

NINETY-SIXTH DAY

St. Paul, Minnesota, Friday, April 10, 1992

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 8, 1992

The Honorable Jerome M. Hughes
President of the Senate

Dear President Hughes:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2028 and 2637.

Warmest regards,
Arne H. Carlson, Governor

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. 522, 1805, 2547, 2298, 2380, 2694, 1729 and 1801.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 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. 1716: A bill for an act relating to Olmsted county; permitting the appointment of the recorder; authorizing the abolishment and reorganization of the office.

Senate File No. 1716 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1992

CONCURRENCE AND REPASSAGE

Mrs. Brataas moved that the Senate concur in the amendments by the House to S.F. No. 1716 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1716 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 34 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Ranum
Belanger	Flynn	Kroening	Neuville	Reichgott
Benson, J.E.	Frank	Larson	Olson	Solon
Berglin	Halberg	Luther	Pappas	Spear
Brataas	Johnson, D.E.	Marty	Pariseau	Terwilliger
Chmielewski	Johnson, J.B.	McGowan	Piper	Traub
Dahl	Johnston	Metzen	Price	

Those who voted in the negative were:

Beckman	Day	Laidig	Morse	Vickerman
Benson, D.D.	DeCramer	Langseth	Novak	Waldorf
Berg	Finn	Lessard	Renneke	
Bernhagen	Frederickson, D.J.	Mehrkens	Sams	
Bertram	Frederickson, D.R.	Merriam	Samuelson	
Davis	Hottinger	Mondale	Stumpf	

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. 2088: A bill for an act relating to corporations; making miscellaneous changes in provisions dealing with the organization and operation of nonprofit corporations; amending Minnesota Statutes 1990, sections 317A.011, subdivision 14; 317A.111, subdivision 3; 317A.227; 317A.251, subdivision 3; 317A.255, subdivisions 1, 2, and by adding a subdivision; 317A.341, subdivision 2; 317A.431, subdivision 2; 317A.447; 317A.461; 317A.751, subdivision 3; 317A.821, subdivision 3; and 317A.827, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 317A.821, subdivision 2; 317A.823; and 317A.827, subdivision 1.

Senate File No. 2088 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1992

Ms. Reichgott moved that S.F. No. 2088 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1938: A bill for an act relating to landlords and tenants; providing for assignment to the county attorney of the landlord's right to evict for breach of the covenant not to sell drugs or permit their sale; clarifying the law on forfeiture of real estate interests related to contraband or controlled substance seizures; amending Minnesota Statutes 1990, sections 504.181, subdivision 2; and 609.5317, subdivision 1.

Senate File No. 1938 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1992

Ms. Pappas moved that the Senate do not concur in the amendments by the House to S.F. No. 1938, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1997, 2261, 2773, 2025, 2147, 2265 and 2501.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 9, 1992

FIRST READING OF HOUSE BILLS

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

H.F. No. 1997: A bill for an act relating to retirement; higher education individual retirement account plan; amending Minnesota Statutes 1990, sections 354B.04, subdivision 1; and 354B.05, subdivision 1; Minnesota Statutes 1991 Supplement, section 354B.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 354B.

Referred to the Committee on Finance.

H.F. No. 2261: A bill for an act relating to state government; executive council; regulating depositories for state funds; requiring state depositories to satisfy community reinvestment standards; 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2402, now on General Orders.

H.F. No. 2773: A bill for an act relating to housing and redevelopment authorities; permitting use of general obligation bonds for housing development projects; amending Minnesota Statutes 1990, section 469.034.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2025: A bill for an act relating to retirement; the Minnesota state retirement system; public employees retirement association; and teachers retirement association; increasing the interest rate on the repayment of refunds and similar transactions; authorizing purchases of prior service credit; authorizing a refund of employee contributions to the public employees retirement association by a certain sick Hennepin county employee; authorizing revocation of defined contribution options by Shorewood council members; correcting prior enactments; amending Minnesota Statutes 1990, sections 3A.03, subdivision 2; 352.01, subdivision 11; 352.04, subdivision 8; 352.23; 352.27; 352.271; 352B.11, subdivision 4; 352C.051, subdivision 3; 352C.09, subdivision 2; 352D.05, subdivision 4; 352D.11, subdivision 2; 352D.12; 353.28, subdivision 5; 353.35; 353.36, subdivision 2; 353A.07, subdivision 3, as amended; 354.41, subdivision 9; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; and 490.124, subdivision 12; Minnesota Statutes 1991 Supplement, sections 353.01, subdivision 16; 353.27, subdivisions 12, 12a, and 12b; and 354.094, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1916, now on General Orders.

H.F. No. 2147: A bill for an act relating to the environment; banning placement of mercury in solid waste; regulating the sale and use of mercury; requiring recycling of mercury in certain products; altering exit sign requirements in the state building and fire codes; amending Minnesota Statutes 1991 Supplement, sections 16B.61, subdivision 3; 115A.9561, subdivision

2; and 299F.011, subdivision 4c; proposing coding for new law in Minnesota Statutes, chapters 115A and 116.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2042, now on General Orders.

H.F. No. 2265: A bill for an act relating to health; specifying timelines for the disposal of cremated remains; modifying standards for county payment of funeral expenses; amending Minnesota Statutes 1991 Supplement, sections 256.935, subdivision 1; and 261.035; proposing coding for new law in Minnesota Statutes, chapter 149.

Referred to the Committee on Finance.

H.F. No. 2501: A bill for an act relating to housing; modifying provisions of rehabilitation loans, loans and grants for housing for chemically dependent adults, lease-purchase housing, and urban and rural homesteading; limiting use of emergency rules; modifying limitations on the use of bond proceeds; modifying provisions of publicly-owned transitional housing program; modifying provisions for neighborhood land trusts; amending Minnesota Statutes 1990, sections 462A.05, subdivision 14a, and by adding a subdivision; 462A.06, subdivision 11; and 462A.202, subdivisions 1, 2, and by adding subdivisions; Minnesota Statutes 1991 Supplement, sections 462A.05, subdivisions 20a, 36, and 37; 462A.073, subdivision 2; 462A.30, subdivisions 6, 8, and 9; and 462A.31, by adding subdivisions; repealing Minnesota Statutes 1990, sections 462A.057, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, and 10; and 462A.202, subdivisions 3, 4, and 5; and Laws 1991, chapter 292, article 9, section 35.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2496.

REPORTS OF COMMITTEES

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

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

S.F. No. 1790: A bill for an act relating to housing; modifying requirements for lead education, assessment, screening, and abatement; establishing a lead abatement account in the housing development fund; creating a lead abatement and training program; establishing a lead abatement program; creating a lead fund; establishing a lead abatement fee on petroleum storage tanks; establishing a paint tax; providing penalties; amending Minnesota Statutes 1990, sections 144.871, subdivisions 3, 6, 8, and by adding subdivisions; 144.872, subdivisions 1, 2, 3, 4, and by adding a subdivision; 144.873, subdivisions 2 and 3; 144.874, subdivision 4; 144.876; 144.878, subdivision 2, and by adding a subdivision; and 462A.21, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 144.871, subdivision 2; 144.873, subdivision 1; 144.874, subdivisions 1, 2, 3, and 12; 326.87, subdivision 1; and 462A.05, subdivision 15c; proposing coding for new law in Minnesota Statutes, chapters 115C; 144; and 268; proposing coding for new law as Minnesota Statutes, chapter 297E; repealing Minnesota Statutes 1990, sections 116.51; 116.52; 116.53; and 144.878, subdivision 4.

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

Delete everything after the enacting clause and insert:

“ARTICLE 1

LEAD ABATEMENT STANDARDS

Section 1. [LIMITED APPROPRIATIONS.]

Within the limits of legislative appropriations, the commissioner of health shall be responsible for the requirements of this act.

Sec. 2. Minnesota Statutes 1991 Supplement, section 144.871, subdivision 2, is amended to read:

Subd. 2. [ABATEMENT.] “Abatement” means removal of, replacement of, or encapsulation of *deteriorated* paint, bare soil, dust, drinking water, or other materials that are or may become readily accessible during the abatement process and pose an immediate threat of actual lead exposure to people. ~~The abatement rules to be adopted under section 144.878, subdivision 2, shall apply as described in section 144.874.~~

Sec. 3. Minnesota Statutes 1990, section 144.871, subdivision 3, is amended to read:

Subd. 3. [ABATEMENT CONTRACTOR.] “Abatement contractor” means any person hired by a property owner or resident to perform abatement of a lead source in violation of standards under section 144.878.

Sec. 4. Minnesota Statutes 1990, section 144.871, subdivision 6, is amended to read:

Subd. 6. [ELEVATED BLOOD LEAD LEVEL.] “Elevated blood lead level” *in a child no more than six years old or in a pregnant woman means at least 25 micrograms of lead per deciliter of whole blood a blood lead level that exceeds the federal centers for disease control guidelines for preventing lead poisoning in young children, unless the commissioner finds that a lower concentration is necessary to protect public health.*

Sec. 5. Minnesota Statutes 1990, section 144.871, is amended by adding a subdivision to read:

Subd. 7a. [HIGH RISK FOR TOXIC LEAD EXPOSURE.] “High risk for toxic lead exposure” means either:

(1) *that elevated blood lead levels have been diagnosed in a population of children or pregnant women;*

(2) *without blood lead data, that a population of children or pregnant women resides in:*

(i) *a census tract with many residential structures known to have or suspected of having deteriorated paint; or*

(ii) *a census tract with a median soil lead concentration greater than 100 parts per million for any sample collected according to Minnesota Rules, part 4761.0400, subpart 8, and rules adopted under section 144.878; or*

(3) *the priorities adopted by the commissioner under section 144.878, subdivision 2, shall apply to this subdivision.*

Sec. 6. Minnesota Statutes 1990, section 144.871, is amended by adding

a subdivision to read:

Subd. 7b. [PRIMARY PREVENTION FOR TOXIC LEAD EXPOSURE.] "Primary prevention for toxic lead exposure" means performance of swab team services, encapsulation, and removal and replacement abatement, including lead cleanup and health education, before children develop elevated blood lead levels.

Sec. 7. Minnesota Statutes 1990, section 144.871, subdivision 8, is amended to read:

Subd. 8. [SAFE HOUSING.] "Safe housing" means a residence that does not violate have deteriorating paint, bare soil, lead dust, and which does not violate any of the standards adopted according to section 144.878, subdivision 2.

Sec. 8. Minnesota Statutes 1990, section 144.871, is amended by adding a subdivision to read:

Subd. 9. [SWAB TEAM.] "Swab team" means a person or persons who implement in-place management of lead exposure sources, which includes:

(1) covering or replacing bare soil and establishing safe exterior play and garden areas;

(2) removing loose paint and paint chips and installing guards to protect intact paint;

(3) removing lead dust by washing, vacuuming, and cleaning the interior of residential property including carpets; and

(4) other means, including cleanup and health education, that immediately protect children who engage in mouthing or pica behavior from lead sources.

Sec. 9. Minnesota Statutes 1990, section 144.872, subdivision 1, is amended to read:

Subdivision 1. [PROACTIVE LEAD EDUCATION STRATEGY.] For fiscal years 1990 and 1991, The commissioner shall contract with boards of health in communities at high risk for toxic lead exposure to children; lead advocacy organizations, and businesses to design and implement a uniform, proactive educational program to introduce sections 144.871 to 144.878 and to promote the prevention of exposure to all sources of lead to target populations. Priority shall be given to providing to ensure, at the time of a home assessment or following an abatement order, that a family will receive visits by public health nurses and community-based advocates specifically trained in lead cleanup and the health related aspects of lead exposure in their residence periodically throughout the abatement process or until the child's blood lead level is no longer elevated. The purpose of the home visit is to provide information about safety measures, community resources, legal resources related to the abatement process, housing resources, nutrition, health follow-up materials, and methods to be followed before, during, and after the abatement process. If a family moves to a new residence temporarily, during the abatement process, services should be provided at the temporary residence whenever feasible. Boards of health are encouraged to link the service with other home visits a family may be receiving and to use neighborhood-based programs which give priority to hiring neighborhood residents as community-based advocates. Ongoing education that includes health and lead cleanup information and the lead laws and rules shall be

provided to health care and social service providers, ~~registered~~ licensed abatement contractors, other contractors, building trades professionals and nonprofessionals, property owners, and parents. Educational materials shall be multilingual and multicultural to meet the needs of diverse populations. The commissioner shall ~~create and administer a program to fund locally based advocates who, following the issuance of an abatement order, shall visit the family in their residence to instruct them about safety measures, materials, and methods to be followed before, during, and after the abatement process~~ either conduct or contract with nonprofit organizations or businesses, for a proactive lead education program to serve communities at high risk for toxic lead exposure to children in which a board of health does not have a contract with the commissioner for a proactive lead education strategy.

Sec. 10. Minnesota Statutes 1990, section 144.872, subdivision 2, is amended to read:

Subd. 2. [HOME ASSESSMENTS.] The commissioner shall contract with boards of health, *who may determine priority for responding to cases of elevated blood lead levels, to conduct assessments to determine sources of lead contamination in the residences of children and pregnant women whose blood lead levels ~~exceed 25~~ are at least ten micrograms per deciliter and of children whose blood lead levels are at least 20 micrograms per deciliter or whose blood lead levels persist in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification to the board of health or the commissioner. Assessments must be conducted within five working days of the board of health receiving notice that the criteria in this subdivision have been met. The commissioner or boards of health must identify the known addresses for the previous 12 months of the child or pregnant woman with elevated blood lead levels and notify the property owners at those addresses. The commissioner may also collect information on the race, sex, and family income of children and pregnant women with elevated blood lead levels. Within the limits of appropriations, a board of health shall conduct home assessments for children and pregnant women whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter. The commissioner shall also provide educational materials on all sources of lead to boards of health to provide education on ways of reducing the danger of lead contamination. The commissioner may provide laboratory or field lead testing equipment to a board of health or may reimburse a board of health for direct costs associated with assessments.*

Sec. 11. Minnesota Statutes 1990, section 144.872, subdivision 3, is amended to read:

Subd. 3. [SAFE HOUSING.] The commissioner shall contract with boards of health for safe housing to be used in meeting relocation requirements in section 144.874, subdivision 4. *The commissioner shall, within available appropriations, award grants to boards of health for the purposes of paying housing costs under section 144.874, subdivision 4.*

Sec. 12. Minnesota Statutes 1990, section 144.872, subdivision 4, is amended to read:

Subd. 4. [~~PAINT REMOVAL~~ LEAD CLEANUP EQUIPMENT AND MATERIAL GRANTS.] State ~~matching~~ funds shall be made available ~~for~~ under a grant program to nonprofit community-based organizations in areas at high risk for toxic lead exposure. Grantees shall use the money to purchase ~~and provide paint removal~~ lead cleanup equipment and educational materials, and to pay for training for staff and volunteers for lead abatement

certification. Grantees may work with licensed lead abatement contractors and certified trainers to meet the requirements of this program. Equipment shall include: high efficiency particle accumulator and wet vacuum cleaners, drop cloths, secure containers, respirators, scrapers, and dust and particle containment material, and other cleanup and containment materials to patch loose paint and plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil. Upon certification, the grantees may make equipment and educational materials available to residents and property owners and instruct them on the proper use. Equipment shall be made available to low-income households on a priority basis.

Sec. 13. Minnesota Statutes 1991 Supplement, section 144.873, subdivision 1, is amended to read:

Subdivision 1. [REPORT REQUIRED.] Medical laboratories performing blood lead analyses must report to the commissioner ~~confirmed finger stick and venipuncture blood lead results of at least five micrograms per deciliter and the method used to obtain these results.~~ Boards of health must report to the commissioner the results of analyses from residential samples of paint, bare soil, dust, and drinking water that show lead in concentrations greater than or equal to the lead standards adopted by permanent rule under section 144.878. The commissioner shall require the date of the test, and the current address and birthdate of the patient, and other related information from medical laboratories and boards of health as may be needed to monitor and evaluate blood lead levels in the public; including the date of the test and the address of the patient.

Sec. 14. Minnesota Statutes 1990, section 144.873, subdivision 2, is amended to read:

Subd. 2. [TEST OF CHILDREN IN HIGH RISK AREAS.] Within limits of available appropriations, the commissioner shall promote and subsidize a blood lead test of all children under six years of age who live in the all areas of high risk areas of Minneapolis, St. Paul, and Duluth for toxic lead exposure that are currently known or subsequently identified. Within the limits of available appropriations, the commissioner shall conduct surveys, especially soil assessments larger than a residence, as defined by the commissioner, in greater Minnesota communities where a case of elevated blood lead levels has been reported.

Sec. 15. Minnesota Statutes 1990, section 144.873, subdivision 3, is amended to read:

Subd. 3. [STATEWIDE LEAD SCREENING.] Statewide lead screening by erythrocyte protoporphyrin test blood lead assays in conjunction with routine blood tests analyzed by atomic absorption equipment or other equipment with equivalent or better accuracy shall be advocated by boards of health.

Sec. 16. Minnesota Statutes 1991 Supplement, section 144.874, subdivision 1, is amended to read:

Subdivision 1. [RESIDENCE ASSESSMENT.] (a) A board of health must conduct a timely assessment of a residence, within five working days of receiving notification that the criteria in this subdivision have been met, to determine sources of lead exposure if:

(1) a pregnant woman in the residence is identified as having a blood lead level of at least ten micrograms of lead per deciliter of whole blood;

or

(2) a child in the residence is identified as having ~~an elevated~~ a blood lead level at or above 20 micrograms per deciliter; or

(3) a blood lead level that persists in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification.

Within the limits of appropriations, a board of health shall also conduct home assessments for children whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter. If a child regularly spends several hours per day at another residence, such as a residential child care facility, the board of health must also assess the other residence.

(b) The board of health must conduct the residential assessment according to rules adopted by the commissioner according to section 144.878.

Sec. 17. Minnesota Statutes 1991 Supplement, section 144.874, subdivision 2, is amended to read:

Subd. 2. [RESIDENTIAL LEAD ASSESSMENT GUIDE.] (a) The commissioner of health shall develop or purchase a residential lead assessment guide that enables parents to assess the possible lead sources present and that suggests actions. *The guide must provide information on safe abatement and disposal methods, sources of equipment, and telephone numbers for additional information to enable the persons to either perform the abatement or to intelligently select an abatement contractor. In addition, the guide must:*

(1) meet the requirements of Minnesota laws and rules;

(2) be understandable at an eighth grade reading level;

(3) include information on all necessary safety precautions for all lead source cleanup; and

(4) be the best available educational material.

(b) A board of health must provide the residential lead assessment guide to:

(1) parents of children who are identified as having blood lead levels of at least ten micrograms per deciliter; and

(2) property owners and occupants who are issued housing code orders requiring disruption of lead sources.

(c) A board of health must provide the residential lead assessment guide on request to owners or tenants of residential property within the jurisdiction of the board of health.

Sec. 18. Minnesota Statutes 1991 Supplement, section 144.874, subdivision 3, is amended to read:

Subd. 3. [ABATEMENT ORDERS.] A board of health must order a property owner to perform abatement on a lead source that exceeds a standard adopted according to section 144.878 at the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of at least ten micrograms per deciliter. Abatement orders must require that any source of damage, such as leaking roofs, plumbing, and windows, must be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces. With each abatement order, the board of health must provide a residential lead abatement guide. ~~The guide must be developed or~~

~~purchased by the commissioner and must provide information on safe abatement and disposal methods, sources of equipment, and telephone numbers for additional information to enable the property owner to either perform the abatement or to intelligently select an abatement contractor.~~

Sec. 19. Minnesota Statutes 1990, section 144.874, subdivision 4, is amended to read:

Subd. 4. [RELOCATION OF RESIDENTS.] A board of health must ensure that residents are relocated from rooms or dwellings during abatement that generates lead dust, such as removal or disruption of lead-based paint or plaster that contains lead. Residents must be allowed to return to the residence or dwelling after completion of abatement. *A board of health shall use grant funds under section 144.872, subdivision 3, in cooperation with local housing agencies, to pay for moving costs for any low-income resident temporarily relocated during lead abatement, not to exceed \$250 per household.*

Sec. 20. Minnesota Statutes 1991 Supplement, section 144.874, subdivision 12, is amended to read:

Subd. 12. [ENFORCEMENT AND STATUS REPORT.] The commissioner shall examine compliance with Minnesota's existing lead standards and rules and report to the legislature ~~by January 15, 1992, or biennially, beginning February 15, 1993, including an evaluation of current levels of compliance~~ *lead program activities by the state and boards of health, the need for any additional enforcement procedures, recommendations on developing a method to enforce compliance with lead standards and cost estimates for any proposed enforcement procedure. The report must also include a geographic analysis of all blood lead assays showing incidence data and environmental analyses reported or collected by the commissioner.*

Sec. 21. Minnesota Statutes 1990, section 144.876, is amended to read:

144.876 [REGISTRATION AND LICENSING OF ABATEMENT CONTRACTORS AND CERTIFICATION OF EMPLOYEES.]

Subdivision 1. [LICENSING AND CERTIFICATION.] Abatement contractors must ~~register with~~, *within 180 days after rules are adopted under section 144.878, subdivision 5, obtain a license from the commissioner according to forms and procedures prescribed by the commissioner. Employees of abatement contractors must obtain certification from the commissioner. The commissioner shall specify training and testing requirements for licensure and certification and shall charge a fee for the cost of issuing a license or certificate and for training provided by the commissioner. The commissioner shall provide the contractor with a written violation notice, and may revoke the license of an abatement contractor, or the certificate of an employee, upon finding that the contractor or employee has violated the rules adopted under section 144.878 in a manner that poses unreasonable risk to public health.*

Fees collected under this subdivision must be set in amounts to be determined by the commissioner to cover but not exceed the costs of adopting rules under section 144.878, subdivision 5, the costs of licensure, certification and training, and the costs of enforcing licenses and certificates under this subdivision. All fees received must be paid into the state treasury and credited to the lead abatement licensing and certification account and are appropriated to the commissioner to cover costs incurred under this subdivision and section 144.878, subdivision 5.

Subd. 2. [LICENSED BUILDING CONTRACTOR; INFORMATION.] The commissioner shall provide health and safety information on lead abatement to all residential building contractors licensed under section 326.84. The information must include material on ways to protect the health and safety of both employees working on lead contaminated structures and residents of lead contaminated structures.

Subd. 3. [UNLICENSED ABATEMENT CONTRACTORS.] Contractors may not advertise or otherwise present themselves as abatement contractors unless they have abatement licenses issued by the department of health under rules adopted under section 144.878, subdivision 5.

Sec. 22. Minnesota Statutes 1990, section 144.878, subdivision 2, is amended to read:

Subd. 2. [LEAD STANDARDS AND ABATEMENT METHODS.] (a) ~~By January 31, 1991,~~ The commissioner shall adopt rules establishing standards and abatement methods for lead in paint, dust, and drinking water in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose. The commissioner shall adopt priorities for providing abatement services to areas defined to be at high risk for toxic lead exposure. In adopting priorities the commission shall consider the number of children and pregnant women diagnosed with elevated blood lead levels and the median concentration of lead in the soil. The commissioner shall give priority to: areas having the largest population of children and pregnant women having elevated blood lead levels; areas with the highest median soil lead concentration; and areas where it has been determined that there are large numbers of residences that have deteriorating paint. The commissioner shall differentiate between intact paint and deteriorating paint. The commissioner and political subdivisions shall require abatement of intact paint only if the commissioner or political subdivision finds that intact paint is accessible to children as a chewable or lead-dust producing surface and that is a known source of actual lead exposure to a specific person. In adopting rules under this subdivision, the commissioner shall require the best available technology for abatement methods, paint stabilization, and repainting.

(b) ~~By January 31, 1991,~~ The commissioner of the pollution control agency health shall adopt standards and abatement methods for lead in bare soil on playgrounds and residential property in a manner to protect public health and the environment.

(c) ~~By January 31, 1991,~~ The commissioner of the pollution control agency shall adopt rules to ensure that removal of exterior lead-based coatings from residential property by abrasive blasting methods is and disposal of any hazardous waste are conducted in a manner that protects public health and the environment.

(d) All standards adopted under this subdivision must provide adequate margins of safety that are consistent with a detailed review of scientific evidence and an emphasis on overprotection rather than underprotection when the scientific evidence is ambiguous. The rules must apply to any individual performing or ordering the performance of lead abatement.

Sec. 23. Minnesota Statutes 1990, section 144.878, is amended by adding a subdivision to read:

Subd. 5. [LEAD ABATEMENT CONTRACTORS AND EMPLOYEES.] The commissioner shall adopt rules to license lead abatement contractors;

to certify employees of lead abatement contractors who perform abatement; and to certify lead abatement trainers who provide lead abatement training for contractors, employees, or other lead abatement trainers. The rules must include standards and procedures for on-the-job training for swab teams. All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the commissioner shall submit the rules to the chairs of the health and human services committees in the house of representatives and the senate, and to any legislative committee on licensing created by the legislature.

Sec. 24. Minnesota Statutes 1991 Supplement, section 326.87, subdivision 1, is amended to read:

Subdivision 1. [STANDARDS.] The commissioner, in consultation with the council, may adopt standards for continuing education requirements and course approval. Except for the course content, the standards must be consistent with the standards established for real estate agents and other professions licensed by the department of commerce. *At a minimum, the content of one hour of any required continuing education must contain information on lead abatement rules and safe lead abatement procedures.*

Sec. 25. [REVISOR INSTRUCTION.]

In Minnesota Statutes and Minnesota Rules, the revisor shall recodify Minnesota Statutes, section 116.53, subdivision 2, as part of Minnesota Statutes, chapter 144, and shall change the terms "commissioner of the pollution control agency," "pollution control agency," and similar terms to "commissioner of health," "department of health," and similar terms.

Sec. 26. [REPEALER.]

Minnesota Statutes 1990, sections 116.51; 116.52; 116.53, subdivision 1; and 144.878, subdivision 4, are repealed.

ARTICLE 2

ABATEMENT AND TRAINING

Section 1. [268.92] [LEAD ABATEMENT PROGRAM.]

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

(a) "Certified trainer" means a lead trainer certified by the commissioner of health under section 144.878, subdivision 5.

(b) "Certified worker" means a lead abatement worker certified by the commissioner of health under section 144.878, subdivision 5.

(c) "Commissioner" means the commissioner of jobs and training.

(d) "Eligible organization" means a licensed contractor, certified trainer, a city, board of health, a community health department, a community action agency as defined in section 268.53, or a community development corporation.

(e) "High risk for toxic lead exposure" has the meaning given in section

144.871.

(f) "Licensed contractor" means a contractor licensed by the department of health under section 144.876.

(g) "Removal and replacement abatement" means lead abatement on residential property that requires retrofitting and conforms to the rules established under section 144.878.

(h) "Swab team" has the meaning given in section 144.871.

Subd. 2. [ADMINISTRATION.] *The commissioner may make demonstration and training grants to eligible organizations for programs to train workers for swab teams and removal and replacement abatement and to provide swab team services and removal and replacement abatement for residential property.*

Subd. 3. [APPLICANTS.] (a) *Interested eligible organizations must apply to the commissioner for grants under this section. Two or more eligible organizations may jointly apply for a grant. Applications must provide information requested by the commissioner, including at least the information required to assess the factors listed in paragraph (c). The commissioner shall award grants to organizations for swab team training and services and lead removal and replacement.*

(b) *Grants must be awarded only to eligible organizations. Grant awards to organizations that provide swab teams administered by the commissioner of health must be made in coordination with the commissioner of health. Swab teams that are not engaged on a daily basis in fulfilling the requirements of section 144.871, subdivision 9, must deliver swab team services in census tracts known to be at high risk for toxic lead exposure.*

(c) *In evaluating grant applications, the commissioner shall consider the following criteria:*

(1) *the use of licensed contractors and certified lead abatement workers for residential lead abatement;*

(2) *the participation of neighborhood groups and individuals, as swab team members, in areas at high risk for toxic lead exposure;*

(3) *plans for the provision of primary prevention through swab team services in areas at high risk for toxic lead exposure on a census tract basis without environmental lead testing;*

(4) *plans for supervision, training, career development, and postprogram placement of swab team members;*

(5) *plans for resident and property owner education on lead safety;*

(6) *plans for distributing cleaning supplies to area residents and educating residents and property owners on cleaning techniques;*

(7) *cost estimates for training, swab team services, equipment, monitoring, and administration;*

(8) *measures of program effectiveness; and*

(9) *coordination of program activities with other federal, state, and local public health, job training, apprenticeship, and housing renovation programs including the emergency jobs program under sections 268.672 to 268.881.*

Subd. 4. [LEAD ABATEMENT CONTRACTORS.] (a) Organizations and licensed lead abatement contractors may participate in the lead abatement program. An organization receiving a grant under this section must ensure that all participating contractors are licensed and that all swab team and removal and replacement employees are certified by the department of health under section 144.878, subdivision 5. Organizations and licensed contractors may distinguish between interior and exterior services in assigning duties and may participate in the program by:

- (1) providing on-the-job training for swab teams;*
- (2) providing swab team services to the commissioner of health to meet the requirements of section 144.872;*
- (3) providing removal and replacement abatement using skilled craft workers;*
- (4) providing primary prevention, without environmental lead testing, in census tracts at high risk for toxic lead exposure;*
- (5) providing lead dust cleaning supplies, as described in section 144.872, subdivision 4, to residents; or*
- (6) instructing residents and property owners on appropriate lead control techniques.*

(b) Participating licensed contractors must:

- (1) demonstrate proof of workers' compensation and general liability insurance coverage;*
- (2) be knowledgeable about lead abatement requirements established by the Department of Housing and Urban Development and the Occupational Safety and Health Administration;*
- (3) demonstrate experience with on-the-job training programs;*
- (4) demonstrate an ability to recruit employees from areas at high risk for toxic lead exposure; and*
- (5) demonstrate experience in working with low-income clients.*

Subd. 5. [LEAD ABATEMENT EMPLOYEES.] Each worker providing swab team services or removal and replacement abatement in programs established under this section must have blood lead concentrations below 15 micrograms per deciliter as determined by a baseline blood lead screening. Any organization receiving a grant under this section is responsible for lead screening and must ensure that all workers in lead abatement programs receiving grant funds under this section meet the standards established in this subdivision. Grantees must use appropriate workplace procedures to reduce risk of elevated blood lead levels. Grantees and participating contractors must report all employee blood lead levels that exceed 15 micrograms per deciliter to the commissioner of health.

Subd. 6. [SWAB TEAM SERVICE STANDARDS.] Swab teams, when providing services, must comply with the standards and methods established under section 144.878 for all lead sources except the standard for lead in soil. The swab team service standard for lead in bare soil shall be a concentration of 100 parts per million.

Subd. 7. [ON-THE-JOB TRAINING COMPONENT.] (a) Programs established under this section must provide on-the-job training for swab

teams. Training methods must follow procedures established under section 144.878, subdivision 5.

(b) Swab team members must receive monetary compensation equal to the prevailing wage as defined in section 177.42, subdivision 6, for comparable jobs in the licensed contractor's principal business.

Subd. 8. [REMOVAL AND REPLACEMENT COMPONENT.] Programs established under this section must identify if a need exists for removal and replacement abatement in residential properties. All removal and replacement abatement must be done using least-cost methods that meet the standards of section 144.878, subdivision 2. Removal and replacement abatement must be done by licensed lead abatement contractors. All craft work that requires a state license must be supervised by persons who have a state license in the craft work being supervised. The program design must:

(1) identify the need for trained swab team workers and removal and replacement abatement workers;

(2) describe plans to involve appropriate groups in designing methods to meet the needs for trained workers; and

(3) include an examination of how program participants may achieve certification as a part of the work experience and training component by entering licensing, apprenticeship, or other education programs.

Subd. 9. [PROGRAM BENEFITS.] As a condition of providing lead abatement under this section, organizations may enter into agreements with a property owner requiring that, for a period of two years, the owner shall not increase rents on a property solely as a result of a substantial property improvement made with public funds provided by the programs in this section.

Subd. 10. [REQUIREMENTS OF ORGANIZATIONS RECEIVING GRANTS.] An eligible organization that is awarded a training and demonstration grant under this section shall prepare and submit a progress report to the commissioner by February 15, 1993.

Subd. 11. [REPORT.] The commissioner shall prepare and submit a report to the legislature and the governor by March 15, 1993, that describes the various programs that received grants under this section and makes recommendations for program changes.

Sec. 2. Minnesota Statutes 1991 Supplement, section 462A.05, subdivision 15c, is amended to read:

Subd. 15c. [RESIDENTIAL LEAD ABATEMENT.] It may make or purchase loans or grants for the removal and replacement abatement, as defined in section 1, of hazardous levels of lead paint in residential buildings and lead contaminated soil in violation of standards under section 144.878 on the property of residential buildings occupied primarily by persons or families of low- and moderate-income persons. Hazardous levels are as determined by the department of health or the pollution control agency. The agency must establish grant criteria for a residential lead paint and lead contaminated soil abatement program, including the terms of loans and grants under this section, a maximum amount for loans or grants, eligible owners, eligible contractors, and eligible buildings. The agency may make grants to cities, local units of government, registered lead abatement contractors, and non-profit organizations for the purpose of administering a residential lead paint and contaminated lead soil abatement program. No loan or grant may be

made for lead ~~paint~~ abatement for a multifamily building which contains substantial housing maintenance code violations unless the violations are being corrected in conjunction with receipt of the loan or grant under this section. The agency must establish standards for the relocation of families where necessary and the payment of relocation expenses. To the extent possible, the agency must coordinate loans and grants under this section with existing housing programs.

The agency may require a property owner, as a condition of receiving a grant or loan under this section, to enter into an agreement requiring that, for a period of two years, the owner will not increase rents on a property solely as a result of property improvements made with funds under this section.

The agency, in consultation with the department of health, shall report to the legislature by January 1993 on the costs and benefits of subsidized lead abatement and the extent of the childhood lead exposure problem. The agency shall review the effectiveness of its existing loan and grant programs in providing funds for residential lead abatement and report to the legislature with examples, case studies and recommendations. *The agency shall report biennially to the legislature on its activities concerning lead abatement.*

Sec. 3. Minnesota Statutes 1990, section 462A.21, is amended by adding a subdivision to read:

Subd. 4m. [RESIDENTIAL LEAD ABATEMENT.] It may expend money for the purposes of section 462A.05, subdivision 15c, including establishing a revolving loan fund, and may pay the costs and expenses necessary and incidental to the development and operation of a residential lead abatement loan and grant program.

ARTICLE 3 FUNDING

Section 1. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF JOBS AND TRAINING.] \$250,000 is appropriated from the general fund to the commissioner of the department of jobs and training to be available until June 30, 1993, to fund a pilot project to establish swab teams under article 2, at least one for the cities of St. Paul and Minneapolis. The commissioner shall choose among any applications received under article 2, section 1, subdivision 3, based on the extent to which a proposed project can serve as a prototype for future projects and programs. No more than \$25,000 of this appropriation may be used for the administrative costs.

Subd. 2. [DEPARTMENT OF HEALTH.] \$725,000 is appropriated from the general fund to the commissioner of the department of health to be spent for programs and projects established in article 1. The commissioner shall allocate this appropriation among the purposes for which it may be spent as the commissioner deems most appropriate to meet the greatest needs for lead abatement activities.

The commissioner of the department of health may provide funds for lead screening or other activities under this act only if:

(1) the board of health or other grantee conforms to the analytical requirements specified in Minnesota Statutes, section 144.873, subdivision 3;

(2) funds provided by the commissioner do not replace existing funding

for lead screening; and

(3) a board of health that applies for funds does not issue abatement orders inconsistent with rules adopted under Minnesota Statutes, section 144.878.

Sec. 2. [ALLOTMENT REDUCTION.]

The commissioner of finance, with the approval of the governor, shall reduce allotments to state agencies for the fiscal year ending June 30, 1993, by \$975,000."

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "development fund;"

Page 1, line 7, delete everything after "program:"

Page 1, delete line 8

Page 1, line 9, delete "a paint tax;" and before "amending" insert "appropriating money;"

Page 1, line 12, after "3," insert "and" and delete ", and by adding a subdivision"

Page 1, line 20, delete everything after the comma and insert "chapter 268;"

Page 1, delete line 21

Page 1, line 22, delete everything before "repealing"

Page 1, line 23, after "116.53" insert ", subdivision 1"

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. 2269 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.
2269	2271				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2269 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2269 and insert the language after the enacting clause of S.F. No. 2271, the first engrossment; further, delete the title of H.F. No. 2269 and insert the title of S.F. No. 2271, the first engrossment.

And when so amended H.F. No. 2269 will be identical to S.F. No. 2271, and further recommends that H.F. No. 2269 be given its second reading and substituted for S.F. No. 2271, and that the Senate File be indefinitely postponed.

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

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

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

H.F. No. 2280 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.
2280	2193				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2280 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2280 and insert the language after the enacting clause of S.F. No. 2193, the first engrossment; further, delete the title of H.F. No. 2280 and insert the title of S.F. No. 2193, the first engrossment.

And when so amended H.F. No. 2280 will be identical to S.F. No. 2193, and further recommends that H.F. No. 2280 be given its second reading and substituted for S.F. No. 2193, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2159 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.
2159	2702				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2159 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2159 and insert the language after the enacting clause of S.F. No. 2702, the second engrossment; further, delete the title of H.F. No. 2159 and insert the title of S.F. No. 2702, the second engrossment.

And when so amended H.F. No. 2159 will be identical to S.F. No. 2702, and further recommends that H.F. No. 2159 be given its second reading and substituted for S.F. No. 2702, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2586 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.
2586	2323				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2586 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2586 and insert the language after the enacting clause of S.F. No. 2323, the second engrossment; further, delete the title of H.F. No. 2586 and insert the title of S.F. No. 2323, the second engrossment.

And when so amended H.F. No. 2586 will be identical to S.F. No. 2323, and further recommends that H.F. No. 2586 be given its second reading and substituted for S.F. No. 2323, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2884 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.
2884	2648				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2884 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2884 and insert the language after the enacting clause of S.F. No. 2648, the first engrossment; further, delete the title of H.F. No. 2884 and insert the title of S.F. No. 2648, the first engrossment.

And when so amended H.F. No. 2884 will be identical to S.F. No. 2648, and further recommends that H.F. No. 2884 be given its second reading and substituted for S.F. No. 2648, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1960 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.
1960	1910				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1960 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1960 and insert the language after the enacting clause of S.F. No. 1910, the second engrossment; further, delete the title of H.F. No. 1960 and insert the title of S.F. No. 1910, the second engrossment.

And when so amended H.F. No. 1960 will be identical to S.F. No. 1910, and further recommends that H.F. No. 1960 be given its second reading and substituted for S.F. No. 1910, 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. Berg from the Committee on Gaming Regulation, to which was referred the following appointment as reported in the Journal for February 24, 1992:

**GAMBLING CONTROL BOARD
DIRECTOR**

Harold W. Baltzer

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

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

Mr. Berg from the Committee on Gaming Regulation, to which were referred the following appointments as reported in the Journal for February 27, 1992:

GAMBLING CONTROL BOARD

Dorothy Liljegren

MINNESOTA RACING COMMISSION

James H. Filkins

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

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

Mr. Berg from the Committee on Gaming Regulation, to which were referred the following appointments as reported in the Journal for March 20, 1992:

MINNESOTA RACING COMMISSION

Mark J. Custer
Stephen A. Lawrence
Richard L. Pemberton
Cynthia Schuneman Piper

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

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

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

S.F. No. 2603: A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 43A.316, by adding subdivisions; 60A.15, subdivision 1; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62C.01, subdivision 3; 62E.11, by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; 297.02, subdivision 1; 297.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 43A; 62A; 62E; 62J; 136A; 137; 144; 144A; 256; 256B; 295; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 43A.316, subdivisions 1, 2, 3, 4, 5, 6, 7, and 10; 62A.02, subdivisions 4 and 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55 Minnesota Statutes 1991 Supplement, section 43A.316, subdivisions 8 and 9.

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

Page 1, after line 36, insert:

"Subd. 2. [CLINICALLY EFFECTIVE.] *"Clinically effective" means medical technology improves patients' clinical status and the use of the particular technology demonstrates a clinical advantage over alternative technologies."*

Page 2, after line 4, insert:

"Subd. 5. [COST EFFECTIVE.] *"Cost effective" means that the costs of using a particular medical technology to achieve improvement in patients' health outcome are justified given its comparison to both the economic costs and the achieved improvement in patients' health outcome resulting from the use of alternative technologies."*

Page 2, after line 18, insert:

"Subd. 7. [HEALTH OUTCOME.] "Health outcome" means patients' clinical status and quality of life."

Renumber the subdivisions in sequence

Page 2, line 30, delete *"but that is"* and insert *"by at least ten percent per year using the spending growth rate for 1991 as a base year. This limit must be"*

Page 5, line 26, after the period, insert *"The goal of the plan shall be to reduce the growth rate of health care spending, adjusted for population changes, so that it declines by at least ten percent per year for each of the next five years. The commission shall use the rate of spending growth in 1991 as the base year for developing its plan."*

Page 11, line 28, delete from *"Sec."* through page 19, line 3, to *"Minnesota."* and insert:

"Sec. 6. [62J.15] [HEALTH PLANNING.]

Subdivision 1. [HEALTH PLANNING ADVISORY COMMITTEE.] The Minnesota health care commission shall convene an advisory committee to make recommendations regarding the use and distribution of new and existing health care technologies and procedures and major capital expenditures by providers. The advisory committee may include members of the state commission and other persons appointed by the commission. The advisory committee must include at least one person representing physicians, at least one person representing hospitals, and at least one person representing the health care technology industry. Health care technologies and procedures include high-cost pharmaceuticals, organ and other high-cost transplants, high-cost health care procedures and devices excluding United States Food and Drug Administration approved implantable or wearable medical devices, and expensive, large-scale technologies such as scanners and imagers.

Subd. 2. [HEALTH PLANNING.] In consultation with the health planning advisory committee, the Minnesota health care commission shall:

(1) make recommendations on the types of high-cost technologies, procedures, and capital expenditures for which a plan on statewide use and distribution should be made;

(2) develop criteria for evaluating new high-cost health care technology and procedures and major capital expenditures that take into consideration the clinical effectiveness, cost effectiveness, and health outcome;

(3) recommend to the commissioner of health and the regional coordinating organizations statewide and regional goals and targets for the distribution and use of new and existing high-cost health care technologies and procedures and major capital expenditures;

(4) make recommendations to the commissioner regarding the designation of centers of excellence for transplants and other specialized medical procedures; and

(5) make recommendations to the commissioner regarding minimum volume requirements for the performance of certain procedures by hospitals and other health care facilities or providers.

Sec. 7. [62J.17] [EXPENDITURE REPORTING.]

Subdivision 1. [PURPOSE.] To ensure access to affordable health care

services for all Minnesotans it is necessary to restrain the rate of growth in health care costs. An important factor contributing to escalating costs may be the purchase of costly new medical equipment, major capital expenditures, and the addition of new specialized services. After spending targets are established under section 62J.04, providers, patients, and communities will have the opportunity to decide for themselves whether they can afford capital expenditures or new equipment or specialized services within the constraints of a spending limit. In this environment, the state's role in reviewing these spending commitments can be more limited. However, during the interim period until spending targets are established, it is important to prevent unrestrained major spending commitments that will contribute further to the escalation of health care costs and make future cost containment efforts more difficult. In addition, it is essential to protect against the possibility that the legislature's expression of its attempt to control health care costs may lead a provider to make major spending commitments before targets or other cost containment constraints are fully implemented because the provider recognizes that the spending commitment may not be considered appropriate, needed, or affordable within the context of a fixed budget for health care spending. Therefore, the legislature finds that a requirement for reporting health care expenditures is necessary.

Subd. 2. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given.

(a) [CAPITAL EXPENDITURE.] "Capital expenditure" means an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance.

(b) [HEALTH CARE SERVICE.] "Health care service" means:

(1) a service or item that would be covered by the medical assistance program under chapter 256B if provided in accordance with medical assistance requirements to an eligible medical assistance recipient; and

(2) a service or item that would be covered by medical assistance except that it is characterized as experimental, cosmetic, or voluntary.

"Health care service" does not include retail, over-the-counter sales of nonprescription drugs and other retail sales of health-related products that are not generally paid for by medical assistance and other third-party coverage.

(c) [MAJOR SPENDING COMMITMENT.] "Major spending commitment" means:

(1) acquisition of a unit of medical equipment;

(2) a capital expenditure for a single project for the purposes of providing health care services, other than for the acquisition of medical equipment;

(3) offering a new specialized service not offered before;

(4) planning for an activity that would qualify as a major spending commitment under this paragraph; or

(5) a project involving a combination of two or more of the activities in clauses (1) to (4).

The cost of acquisition of medical equipment, and the amount of a capital expenditure, is the total cost to the provider regardless of whether the cost is distributed over time through a lease arrangement or other financing or

payment mechanism.

(d) [MEDICAL EQUIPMENT.] *"Medical equipment" means fixed and movable equipment that is used by a provider in the provision of a health care service. "Medical equipment" includes, but is not limited to, the following:*

- (1) an extracorporeal shock wave lithotripter;*
- (2) a computerized axial tomography (CAT) scanner;*
- (3) a magnetic resonance imaging (MRI) unit;*
- (4) a positron emission tomography (PET) scanner; and*
- (5) emergency and nonemergency medical transportation equipment and vehicles.*

(e) [NEW SPECIALIZED SERVICE.] *"New specialized service" means a specialized health care procedure or treatment regimen offered by a provider that was not previously offered by the provider, including, but not limited to:*

- (1) cardiac catheterization services involving high-risk patients as defined in the Guidelines for Coronary Angiography established by the American Heart Association and the American College of Cardiology;*
- (2) heart, heart-lung, liver, kidney, bowel, or pancreas transplantation service, or any other service for transplantation of any other organ;*
- (3) megavoltage radiation therapy;*
- (4) open heart surgery;*
- (5) neonatal intensive care services; and*
- (6) any new medical technology for which premarket approval has been granted by the United States Food and Drug Administration, excluding implantable and wearable devices.*

(f) [PROVIDER.] *"Provider" means an individual, corporation, association, firm, partnership, or other entity that is regularly engaged in providing health care services in Minnesota.*

Subd. 3. [HOSPITAL AND NURSING HOME MORATORIA PRESERVED.] Nothing in this section supersedes or limits the applicability of section 144.551 or 144A.071.

Subd. 4. [EXPENDITURE REPORTING.] Any provider making a capital expenditure establishing a health care service or new specialized service, or making a major spending commitment after April 1, 1992, that is in excess of \$500,000, shall submit notification of this expenditure to the commissioner and provide the commissioner with any relevant background or other information. The commissioner shall not have any approval or denial authority, but should use such information in the ongoing evaluation of statewide and regional progress toward cost containment and other objectives.

Subd. 5. [RETROSPECTIVE REVIEW.] (a) [REVIEW REQUIRED.] The commissioner of health, in consultation with the Minnesota health care commission, shall retrospectively review capital expenditures and major spending commitments that are required to be reported by providers under subdivision 4. In the event that health care providers refuse to cooperate

with attempts by the Minnesota health care commission and regional coordinating organizations to coordinate the use of health care technologies and procedures, and reduce the growth rate in health care expenditures; or in the event that health care providers use, purchase, or perform health care technologies and procedures that are not clinically effective and cost effective and do not improve health outcomes based on the results of medical research; or in the event providers have failed to pursue collaborative arrangements; the commissioner shall require a provider to make no future major spending commitments for up to a five-year period unless the provider files a notice with the commissioner and provides supporting documentation and evidence requested by the commissioner, and the commissioner determines that the spending commitment is appropriate. The commissioner shall make a decision on a completed application within 60 days after an application is submitted. The Minnesota health care commission shall convene an expert review panel made up of persons with knowledge and expertise regarding medical equipment, specialized services, and health care capital expenditures to review applications and make recommendations to the commissioner and the commission. The commissioner of health shall have the authority to issue fines, seek injunctions, and other remedies as provided by law.

(b) [EXCEPTIONS.] This subdivision does not apply to:

(1) a major spending commitment to replace existing equipment with comparable equipment, if the old equipment will no longer be used in the state;

(2) a major spending commitment to repair, remodel, or replace existing buildings or fixtures if, in the judgment of the commissioner, the project does not involve a substantial expansion of service capacity or a substantial change in the nature of health care services provided;

(3) mergers, acquisitions, and other changes in ownership or control that, in the judgment of the commissioner, do not involve a substantial expansion of service capacity or a substantial change in the nature of health care services provided; and

(4) ambulatory surgery services, lithotripsy services, infusion therapy services, or kidney dialysis services.

(c) [APPEALS.] A provider may appeal a decision of the commissioner under this section through a contested case proceeding under chapter 14."

Page 20, after line 15, insert:

"Subd. 3. [PENALTY.] A violation of this section is a felony. A provider who is in compliance with a transition plan approved by the commissioner under subdivision 2 is not in violation of this section."

Page 20, line 21, after "provided" insert ", unless the Medicare beneficiary's gross family income during the previous year exceeded 200 percent of the federal poverty guidelines. For purposes of this section, gross family income is as defined in section 256.936, subdivision 1"

Page 23, after line 2, insert:

"Sec. 13. [HOSPITAL PLANNING TASK FORCE.]

The legislative commission on health care access shall convene a hospital health planning task force to undertake preliminary planning relating to cost containment, accessibility of health care services, and quality of care,

and to develop options and recommendations to be presented to the legislative commission and to the Minnesota health care commission. The task force consists of interested representatives of Minnesota hospitals, the commissioner of health or the commissioner's representatives, and the members of the legislative commission or their representatives. The task force shall submit reports to the Minnesota health care commission by August 1, 1992, and July 1, 1993. The task force expires on August 1, 1993. The expenses and compensation of members is the responsibility of the institutions, organizations, or agencies they represent."

Page 23, line 3, delete "13" and insert "14"

Page 23, line 4, delete "1 to 12" and insert "1 to 8; 9, subdivisions 1 and 2; and 10 to 13"

Page 23, line 5, after the period, insert "Section 9, subdivision 3, is effective January 1, 1993."

Page 31, line 8, after the semicolon, insert "or"

Page 31, line 11, delete "; or" and insert a period

Page 31, delete lines 12 to 23

Page 31, line 24, delete "(c)" and insert "(b)"

Page 41, delete lines 2 to 18 and insert:

"Subd. 4. [GEOGRAPHIC PREMIUM VARIATIONS.] A health carrier may request approval by the commissioner to establish no more than three geographic regions and to establish separate index rates for each region, provided that the index rates do not vary between any two regions by more than 20 percent. The commissioner may grant approval if the following conditions are met:

(1) the geographic regions must be applied uniformly by the health carrier;

(2) one geographic region must be based on the Minneapolis-St. Paul metropolitan area;

(3) if one geographic region is rural, the index rate for the rural region must not exceed the index rate for the Minneapolis-St. Paul metropolitan area;

(4) the health carrier provides actuarial justification acceptable to the commissioner for the proposed geographic variations in index rates, establishing that the variations are based upon differences in the cost to the health carrier of providing coverage."

Page 42, line 27, delete "the following activities:"

Page 42, line 28, delete everything before "the"

Page 42, line 32, delete "; or" and insert a period

Page 42, delete lines 33 to 36

Page 43, delete lines 1 to 6

Page 65, line 2, after the first "commissioner" insert "or the commissioner gives notice to the employer of the discontinuance of the program"

Page 65, line 30, delete "may" and insert "must"

Page 65, line 31, delete everything after "that" and insert "at least 75

percent of its eligible employees who have not waived coverage participate in the program. The participation level of eligible employees must be determined at the initial offering of coverage and at the renewal date of coverage. For purposes of this section, waiver of coverage includes only waivers due to coverage under another group health benefit plan."

Page 65, delete lines 32 to 34

Page 65, line 35, delete "may" and insert "must"

Page 65, line 36, after the second "employer" insert "contribute at least 50 percent toward the cost of the premium of the employee and may require that the"

Page 68, line 7, after "must" insert "meet all underwriting requirements of chapter 62L and must"

Page 68, line 21, delete everything after "rates" and insert "consistent with the rating requirements of chapter 62L."

Page 68, delete lines 22 to 30 and insert:

"(c) [TAXES AND ASSESSMENTS.] To the extent that the program operates as a self-insured group, the premiums paid to the program are not subject to the premium taxes imposed by sections 60A.15 and 60A.198, but the program is subject to a Minnesota comprehensive health association assessment under section 62E.11."

Page 69, line 2, delete "insurance premiums, approved claims,"

Page 69, line 17, delete "finance" and insert "employee relations"

Page 69, line 18, after "repayment" insert ", but no later than July 1, 1998" and after the period, insert "The commissioner shall repay direct appropriations provided to subsidize administrative or start-up costs when the commissioner of employee relations determines that a sufficient reserve has accumulated to allow repayment, but no later than July 1, 1998."

Page 69, line 25, after "pool" insert "to small employers"

Page 69, line 27, delete everything after the period and insert "Coverage under this program shall be considered a certificate of insurance or similar evidence of coverage and is subject to all applicable requirements of chapters 60A, 62A, 62C, 62E, 62H, 62L, and 72A, and is subject to regulation by the commissioner of commerce to the extent applicable. Coverage is subject to section 471.617, subdivisions 2 and 3, and the bidding requirements of section 471.6161."

Page 69, delete lines 28 to 32

Page 69, line 34, delete everything after "1995" and insert ". The report must provide a detailed summary of all direct and indirect administrative costs associated with the program, and must include an analysis of whether the program (1) is providing coverage to persons who would otherwise be unable to purchase coverage in the private sector; (2) will provide coverage at lower premium costs without ongoing state subsidy; (3) will provide coverage to persons in geographic areas of the state where coverage options would otherwise be limited; and (4) will fulfill the intent of the legislature."

Page 69, delete line 35

Page 82, line 10, delete everything after "would"

Page 82, line 11, delete "commerce,"

Pages 86 and 87, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1990, section 256.936, subdivision 2, is amended to read:

Subd. 2. [PLAN ADMINISTRATION.] The children's health right plan is established to promote access to appropriate ~~primary~~ health care to assure healthy children *and adults*. The commissioner shall establish an office for the state administration of this plan. The plan shall be used to provide ~~children's covered~~ health services for eligible persons. Payment for these services shall be made to all eligible providers. The commissioner ~~may~~ *shall* adopt rules to administer this section. The commissioner shall establish marketing efforts to encourage potentially eligible persons to receive information about the program and about other medical care programs administered or supervised by the department of human services. A toll-free telephone number must be used to provide information about medical programs and to promote access to the covered services. The commissioner must make a quarterly assessment of the expected expenditures for the covered services ~~and the appropriation for the remainder of the current fiscal year and for the following two fiscal years. Based on this assessment the commissioner may limit enrollments and target former aid to families with dependent children recipients. If sufficient money is not available to cover all costs incurred in one quarter, the commissioner may seek an additional authorization for funding from the legislative advisory committee. The estimated expenditures shall be compared to the forecast of revenues required in article 9, section 13. Based on this comparison, and after consulting the chairs of the senate finance and house of representatives appropriations committees and the legislative commission on health care access, the commissioner shall make adjustments as necessary to ensure that expenditures remain within the limits of available revenues. The adjustments the commissioner may use are limited to limiting enrollment or adjusting the period during which a person must be uninsured in order to qualify for a subsidy. In estimating expenditures and making adjustments under this subdivision, the commissioner shall maintain a reserve of five percent in addition to estimated program expenditures. The commissioner may adopt emergency and permanent rules as necessary to make adjustments authorized under this subdivision.~~

Page 88, after line 7, insert:

"(d) [EMERGENCY MEDICAL TRANSPORTATION SERVICES.] Beginning July 1, 1993, covered health services shall include emergency medical transportation services.

(e) [COPAYMENTS AND DEDUCTIBLES; PREMIUM LIMITS.] The health right benefit plan shall include a copayment of 20 percent for inpatient hospital services for adult enrollees not potentially categorically eligible for medical assistance. The benefit plan shall include a copayment of 50 percent for adult dental services, except preventive services."

Page 88, line 8, delete "(d)" and insert "(f)"

Page 90, line 2, delete "January" and insert "July"

Page 92, line 2, delete everything after the comma and insert "and must not have had access to subsidized health coverage through an employer for the 18 months prior to application for subsidized coverage under the health

right plan. The requirement that the family or individual must not have had access to employer-subsidized coverage during the previous 18 months does not apply if employer-subsidized coverage was lost due to a layoff and the family or individual has not had access to employer-subsidized coverage since the layoff. For purposes of this requirement, subsidized health coverage means health coverage for which the employer pays at least 50 percent of the cost of coverage for the employee, excluding dependent coverage, or a high percentage as specified by the commissioner."

Page 92, delete line 3

Page 92, line 4, delete everything before "Children"

Page 92, line 15, after "residence" insert ", has been domiciled in the state for no less than 180 days,"

Page 92, line 24, delete "four" and insert "12"

Page 93, line 7, after "(c)" insert "Beginning July 1, 1993,"

Page 93, line 8, delete "the"

Page 93, line 9, delete "limits for the medical assistance program" and insert "133 and 1/3 percent of the AFDC payment standard"

Page 93, line 11, delete "9.5, 11.1, and 12.4" and insert "and 9.5"

Page 93, line 13, delete everything after "to" and insert "a gross monthly income of \$1,600 for an individual, \$2,160 for a household of two, \$2,720 for a household of three, \$3,280 for a household of four, \$3,840 for a household of five, and \$4,400 for households of six or more persons. For the period October 1, 1992, through June 30, 1993, the commissioner shall use a sliding scale that sets required premiums at percentages of gross family income equal to two-thirds of the percentages specified in this paragraph."

Page 93, delete lines 14 to 19

Page 93, line 20, delete "(e)" and insert "(d)" and delete everything after "whose" and insert "gross monthly income is above the amount specified in paragraph (c)"

Page 93, delete lines 21 and 22

Page 93, line 23, delete "income"

Page 93, line 25, delete "(f)" and insert "(e)"

Page 94, line 12, after the period, insert "Participation in the medical assistance program means (1) the provider accepts new medical assistance patients; or (2) at least 20 percent of the provider's patients are covered by medical assistance, general assistance medical care, or the children's health plan."

Page 94, after line 19, insert:

"Sec. 12. [PROVIDER PAYMENT INCREASES.]

Subdivision 1. [HOSPITAL OUTPATIENT REIMBURSEMENT.] For services rendered on or after October 1, 1992, the commissioner of human services shall increase hospital outpatient rates by 25 percent over the rates in effect on September 30, 1992, provided that no rate shall exceed the upper payment limit established by Medicare.

Subd. 2. [PHYSICIAN AND DENTAL REIMBURSEMENT.] The reimbursement increases provided in Minnesota Statutes, section 256B.74, subdivisions 2 and 5, shall not be implemented. Effective October 1, 1992, the commissioner shall increase payments for physician services by 25 percent above the rate in effect on June 30, 1992, and shall increase payments for dental services by 25 percent above the rate in effect on June 30, 1992.

Subd. 3. [CONTINGENT ON ENACTMENT OF APPROPRIATIONS.] Subdivisions 1 and 2 are effective only if money is appropriated to the commissioner of human services to cover the entire state cost of the increases."

Page 94, lines 21 and 33, delete "administration" and insert "health"

Renumber the sections of article 4 in sequence

Page 99, lines 12 and 20, delete "10" and insert "9"

Page 103, line 26, delete "and the"

Page 103, line 27, delete everything before the period

Page 103, line 35, delete everything after the comma and insert "at a rate established according to section 270.75."

Page 104, line 18, before "regents" insert "board of"

Page 104, lines 20, 27, 30, and 36, delete "shall" and insert "is requested to"

Page 105, lines 2, 6, 9, 14, 23, and 29, delete "shall" and insert "is requested to"

Page 106, line 1, delete "shall" and insert "is requested to"

Page 106, line 5, delete "144A.70" and insert "136A.1357"

Page 106, line 6, delete everything after "HOME"

Page 106, line 7, delete everything before the period

Page 106, line 11, delete everything after "home"

Page 106, line 12, delete everything before the period

Page 106, line 17, after "enroll" insert "or enrolled"

Page 106, line 20, delete "commissioner" and insert "board" and delete "enrolling in the" and insert "completing the first year of study of a"

Page 106, line 25, delete "or" and insert a period

Page 106, delete lines 26 and 27

Page 106, line 28, delete "commissioner" and insert "board"

Page 106, line 34, delete "or intermediate"

Page 106, delete line 35

Page 106, line 36, delete "conditions" and delete "commissioner" and insert "board"

Page 107, line 2, delete everything before the period

Page 107, line 3, delete everything after "home"

Page 107, line 4, delete everything before "to"

Page 107, lines 9, 13, and 17, delete "*commissioner*" and insert "*board*"

Page 107, line 10, delete "*, plus a*" and insert "*at a rate established according to section 270.75*"

Page 107, line 11, delete everything before the period and delete "*commissioner*" and insert "*board*"

Page 108, delete section 11

Page 112, line 24, delete "*The initial*"

Page 112, delete lines 25 to 31

Page 135, delete article 9

Page 135, line 20, delete "10" and insert "9"

Page 135, line 22, delete "ACCOUNT" and insert "FUND"

Page 135, line 23, delete "*account*" and insert "*fund*" and delete "*general*"

Page 135, line 24, delete "*fund*" and insert "*state treasury*"

Page 135, line 25, delete "*account*" and insert "*fund*" in both places

Page 142, line 1, before "A" insert "*Upon approval by the legislature and governor of a cost control plan under section 62J.04, subdivision 7,*"

Page 145, line 32, delete "*account*" and insert "*fund*"

Page 145, line 33, delete "*general fund*" and insert "*state treasury*" and after the period, insert "*The commissioner shall make quarterly estimates of revenues that are anticipated to be collected during the current fiscal year and during the next two fiscal years.*"

Page 147, lines 27 and 34, delete "*account in the general*"

Page 148, delete article 11 and insert:

"ARTICLE 10

APPROPRIATIONS

Section 1. APPROPRIATIONS

Subdivision 1. The amounts specified in this section are appropriated from the health care access fund to the agencies and for the purposes indicated, to be available until June 30, 1993.

Subd. 2. Commissioner of Commerce	884,000
Subd. 3. Commissioner of Health	2,552,000
Subd. 4. Commissioner of Human Services	18,393,000
Subd. 5. Higher Education Coordinating Board	143,000

This appropriation may be used as the required state match for any grants received by the University of Minnesota medical school.

Subd. 6. Commissioner of Employee Relations	1,679,000
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Subd. 7. Board of Regents of the University of Minnesota	1,909,000
Subd. 8. Commissioner of Revenue	917,000
Subd. 9. Attorney General	214,000
Subd. 10. Commissioner of Administration	27,000

Sec. 2. [EFFECTIVE DATE.]

The appropriations in section 1 are effective July 1, 1992, except that \$616,000 of the appropriation in section 1, subdivision 4, is available for fiscal year 1992."

Amend the title as follows:

Page 1, line 9, delete "account" and insert "fund" and after the second semicolon, insert "providing penalties;"

Page 1, line 22, delete "144A;"

Page 1, line 27, after the fourth semicolon, insert "and" and after "62E.55" insert a semicolon

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

SECOND READING OF SENATE BILLS

S.F. No. 2603 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2269, 2280, 2159, 2586, 2884 and 1960 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that H.F. No. 2854 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration, for comparison with S.F. No. 1376, now on General Orders. The motion prevailed.

SUSPENSION OF RULES

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

CALENDAR

S.F. No. 2199: A bill for an act relating to waste management; defining postconsumer material; emphasizing and clarifying waste reduction; moving from the office of waste management to the environmental quality board the responsibility for supplementary review of waste facility siting; setting requirements for use of labels on products and packages indicating recycled content; amending provisions related to designation of waste; expanding fee exemptions for waste residue from certain construction debris processing facilities; strengthening the requirement for pricing of waste collection based

on volume or weight of waste collected; requiring recycled content in and recyclability of telephone directories and requiring recycling of waste directories; changing provisions relating to financial responsibility requirements and low-level radioactive waste; requiring labeling of rechargeable batteries; prohibiting the imposition of fees on the generation of certain hazardous wastes that are reused or recycled; requiring studies on automobile waste, construction debris, and used motor oil; requiring an assessment of regional waste management needs; and making various other amendments and additions related to solid waste management; authorizing rulemaking; providing penalties; amending Minnesota Statutes 1990, sections 16B.121; 115A.03, subdivision 36a, and by adding subdivisions; 115A.07, by adding a subdivision; 115A.32; 115A.557, subdivision 3; 115A.63, subdivision 3; 115A.81, subdivision 2; 115A.87; 115A.93, by adding a subdivision; 115A.981; 116.12, subdivision 2; 325E.12; 325E.125, subdivision 1; 400.08, subdivisions 4 and 5; 400.161; 473.811, subdivision 5b; and 473.844, subdivision 4; Minnesota Statutes 1991 Supplement, sections 16B.122, subdivision 2; 115A.02; 115A.15, subdivision 9; 115A.411, subdivision 1; 115A.83; 115A.9157, subdivisions 4 and 5; 115A.919, subdivision 3; 115A.93, subdivision 3; 115A.931; 116.07, subdivision 4h; 116.90; 116C.852; and 473.849; Laws 1990, chapter 600, section 7; Laws 1991, chapter 337, section 90; proposing coding for new law in Minnesota Statutes, chapters 16B; 115A; and 325E.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1873: A bill for an act relating to public employment; requiring public employers to include certain former employees in the same insurance pool as active employees; amending Minnesota Statutes 1990, sections 43A.27, subdivision 3; and 471.61, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mses. Berglin and Flynn voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2699: A bill for an act relating to state government; department of administration; modifying the encumbrance process for agency construction projects; modifying authority for building maintenance and leasing; changing requirements for certain agency purchases; requiring certain recipients of state money to provide free advertising space for state programs; amending administration of STARS; changing the date for the department of administration to report recycling goals; providing that the department may retain money from successful litigation; amending auditing requirements for noncommercial radio stations; extending the date for relocating the state printing operation; making various technical changes; amending Minnesota Statutes 1990, sections 16A.15, subdivision 3; 16B.09, by adding a subdivision; 16B.121; 16B.24, subdivisions 1, 5, and 6; 16B.31, by adding a subdivision; 16B.33, subdivision 3; 16B.40, subdivision 8; 16B.465, subdivisions 2, 3, and 6; 16B.58, subdivision 5; 129D.14, subdivisions 3, 4, and 6; Minnesota Statutes 1991 Supplement, sections 16B.19, subdivision 2b; 103B.311, subdivision 7; 115A.15, subdivision 9; and 138.94, subdivision 1; and Laws 1991, chapter 345, article 1, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2411: A bill for an act relating to health and human services; revising home care licensure requirements; modifying criteria for listing persons on the nursing assistant registry; revising psychology licensure requirements; modifying the nursing home moratorium exception review

process; requiring prospective drug utilization review; modifying requirements relating to the medical assistance, AFDC, general assistance, and work readiness programs; changing commitment requirements; authorizing social service contract pilot projects; amending Minnesota Statutes 1990, sections 43A.191, subdivision 2; 144A.073, subdivisions 3 and 3a; 144A.43, subdivisions 3 and 4; 144A.46, subdivision 5; 151.06, subdivision 1; 151.19, by adding a subdivision; 245A.02, by adding a subdivision; 245A.13, subdivision 4; 252.025, subdivision 4; 252.291, subdivision 3; 253B.02, by adding a subdivision; 253B.09; 253B.11, subdivision 2, and by adding a subdivision; 256.12, by adding a subdivision; 256B.056, subdivisions 1a, 2, and 3; 256B.059, subdivision 2; 256B.0625, by adding a subdivision; 256B.064, by adding a subdivision; 256B.14, subdivision 2; 256B.15, subdivision 1; 256B.36; 256B.431, subdivision 4; 256B.432, by adding a subdivision; 256B.433, subdivisions 1, 2, and 3; 256B.48, subdivisions 2, 3, and 4; 256B.495, subdivisions 1, 2, and by adding a subdivision; 256B.50, subdivisions 1b and 2; 256D.02, subdivision 8; 256D.35, subdivision 11; 256H.01, subdivision 9, and by adding a subdivision; 256I.01; 256I.02; 256I.03, subdivisions 2 and 3; 256I.05, subdivisions 3, 6, 8, and 9; 256I.06; 261.001, subdivision 1; 261.063; Minnesota Statutes 1991 Supplement, sections 144.50, subdivision 6; 144A.31, subdivision 2a; 144A.61, subdivisions 3a and 6a; 147.03; 148.925, subdivisions 1, 2, and by adding a subdivision; 245A.03, subdivision 2; 252.28, subdivision 1; 256.031, subdivision 3; 256.033, subdivisions 1, 2, 3, and 5; 256.034, subdivision 3; 256.035, subdivision 1; 256.0361, subdivision 2; 256.9685, subdivision 1; 256.969, subdivision 2; 256.9751, subdivisions 1 and 6; 256.98, subdivision 8; 256B.0625, subdivisions 13 and 19a; 256B.0627, subdivisions 1 and 4; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 8, and by adding a subdivision; 256B.0913, subdivisions 8 and 11; 256B.0915, by adding subdivisions; 256B.0917, subdivisions 2, 3, 4, 5, 6, 7, 9, 10, and 11; 256B.0919, subdivision 1; 256B.092, subdivision 4; 256B.093, subdivisions 1, 2, and 3; 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16B; 245A; 256; 256B; 256D; repealing Minnesota Statutes 1990, sections 245.0311; 245.0312; 246.14; and Minnesota Statutes 1991 Supplement, section 252.46, subdivision 15.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Spear moved that the following members be excused for a Conference Committee on H.F. No. 1849 at 1:15 p.m.:

Messrs. Kelly, Marty, McGowan, Spear and Ms. Ranum. The motion prevailed.

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

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

GENERAL ORDERS

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

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

S.F. Nos. 2792, 2655, 2662, 2781, 2012, 2103, 2232, 2378, 2750 and H.F. Nos. 2849, 31, 765, 1910, which the committee recommends to pass.

S.F. No. 695, which the committee recommends to pass with the following amendments offered by Messrs. Berg, DeCramer, Price and Vickerman:

Mr. Berg moved to amend S.F. No. 695 as follows:

Page 1, after line 37, insert:

"Section 1. Minnesota Statutes 1990, section 169.01, subdivision 55, is amended to read:

Subd. 55. [IMPLEMENT OF HUSBANDRY.] (a) "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(b) *A vehicle described in paragraph (a) that is not required to be registered is an implement of husbandry without regard to whether the vehicle is towed by an implement of husbandry or by a registered motor vehicle.*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. DeCramer moved to amend S.F. No. 695 as follows:

Page 38, line 36, before "*Sections*" insert "*Sections 1 and 2 are effective the day following final enactment.*" and delete "6 and 7" and insert "8 and 9" and delete "23" and insert "25"

The motion prevailed. So the amendment was adopted.

Mr. DeCramer then moved to amend S.F. No. 695 as follows:

Page 21, line 1, after "sod," insert "construction debris, and solid waste when transported by a transfer driver,"

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend S.F. No. 695 as follows:

Page 1, after line 37, insert:

"Section 1. Minnesota Statutes 1990, section 168.011, is amended by adding a subdivision to read:

Subd. 36. [PERSONAL TRANSPORTATION SERVICE VEHICLE.] "Personal transportation service vehicle" is a passenger vehicle that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 12 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision 33.

Sec. 2. [168.1281] [PERSONAL TRANSPORTATION SERVICE PLATES.]

Subdivision 1. [LICENSE PLATES.] A person who operates a personal transportation service vehicle shall apply to register the vehicle as provided in this section. The registrar shall issue personal transportation service plates on the applicant's compliance with laws relating to registration and licensing of motor vehicles and drivers, and certification by the owner that an insurance policy meeting the requirements of subdivision 2 is in effect for the entire period of registration. The applicant must provide the registrar with proof that the passenger automobile license tax and a \$10 fee have been paid for each vehicle receiving personal transportation service license plates. The registrar shall design personal transportation service license plates so that the plates identify the vehicle as a personal transportation service vehicle, and clearly display the letters "LS." Personal transportation service license plates issued to a vehicle may not be transferred to another vehicle, except that they may be transferred to another personal transportation service vehicle owned by the same owner on notification to the registrar and payment of a \$5 transfer fee.

Subd. 2. [INSURANCE.] An application under subdivision 1 must include a certificate of insurance that (1) verifies that a valid commercial insurance policy is in effect, and (2) gives the name of the insurance company and the number of the policy. The policy must provide stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, of (1) not less than \$100,000 because of bodily injury to one person in any one accident, (2) subject to the limit for one person, not less than \$300,000 because of injury to two or more persons in any one accident, and (3) not less than \$100,000 because of injury to or destruction of property. The insurance company must notify the commissioner if the policy is canceled or if the policy no longer provides the coverage required by this subdivision.

Subd. 3. [NOTIFICATION OF CANCELLATION.] The commissioner shall immediately notify the commissioner of transportation if the policy of a person required to have a permit under section 4 is canceled or no longer provides the coverage required by subdivision 2.

Sec. 3. Minnesota Statutes 1990, section 221.011, is amended by adding a subdivision to read:

Subd. 33. [PERSONAL TRANSPORTATION SERVICE.] "Personal transportation service" means service that:

- (1) is not provided on a regular route;*
- (2) is provided in a personal transportation service vehicle as defined in section 168.011, subdivision 36;*
- (3) is not metered for the purpose of determining fares;*
- (4) provides prearranged pickup of passengers;*
- (5) charges more than a taxicab fare for a comparable trip.*

Sec. 4. Minnesota Statutes 1991 Supplement, section 221.091, is amended to read:

221.091 [LIMITATIONS.]

No provision in sections 221.011 to 221.291 and 221.84 to 221.85 shall authorize the use by any carrier of any public highway in any city of the first class in violation of any charter provision or ordinance of such city in effect January 1, 1925, unless and except as such charter provisions or ordinance may be repealed after that date; nor shall sections 221.011 to 221.291 and 221.84 to 221.85 be construed as in any manner taking from or curtailing the right of any city to reasonably regulate or control the routing, parking, speed or the safety of operation of a motor vehicle operated by any carrier under the terms of *those* sections ~~221.011 to 221.291 and 221.84~~, or the general police power of any such city over its highways; nor shall sections 221.011 to 221.291 and 221.84 to 221.85 be construed as abrogating any provision of the charter of any such city requiring certain conditions to be complied with before such carrier can use the highways of such city and such rights and powers herein stated are hereby expressly reserved and granted to such city; but no such city shall prohibit or deny the use of the public highways within its territorial boundaries by any such carrier for transportation of passengers or property received within its boundaries to destinations beyond such boundaries, or for transportation of passengers or property from points beyond such boundaries to destinations within the same, or for transportation of passengers or property from points beyond such boundaries through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a certificate of convenience and necessity issued by the commission or to a permit issued by the commissioner under section 221.84 *or* 221.85.

Sec. 5. Minnesota Statutes 1991 Supplement, section 221.84, subdivision 2, is amended to read:

Subd. 2. [PERMIT REQUIRED; RULES.] No person may operate a for-hire limousine service without a permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits for for-hire operation of limousines that include:

- (1) annual inspections of limousines;
- (2) driver qualifications, including requiring a criminal history check of drivers;
- (3) insurance requirements ~~in accordance with section 168.128~~;
- (4) advertising regulation, including requiring a copy of the permit to be carried in the limousine and use of the words "licensed and insured";

(5) provisions for agreements with political subdivisions for sharing enforcement costs;

(6) issuance of temporary permits and temporary permit fees; and

(7) other requirements deemed necessary by the commissioner.

This section does not apply to limousines operated by persons meeting the definition of private carrier in section 221.011, subdivision 26.

Sec. 6. [221.85] [PERSONAL TRANSPORTATION SERVICE.]

Subdivision 1. [PERMIT REQUIRED; RULES.] No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

(1) annual inspections of vehicles;

(2) driver qualifications including requiring a criminal history check of drivers;

(3) insurance requirements;

(4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";

(5) agreements with political subdivisions for sharing enforcement costs with the state;

(6) issuance of temporary permits and fees therefor; and

(7) other requirements the commissioner deems necessary to carry out the purposes of this section.

Subd. 2. [PENALTIES.] The commissioner may issue an order requiring violations of law, rules, and local ordinances that govern the operation of personal transportation service vehicles to be corrected and assessing monetary penalties of up to \$1,000. The commissioner may suspend or revoke a permit for violation of applicable law and rules and, on request of a political subdivision, may immediately suspend a permit for multiple violations of local ordinances. The commissioner shall immediately suspend a permit for failure to maintain required insurance and shall not restore the permit until proof of insurance is provided. A person whose permit is revoked or suspended or who is assessed an administrative penalty may appeal the commissioner's action in a contested case proceeding under chapter 14.

Subd. 3. [PERMITS; DECALS.] (a) The commissioner shall design a distinctive decal to be issued to permit holders under this section. A decal is valid for one year from the date of issuance. No person may provide personal transportation service in a personal transportation service vehicle that does not conspicuously display a decal issued under this subdivision.

(b) From August 1, 1992, to June 30, 1993, the fee for each decal issued under this section is \$150. On and after July 1, 1993, the fee for each decal issued under this section is \$80. The fee for each permit issued under this section is \$150. The commissioner shall deposit all fees under this subdivision in the trunk highway fund.

Sec. 7. [TRANSITION.]

A person providing personal transportation service as defined in section 3, in a personal transportation service vehicle as defined in section 1, on August 1, 1992, may continue to provide personal transportation service in the vehicle without a permit under section 6, subdivision 1, until the effective date of the final rules adopted by the commissioner under that subdivision."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. DeCramer moved to amend S.F. No. 695 as follows:

Page 38, after line 34, insert:

"Sec. 47. [APPROPRIATION.]

\$24,000 is appropriated to the commissioner of transportation from the trunk highway fund for fiscal year 1993. This appropriation is for the cost of rules authorized by this act."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Vickerman moved to amend S.F. No. 695 as follows:

Page 1, after line 37, insert:

"Section 1. Minnesota Statutes 1990, section 164.06, is amended to read:

164.06 [ESTABLISH, ALTER, OR VACATE BY RESOLUTION.]

Subdivision 1. [AUTHORIZATION.] A town board, when authorized by a vote of the electors at the annual meeting, or at a special meeting called for that purpose, may establish or vacate a town road by resolution, and may acquire the right-of-way as may be necessary for the road by gift, purchase or as provided in section 164.07. A town board may alter a town road by resolution.

Subd. 2. [ABANDONED ROADS.] After providing notice under section 366.01, subdivision 8, the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

(1) the extinguishment is found by the town board to be in the public interest;

(2) the interest is not a fee interest;

(3) the interest was established more than 25 years earlier;

(4) the interest is not recorded or filed with the county recorder;

(5) no road improvement has been constructed on a right-of-way affected by the interest; and

(6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

The resolution shall be filed and recorded with the county auditor and recorder."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1681, which the committee recommends to pass with the following amendments offered by Messrs. Solon, Cohen and Metzen:

Mr. Solon moved to amend H.F. No. 1681, as amended pursuant to Rule 49, adopted by the Senate March 31, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2212.)

Page 6, line 18, before "*The*" insert "*Except for information classified as confidential under sections 60A.03, subdivision 9; 60A.031; 60A.93; and 60D.22,*"

Page 6, line 23, after the period, insert "*If the commissioner determines that private or confidential information should be disclosed, the commissioner shall notify the attorney general as to the information to be disclosed, the purpose of the disclosure, and the need for the disclosure. The attorney general shall review the commissioner's determination. If the attorney general believes that the commissioner's determination does not satisfy the purpose and intent of this provision, the attorney general shall advise the commissioner in writing that the information may not be disclosed. If the attorney general believes the commissioner's determination satisfies the purpose and intent of this provision, the attorney general shall advise the commissioner in writing, accordingly.*"

After disclosing information pursuant to this provision, the commissioner shall advise the chairs of the senate and house of representatives judiciary committees of the disclosure and the basis for it."

Page 7, line 36, delete "five" and insert "ten"

Page 8, line 36, after the period, insert "*An association may apply to the commissioner for a waiver of the 30-day waiting period to that association. The commissioner may grant the waiver upon a finding of all of the following: (1) the association is in full compliance with this subdivision; (2) sanctions have not been imposed against the association as a result of significant disciplinary action by the commissioner; and (3) at least 80 percent of the association's income comes from dues, contributions, or sources other than income from the sale of insurance.*"

Page 37, line 2, delete "18" and insert "19"

Page 37, line 16, after the period, insert "*The prohibition against solicitation of members within the first 30 days of membership in section 13 is effective August 1, 1993.*"

Page 52, line 22, delete "*including, but not limited to, assault*"

Page 52, line 33, delete "*or*"

Page 52, line 35, delete the comma and insert a semicolon and delete "*have*"

Page 52, line 36, before "*violated*" insert:

"(11) *has*"

Page 81, after line 4, insert:

"Sec. 2. Minnesota Statutes 1990, section 46.03, is amended to read:

46.03 [SEAL OF DEPARTMENT OF COMMERCE.]

The commissioner of commerce, in chapters 46 to 59, called the commissioner, shall devise a seal for official use, which shall continue to be the seal of the department of commerce. *The seal must be capable of being legibly reproduced under photographic methods.* A description of the seal; ~~with an impression thereof, and a copy of it,~~ shall be filed in the office of the secretary of state."

Page 85, line 7, delete "2 and 3" and insert "3 and 4"

Renumber the sections of article 4 in sequence

The motion prevailed. So the amendment was adopted.

Mr. Solon then moved to amend H.F. No. 1681, as amended pursuant to Rule 49, adopted by the Senate March 31, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2212.)

Page 83, after line 17, insert:

"Sec. 5. Minnesota Statutes 1990, section 65A.29, subdivision 11, is amended to read:

Subd. 11. [NONRENEWAL PLAN.] Every insurer shall establish a plan that sets out the minimum number and amount of claims during an experience period that may result in a nonrenewal. A clear and concise written statement of this plan must be provided to the insured ~~at the time claim forms and instructions are provided to the insured or a claimant under section 72A.201, subdivision 4~~ when any future losses may result in nonrenewal of the policy.

The plan must, at a minimum, comply with the requirements of subdivision 8 and the rules adopted by the commissioner."

Renumber the sections of article 4 in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend H.F. No. 1681, as amended pursuant to Rule 49, adopted by the Senate March 31, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2212.)

Page 81, after line 4, insert:

"Sec. 2. Minnesota Statutes 1990, section 60A.23, subdivision 8, is amended to read:

Subd. 8. [SELF-INSURANCE OR INSURANCE PLAN ADMINISTRATORS WHO ARE VENDORS OF RISK MANAGEMENT SERVICES.] (1) [SCOPE.] This subdivision applies to any vendor of risk management services and to any entity which administers, for compensation, a self-insurance or insurance plan. This subdivision does not apply (a) to an insurance company authorized to transact insurance in this state, as defined by section 60A.06, subdivision 1, clauses (4) and (5); (b) to a service plan corporation, as defined by section 62C.02, subdivision 6; (c) to a health maintenance organization, as defined by section 62D.02, subdivision 4; (d) to an employer directly operating a self-insurance plan for its employees' benefits; or (e) to an entity which administers a program of health benefits established pursuant to a collective bargaining agreement

between an employer, or group or association of employers, and a union or unions.

(2) [DEFINITIONS.] For purposes of this subdivision the following terms have the meanings given them.

(a) "Administering a self-insurance or insurance plan" means (i) processing, reviewing or paying claims, (ii) establishing or operating funds and accounts, or (iii) otherwise providing necessary administrative services in connection with the operation of a self-insurance or insurance plan.

(b) "Employer" means an employer, as defined by section 62E.02, subdivision 2.

(c) "Entity" means any association, corporation, partnership, sole proprietorship, trust, or other business entity engaged in or transacting business in this state.

(d) "Self-insurance or insurance plan" means a plan providing life, medical or hospital care, accident, sickness or disability insurance, as an employee fringe benefit, or a plan providing liability coverage for any other risk or hazard, which is or is not directly insured or provided by a licensed insurer, service plan corporation, or health maintenance organization.

(e) "Vendor of risk management services" means an entity providing for compensation actuarial, financial management, accounting, legal or other services for the purpose of designing and establishing a self-insurance or insurance plan for an employer.

(3) [LICENSE.] No vendor of risk management services or entity administering a self-insurance or insurance plan may transact this business in this state unless it is licensed to do so by the commissioner. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license may be granted only when the commissioner is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner may issue a license subject to restrictions or limitations upon the authorization, including the type of services which may be supplied or the activities which may be engaged in. The license fee is \$100. All licenses are for a period of two years.

(4) [REGULATORY RESTRICTIONS; POWERS OF THE COMMISSIONER.] To assure that self-insurance or insurance plans are financially solvent, are administered in a fair and equitable fashion, and are processing claims and paying benefits in a prompt, fair, and honest manner, vendors of risk management services and entities administering insurance or self-insurance plans are subject to the supervision and examination by the commissioner. Vendors of risk management services, entities administering insurance or self-insurance plans, and insurance or self-insurance plans established or operated by them are subject to the trade practice requirements of sections 72A.19 to 72A.30. *In lieu of an unlimited guarantee from a parent corporation for a vendor of risk management services or an entity administering insurance or self-insurance plans, the commissioner may accept a fidelity bond in a form satisfactory to the commissioner in an amount equal to 120 percent of the total amount of claims handled by the applicant in the prior year. If at any time the total amount of claims handled during a year exceeds the amount upon which the bond was calculated, the administrator shall immediately notify the commissioner. The commissioner*

may require that the bond be increased accordingly.

(5) [RULEMAKING AUTHORITY.] To carry out the purposes of this subdivision, the commissioner may adopt rules, including emergency rules, pursuant to sections 14.001 to 14.69. These rules may:

(a) establish reporting requirements for administrators of insurance or self-insurance plans;

(b) establish standards and guidelines to assure the adequacy of financing, reinsuring, and administration of insurance or self-insurance plans;

(c) establish bonding requirements or other provisions assuring the financial integrity of entities administering insurance or self-insurance plans; or

(d) establish other reasonable requirements to further the purposes of this subdivision."

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Metzen moved to amend H.F. No. 1681, as amended pursuant to Rule 49, adopted by the Senate March 31, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2212.)

Page 85, delete section 8 and insert:

"Sec. 8. [NONCOMPREHENSIVE POLICIES; MINIMUM LOSS RATIOS.]

Notwithstanding Minnesota Statutes 1991 Supplement, section 62A.135, paragraph (b), clause (2), individual policies must return to Minnesota policyholders in the form of aggregate benefits under the policy, for each year, on the basis of incurred claims experience and earned premiums in Minnesota and in accordance with accepted actuarial principles and practices, at least 60 percent of the aggregate amount of premiums earned.

Sec. 9. [MINIMUM LOSS RATIO STUDY.]

The commissioner of commerce shall study the effect of the minimum loss ratios required under Minnesota Statutes 1991 Supplement, section 62A.135, and section 8 and report to the legislature by January 31, 1993.

Sec. 10. [EXPIRATION.]

Section 8 expires May 1, 1993.

Sec. 11. [EFFECTIVE DATE.]

Sections 2 and 3 are effective for policies, plans, or contracts issued or renewed on or after August 1, 1992. Sections 8 to 10 are effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved to amend H.F. No. 1681, as amended pursuant to Rule 49, adopted by the Senate March 31, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 2212.)

Pages 81 and 82, delete sections 2 and 3

Page 85, delete section 8

Renumber the sections of article 4 in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger	Bernhagen	Frank	Johnston	Pariseau
Benson, D.D.	Bertram	Gustafson	Knaak	Renneke
Benson, J.E.	Brataas	Halberg	Larson	Vickerman
Berg	Day	Johnson, D.E.	Olson	Waldorf

Those who voted in the negative were:

Adkins	Finn	Luther	Novak	Riveness
Beckman	Flynn	Marty	Pappas	Sams
Berglin	Hottinger	Mehrkens	Piper	Solon
Chmielewski	Johnson, D.J.	Metzen	Pogemiller	Spear
Cohen	Kelly	Moe, R.D.	Ranum	Terwilliger
Dicklich	Kroening	Mondale	Reichgott	Traub

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

H.F. No. 1738, which the committee recommends to pass with the following amendment offered by Mr. Finn:

Amend H.F. No. 1738, as amended pursuant to Rule 49, adopted by the Senate April 2, 1992, as follows:

(The text of the amended House File is identical to S.F. No. 1700.)

Page 2, line 3, delete "A"

Page 2, delete lines 4 and 5

The motion prevailed. So the amendment was adopted.

S.F. No. 2463, which the committee recommends to pass with the following amendments offered by Messrs. Cohen and Luther:

Mr. Cohen moved to amend S.F. No. 2463 as follows:

Page 24, after line 27, insert:

"ARTICLE 3

INTEREST RATE ADVERTISING

Section 1. Minnesota Statutes 1990, section 45.025, subdivision 2, as amended by Laws 1992, chapter 427, section 2, is amended to read:

Subd. 2. [GENERAL RESTRICTION.] A person may not advertise the interest rate of an investment product unless: ~~(1) the effective net annual yield, or the yield to maturity if the investment product is a note, bond, or debenture that bears interest at a fixed rate and has a stated maturity; or (2) the effective net annual yield if the investment product does not bear interest at a fixed rate or has an indefinite life,~~ is disclosed in an equally prominent manner.

The name and address of the issuer, or a person from whom the name and address of the issuer may be obtained, and any prepayment expense, surrender charge, or withdrawal penalty charged by the issuer must also be

disclosed in a prominent manner. If the expense, charge, or penalty varies according to the length of time the product is held, the advertisement must disclose the expense, fee, or penalty imposed if surrendered or terminated within one year."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend S.F. No. 2463 as follows:

Page 7, delete lines 14 to 22 and insert:

"Subd. 2. [COMMISSIONER'S AUTHORITY.] If the commissioner finds pursuant to the procedural requirements of section 45.027, that a person has violated a provision of this chapter, the commissioner may take any action authorized under that section."

Page 17, line 15, after the second period, insert *"If the application is not taken from the applicant in person, the notice must be sent to the applicant within 72 hours after the application is taken. The person offering the policy or contract shall document the fact that the notice was given at the time of application or was sent within the specified time and shall include a copy of the notice with the policy or contract when delivered to the applicant."*

Page 17, delete lines 24 to 29 and insert:

"The financial strength of your insurer is one of the most important things for you to consider when determining from whom to purchase a property or liability insurance policy. It is your best assurance that you will receive the protection for which you purchased the policy. If your insurer becomes insolvent, you may have protection from the Minnesota Insurance Guaranty Association as described below but to the extent that your policy is not protected by the Minnesota Insurance Guaranty Association or if it exceeds the guaranty association's limits, you will only have the assets, if any, of the insolvent insurer to satisfy your claim."

Page 18, delete lines 1 to 3 and insert:

*"(insert current
address and telephone number)"*

Page 18, after line 27, insert:

"Additional language may be added to the notice if approved by the commissioner prior to its use in the form."

Page 19, after line 2, insert:

"Sec. 11. [60C.22] [NOTICE FOR POLICY OR CONTRACT NOT COVERED.]

A policy or contract not covered by the Minnesota Life and Health Insurance Guaranty Association or the Minnesota Insurance Guaranty Association must contain the following notice in 10 point type, stamped in red ink on the policy or contract and the application:

"THIS POLICY OR CONTRACT IS NOT PROTECTED BY THE MINNESOTA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION OR THE MINNESOTA INSURANCE GUARANTY ASSOCIATION. IN THE CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT GUARANTEED. ONLY THE ASSETS OF THIS INSURER WILL BE AVAILABLE TO PAY YOUR CLAIM."

Page 20, line 33, delete “(b),” and delete the second comma

Page 22, line 26, after the period, insert “A copy of the notice must be given to the applicant. The notice must be delivered to the applicant at the time of application for the policy or contract, except that if the application is not taken from the applicant in person, the notice must be sent to the applicant within 72 hours after the application is taken. The person offering the policy or contract shall document the fact that the notice was given at the time of application or was sent within the specified time and shall include a copy of the notice with the policy or contract when delivered to the applicant.”

Page 23, delete lines 11 to 13 and insert:

“(insert current
address and telephone number)”

Page 24, after line 5, insert:

“Additional language may be added to the notice if approved by the commissioner prior to its use in the form. This section does not apply to fraternal benefit societies regulated under chapter 64B.”

Page 24, after line 18, insert:

“Sec. 19. Minnesota Statutes 1990, section 61B.12, is amended by adding a subdivision to read:

Subd. 10. [COMBINATION FIXED-VARIABLE POLICY.] The notice required in subdivision 8 must clearly describe what portions of a combination fixed-variable policy are not covered by the Minnesota Life and Health Insurance Guaranty Association. The notice requirements specified in subdivision 9 do not apply to a combination fixed-variable policy.

Sec. 20. Laws 1991, chapter 325, article 5, section 6, is amended to read:

Sec. 6. [EFFECTIVE DATE.]

Sections 2 and 3 are effective August 1, ~~1992~~ 1993.

Sec. 21. [ACTUARY.]

Minnesota Statutes, section 43A.17, subdivision 1, does not apply to the salary of the actuary authorized under Laws 1991, chapter 325, article 7, section 7.”

Page 24, line 23, delete “11 to 14, and 18” and insert “12 to 15, 20, 21, and 22”

Page 24, line 24, delete “13 and 14” and insert “14 and 15”

Renumber the sections of article 2 in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on H.F. No. 1903 at 2:30 p.m.:

Messrs. Johnson, D.E.; Morse; Stumpf; Vickerman and Merriam. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pogemiller moved that H.F. No. 2257, No. 31 on General Orders, be stricken and re-referred to the Committee on Redistricting. The motion prevailed.

Mr. Luther moved that S.F. No. 1169 be withdrawn from the Committee on Elections and Ethics and re-referred to the Committee on Redistricting. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:30 p.m. The motion prevailed.

The hour of 3:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dicklich moved that the following members be excused for a Conference Committee on H.F. No. 2121 at 4:45 p.m.:

Messrs. Dahl, DeCramer, Dicklich, Laidig and Ms. Pappas. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2603 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2603: A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; creating a health care access fund; imposing taxes; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 43A.316, by adding subdivisions; 60A.15, subdivision 1; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62C.01, subdivision 3; 62E.11, by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding

subdivisions; and 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; 297.02, subdivision 1; 297.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 43A; 62A; 62E; 62J; 136A; 137; 144; 256; 256B; 295; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 43A.316, subdivisions 1, 2, 3, 4, 5, 6, 7, and 10; 62A.02, subdivisions 4 and 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; and 62E.55; Minnesota Statutes 1991 Supplement, section 43A.316, subdivisions 8 and 9.

Ms. Berglin moved to amend S.F. No. 2603 as follows:

Page 4, line 25, delete “standards” and insert “parameters”

Page 7, line 16, delete “standards” and insert “parameters”

Page 8, line 30, delete “with no financial interest in the health care system”

Page 9, after line 7, insert:

“Subd. 3. [FINANCIAL INTERESTS OF MEMBERS.] A member representing employers, consumers, or employee unions must not have any personal financial interest in the health care system except as an individual consumer of health care services.”

Renumber the subdivisions in sequence

Page 11, line 26, delete everything after “members”

Page 11, line 27, delete “system”

Page 12, after line 2, insert:

“Subd. 3. [FINANCIAL INTERESTS OF MEMBERS.] A member representing employers or employee unions, and public members, must not have any personal financial interest in the health care system except as an individual consumer of health care services.”

Renumber the subdivisions in sequence

Page 31, line 4, delete “may” and insert “shall”

Page 31, line 5, delete “a specified minimum percentage toward” and insert “at least 50 percent of”

Page 141, line 29, delete “Upon approval by the”

Page 141, delete line 30

Page 141, line 31, delete “62J.04, subdivision 7,”

Correct the internal references

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Ms. Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 2603. The Sergeant at Arms was instructed to bring in the absent members.

RECONSIDERATION

Having voted on the prevailing side, Mr. McGowan moved that the vote whereby the Berglin amendment to S.F. No. 2603 was adopted on April 10, 1992, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Laidig	Novak	Solon
Beckman	Day	Langseth	Olson	Terwilliger
Belanger	Frank	Larson	Pariseau	Traub
Benson, J.E.	Frederickson, D.R.	Lessard	Price	Vickerman
Bertram	Gustafson	McGowan	Renneke	
Brataas	Johnson, D.E.	Mehrkens	Riveness	
Chmielewski	Johnston	Metzen	Sams	
Cohen	Knaak	Neuville	Samuelson	

Those who voted in the negative were:

Benson, D.D.	Frederickson, D.J.	Kroening	Pappas	Stumpf
Berglin	Hottinger	Luther	Piper	Waldorf
Bernhagen	Hughes	Marty	Pogemiller	
Dicklich	Johnson, D.J.	Moe, R.D.	Ranum	
Finn	Johnson, J.B.	Mondale	Reichgott	
Flynn	Kelly	Morse	Spear	

The motion prevailed. So the vote was reconsidered.

The question recurred on the Berglin amendment.

Mr. McGowan requested division of the amendment as follows:

First portion:

Page 4, line 25, delete "standards" and insert "parameters"

Page 7, line 16, delete "standards" and insert "parameters"

Page 8, line 30, delete "with no financial interest in the health care system"

Page 9, after line 7, insert:

"Subd. 3. [FINANCIAL INTERESTS OF MEMBERS.] A member representing employers, consumers, or employee unions must not have any personal financial interest in the health care system except as an individual consumer of health care services."

Renumber the subdivisions in sequence

Page 11, line 26, delete everything after "members"

Page 11, line 27, delete "system"

Page 12, after line 2, insert:

"Subd. 3. [FINANCIAL INTERESTS OF MEMBERS.] A member representing employers or employee unions, and public members, must not have any personal financial interest in the health care system except as an individual consumer of health care services."

Renumber the subdivisions in sequence

Page 31, line 4, delete "may" and insert "shall"

Page 31, line 5, delete "*a specified minimum percentage toward*" and insert "*at least 50 percent of*"

Correct the internal references

Second portion:

Page 141, line 29, delete "*Upon approval by the*"

Page 141, delete line 30

Page 141, line 31, delete "*62J.04, subdivision 7,*"

The question was taken on the adoption of the first portion of the Berglin amendment. The motion prevailed. So the first portion of the amendment was adopted.

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

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Beckman	Hughes	Luther	Pappas	Spear
Berglin	Johnson, D.J.	Marty	Piper	Waldorf
Flynn	Johnson, J.B.	Mehrkens	Pogemiller	
Frederickson, D.J.	Kelly	Moe, R.D.	Ranum	
Hottinger	Kroening	Mondale	Reichgott	

Those who voted in the negative were:

Adkins	Davis	Knaak	Morse	Sams
Belanger	Day	Laidig	Neuville	Samuelson
Benson, D.D.	Finn	Langseth	Novak	Solon
Benson, J.E.	Frank	Larson	Olson	Stumpf
Bernhagen	Frederickson, D.R.	Lessard	Pariseau	Terwilliger
Bertram	Gustafson	McGowan	Price	Traub
Brataas	Johnson, D.E.	Merriam	Renneke	Vickerman
Cohen	Johnston	Metzen	Riveness	

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

Ms. Berglin moved to amend S.F. No. 2603 as follows:

Page 59, after line 36, insert:

"Sec. 24. [FULL DISCLOSURE.]

(a) If a health carrier, or an agent, employee, or representative of a health carrier, makes any reference to a provision of this act on a premium notice, bill, or any written communication to an individual insured, enrollee, or applicant for coverage, a full disclosure notice must be either attached to the premium notice, bill, or written communication, or enclosed in the same mailing or written communication. For purposes of this section, a reference to a provision of this act means any written statement that asserts, suggests, or implies that an individual insured or enrollee experienced a premium increase, or other increase in costs related to health care, as a direct or indirect result of a provision of this act. If a written reference to a provision of this act is made, the following statement must appear immediately adjacent to the reference in a type size at least as large as the reference: "See the enclosed information about this legislation."

(b) The commissioner of commerce shall develop and print a full disclosure notice and make the notice available to health carriers for a fee that covers

the cost of printing the notice. The full disclosure notice must include at least the following information:

(1) a description of the major features of this act and related laws and rules;

(2) a description of the expressed purposes of the legislation;

(3) the historical rates of inflation in health care costs and the costs of health coverage;

(4) a description of the cost containment features of the act;

(5) the insurance and provider practices that, in the opinion of the commissioner of commerce, contributed to the problem of the uninsured; and

(6) other explanatory information the commissioner deems appropriate.

(c) The commissioner may adopt emergency rules to implement this section. The commissioner shall submit a report to the legislature by January 15, 1993, describing the notice and the process used to develop it."

Renumber the sections of article 2 in sequence

Page 145, after line 1, insert:

"Subd. 8. [FULL DISCLOSURE.] (a) A hospital, provider, insurance company, or third-party purchaser that is a taxpayer under this article, or that is subject to a surcharge or other pass-through of a tax from a taxpayer, makes any reference to the tax on a bill, premium notice, or other statement of fees or charges to an individual insured, enrollee, patient, or consumer, a full disclosure notice must be either attached to the bill, notice, or statement, or enclosed in the same mailing or written communication. If a reference to the tax is made, the following statement must appear immediately adjacent to the reference to the tax in a type size at least as large as the reference to the tax: "See the enclosed information about this tax."

(b) The commissioner of health shall develop and print a full disclosure notice and make the notice available to providers, insurers, health plan companies, and group purchasers for a fee that covers the cost of printing the notice. The full disclosure notice must include at least the following information:

(1) a description of the major features of the legislation that established the tax;

(2) a description of the purposes of the legislation and the tax;

(3) a summary of the offsetting benefits to hospitals, providers, and purchasers that are expected to result directly or indirectly from the expenditures and programs funded by the tax;

(4) the historical rates of inflation in health care costs and the costs of health coverage;

(5) the insurance and provider practices that contributed to the problem of the uninsured; and

(6) other explanatory information the commissioner deems appropriate.

(c) The commissioner shall adopt the full disclosure notice through emergency rulemaking. The commissioner shall submit a report to the legislature by January 15, 1993, describing the notice and the process used to develop it."

Page 148, line 11, after the period, insert "*Section 10, subdivision 8, is effective January 1, 1993.*"

Correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 43, as follows:

Those who voted in the affirmative were:

Benson, D.D.	Flynn	McGowan	Piper	Stumpf
Berglin	Johnson, D.J.	Mondale	Pogemiller	
Cohen	Kelly	Morse	Price	
Davis	Kroening	Novak	Ranum	

Those who voted in the negative were:

Adkins	Day	Johnson, J.B.	Merriam	Sams
Beckman	Finn	Johnston	Metzen	Samuelson
Belanger	Frank	Knaak	Moe, R.D.	Spear
Benson, J.E.	Frederickson, D.J.	Laidig	Neuville	Terwilliger
Berg	Frederickson, D.R.	Langseth	Olson	Traub
Bernhagen	Gustafson	Larson	Pariseau	Vickerman
Bertram	Hottinger	Lessard	Reichgott	Waldorf
Brataas	Hughes	Luther	Renneke	
Chmielewski	Johnson, D.E.	Mehrkens	Riveness	

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

Mr. Bertram moved to amend S.F. No. 2603 as follows:

Page 8, line 7, delete "25" and insert "26"

Page 8, line 16, delete "six" and insert "seven"

Page 8, line 19, after "Association," insert "*one member appointed by the Minnesota Chiropractic Association,*"

Page 8, line 23, after "physicians," insert "*chiropractors,*"

Ms. Berglin moved to amend the Bertram amendment to S.F. No. 2603 as follows:

Page 1, line 2, delete "26" and insert "34"

Page 1, after line 6, insert:

"Page 9, after line 5, insert:

"(h) [OTHER HEALTH CARE PROFESSIONALS.] *The commission includes one member representing each of the following health professionals appointed by the appropriate professional association:*

- (1) *podiatrists;*
- (2) *psychologists;*
- (3) *chemical dependency counselors;*
- (4) *physicians assistants;*
- (5) *physical therapists;*
- (6) *dietitians and nutritionists;*
- (7) *occupational therapists; and*
- (8) *optometrists."*

Page 9, line 6, delete "(h)" and insert "(i)"

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

Mr. Riveness moved to amend the Berglin amendment to the Bertram amendment to S.F. No. 2603, adopted by the Senate April 10, 1992, as follows:

Page 1, line 3, delete "34" and insert "27"

Page 1, line 10, delete the semicolon and insert a period

Page 1, delete lines 11 to 17

The question was taken on the adoption of the Riveness amendment to the Berglin amendment to the Bertram amendment.

The roll was called, and there were yeas 41 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, J.B.	Mondale	Samuelson
Beckman	DeCramer	Kelly	Novak	Solon
Benson, J.E.	Finn	Kroening	Olson	Stumpf
Bernhagen	Frank	Laidig	Pariseau	Terwilliger
Bertram	Frederickson, D.J.	Langseth	Pogemiller	Vickerman
Chmielewski	Frederickson, D.R.	Larson	Price	
Cohen	Hottinger	Lessard	Renneke	
Dahl	Hughes	McGowan	Riveness	
Davis	Johnson, D.E.	Metzen	Sams	

Those who voted in the negative were:

Belanger	Dicklich	Knaak	Moe, R.D.	Ranum
Benson, D.D.	Flynn	Luther	Morse	Reichgott
Berg	Gustafson	Marty	Neuville	Spear
Berglin	Johnson, D.J.	Mehrken	Pappas	Traub
Brataas	Johnston	Merriam	Piper	Waldorf

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

The question recurred on the Bertram amendment, as amended.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, J.B.	Mondale	Samuelson
Beckman	Day	Kroening	Novak	Solon
Benson, J.E.	DeCramer	Laidig	Olson	Stumpf
Berg	Finn	Langseth	Price	Vickerman
Bernhagen	Frank	Larson	Renneke	
Bertram	Hottinger	Lessard	Riveness	
Chmielewski	Hughes	Metzen	Sams	

Those who voted in the negative were:

Belanger	Flynn	Knaak	Morse	Reichgott
Benson, D.D.	Frederickson, D.J.	Luther	Neuville	Spear
Berglin	Frederickson, D.R.	Marty	Pappas	Terwilliger
Brataas	Gustafson	McGowan	Pariseau	Traub
Cohen	Johnson, D.E.	Mehrken	Piper	Waldorf
Dahl	Johnson, D.J.	Merriam	Pogemiller	
Dicklich	Johnston	Moe, R.D.	Ranum	

The motion did not prevail. So the Bertram amendment, as amended, was not adopted.

Mr. Price moved to amend S.F. No. 2603 as follows:

Page 8, line 7, delete "25" and insert "26"

Page 8, after line 23, insert:

“(d)[MEDICAL TECHNOLOGY INDUSTRY.] The commission includes one member appointed by the Medical Alley Association.”

Reletter the paragraphs in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 5 and nays 52, as follows:

Those who voted in the affirmative were:

Laidig	Merriam	Metzen	Price	Stumpf
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Those who voted in the negative were:

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

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

Mr. Finn moved to amend S.F. No. 2603 as follows:

Page 92, line 25, after “coverage” insert “*other than medical assistance or general assistance medical care*”

The motion prevailed. So the amendment was adopted.

Mr. Frederickson, D.R. moved to amend S.F. No. 2603 as follows:

Page 101, after line 35, insert:

“Section 1. [62A.65] [PARTICIPATING PROVIDERS.]

Subdivision 1. [HEALTH PLAN COMPANY.] For purposes of this section, “health plan company” means any entity governed by chapter 62A, 62C, 62D, 62E, 62H, or 64B, or section 471.617, subdivision 2, that offers, sells, issues, or renews health coverage in this state. Health plan company does not include an entity that sells only policies designed primarily to provide coverage on a per diem, fixed indemnity, or nonexpense-incurred basis, or policies that provide only accident coverage.

Subd. 2. [ACCEPTANCE AS PARTICIPATING PROVIDER.] A health plan company shall not exclude, as a participating provider, a physician who is licensed under chapter 147 and meets the requirements of section 147.02, subdivision 1, paragraph (b), solely because the physician has not completed a full residency or is not board certified, if:

(1) the physician meets all other requirements for serving as a participating provider;

(2) the physician has completed a minimum of two years residency in any specialty;

(3) the physician has not been disciplined by the board of medical practice under section 147.091;

(4) the physician is credentialed by and has staff privileges at a hospital, or is employed by a medical clinic, located in an area designated by the federal government as either a health personnel shortage area or a medically underserved area;

(5) the medical clinic at which the physician practices was part of the provider network of a health plan company, and that health plan company provides health care services to a significant number of persons residing in the community in which the medical clinic is located, many of whom had formerly received services at the medical clinic; and

(6) the medical clinic and the hospital at which the physician has staff privileges are the only providers of 24-hour emergency services in the county."

Page 108, after line 31, insert:

"Sec. 12. [REPEALER.]

Section 1 expires July 1, 1995, or one year after the date upon which a Minnesota program, established to conduct quality assurance and certification activities related to the participation of rural family practice physicians in health plan company provider networks, becomes operational, whichever occurs first."

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Hottinger moved to amend S.F. No. 2603 as follows:

Pages 135 and 136, delete sections 2 and 3

Page 146, line 12, delete "24" and insert "27"

Page 146, line 14, delete "48" and insert "54"

Page 146, line 19, delete "1.0" and insert ".90"

Page 146, line 21, delete ".60" and insert ".50"

Page 146, line 35, delete "2.5" and insert "5.5"

Page 147, lines 1 and 28, delete "five" and insert "11"

Page 147, line 26, delete "2.5" and insert "5.5"

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

Mr. Berg requested division of the amendment as follows:

First portion:

Page 146, line 12, delete "24" and insert "27"

Page 146, line 14, delete "48" and insert "54"

Page 146, line 19, delete "1.0" and insert ".90"

Page 146, line 21, delete ".60" and insert ".50"

Page 146, line 35, delete "2.5" and insert "5.5"

Page 147, lines 1 and 28, delete "five" and insert "11"

Page 147, line 26, delete "2.5" and insert "5.5"

Second portion:

Pages 135 and 136, delete sections 2 and 3

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

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

The roll was called, and there were yeas 29 and nays 33, as follows:

Those who voted in the affirmative were:

Beckman	Brataas	Knaak	Moe, R.D.	Renneke
Belanger	Chmielewski	Larson	Mondale	Spear
Benson, D.D.	Cohen	Luther	Pappas	Terwilliger
Benson, J.E.	Flynn	Marty	Piper	Traub
Berglin	Gustafson	McGowan	Ranum	Waldorf
Bernhagen	Hottinger	Merriam	Reichgott	

Those who voted in the negative were:

Adkins	Frederickson, D.J.	Kroening	Neuville	Sams
Berg	Frederickson, D.R.	Laidig	Novak	Samuelson
Bertram	Johnson, D.E.	Langseth	Olson	Solon
Davis	Johnson, D.J.	Lessard	Pariseau	Stumpf
Day	Johnson, J.B.	Mehrkens	Pogemiller	Vickerman
Finn	Johnston	Metzen	Price	
Frank	Kelly	Morse	Riveness	

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

Mr. Hottinger withdrew the second portion of the amendment.

Ms. Traub moved to amend S.F. No. 2603 as follows:

Page 19, after line 1, insert:

"Subd. 4. [EXCEPTION.] This section does not apply to a mammography diagnostic facility that meets Minnesota technological standards."

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

Mr. Berg moved to amend S.F. No. 2603 as follows:

Pages 135 and 136, delete sections 2 and 3

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Day	Laidig	Metzen	Terwilliger
Belanger	Frank	Langseth	Novak	Vickerman
Berg	Frederickson, D.R.	Larson	Renneke	
Bertram	Gustafson	Lessard	Sams	
Cohen	Johnson, D.E.	McGowan	Solon	
Davis	Johnson, D.J.	Mehrkins	Stumpf	

Those who voted in the negative were:

Beckman	Finn	Kroening	Olson	Samuelson
Benson, D.D.	Flynn	Luther	Pariseau	Spear
Benson, J.E.	Frederickson, D.J.	Marty	Piper	Traub
Berglin	Hottinger	Merriam	Pogemiller	Waldorf
Bernhagen	Johnson, J.B.	Moe, R.D.	Price	
Brataas	Johnston	Mondale	Ranum	
Chmielewski	Knaak	Morse	Reichgott	

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

Ms. Berglin moved that S.F. No. 2603 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2800.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 10, 1992

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2800: A bill for an act relating to health care; providing health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; transferring authority for regulation of health maintenance organizations from the commissioner of health to the commissioner of commerce; giving the commissioner of health certain duties; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, by adding a subdivision; 43A.17, subdivision 9; 43A.316, by adding subdivisions; 60B.03, subdivision 2; 60B.15; 60B.20; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding a subdivision; 62D.03; 62D.04; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08; 62D.09, subdivisions 1 and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, and 7; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.19; 62D.20, subdivision 1; 62D.21; 62D.211; 62D.22, subdivision 10; 62D.24; and

62D.30, subdivisions 1 and 3; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 9, and by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 144.581, subdivision 1; 144.699, subdivision 2; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; 256B.057, by adding a subdivision; 290.01, subdivision 19b; 290.06, by adding a subdivision; 290.62; and 447.31, subdivisions 1 and 3; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 62D.122; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; 297.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 43A; 62A; 62E; 62J; 136A; 137; 144; 214; 256; 256B; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 43A.316, subdivisions 1, 2, 3, 4, 5, 6, 7, and 10; 62A.02, subdivisions 4 and 5; 62D.041, subdivision 4; 62D.042, subdivision 3; 62E.51; 62E.52; 62E.53; 62E.54; and 62E.55; Minnesota Statutes 1991 Supplement, section 43A.316, subdivisions 8 and 9.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2800 and that the rules of the Senate be so far suspended as to give H.F. No. 2800 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2800 was read the second time.

Ms. Berglin moved to amend H.F. No. 2800 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2800, and insert the language after the enacting clause, and the title, of S.F. No. 2603, the fourth engrossment, as amended by the Senate April 10, 1992.

The motion prevailed. So the amendment was adopted.

H.F. No. 2800 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, J.B.	Moe, R.D.	Reichgott
Belanger	Dicklich	Kelly	Mondale	Riveness
Benson, D.D.	Finn	Knaak	Morse	Sams
Benson, J.E.	Flynn	Kroening	Novak	Solon
Berglin	Frank	Lessard	Pappas	Spear
Bernhagen	Frederickson, D.J.	Luther	Pariseau	Traub
Brataas	Hottinger	Marty	Piper	Vickerman
Chmielewski	Hughes	McGowan	Pogemiller	Waldorf
Cohen	Johnson, D.E.	Mehrkens	Price	
Davis	Johnson, D.J.	Metzen	Ranum	

Those who voted in the negative were:

Beckman
Berg
Bertram
Dahl

Day
Frederickson, D.R.
Gustafson
Johnston

Laidig
Langseth
Larson
Merriam

Neuville
Olson
Renneke
Samuelson

Stumpf
Terwilliger

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

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

S.F. No. 2496: A bill for an act relating to housing; modifying provisions of rehabilitation loans, lease-purchase housing, and urban and rural home-steading; limiting use of emergency rules; modifying limitations on the use of bond proceeds; modifying provisions of publicly-owned transitional housing program; modifying provisions for neighborhood land trusts; increasing the debt ceiling of the Minnesota housing finance agency; amending Minnesota Statutes 1990, sections 462A.03, subdivision 7; 462A.05, subdivision 14a; 462A.06, subdivision 11; 462A.202, subdivision 2; and 462A.22, subdivision 1; Minnesota Statutes 1991 Supplement, sections 462A.05, subdivision 36; 462A.073, subdivision 2; and 462A.30, subdivisions 6 and 9; repealing Minnesota Statutes 1990, section 462A.057, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, and 10; and Laws 1991, chapter 292, article 9, section 35.

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

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

H.F. No. 699: A bill for an act relating to retirement; judges retirement fund; eliminating the offset for a portion of social security benefits; amending Minnesota Statutes 1991 Supplement, section 490.123, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 355; repealing Minnesota Statutes 1990, section 490.129.

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

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

H.F. No. 2181: A bill for an act relating to data practices; classifying government data; providing for access to and charges for patient's medical records; providing for the treatment of records of certain criminal convictions; altering the procedures of the pardon board and treatment of its records; providing criminal background checks of professional and volunteer child care providers; providing for subpoena powers of county attorneys;

changing the time when an arrest warrant may be served; amending Minnesota Statutes 1990, sections 13.08, subdivision 1; 13.46, subdivision 7; 144.335, by adding subdivisions; 147.161, subdivision 3; 152.18, subdivision 1; 242.31; 270B.14, by adding a subdivision; 299C.11; 299C.13; 363.03, subdivision 1; 388.23, subdivision 1; 609.168; 626.14; and 638.02, subdivisions 2 and 4; Minnesota Statutes 1991 Supplement, sections 13.46, subdivision 2; 144.0525; 144.335, subdivisions 1 and 3a; 609.535, subdivision 6; 638.02, subdivision 3; 638.04; 638.05; and 638.06; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 299C; 357; and 638; proposing coding for new law as Minnesota Statutes, chapter 13C.

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

Delete everything after the enacting clause and insert:

"Section 1. 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. 2. 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. 3. 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. 4. [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. 5. [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. 6. 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 19 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. 7. 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. 8. 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. 9. 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. 10. [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. 11. 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. 12. [299C.60] [CITATION.]

Sections 12 to 16 may be cited as the "Minnesota child protection background check act."

Sec. 13. [299C.61] [DEFINITIONS.]

Subdivision 1. [TERMS.] The definitions in this section apply to sections 13 to 16.

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. 14. [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 12 to 16.

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. 15. [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. 16. [299C.64] [RULEMAKING AUTHORIZED.]

The superintendent may adopt rules necessary to implement sections 12 to 15.

Sec. 17. 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. 18. 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. 19. [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. 20. 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 19; and
- (6) other medically relevant information.

Sec. 21. 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. 22. 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~~ *such* a pardon extraordinary. ~~Such~~ *The* pardon extraordinary, when granted, ~~shall have~~ *has* the effect of restoring ~~such the person~~ *such* to all civil rights, and ~~shall have~~ *has* the effect of setting aside ~~and nullifying~~ *and nullifying* the conviction ~~and nullifying the same~~ and of purging ~~such the person thereof~~ *of it*, and ~~such the person shall never thereafter~~ *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~~ *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. 23. 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. 24. 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. 25. 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. 26. 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. 27. [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. 28. [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. 29. [PARDON BOARD; REVIEW OF STAFFING AND WORKLOAD.]

No later than one year after the effective date of sections 22 to 29, 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. 30. [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. 31. [APPROPRIATION.]

\$10,000 is appropriated from the general fund to the commissioner of corrections, for the fiscal year ending June 30, 1993, to be used to computerize the records maintained by the board of pardons and to permit the board to provide statistical analysis of the board's records, as necessary.

Sec. 32. [EFFECTIVE DATE.]

Section 10 is effective the day following final enactment and applies to immunizations administered before, on, or after the effective date. Sections 19 and 20 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 13.03, 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. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 2496 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 699 and 2181 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Mehrkens moved that S.F. No. 2067, No. 38 on General Orders, be stricken and returned to its author. The motion prevailed.

Ms. Ranum moved that S.F. No. 1978, No. 63 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Cohen moved that S.F. No. 1658, No. 6 on General Orders, be stricken and re-referred to the Committee on Local Government. The motion prevailed.

Mr. Larson moved that his name be stricken as a co-author to S.F. No. 2603. The motion prevailed.

MEMBERS EXCUSED

Mr. Johnson, D.J. was excused from the Session of today. Mr. Halberg was excused from the Session of today at 3:00 p.m. Mr. Hughes was excused from the Session of today from 12:00 noon to 3:00 p.m. Mr. Riveness was excused from the Session of today from 12:30 to 1:00 p.m. Mr. Pogemiller was excused from the Session of today from 12:30 to 2:10 p.m. and at 3:00 p.m. Mr. Chmielewski was excused from the Session of today from 3:30 to 5:00 p.m. Mr. Lessard was excused from the Session of today from 3:15

to 4:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Monday, April 13, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate