to 1:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 1, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate