

SEVENTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 23, 1994

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

CALL OF THE SENATE

Mr. Belanger 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. Michael W. Foss.

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

| | | | | |
|--------------|---------------|-----------|------------|-----------------|
| Anderson | Finn | Krentz | Mondale | Reichgott Junge |
| Beckman | Flynn | Kroening | Morse | Riveness |
| Belanger | Frederickson | Laidig | Murphy | Robertson |
| Benson, D.D. | Hanson | Langseth | Neuville | Runbeck |
| Benson, J.E. | Hottinger | Larson | Novak | Sams |
| Berg | Janezich | Lesewski | Oliver | Samuelson |
| Berglin | Johnson, D.E. | Lessard | Olson | Solon |
| Bertram | Johnson, D.J. | Luther | Pappas | Spear |
| Betzold | Johnson, J.B. | Marty | Pariseau | Stevens |
| Chandler | Johnston | McGowan | Piper | Stumpf |
| Chmielewski | Kelly | Merriam | Pogemiller | Vickerman |
| Day | Kiscaden | Metzen | Price | Wiener |
| Dille | Knutson | Moe, R.D. | Ranum | |

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 and referred to the committee indicated.

March 21, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

CHIEF ADMINISTRATIVE LAW JUDGE,
STATE OFFICE OF ADMINISTRATIVE HEARINGS

Kevin E. Johnson, 1654 Eleanor Ave., St. Paul, Ramsey County, has been appointed by me, effective July 30, 1993, for a term expiring June 30, 1999.

(Referred to the Committee on Governmental Operations and Reform.)

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 File, herewith returned: S.F. No. 1820.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1994

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. 1512: A bill for an act relating to elections; providing uniform local election procedures; requiring regular city elections to be held in the fall; permitting town elections to be held in November; making uniform certain local government procedures; providing for the identification of judicial offices; authorizing special elections to be conducted by mail ballot; amending Minnesota Statutes 1992, sections 103C.305, subdivision 2; 123.33, subdivision 1; 204B.14, subdivision 8; 204B.36, subdivision 4; 205.02, subdivision 2; 205.065, subdivisions 1 and 2; 205.07, subdivision 1; 205.10, by adding a subdivision; 205.13, subdivision 1, and by adding a subdivision; 205.16, subdivisions 1 and 2; 205.17, subdivision 4; 205.175; 206.90, subdivision 6; 365.51, subdivisions 1 and 3; and 367.03; proposing coding for new law in Minnesota Statutes, chapter 204D; repealing Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 410.21.

Senate File No. 1512 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1994

Mr. Luther moved that the Senate do not concur in the amendments by the House to S.F. No. 1512, 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. 423, 1880, 1964, 1925, 2035, 2086, 2562, 2679, 3058, 613, 1835, 1914 and 1934.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 844.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1966 and 2142.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 423: A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, subdivision 2.

Referred to the Committee on Health Care.

H.F. No. 1880: A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1700.

H.F. No. 1964: A bill for an act relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals; amending Minnesota Statutes 1992, sections 60A.092, subdivision 7; 60A.206, subdivision 6; 60C.02, subdivision 1; 62E.10, subdivision 2; and 66A.03; Minnesota Statutes 1993 Supplement, sections 60A.129, subdivisions 3, 5, and 7; 60A.13, subdivision 1; and 61B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1992, sections 60A.80; 60A.801; and 60A.802.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1749, now on General Orders.

H.F. No. 1925: A bill for an act relating to education; lowering the property tax revenue recognition shift; clarifying state aid payments; modifying the appeal process for school districts to revise the state-aid payment schedule; modifying the tax credit adjustment; amending Minnesota Statutes 1992, sections 121.904, subdivision 4e; and 124.195, subdivision 3a; Minnesota

Statutes 1993 Supplement, section 121.904, subdivisions 4a and 4c; Laws 1993, chapter 224, article 1, section 38.

Referred to the Committee on Education.

H.F. No. 2035: A bill for an act relating to commerce; residential building contractors and remodelers; clarifying legislative intent to require maintenance of bonds until license renewal; requiring recovery fund fee proration in certain circumstances; amending Minnesota Statutes 1993 Supplement, section 326.975, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

H.F. No. 2086: A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2562: A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2679: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 3058: A resolution memorializing the President and Congress to act to counter aggression and relieve human suffering in Bosnia.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 613: A bill for an act relating to meetings of public bodies; changing exceptions and other conditions of the open meeting law; amending Minnesota Statutes 1992, sections 144.581, subdivision 5; and 471.705.

Referred to the Committee on Judiciary.

H.F. No. 1835: A bill for an act relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters; amending Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1755, now on General Orders.

H.F. No. 1914: A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1729, now on General Orders.

H.F. No. 1934: A bill for an act relating to corporations; modifying provisions for the organization and operation of business corporations;

amending Minnesota Statutes 1992, sections 302A.135, subdivision 4; 302A.405, subdivision 1; 302A.471, subdivision 1; 302A.661, subdivision 1; 302A.725, subdivision 3; and 302A.751, subdivisions 1, 2, and 3a; Minnesota Statutes 1993 Supplement, sections 302A.401, subdivision 1; 302A.435, subdivision 1; and 302A.673, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1767, now on General Orders.

H.F. No. 1966: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Crime Prevention.

H.F. No. 2142: A bill for an act relating to the city of Brooklyn Park; authorizing the city's economic development authority to make certain small business loans.

Referred to the Committee on Jobs, Energy and Community Development.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2194, 1369 and 2177. The motion prevailed.

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

S.F. No. 2019: A bill for an act relating to driving while intoxicated; establishing a pilot program to evaluate the effectiveness of electronic alcohol monitoring of DWI offenders; appropriating money.

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

Page 2, line 17, delete "\$....." and insert "\$800,000"

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

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

S.F. No. 2237: A bill for an act relating to game and fish; changing the end date for the season for spearing through the ice; amending Minnesota Statutes 1992, section 97C.371, subdivision 4.

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 1992, section 97C.345, subdivision 1, is amended to read:

Subdivision 1. [PERIOD WHEN USE PROHIBITED.] Except as specifi-

cally authorized, a person may not take fish from *the third Tuesday in February 16* to April 30 with a spear, fish trap, net, dip net, seine, or other device capable of taking fish.

Sec. 2. Minnesota Statutes 1992, section 97C.345, subdivision 2, is amended to read:

Subd. 2. [POSSESSION.] (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset between May 1 and *the third Monday in February 15*.

Sec. 3. Minnesota Statutes 1992, section 97C.345, subdivision 3, is amended to read:

Subd. 3. [DIP NETS.] A person may possess and use a dip net between one hour before sunrise and one hour after sunset between May 1 and *the third Monday in February 15*.

Sec. 4. Minnesota Statutes 1992, section 97C.355, subdivision 7, is amended to read:

Subd. 7. [DATES AND TIMES HOUSES MAY REMAIN ON ICE.] (a) A fish house or dark house may not be on the ice between 12:00 a.m. and one hour before sunrise after the following dates:

(1) February 28, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of *U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and*

(2) March 15, for other state waters.

A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

Sec. 5. Minnesota Statutes 1992, section 97C.371, subdivision 4, is amended to read:

Subd. 4. [OPEN SEASON.] The open season for spearing through the ice is December 1 to *the third Monday in February 15*."

Delete the title and insert:

"A bill for an act relating to game and fish; changing certain dates relating

to the taking of fish; changing requirements relating to when fish houses and dark houses may be on the ice; amending Minnesota Statutes 1992, sections 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivision 7; and 97C.371, subdivision 4."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 3.97, subdivision 11, is amended to read:

Subd. 11. "Audit" as used in this subdivision means a financial audit, a program evaluation, a *best practices review*, or an investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been published or the audit is no longer being actively pursued. Data that support the conclusions of the report and that the legislative auditor reasonably believes will result in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative auditor without an assurance that the individual's identity would remain private, or the legislative auditor reasonably believes that the subject would not have provided the data. The definitions of terms provided in section 13.02 apply for purposes of this subdivision.

Sec. 2. Minnesota Statutes 1992, section 3.971, is amended by adding a subdivision to read:

Subd. 4. *To perform best practices reviews, the legislative auditor, through the program evaluation division, shall examine the procedures and practices used to deliver services by local governments, including municipalities and counties. The legislative auditor shall determine the methods of service delivery used by various local governments, identify variations in cost and effectiveness, and identify practices that will save money or result in more effective service delivery. The legislative auditor shall recommend to local governments service delivery methods and practices that will deliver services more cost effectively. The commission shall identify local government services to be reviewed, with advice from an advisory council whose membership consists of three representatives from the Association of Minnesota Counties, three representatives from the League of Minnesota Cities, and two represen-*

tatives from the Association of Metropolitan Municipalities. This subdivision expires June 30, 1999.

Sec. 3. [APPROPRIATION.]

\$300,000 is appropriated from the general fund to the legislative auditor for best practices reviews, to be available for the fiscal year ending June 30, 1995."

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2195: A bill for an act relating to state government; reports to the legislature; prohibiting standing requirements for periodic reports; amending Minnesota Statutes 1992, section 3.302, subdivisions 3 and 3a; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1992, section 3.195.

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

Page 1, delete lines 10 to 12

Page 2, line 24, delete "1994" and insert "1995"

Amend the title as follows:

Page 1, lines 3 and 4, delete "prohibiting standing requirements for periodic reports;"

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

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

S.F. No. 2242: A bill for an act relating to crimes; defining escaping while held in lawful custody to include absconding from electronic monitoring devices; amending Minnesota Statutes 1992, section 609.485, subdivision 2.

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

Page 2, line 7, delete "leg" and insert "body"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2005: A bill for an act relating to occupations and professions; board of dentistry; expanding the size of the board; providing for exchange of information with other states; providing for board immunity; establishing grounds for discipline; requiring reporting by employers; providing for temporary and limited licenses; providing for appeal of denial of license; amending Minnesota Statutes 1992, sections 150A.02; 150A.03, by adding a subdivision; and 150A.06, by adding subdivisions; Minnesota Statutes 1993

Supplement, sections 150A.06, subdivision 4a; and 150A.08, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

Page 3, line 4, delete "shall" and insert "may"

Page 3, line 26, delete "in" and insert "by requesting that the board initiate"

Page 3, line 31, after the comma, insert "upon request,"

Page 3, line 33, after "has" insert "satisfactorily"

Page 3, line 35, delete everything after "4" and insert a period

Page 3, delete line 36

Page 4, line 1, delete "meeting."

Page 4, line 2, delete everything after the period

Page 4, delete lines 3 and 4

Page 4, delete section 5

Page 7, line 27, delete "AGENCIES" and insert "ADVERSE EMPLOYMENT ACTION"

Page 8, line 6, after the period, insert "This subdivision does not apply to data collected pursuant to section 13.38 or sections 214.17 to 214.25."

Page 8, delete lines 7 to 24

Page 8, line 25, delete "3" and insert "2" and delete "INSURERS" and insert "MALPRACTICE SETTLEMENTS OR AWARDS"

Page 8, line 29, after the comma, insert "persons regulated by the board who self-insure, self-insurers of persons regulated by the board,"

Page 9, line 19, after "a" insert "nonmalicious"

Page 9, after line 31, insert:

"Sec. 9. [QUALITY CONTROL PLAN.]

By January 1, 1995, the board shall prepare a plan for how it may review internal protocols, quality assurance standards, and guidelines that influence decisions about the dental treatment that is provided to patients. The purpose of the review is to identify the impact of specifically developed protocols, standards, or guidelines on accepted standards of dental care. The plan must define what materials would be submitted to the board by providers, who would review the material, what the basis for evaluating the protocols, standards, and guidelines would be, how the board would act upon protocols that it identified as potentially compromising the quality of dental care, how confidentiality of the protocols could be maintained if comments were to be made available to the public, what the volume of work would be and how it would be managed, and how the board's role would relate to the roles of the commissioner of health, the Data Institute, and the practice parameters advisory committee. The board shall consult with the commissioner of health,

the practice parameters advisory committee, and the Minnesota health care commission in developing the plan."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "and limited"

Page 1, line 11, delete "subdivisions" and insert "a subdivision"

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1369: A bill for an act relating to occupations and professions; establishing a system of licensure for acupuncture practitioners; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 1, line 7, delete "[148.631]"

Page 1, line 15, after "*of*" insert "*Minnesota Statutes,*" and after "*148.638*" insert a comma

Page 1, line 20, delete "*148.631*" and insert "*148.632*"

Page 2, line 15, delete "*The locations*"

Page 2, delete lines 16 to 18

Page 3, line 18, delete "*after September 1, 1995,*"

Page 4, line 12, delete "*has*" and insert "*have*"

Page 4, line 20, delete "*shall*"

Page 5, lines 4 and 7, delete "*shall*" and insert "*must*"

Page 6, line 17, delete "*shall*" and insert "*may*"

Page 6, line 21, delete "*An*" and insert "*The*"

Page 6, line 22, delete "*is created*" and delete "*. The*"

Page 6, line 23, delete everything before "*of*" and insert "*consists*"

Page 6, delete line 24 and insert "*commissioner to three-year terms.*"

Page 6, lines 25, 26, and 28, delete "*shall*" and insert "*must*"

Page 6, delete lines 30 to 36

Page 7, delete lines 1 to 4

Page 7, line 5, delete "*3*" and insert "*2*"

Page 7, line 6, delete "*established and*"

Page 7, line 8, delete "*shall*" and insert "*does*"

Page 7, line 9, delete "4" and insert "3"

Page 7, line 30, delete "must" and insert "shall"

Page 9, line 11, delete "gross"

Page 9, lines 18 and 19, delete "shall" and insert "may"

Page 9, line 32, after "The" insert "commissioner shall establish the"

Page 9, line 33, delete "shall be" and insert a period

Page 9, delete line 34

Page 9, line 36, delete "shall be" and insert "is"

Page 10, line 2, before "A" insert "The commissioner shall establish" and delete "shall be"

Page 10, line 3, delete everything before "in"

Page 10, after line 10, insert:

"Sec. 9. [CERTIFICATION DEADLINE.]

Notwithstanding Minnesota Statutes, section 148.633, subdivision 1, a person may engage in the practice of acupuncture without a valid certification until September 1, 1995.

Sec. 10. [INITIAL ADVISORY COUNCIL.]

(a) Notwithstanding Minnesota Statutes, section 148.634, the four members of the advisory council required by that section to be acupuncture practitioners, who are appointed to the initial advisory committee, need not be certified under section 148.633, but must satisfy the qualifications for certification provided in section 148.633, subdivision 3, and must have been engaged in acupuncture practice a minimum of three years.

(b) One member of the initial advisory committee appointed must have an initial term of one year, two members an initial term of two years, and two members an initial term of three years."

Page 10, line 11, delete "9" and insert "11"

Page 10, line 12, delete "8" and insert "10"

Amend the title as follows:

Page 1, line 3, delete "licensure" and insert "certification"

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

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

S.F. No. 1870: A bill for an act relating to crime victims; requiring the court at sentencing to inform victims how to implement their right to notice of offender release from correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 1, line 10, after "in" insert "a case in"

Page 1, line 14, after the period, insert *"If the victim is a minor, the court or its designee shall, if appropriate, also make reasonable good faith efforts to inform the victim's parent or guardian of the right to notice of release."*

Page 1, line 18, after *"corrections"*, insert *"or other custodial authority"*

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2227: A bill for an act relating to crime victims; raising attendance fees for victims and witnesses subpoenaed to testify; extending prohibition against employer retaliation for testifying in court to witnesses; providing that the court may not refuse to enforce an order of restitution on the basis that a civil judgment has been docketed; providing for an automatic docketing of unpaid restitution as a civil judgment at the end of an executed or stayed sentence; providing for notice to victim when offender is released to a less secure facility; extending required notice to police to 30 days for reparations claimants; extending application period for reparations claimants to two years; allowing reparations board to set a maximum for mental health benefits for reparations claimants at the beginning of each fiscal year; amending Minnesota Statutes 1992, sections 357.22; 357.241; 357.242; 611A.036; and 611A.53, subdivision 2; Minnesota Statutes 1993 Supplement, sections 357.24; 611A.04, subdivisions 1 and 3; 611A.06, subdivision 1; and 611A.52, subdivision 8.

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

Pages 5 and 6, delete sections 7 and 8 and insert:

"Sec. 7. Minnesota Statutes 1993 Supplement, section 611A.06, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF RELEASE REQUIRED.] The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; released from a juvenile correctional facility; released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18; or ~~transferred to a minimum security setting~~ *if the offender's custody status is reduced*, if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The good faith effort to notify the victim must occur prior to the *offender's release, transfer, or change in security when the offender's custody status is reduced*. For a victim of a felony crime against the person for which the offender was sentenced to imprisonment for more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender's release, ~~transfer, or change to minimum security status.~~

Page 6, line 24, delete *"determined"* and insert *"set"* and delete *"at the beginning of each"*

Page 6, line 25, delete *"fiscal year"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything after "when" and insert "offender's custody status is reduced"

Page 1, line 12, delete "facility"

Page 1, line 21, delete "subdivisions 1 and 3" and insert "subdivision 1"

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

H.F. No. 1788: A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

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

Page 2, line 18, before the period, insert "*or rights of child custody or visitation*"

Page 2, line 21, after "by" insert "*separate*"

Page 2, line 27, after "total" insert "*net*"

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

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

Page 1, line 22, strike "social worker" and delete the new language and insert "*person with responsibility for performing duties under this section*"

Page 2, line 2, delete the new language

Page 2, line 3, strike "social worker" and insert "*person with responsibility for performing duties under this section*"

Page 2, line 21, delete "*a report,*" and insert "*an*" and delete "*or*" and after "*determination*" insert "*, or bad faith report*"

Page 2, line 22, after "*and*" insert "*reasonable*"

Page 2, line 24, after the period, insert "*This subdivision does not affect the immunity provisions of this section.*"

Page 3, line 4, delete the first "and"

Page 3, line 6, before the period, insert ", and representatives of communities of color"

Page 5, line 33, delete everything after "the"

Page 5, line 34, delete everything before "responsible" and insert "person"

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2112: A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 3, delete line 32 and insert:

"Coercion is not disproved if the only defense is:"

Page 5, line 6, delete "EXTENSION" and insert "SUSPENSION" and after "(a)" insert "Upon a showing by the plaintiff," and delete "grant an"

Page 5, line 7, delete "extension of" and insert "suspend" and delete "upon a showing" and insert "during a period of time"

Page 5, line 19, after "(b)" insert "Upon a showing by the plaintiff," and delete "grant an extension of" and insert "suspend"

Page 5, lines 20 and 30, delete "upon a showing" and insert "during a period of time"

Page 5, line 29, after "(c)" insert "Upon a showing by the plaintiff," and delete "grant an extension of" and insert "suspend"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2218: A bill for an act relating to local government; changing the taxing authority of certain municipalities in Itasca county; authorizing additional levy authority to fund the Greenway joint recreation board and the Lakeview Cemetery Association; amending Laws 1981, chapter 281, section 1.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2526: A bill for an act relating to the city of Mankato; allowing the city to exercise the powers of a port authority; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2522: A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

H.F. No. 1901: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

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

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

S.F. No. 1951: A bill for an act relating to insurance; health; restricting termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

S.F. No. 2311: A bill for an act relating to commerce; regulating currency exchanges; expanding the definition of a currency exchange; providing for a national criminal history check on license applicants; requiring employees to register and undergo a background check; requiring a new owner to file an initial license application; increasing the required surety bond principal amount; prohibiting the issuance of money orders; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.01, subdivision 1; 53A.05, subdivision 2; 53A.08; 53A.09; and 53A.10; Minnesota Statutes 1993 Supplement, section 53A.03; proposing coding for new law in Minnesota Statutes, chapter 53A.

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 1992, section 53A.01, subdivision 1, is amended to read:

Subdivision 1. [CURRENCY EXCHANGE.] “Currency exchange” means

any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of wire transfers, of selling money orders, or of cashing checks, drafts, money orders, or travelers' checks for a fee. "Currency exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed \$1 or one percent of the value of the check or draft, whichever is greater, and if currency exchange services comprise less than ten percent of gross sales.

Sec. 2. Minnesota Statutes 1993 Supplement, section 53A.03, is amended to read:

53A.03 [APPLICATION FOR LICENSE; FEES.]

(a) An application for a license must be in writing, under oath, and in the form prescribed and furnished by the commissioner and must contain the following:

(1) the full name and residential and business address ~~(both of residence and place of business)~~ of the applicant; and if the applicant is a partnership or association, the full name and residential and business address of every partner or member ;; and ~~the name and business address~~ if the applicant is a corporation or a limited liability company, the full name and residential and business address of each officer, director, and shareholder or manager, governor, and member;

(2) the county and municipality, with street and number, if any, of all currency exchange locations operated by the applicant; and

(3) the applicant's occupation or profession, for the ten years immediately preceding the application; present or previous connection with any other currency exchange in this or any other state; whether the applicant has ever been convicted of any crime; and the nature of the applicant's occupancy of the premises to be licensed; ~~and~~. If the applicant is a partnership, limited liability company, or a publicly held corporation, the information specified in this paragraph must be supplied for each partner ~~and~~; each officer and director of the corporation and each shareholder owning in excess of ten percent of the corporation's shares; and each manager and governor of the limited liability company and each member owning in excess of ten percent of the membership interests. If the applicant is a partnership or a nonpublicly held corporation, the information specified in this paragraph must be required of each partner and each officer, director, and stockholders owning in excess of ten percent of the corporate stock of the corporation shareholder.

(b) The application shall be accompanied by a nonrefundable fee of \$250 for the review of the initial application. Upon approval by the commissioner, an additional license fee of \$50 must be paid by the applicant as an annual license fee for the remainder of the calendar year. An annual license fee of \$50 is due for each subsequent calendar year of operation upon submission of a license renewal application on or before September 1. Fees must be deposited in the state treasury and credited to the general fund. Upon payment of the required annual license fee, the commissioner shall issue a license for the year beginning January 1.

(c) The commissioner shall require the applicant to submit to a background investigation conducted by the bureau of criminal apprehension as a condition of licensure. As part of the background investigation, the bureau of criminal

apprehension shall conduct a national criminal history checks of Minnesota records check and is authorized to exchange fingerprints and other necessary information with the Federal Bureau of Investigation for the purpose of a criminal background check of the national files. The cost of the investigation must be paid by the applicant. *Notwithstanding chapter 364, an applicant who has been convicted of a felony may not engage in the business of a currency exchange. A person who has been convicted of a felony and who is currently licensed to engage in the currency exchange business may continue to engage in that business subject to any subsequent felony convictions.*

(d) For purposes of this section, "applicant" includes an employee who exercises management or policy control over the company, a director, a governor, an officer, a limited or general partner, a manager, or a shareholder holding more than ten percent of the outstanding stock shares of the corporation, or a member holding more than ten percent of the membership interests that have been issued.

Sec. 3. Minnesota Statutes 1992, section 53A.05, subdivision 2, is amended to read:

Subd. 2. [OWNERSHIP.] The licensee shall notify the commissioner 30 business days in advance of any change in ownership of the currency exchange. ~~The commissioner may revoke the currency exchange license if the new ownership would have resulted in a denial of the initial license under the provisions of chapter 53A. A new owner of a currency exchange must file an initial application for a license under chapter 53A.~~

Sec. 4. Minnesota Statutes 1992, section 53A.08, is amended to read:

53A.08 [BOND.]

Before a license may be issued to a currency exchange, the applicant shall file annually with and have approved by the commissioner a surety bond, issued by a bonding company authorized to do business in this state in the principal amount of ~~\$10,000~~ \$50,000. The bond must run to the commissioner and is for the benefit of creditors of the currency exchange for liability incurred by the currency exchange on money orders issued or sold by the currency exchange, for liability incurred by the currency exchange for sums due to a payee or endorsee of a check, draft, or money order left with the currency exchange for collection, and for liability incurred by the currency exchange in connection with providing currency exchange services. The commissioner may require a licensee to file a bond in an additional amount if the commissioner considers it necessary to meet the requirements of this section. In determining the additional amount of the bond which may be required, the commissioner may require the licensee to file its financial records, including all bank statements, pertaining to the sale of money orders for the preceding 12-month period. In no case may the bond be less than the initial ~~\$10,000~~ \$50,000 or more than the outstanding liabilities.

Sec. 5. Minnesota Statutes 1992, section 53A.09, is amended to read:

53A.09 [POWERS; LIMITATIONS; PROHIBITIONS.]

A currency exchange may not accept money or currency for deposit, or act as bailee or agent for persons, firms, partnerships, associations, or corporations to hold money or currency in escrow for others for any purpose. *A currency exchange may not issue money orders. A currency exchange may sell preprinted money orders issued by a company regulated by a governmental*

entity. ~~However, A currency exchange may act as agent for the issuer of money orders or travelers' checks.~~

Sec. 6. Minnesota Statutes 1992, section 53A.10, is amended to read:

53A.10 [VIOLATIONS.]

Any person, firm, association, partnership, *limited liability company*, or corporation that violates Laws 1989, chapter 247, shall be guilty of a gross misdemeanor."

Delete the title and insert:

"A bill for an act relating to commerce; regulating currency exchanges; expanding the definition of a currency exchange; providing for a national criminal history check on license applicants; requiring employees to register and undergo a background check; requiring a new owner to file an initial license application; increasing the required surety bond principal amount; prohibiting the issuance of money orders; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.01, subdivision 1; 53A.05, subdivision 2; 53A.08; 53A.09; and 53A.10; Minnesota Statutes 1993 Supplement, section 53A.03."

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

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

S.F. No. 2425: A bill for an act relating to occupations and professions; requiring that fireworks operators be certified by the state fire marshal; appropriating money; amending Minnesota Statutes 1992, section 624.22.

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

Delete everything after the enacting clause and insert:

"Section 1. [FIREWORKS STUDY.]

The state fire marshal shall conduct a study concerning safety aspects of public fireworks displays and fireworks display operator qualifications that makes recommendations for:

- (1) legislation to increase the level of safety of public fireworks displays;*
- (2) minimum qualification requirements for fireworks operators; and*
- (3) methods for establishing a program for the certification of public display operators by the state fire marshal.*

The study shall be completed and submitted to the senate finance committee and the house of representatives committee on financial institutions and insurance by December 31, 1994."

Delete the title and insert:

"A bill for an act relating to occupations and professions; requiring the state fire marshal to conduct a study on fireworks safety and operator qualifications."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2132: A bill for an act relating to real property; eliminating authority of county recorders to collect certain fees; repealing Minnesota Statutes 1993 Supplement, section 357.18, subdivision 3.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 508.82, is amended to read:

508.82 [REGISTRAR'S FEES.]

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), (17), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; ~~plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;~~

(2) for registering each original certificate of title, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the issuance and registration of the new certificate of title, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate certificates, \$15;

(5) for issuing each residue certificate, \$20;

(6) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;

(7) for each certificate showing condition of the register, \$10;

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for filing two copies of any plat in the office of the registrar, \$30;

(11) for any other service under this chapter, such fee as the court shall determine;

(12) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, §30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the condominium plat with a minimum fee of \$10;

(16) for filing a condominium declaration and plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment thereto;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, §30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, §10.

Sec. 2. Minnesota Statutes 1993 Supplement, section 508A.82, is amended to read:

508A.82 [REGISTRAR'S FEES.]

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; ~~plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;~~

(2) for registering each original CPT, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the issuance and registration of the new CPT, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate CPTs, \$15;

(5) for issuing each residue CPT, \$20;

(6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;

- (7) for each certificate showing condition of the register, \$10;
- (8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;
- (9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;
- (10) for filing two copies of any plat in the office of the registrar, \$30;
- (11) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;
- (12) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;
- (13) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;
- (14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;
- (15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the plat with a minimum fee of \$10;
- (16) for filing a condominium declaration and condominium plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment to it;
- (17) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;
- (18) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30;
- (19) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "recorders" insert "and registrars of titles" and after the semicolon, insert "amending Minnesota Statutes 1993 Supplement, sections 508.82; and 508A.82;"

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1689: A bill for an act relating to family violence; providing that the juvenile court has grounds to involuntarily terminate the parental rights of a parent who has been convicted of domestic assault involving the use of a firearm; expanding the crime of first degree manslaughter to include certain domestic violence-related homicides; providing that a person who commits domestic assault while using a firearm is permanently prohibited from possessing a firearm; amending Minnesota Statutes 1992, sections 609.20; and 609.224, subdivision 3; Minnesota Statutes 1993 Supplement, sections 260.221, subdivision 1; and 624.713, subdivision 1.

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

Page 4, line 13, delete "*firearm in any way*" and insert "*dangerous weapon as defined in section 609.02, subdivision 6,*"

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; and 136.41, subdivision 8; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

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

Page 2, delete lines 7 to 17 and insert:

"(c) In consultation with the commissioner of employee relations and except as specified in this paragraph, the higher education board may exercise the powers under this section. The power and authority to engage in collective bargaining or to enter into interest arbitration remains with the commissioner of employee relations, who shall exercise those powers in consultation with the higher education board."

Page 7, after line 12, insert:

"Subd. 2. [MEMORANDUM OF UNDERSTANDING RATIFIED.] The memorandum of understanding dated between the chancellor of the higher education board, the state negotiator, and the bargaining representatives of state employees concerning employee security during the merger of the state universities, the community colleges, and the state technical colleges is ratified."

Page 7, line 13, delete "2" and insert "3"

Page 7, line 21, delete "9" and insert "1, clause (9)"

Page 8, line 1, delete "3" and insert "4"

Page 8, line 6, delete "4" and insert "5"

Page 10, delete lines 19 to 24 and insert:

"Subd. 3. [BENEFITS.] All accumulations of leaves, years of service, and benefits must be credited to each employee subject to terms negotiated in the successor contract. Effective July 1, 1995, all transferred employees will be enrolled in the state employees group insurance program as provided in Minnesota Statutes, sections 43A.22 to 43A.31. The commissioner of employee relations shall provide, to transferred employees, open enrollment in all state employee health and dental insurance plans with no limitation on preexisting conditions except as specified in existing state employee certificates of coverage. The commissioner of employee relations shall provide, to transferred employees, the opportunity to purchase optional life and disability insurance in amounts equivalent to amounts previously purchased by a transferred employee or provided by the employer without limitation on preexisting conditions."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1740: A bill for an act relating to local government; requiring the metropolitan council to study housing redevelopment and rehabilitation costs.

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

Page 1, line 9, delete "the costs" and insert "what standards local units of government should use when evaluating the costs and benefits"

Page 1, line 10, after "Costs" insert "and benefits"

Page 1, line 14, delete "must" and insert "should"

Page 1, line 20, delete "impact of the costs of" and insert "costs and benefits associated with"

Page 2, line 6, after the semicolon, insert "and"

Page 2, line 10, delete " ; and" and insert a period

Page 2, delete lines 11 to 14

Page 2, line 15, delete "*as requested.*" and insert:

"(c)" and after "*costs*" insert "*and benefits*"

Page 2, line 16, delete "*shall*"

Page 2, delete lines 17 and 18 and insert "*may use a case study approach utilizing at least three representative housing redevelopment and rehabilitation projects. By July 1,*"

Page 2, after line 21, insert:

"Sec. 2. [STATE AND LOCAL SUPPORT.]

The Minnesota housing finance agency, the Minnesota office of strategic and long range planning, and all housing and redevelopment authorities in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, shall provide the data and information that the metropolitan council determines is necessary to conduct the study required in section 1. When requested by the metropolitan council, those local units of government that have adopted zoning ordinances or a building code must provide the council data and information on the impact of those zoning ordinances or building codes on housing redevelopment and rehabilitation projects within the jurisdiction of the local unit of government.

Sec. 3. [EFFECTIVE DATE; APPLICATION.]

This act is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 4, before the period, insert "*and benefits; requiring local governments in the seven-county metropolitan area to cooperate with the metropolitan council for purposes of the study*"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 1969, chapter 224, section 1, is amended to read:

Section 1. [Duluth, city of; hospitals.] All rights, powers, and duties of the city of Duluth concerning property and estate donated to or otherwise acquired by the city for the establishment and maintenance of hospitals has for many years been and shall continue to be exercised and discharged by the city

through the instrumentality of a board of ~~seven~~ 15 persons called directors of trusts. Funds were donated to the city for the establishment of a free and public hospital and dispensary for secular use and benefit of worthy sick and helpless poor, without distinction of sex, creed, or nationality. This purpose has been fulfilled by the establishment of the ~~Miller Memorial~~ Miller-Dwan Hospital which is now owned and operated by the city through the instrumentality of the directors of trusts, in accordance with orders of the district court construing the terms of said donation. To renovate, remodel, and enlarge the existing building and facilities of this hospital, to develop a building program based on present and future community needs for the purpose of re-establishing and thereafter maintaining it as a general hospital, to construct additions, including facilities to be jointly occupied with the ~~St. Louis county health department~~ and other public agencies, and to establish connections with adjoining private rehabilitation facilities serving the public on a nonprofit basis, the directors of trusts are authorized to acquire in the name of the city of Duluth all real and personal property necessary and incidental to such a building program and to the operation, administration, management, and control of the expanded hospital facilities, to enter into all contracts on behalf of the city necessary and incidental to the building program, and to finance the cost thereof, in excess of funds on hand and funds provided by governmental or private grants, by the issuance, *with the approval of the Duluth economic development authority*, of revenue bonds of the city, and to pledge for the payment and security of such bonds and the interest thereon all or any defined portion of the net revenues of all hospital facilities now and hereafter owned by the city, in excess of the normal, reasonable, and current costs of the operation, administration, and maintenance thereof. The bonds may be issued and sold at such times, upon such notice, if any, in such form and denominations, bearing interest at such rate or rates, maturing on such dates, either without option of prior payment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks, within or without the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such terms and covenants as the directors of trusts shall establish by resolution, and not subject to the conditions or limitations set forth in Minnesota Statutes, chapter 475, or any other law; provided that in the event the full faith and credit of the city is pledged to the payment of any series of such bonds, the issuance thereof as proposed in a resolution of the directors of trusts shall be authorized by ~~an ordinance~~ a resolution duly adopted by the city council in accordance with the provisions of the city charter, and the bonds shall not be sold or delivered until and unless ~~such ordinance~~ the resolution has become effective, and shall be sold and secured in the manner provided by Minnesota Statutes, chapter 475.

All real estate owned by the city of Duluth for hospital purposes in the name and style of "Miller Memorial Hospital, doing business as Miller-Dwan Medical Center by and through its Directors of Trusts pursuant to Laws 1969, chapter 224" or otherwise, may be sold, conveyed, transferred, or otherwise disposed of by the directors of trusts only after a duly noticed public hearing held before the Duluth city council, and approval of the council evidenced by an ordinance adopted at a meeting held at least seven days after such public hearing. The provisions of this paragraph shall not apply to the transfer of an interest in such real estate that is incidental to the issuance of revenue bonds approved by the Duluth economic development authority under this section.

Sec. 2. Laws 1969, chapter 224, section 2, is amended to read:

Sec. 2. The mayor of the city shall be ex officio a member of the board of directors of trusts and *may appoint a person to serve as a member in the mayor's absence.* The other *six current* members shall *complete their current terms, and their successors shall* be residents of the city and appointed by the judges of the district court of the district in which the city is located, by concurrent action of a majority of the judges, for the following terms beginning with date of appointment; two for a term of two years, two for a term of four years and two for a term of six years; and thereafter as these terms expire the vacancies caused thereby shall be filled by appointment for six year terms. Upon petition of the board of directors of trusts, these judges, by like concurrent action, may increase the number of members on the board of directors of trusts to as many as fifteen, without amendment of this act. If an increase in membership should be made, the new members shall be appointed for terms deemed appropriate by such district judges, but not exceeding six years. These judges, by like concurrent action, shall appoint members to fill out the unexpired term of any member who for any reason ceases to be a member before the expiration of his term. *terms of six years. However, beginning with the first vacancy on the board of directors of trusts occurring after the effective date of this act, the Duluth city council shall appoint one of its members to fill the vacancy and shall appoint the successive successors to that initial appointment. Members of the council who are appointed by the council to the board of directors of trusts shall be approved by the judges and serve for a term of six years or until their tenure on the council ends, whichever occurs sooner. Vacancies on the board in positions appointed by the judges occurring before the end of a term must be filled by the judges for the unexpired term in the same manner as used in making full-term appointments.* The judges of this district court shall meet and take action upon any of the matters in this section specified, upon call of the senior judge of the district or upon the petition of the mayor or any resident taxpayer of the city. However, the directors of trusts may take any action authorized in this act without prior order of the court.

Sec. 3. Laws 1969, chapter 224, section 3, is amended to read:

Sec. 3. The directors of trusts shall have power to make rules and bylaws for the proper conduct of their business; to appoint and remove from time to time such agents and employees as in their judgment may be required for the proper discharge of their duties; to determine the duties and compensation of all such agents and employees, who may but are not required to be members of the public employees retirement association; to employ legal counsel; to make such contracts and agreements as in their judgment may from time to time be required in the acquisition, betterment, operation, administration, maintenance, control, and management of city hospital facilities, *in conformity with the provisions of the city charter and of ordinances enacted by the council relating to the procedure to be followed by the directors of trusts in the award of contracts and the making of purchases, except that the directors of trusts shall designate a person other than the city purchasing agent to act for such purchasing agent in awarding contracts and making purchases; and to do, perform, and discharge all and singular whatever acts and duties are or from time to time may become proper or necessary to be done by the city in discharge of its duties in connection with any use or trust affecting hospital properties. The directors of trusts shall file with the city clerk on or before February 15 of each year a report for the preceding calendar year showing all*

receipts and disbursements with the sources and purposes thereof, together with a statement of assets under their control and property acquired or disposed of during the year, and such other general information as to the management and control of the trust property as in their judgment is proper. Their official books and records shall be audited at least annually by the state public examiner auditor or by a certified public accountant, as determined by the directors of trusts, notwithstanding the provisions of any law requiring audit of hospital books and records by the state public examiner. If the directors of trusts determine that the hospital books and records shall be audited by a certified public accountant, the directors shall notify the state public examiner that an audit by his office will not be necessary. The report of each such audit shall be filed promptly with the public examiner and the city council. The directors of trusts shall file with the city clerk copies of all financial reports which it is required by law or rule to submit to the state of Minnesota, within seven days of the submission of the report to the state agency receiving the report. The directors of trusts shall also annually file with the city clerk copies of all audit reports of its financial affairs prepared by the state auditor or by a certified public accountant, within 30 days of the completion of the audit report.

The board of directors of trusts is a "public body" for purposes of the open meeting law, Minnesota Statutes, section 471.705. Notwithstanding section 471.705, the board of directors of trusts may meet in closed session to discuss and take action on specific matters involving contracts or marketing activity in cases when the board of directors of trusts are in competition with health care providers that offer similar goods or services, and when the board reasonably believes that the disclosure of information pertaining to those matters would cause harm to the competitive position of the board of directors of trusts. The board of directors of trusts may by a majority vote in a public meeting decide to hold a closed meeting pursuant to the previous sentence. The time of commencement and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the board of directors of trusts and preserved by it for two years. The data on the tape are considered nonpublic data pursuant to Minnesota Statutes, section 13.02, subdivision 9.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Duluth."

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

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

S.F. No. 2219: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the Grand Rapids civic center.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Report adopted.

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

S.F. No. 2422: A bill for an act relating to burial grounds; modifying provisions for enforcement of certain civil actions; amending Minnesota Statutes 1993 Supplement, section 307.082.

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

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

S.F. No. 2376: A bill for an act relating to capital improvements; appropriating money to the Minnesota historical society for a museum and center of American Indian history; authorizing the sale of state bonds.

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

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

S.F. No. 2437: A bill for an act relating to amateur sports; appropriating money to support the 1995 Indigenous Games.

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

Page 1, line 6, delete "\$....." and insert "\$300,000"

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

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

S.F. No. 2267: A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to discharge, release, or satisfy mortgages; amending Minnesota Statutes 1992, section 507.40.

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

Delete everything after the enacting clause and insert:

"Section 1. [507.401] [TITLE INSURANCE COMPANIES; CERTIFICATES OF RELEASE OF MORTGAGE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Mortgage" means a mortgage or mortgage lien on an interest in real property in this state given to secure a loan in the original principal amount of \$500,000 or less.

(c) "Mortgagee" means:

(1) the grantee of a mortgage; or

(2) if a mortgage has been assigned of record, the last person to whom the mortgage has been assigned of record.

(d) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage. A person transmitting a payoff statement is the mortgage servicer for the mortgage described in the payment statement.

(e) "Mortgagor" means the grantor of a mortgage.

(f) "Payoff statement" means a statement of the amount of:

(1) the unpaid balance of a loan secured by a mortgage, including principal, interest, and any other charges properly due under or secured by the mortgage; and

(2) interest on a per day basis for the unpaid balance.

(g) "Record" means to record with the county recorder or file with the registrar of titles.

(h) "Title insurance company" means a corporation or other business entity authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 68A.

Subd. 2. [CERTIFICATE OF RELEASE.] An officer or duly appointed agent of a title insurance company may, on behalf of a mortgagor or a person who acquired from the mortgagor title to all or a part of the property described in a mortgage, execute a certificate of release that complies with the requirements of this section and record the certificate of release in the real property records of each county in which the mortgage is recorded if: (i) a satisfaction or release of the mortgage has not been executed and recorded within 60 days after the date payment in full of the loan secured by the mortgage was sent in accordance with a payoff statement furnished by the mortgagee or the mortgage servicer, and (ii) the title insurance company, its officer, or agent has sent to the last known address of the mortgagee or the mortgage servicer, at least 30 days prior to executing the certificate of release, written notice of its intention to execute and record a certificate of release in accordance with this section after the expiration of the 60-day period.

Subd. 3. [CONTENTS.] A certificate of release executed under this section must contain substantially all of the following:

(1) the name of the mortgagor, the name of the original mortgagee, and, if applicable, the mortgage servicer, the date of the mortgage, the date of recording, and volume and page or document number in the real property records where the mortgage is recorded, together with similar information for the last recorded assignment of the mortgage;

(2) a statement that the mortgage was in the original principal amount of \$500,000 or less;

(3) a statement that the person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 68A;

(4) a statement that the certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or a part of the property described in the mortgage;

(5) a statement that the mortgagee or mortgage servicer provided a payoff statement which was used to make payment in full of the unpaid balance of the loan secured by the mortgage;

(6) a statement that payment in full of the unpaid balance of the loan secured by the mortgage was made in accordance with the written or verbal payoff statement, and received by the mortgagee or mortgage servicer, as evidenced by one or more of the following in the records of the title insurance company or its agent:

(i) a bank check, certified check, escrow account check from the title company or title insurance agent, or attorney trust account check that has been negotiated by the mortgagee or mortgage servicer; or

(ii) other documentary evidence of payment to the mortgagee or mortgage servicer;

(7) a statement that more than 60 days have elapsed since the date payment in full was sent;

(8) a statement that after the expiration of the 60-day period referred to in subdivision 2, the title insurance company, its officer, or agent sent to the last known address of the mortgagee or mortgage servicer, at least 30 days prior to executing the certificate of release, notice in writing of its intention to execute and record a certificate of release in accordance with this section, with an unexecuted copy of the proposed certificate of release attached to the written notice; and

(9) a statement that the title insurance company, its officer, or agent has not received notification in writing of any reason why the certificate of release should not be executed and recorded after the expiration of the 30-day notice period referred to in subdivision 2.

Subd. 4. [EXECUTION.] (a) A certificate of release authorized by subdivision 2 must be executed and acknowledged as required by law in the case of a deed and may be executed by a duly appointed agent of a title insurance company, but such delegation to an agent by a title insurance company shall not relieve the title insurance company of any liability for damages caused by its agent for the wrongful or erroneous execution of a certificate of release.

(b) The appointment of agent must be executed and acknowledged as required by law in the case of a deed and must state:

(1) the title insurance company as the grantor;

(2) the identity of the person, partnership, or corporation authorized to act as agent to execute and record certificates of release provided for in this section on behalf of the title insurance company;

(3) that the agent has the full authority to execute and record certificates of release provided for in this section on behalf of the title insurance company;

(4) the term of appointment of the agent; and

(5) that the agent has consented to and accepts the terms of the appointment.

(c) A single appointment of agent may be recorded in each county in each recording or filing office. A separate appointment of agent shall not be necessary for each certificate of release. For registered land the appointment of agent shall be shown as a memorial on each certificate of title on which a mortgage to be released by a certificate of release under this section is a memorial. The appointment of agent may be rerecorded where necessary to establish authority of the agent, but such authority shall continue until a revocation of appointment is recorded in the office of the county recorder, or registrar of titles, where the appointment of agent was recorded.

Subd. 5. [EFFECT.] For purposes of releasing the mortgage, a certificate of release containing the information and statements provided for in subdivision 3 and executed as provided in this section is prima facie evidence of the facts contained in it, is entitled to be recorded with the county recorder or registrar of titles, and operates as a release of the mortgage described in the certificate of release. The county recorder and the registrar of titles shall rely upon it to release the mortgage. Recording of a wrongful or erroneous certificate of release by a title insurance company or its agent shall not relieve the mortgagor, or the mortgagor's successors or assigns, from any personal liability on the loan or other obligations secured by the mortgage. In addition to any other remedy provided by law, a title insurance company wrongfully or erroneously recording a certificate of release under this section shall be liable to the mortgagee for actual damage sustained due to the recordings of the certificate of release.

Subd. 6. [RECORDING.] If a mortgage is recorded in more than one county and a certificate of release is recorded in one of them, a certified copy of the certificate of release may be recorded in another county with the same effect as the original. In all cases, the certificate of release shall be entered and indexed as satisfactions of mortgage are entered and indexed.

Subd. 7. [APPLICATION.] This section applies only to a mortgage in the original principal amount of \$500,000 or less.

Sec. 2. [EXPIRATION.]

Section 1 expires July 31, 1996, but real property released from a mortgage by a certificate of release recorded on or before July 31, 1996 continues to be released after July 31, 1996."

Delete the title and insert:

"A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to execute certificates of release of mortgages; proposing coding for new law in Minnesota Statutes, chapter 507."

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

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

S.F. No. 2333: A bill for an act relating to capital improvements;

appropriating money for the Battle Point historic site; authorizing the sale of state bonds.

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

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

S.F. No. 2380: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the St. Louis County Heritage and Arts Center.

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

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

S.F. No. 2450: A bill for an act relating to the Minnesota historical society; clarifying law relating to its status; amending Minnesota Statutes 1992, section 138.01, subdivision 1.

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

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

S.F. No. 2388: A bill for an act relating to consumer protection; regulating deceptive trade practices related to environmental marketing claims; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 8.31, subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.] The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the nonprofit corporation act (sections 317A.001 to 317A.909), the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), the antitrust act (sections 325D.49 to 325D.66), ~~section sections~~ 325E.41, 325F.67, and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the prevention of consumer fraud act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided."

Page 1, line 18, delete "*including a private right of action*"

Page 1, line 24, delete the first "1" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1992, section 8.31, subdivision 1;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2104: A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

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

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

S.F. No. 2111: A bill for an act relating to drivers' licenses; prohibiting issuance of a license to a person under age 18 years unless the person has graduated from or is attending a secondary school; requiring suspension of a license when a person under age 18 withdraws from school, is dismissed from school, has been habitually truant, or has committed a juvenile offense; amending Minnesota Statutes 1992, sections 171.04, subdivision 1, and by adding a subdivision; 171.043; 171.16, subdivision 5; and 171.18, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 171.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; and 260.

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

Page 2, lines 2 and 12, delete the first "age" and insert "who is at least" and after the first "years" insert "old"

Page 2, line 15, delete "age" and insert "who is at least" and after "years" insert "old"

Page 4, line 26, after "under" insert "the" and after "age" insert "of" and delete "years"

Page 5, line 11, delete "minor" and insert "applicant"

Page 6, delete section 4

Page 11, line 5, delete "II" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "171.043;"

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 2475: A bill for an act relating to workers' compensation; regulating insurance; limiting long-term benefits; adjusting supplemental benefits; providing coverage for independent contractors; strengthening fraud prevention; adjusting permanent partial benefits; providing for safety programs; appropriating money; amending Minnesota Statutes 1992, sections 79.085; 176.041, subdivision 1; 176.101, subdivisions 3b and 5; 176.132, subdivisions 2 and 3; 176.178; 176.185, subdivision 1; 176.232; and 176.645, subdivision 1; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 79; 176; and 182; repealing Minnesota Statutes 1992, sections 79.01, subdivisions 7 and 8; 79.074, subdivision 2; 79.50; 79.51, as amended; 79.52; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; and 79.62; Minnesota Statutes 1993 Supplement, section 72.211, subdivision 1.

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

Pages 11 and 12, delete section 12

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 11, delete everything after the first semicolon and insert "and 176.232;"

Page 1, line 19, delete "72.211" and insert "79.211".

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

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

S.F. No. 1725: A bill for an act relating to crime; making the requirement for holding a bias-motivated crimes course permanent; requiring the criminal and juvenile information policy group to make recommendations of race data in criminal justice information systems; appropriating money for establishing a judicial interpreter certification and training program; amending Minnesota Statutes 1992, section 8.34, subdivision 2; Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1.

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

Page 3, line 10, delete "interpreter" and insert "translator"

Page 3, line 11, after the period, insert "*Interpreters, translators, non-English speaking persons, persons for whom English is a second language, and other interested members of the public must have an opportunity to assist in the development of the certification program criteria.*"

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

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

S.F. No. 2583: A bill for an act relating to crime prevention; expanding the duties of the office of drug policy and violence prevention; requiring the office to monitor and report annually on expenditures for crime prevention programs and to develop a strategy for coordinating the funding and evaluation of these programs; amending Minnesota Statutes 1992, section 299A.30, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT.]

Subdivision 1. [REPORT TO THE LEGISLATURE.] The chemical abuse prevention resource council shall report to the legislature and the chairs of the standing committees of the senate and house of representatives with jurisdiction over criminal justice policy by January 1, 1995, the results of the study of the advisory task force appointed under subdivision 2. The advisory task force shall make recommendations for:

- (1) a state violence prevention policy statement;*
- (2) development of measurable violence prevention goals and objectives and procedures for amending, assessing, and publicly reporting progress toward meeting goals and objectives;*
- (3) a state violence prevention policy and funding framework;*
- (4) identification of state violence prevention policy and funding areas, procedures for adapting and integrating the state violence prevention policy statement, goals, and objectives into the missions of appropriate state agencies, and procedures for assessing agency progress toward meeting violence prevention goals and objectives;*
- (5) a state violence prevention program inventory;*
- (6) coordination of violence prevention policy responsibilities and funding to meet federal mandates, avoid duplication of state agency efforts, maximize funding, and simplify grant procedures and policy and budget oversight;*
- (7) development of long-term and biennial violence prevention budget goals, procedures for their integration into the state budget process, and procedures for assessing and publicly reporting progress toward meeting these goals;*
- (8) interim violence prevention policy and budget goals for the 1996-1997 biennium; and*
- (9) development of an ongoing, coordinated system to provide technical assistance, monitor performance, and evaluate the effectiveness of violence prevention programs funded by the state, and to report results on a regular basis to the legislature in a manner that will facilitate effective policy and budget decisions.*

Subd. 2. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT ADVISORY TASK FORCE.] For purposes of conducting the study under

subdivision 1, the chemical abuse prevention resource council shall establish a 38-member violence prevention planning and oversight advisory task force consisting of the members of the council and:

(1) one member or designee of the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the Indian affairs council, and the council on the affairs of Spanish-speaking people, appointed by the council;

(2) four members of the legislative commission on children, youth, and their families, selected by the commission; and

(3) 11 persons appointed by the council who shall represent:

(i) to the extent possible, the broad variety of nonprofit and community-based agencies and organizations which advocate or provide services or funding for violence prevention and at-risk youth programs;

(ii) individuals who engage in crime prevention and risk and resiliency research;

(iii) individuals knowledgeable about family education and child development;

(iv) the demographic and geographic composition of the state; and

(v) racial and ethnic minority communities.

Subd. 3. [TASK FORCE CHAIR.] The task force shall be chaired jointly by the members of the chemical abuse prevention resource council representing the commissioners of public safety and education.

Sec. 2. [APPROPRIATION.]

\$25,000 is appropriated from the general fund to the chemical abuse prevention resource council for purposes of section 1. The council may use all or part of this appropriation to hire up to one staff position.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crime prevention; providing for oversight and planning of crime prevention programs; appropriating money."

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

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

S.F. No. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84,

subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116.97, subdivision 1; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

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

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

S.F. No. 1956: A bill for an act relating to water resources; authorizing planning, design, and engineering work on the proposed Lewis and Clark rural water system; designating a lead state agency to negotiate with federal authorities; appropriating money.

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

Page 1, line 16, delete "*negotiate*" and insert "*coordinate state water policy issues and respond to proposals to establish*"

Page 1, lines 23 and 24, delete "PLANNING, DESIGN, AND ENGINEERING GRANT"

Page 2, line 2, delete "*planning, design, and*" and insert "*activities described in paragraph (b), clauses (1) to (4).*"

Page 2, delete lines 3 and 4

Page 2, line 6, delete "*to*" and insert "*for approval by*"

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

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

S.F. No. 1915: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

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

Page 1, line 15, after the comma, insert "*and on tributaries to Lake Superior with no posted boundaries,*" and after "*a*" insert "*live*"

Page 1, line 17, delete everything after "*water*" and insert a period

Page 1, delete line 18

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

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

S.F. No. 2608: A bill for an act relating to state lands; requiring that certain leased lakeshore lots in Cook county be reoffered for public sale.

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

Page 1, line 13, after the period, insert "*Notwithstanding Minnesota Statutes, section 92.16, subdivision 1, the purchaser may bid at the sale.*"

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

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

S.F. No. 2150: A bill for an act relating to agriculture; transferring responsibility for control of pollution by animal feedlots to the department of agriculture; providing for development of feedlot rules; creating a feedlot pollution control equipment income tax credit; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 115.01, subdivision 11; 116.07, subdivision 7; 290.06, by adding a subdivision; 500.24, subdivision 2; and 561.19, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Delete everything after the enacting clause and insert:

"Section 1. [17.136] [ANIMAL FEEDLOTS; POLLUTION CONTROL; FEEDLOT AND MANURE MANAGEMENT ADVISORY COMMITTEE.]

(a) The commissioner of agriculture and the commissioner of the pollution control agency shall establish a feedlot and manure management advisory committee to identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management.

(b) The committee must include representation from beef, dairy, pork, and poultry producer organizations. The committee shall not exceed 15 members, but must include representatives from at least three environmental organizations, eight livestock producers, and four experts in soil and water science, nutrient management, and animal husbandry. In addition, the department of agriculture, the pollution control agency, board of water and soil resources, soil and water conservation districts, the federal Soil Conservation Service, the association of Minnesota counties, and the Agricultural Stabilization and Conservation Service shall serve on the committee as ex-officio nonvoting members.

(c) The advisory committee shall elect a chair from its members. The department and the agency shall provide staff support to the committee.

(d) *The commissioner of agriculture and the commissioner of the pollution control agency shall consult with the advisory committee during the development of any policies, rules, or funding proposals or recommendations relating to feedlots or feedlot-related manure management.*

(e) *The commissioner of agriculture shall consult with the advisory committee on establishing a list of manure management research needs and priorities.*

(f) *The advisory committee shall advise the commissioners on other appropriate matters.*

(g) *Nongovernment members of the advisory committee shall receive expenses, in accordance with section 15.059, subdivision 6: The livestock advisory committee expires on June 30, 1997.*

Sec. 2. [17.138] [MANURE MANAGEMENT RESEARCH AND MONITORING PRIORITIES; COORDINATION OF RESEARCH.]

Subdivision 1. [PRIORITIES.] (a) The commissioner, in consultation with the commissioner of the pollution control agency and the feedlot and manure management advisory committee, shall develop and maintain a list of manure management research and monitoring needs and priorities.

(b) The commissioner shall solicit the needs and ideas of livestock producers and consult with producers in developing the list.

(c) The commissioner shall also consult with agricultural and environmental researchers, state and federal agencies, and other appropriate organizations to identify current efforts as well as to assist in the development of research and monitoring needs and priorities.

Subd. 2. [COORDINATION OF RESEARCH.] The commissioner shall coordinate manure management research and monitoring and make recommendations on manure management research and monitoring funding priorities to the legislature and other funding bodies.

Sec. 3. [17.139] [MEMORANDUM OF AGREEMENT AMONG STATE AGENCIES ON INSPECTIONS OF AGRICULTURAL OPERATIONS.]

The commissioner shall develop memorandums of agreement among all state and federal agencies that have authority to inspect property in agricultural use, as defined in section 17.81, subdivision 4, to ensure that reasonable and effective protocols are followed when inspecting sites in agricultural use. The memorandum shall specify procedures that address, but are not limited to, the following:

(1) when appropriate, advance notice to the agricultural use landowner or operator;

(2) procedures for notification of the inspection results or conclusions to the owner or operator; and

(3) special procedures as might be necessary, such as to prevent the introduction of diseases.

Sec. 4. Minnesota Statutes 1992, section 41B.02, is amended by adding a subdivision to read:

Subd. 10a. [LIVESTOCK EXPANSION.] "Livestock expansion" means

improvements to a livestock operation, except poultry, including the purchase and construction or installation of improvements to land, buildings, and other permanent structures, including equipment incorporated in or permanently affixed to the land, buildings, or structures, which are useful for and intended to be used for the purpose of raising livestock.

Sec. 5. Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY FOR BEGINNING FARMER LOANS.] (a) In addition to the requirements under subdivision 1, a prospective borrower for a beginning farm loan in which the authority holds an interest, must:

(1) have sufficient education, training, or experience in the type of farming for which the loan is desired;

(2) have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than \$200,000 in 1991 and an amount in subsequent years which is adjusted for inflation by multiplying \$200,000 by the cumulative inflation rate as determined by the United States All-Items Consumer Price Index;

(3) demonstrate a need for the loan;

(4) demonstrate an ability to repay the loan;

(5) certify that the agricultural land to be purchased will be used by the borrower for agricultural purposes;

(6) certify that farming will be the principal occupation of the borrower;

(7) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence. The commissioner may waive this requirement for any of the programs administered by the authority if the participant requests a waiver and has either a four-year degree in an agricultural program or certification as an adult farm management instructor; and

(8) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located.

(b) *If a borrower fails to participate under paragraph (a), clause (7), the borrower is subject to penalty as determined by the authority.*

Sec. 6. [41B.045] [LIVESTOCK EXPANSION LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] *The authority may establish, adopt rules for, and implement a loan program to finance livestock expansions in the state.*

Subd. 2. [LOAN PARTICIPATION.] *The authority may participate in a livestock expansion loan with an eligible lender to a livestock farmer who meets the requirements of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in a livestock operation. Participation is limited to 45 percent of the principal amount of the loan or \$200,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different from the interest rates and repayment terms of the lender's retained portion of the loan.*

Subd. 3. [SPECIFICATIONS.] No loan may be made to refinance an existing debt. Each loan participation must be secured by a mortgage on real property and such other security as the authority may require.

Subd. 4. [APPLICATION AND ORIGATION FEE.] The authority may impose a reasonable nonrefundable application fee for each application for a loan participation and an origination fee for each loan issued under the livestock expansion loan program. The origination fee initially shall be set at 1.5 percent and the application fee at \$50. The authority may review the fees annually and make adjustments as necessary. The fees must be deposited in the state treasury and credited to an account in the special revenue fund. Money in this account is appropriated to the commissioner for administrative expenses of the livestock expansion loan program.

Subd. 5. [INTEREST RATE.] The interest rate per annum on the livestock expansion loan participation must be at the rate of interest determined by the authority to be necessary to provide for the timely payment of principal and interest when due on bonds or other obligations of the authority issued under this chapter, to provide financing for loan participations made under the livestock expansion loan program, and to provide for reasonable and necessary costs of issuing, carrying, administering, and securing the bonds or notes and to pay the costs incurred and to be incurred by the authority in the implementation of the livestock expansion loan program.

Sec. 7. Minnesota Statutes 1992, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(a) (1) the distribution to applicants of forms provided by the pollution control agency;

(b) (2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(c) (3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board:

(d) issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit.

After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) The development of rules to be enforced under paragraph (a) must be based on valid scientific research that is generally accepted by the scientific community. The rules may also attempt to regulate only to the level where the cost-benefit relationship is still positive.

(f) In adopting and enforcing rules this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(g) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(h) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(i) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

Sec. 8. [1994 and 1995 DEMONSTRATION PROGRAM; RESTRICTIONS.]

(a) During the years 1994 and 1995, loan participations under Minnesota Statutes, section 41B.045, must comply with the restrictions in this section.

(b) To the extent that herd health will not be jeopardized, farms receiving assistance from the authority must be available for tours within the first two years after completion of the expansion.

(c) All livestock expansion loans must be for expansions that include some of the most up-to-date, efficient systems available. Projects must be approved by a University of Minnesota extension livestock specialist prior to approval by the authority.

Sec. 9. [REVISOR'S INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes, the revisor shall renumber section 116.07, subdivision 7, as section 17.137.

Sec. 10. [APPROPRIATIONS.]

\$..... is appropriated from the general fund to the University of Minnesota for the fiscal year ending June 30, 1995, to fund research at the University of Minnesota on manure management practices, earthen manure storage basins and lagoons, alternative ways to treat feedlot runoff, odor reduction practices and products, and nutrient management. The University of Minnesota shall share the results of this research with livestock farmers in Minnesota.

\$50,000 is appropriated from the general fund to the commissioner of agriculture for farm safety programs.

\$250,000 is appropriated from the general fund to the commissioner of agriculture for a grant to the dairy leaders roundtable.

\$200,000 is appropriated from the general fund to the commissioner of agriculture for debt service on the general obligation bonds sold for, and administrative expenses of, the livestock expansion loan program under Minnesota Statutes, section 41B.045."

Delete the title and insert:

"A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 116.07, subdivision 7; Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2237, 2195, 2242, 1870, 2112, 2526, 2522, 1951, 2425, 1740, 2551, 2450, 2388, 1915 and 2608 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1788 and 1901 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Betzold moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 1759. The motion prevailed.

Mr. Cohen moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1890. The motion prevailed.

Mr. Berg moved that the names of Messrs. Vickerman, Stevens and Dille be added as co-authors to S.F. No. 1948. The motion prevailed.

Ms. Johnson, J.B. moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 2451. The motion prevailed.

Mr. Berg moved that the name of Mr. Larson be added as a co-author to S.F. No. 2709. The motion prevailed.

Mr. Riveness moved that S.F. No. 715 be withdrawn from the Committee on Governmental Operations and Reform and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 66: A Senate resolution congratulating Dave Retzlaff on being named 1994 Minnesota Community College Men's Basketball Coach of the Year.

Referred to the Committee on Rules and Administration.

Mr. Benson, D.D. moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Sams be shown as chief author to S.F. No. 2413. The motion prevailed.

Mr. Janezich moved that S.F. No. 2719 be withdrawn from the Committee on Transportation and Public Transit and re-referred to the Committee on Metropolitan and Local Government. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 67: A Senate resolution congratulating the Fergus Falls Community College Spartans Men's Basketball team for winning the 1994 Minnesota Community College State Men's Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Riveness moved that S.F. No. 1709 be taken from the table. The motion prevailed.

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; requiring counties to provide the commissioner of revenue with certain data; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

CONCURRENCE AND REPASSAGE

Mr. Riveness moved that the Senate concur in the amendments by the House to S.F. No. 1709 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; requiring that certain information be made available; requiring counties to notify homeowners of certain eligibility changes; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|-----------|-----------------|-------------|
| Anderson | Frederickson | Laidig | Murphy | Robertson |
| Beckman | Hanson | Langseth | Neuville | Runbeck |
| Belanger | Hottinger | Larson | Novak | Sams |
| Benson, J.E. | Janezich | Lesewski | Oliver | Samuelson |
| Berg | Johnson, D.E. | Lessard | Olson | Solon |
| Berglin | Johnson, D.J. | Luther | Pappas | Spear |
| Bertram | Johnson, J.B. | Marty | Pariseau | Stevens |
| Betzold | Johnston | McGowan | Piper | Stumpf |
| Chandler | Kelly | Merriam | Pogemiller | Terwilliger |
| Chmielewski | Kiscaden | Metzen | Price | Vickerman |
| Dille | Knutson | Moe, R.D. | Ranum | Wiener |
| Finn | Krentz | Mondale | Reichgott Junge | |
| Flynn | Kroening | Morse | Riveness | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hottinger moved that S.F. No. 2526, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Dille moved that H.F. No. 1901, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Berglin moved that S.F. No. 1867, No. 6 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Piper and Mr. Benson, D.D. introduced—

S.F. No. 2749: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced—

S.F. No. 2750: A bill for an act relating to municipal contracts; allowing awards of contracts to certain bidders; amending Minnesota Statutes 1992, section 471.345, by adding a subdivision.

Referred to the Committee on Metropolitan and Local Government.

Mr. Vickerman introduced—

S.F. No. 2751: A bill for an act relating to education; providing for school building accessibility grants; authorizing the issuance and sale of bonds; appropriating money.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 2752: A bill for an act relating to real property; excepting the modification of certain fees from the authority of the commissioner of health; amending Minnesota Statutes 1992, section 103I.101, subdivision 5.

Referred to the Committee on Governmental Operations and Reform.

Mr. Merriam introduced—

S.F. No. 2753: A bill for an act relating to real property; providing an exemption from the state deed tax; amending Minnesota Statutes 1993 Supplement, section 287.22.

Referred to the Committee on Judiciary.

Mr. Chandler introduced—

S.F. No. 2754: A bill for an act relating to vocational rehabilitation; establishing a statewide grant program for special employment support services for persons with mental illness; requiring a reimbursement plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268A.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Merriam introduced—

S.F. No. 2755: A bill for an act relating to courts; clarifying and changing certain responsibilities of court administrators; amending Minnesota Statutes 1992, sections 485.06; 600.23, subdivision 1; 508.11; repealing Minnesota Statutes 1992, section 629.69.

Referred to the Committee on Judiciary.

Messrs. McGowan, Samuelson, Sams and Metzen introduced—

S.F. No. 2756: A bill for an act relating to crime; providing that the commissioner of corrections' decision to parole or grant supervised release to an inmate serving a life sentence is subject to the approval of the board of pardons; requiring the commissioner to conduct an investigation into community sentiment regarding the inmate; providing the victim with the right to be notified of and submit a statement at the parole or supervised release review hearing; amending Minnesota Statutes 1992, section 243.05, subdivision 1, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 244.05, subdivision 5.

Referred to the Committee on Crime Prevention.

Mr. Price introduced—

S.F. No. 2757: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to make subgrants of certain money; amending Minnesota Statutes 1992, section 84.085, subdivision 1; repealing Minnesota Statutes 1992, section 88.063.

Referred to the Committee on Environment and Natural Resources.

Mr. Morse introduced—

S.F. No. 2758: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the departments of agriculture and trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 116; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

Referred to the Committee on Environment and Natural Resources.

Ms. Hanson introduced—

S.F. No. 2759: A bill for an act relating to retirement; teachers retirement association; permitting certain retired members to choose a different annuity option.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Oliver, Stevens and McGowan introduced—

S.F. No. 2760: A bill for an act relating to local government; prohibiting cities from selling or giving away certain trees; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Metropolitan and Local Government.

Mr. Day introduced—

S.F. No. 2761: A bill for an act relating to state lands; directing sale and conveyance of certain state-owned lands to the city of Medford.

Referred to the Committee on Environment and Natural Resources.

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

S.F. No. 2762: A bill for an act relating to taxation; sales and use; providing an exemption to cities or counties for certain adult and juvenile correctional facilities projects; appropriating money; amending Minnesota Statutes 1992, sections 297A.15, by adding a subdivision; and 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnston and Mr. Belanger introduced—

S.F. No. 2763: A bill for an act relating to crime; extending the crime of fourth degree assault to cover assaults against physicians, nurses, and other

persons providing health care services in a hospital emergency department; amending Minnesota Statutes 1992, section 609.2231, subdivision 2.

Referred to the Committee on Crime Prevention.

Messrs. Metzen, Price, Lessard, Riveness and Laidig introduced—

S.F. No. 2764: A bill for an act relating to capital improvements; appropriating money for a public water access site on the Mississippi river; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mses. Piper, Johnson, J.B.; Messrs. Moe, R.D.; Merriam and Marty introduced—

S.F. No. 2765: A bill for an act relating to human services; increasing the state standard of need in the program of aid to families with dependent children; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Family Services.

Ms. Reichgott Junge, Messrs. Price and Johnson, D.J. introduced—

S.F. No. 2766: A bill for an act relating to taxation; individual income and corporate franchise; conforming to changes in the federal income tax law; changing estimated tax rules; accelerating certain cost recovery subtractions; changing the definition of capital equipment for purposes of the sales and use tax and providing for the exemption for replacement capital equipment; exempting special tooling from the sales and use tax; abolishing the capital equipment refund requirements; providing for the expansion of individual income tax brackets; amending Minnesota Statutes 1992, sections 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, by adding a subdivision; 290.05, subdivision 3; 290.06, subdivisions 2c; 290.068, subdivision 2; 290.0802, subdivision 1; 290.0921, subdivision 2; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.15, subdivision 5; 297A.25, by adding a subdivision; 297A.44, subdivision 4; and 298.017, subdivision 2; Minnesota Statutes 1993 Supplement, sections 289A.26, subdivision 7; 290.01, subdivision 19; 290.091, subdivision 2; and 297A.01, subdivision 16; repealing Minnesota Statutes 1992, sections 290.067, subdivision 6; Minnesota Statutes 1993 Supplement, section 289A.25, subdivision 5a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sams, Samuelson, Benson, D.D.; Ms. Kiscaden and Mr. Moe, R.D. introduced—

S.F. No. 2767: A bill for an act relating to health; establishing health care network cooperatives and health provider cooperatives; establishing licensure, solvency and other requirements for health care cooperatives; providing loans to integrated service networks; expanding the summer health care intern program; providing grants for emergency room coverage and rural medical school planning; requiring a study of physical therapist degree programs; appropriating money; amending Minnesota Statutes 1992, section 256.9657, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections

62N.23; and 144.1464; proposing coding for new law in Minnesota Statutes, chapters 62E; and 144; proposing coding for new law as Minnesota Statutes, chapter 308B.

Referred to the Committee on Health Care.

Mr. Sams introduced—

S.F. No. 2768: A bill for an act relating to education; directing the state board of education to define “dangerously cold weather” for purposes of determining the required minimum number of school days; amending Minnesota Statutes 1993 Supplement, section 124.19, subdivision 1.

Referred to the Committee on Education.

Messrs. Sams, Morse, Finn and Metzen introduced—

S.F. No. 2769: A bill for an act relating to buildings; specifying a required ratio of women’s to men’s restroom facilities for certain buildings; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Reform.

Mr. Mondale, Ms. Reichgott Junge, Messrs. Riveness, Chandler and Terwilliger introduced—

S.F. No. 2770: A bill for an act relating to education; restoring intermediate school districts and their funding for fiscal year 1996 and thereafter; amending Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6; and Laws 1992, chapter 499, article 6, section 39, subdivision 3.

Referred to the Committee on Education.

Mr. Riveness introduced—

S.F. No. 2771: A bill for an act relating to state government; creating an employee training incentive program; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations and Reform.

Mr. Morse introduced—

S.F. No. 2772: A bill for an act relating to agriculture; changing the corporate farming law; amending Minnesota Statutes 1992, section 500.24, subdivisions 2, 3, 4, 5, and by adding a subdivision.

Referred to the Committee on Agriculture and Rural Development.

Ms. Runbeck, Messrs. Benson, D.D. and Stevens introduced—

S.F. No. 2773: A bill for an act relating to retirement; excluding future employees or officers of labor and professional organizations from participation in certain public pension plans; amending Minnesota Statutes 1992, sections 352.75, subdivision 1; and 422A.09, subdivision 2; repealing Minnesota Statutes 1992, sections 352.029; and 354.41, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1993 Supplement, section 353.017; and Laws 1992, chapter 598, article 3, section 2.

Referred to the Committee on Governmental Operations and Reform.

Mr. Price introduced—

S.F. No. 2774: A bill for an act relating to occupations and professions; providing for the licensing of electrologists; creating a board of electrologists; providing powers and duties; providing appointments; amending Minnesota Statutes 1992, section 214.01, subdivision 3; and section 214.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 155B.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Stevens introduced—

S.F. No. 2775: A bill for an act relating to state government; providing for the size of the legislature; providing conditions for the organization of legislative committees; providing for legislative pensions; providing term limits; proposing an amendment to the Minnesota Constitution, article IV, section 4, and article V, sections 2 and 4; amending Minnesota Statutes 1992, sections 2.021; 3A.03; 3A.04, subdivisions 1 and 2; 3A.12, subdivision 1; 352D.03; 352D.04, subdivision 2; 352D.11, subdivision 1; and 352D.12; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 1; and 352D.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 3; 3A; and 352D.

Referred to the Committee on Ethics and Campaign Reform.

Mrs. Benson, J.E.; Meses. Olson, Robertson, Messrs. Terwilliger and Larson introduced—

S.F. No. 2776: A bill for an act relating to education; permitting a school district to not comply with a state mandate under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Ms. Wiener introduced—

S.F. No. 2777: A bill for an act relating to retirement; authorizing the city of Eagan to make certain lump sum payments to volunteer firefighters.

Referred to the Committee on Governmental Operations and Reform.

Mr. Novak introduced—

S.F. No. 2778: A bill for an act relating to housing; requiring copies of evacuation plans for residents of manufactured home parks; amending Minnesota Statutes 1992, sections 290A.19; 327C.01, by adding a subdivision; and 327C.02, subdivision 5; Minnesota Statutes 1993 Supplement, section 327.20, subdivision 1.

Referred to the Committee on Jobs, Energy and Community Development.

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

S.F. No. 2779: A bill for an act relating to insurance; regulating claims practices; authorizing a private right of action for violations of certain auto

claims standards; amending Minnesota Statutes 1992, section 72A.201, subdivision 6, and by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Vickerman introduced—

S.F. No. 2780: A bill for an act relating to education; making the use of mouthguards optional for certain state high school league sports; amending Minnesota Statutes 1992, section 128C.02, by adding a subdivision.

Referred to the Committee on Education.

Mr. Betzold introduced—

S.F. No. 2781: A bill for an act relating to the environment; automobile emissions; providing that a vehicle need not be inspected until the year of its registration is five years more than its model year; amending Minnesota Statutes 1992, section 116.61, subdivision 1, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Solon introduced—

S.F. No. 2782: A bill for an act relating to education; establishing a rural psychiatry program at the University of Minnesota Duluth; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Education.

Ms. Johnson, J.B. introduced—

S.F. No. 2783: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of bonds; authorizing assessment of debt service; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Chmielewski introduced—

S.F. No. 2784: A bill for an act relating to Pine county; permitting the county board to further extend certain temporary land use controls; amending Laws 1993, chapter 55, section 1.

Referred to the Committee on Metropolitan and Local Government.

Ms. Olson, Mrs. Benson, J.E. and Mr. Knutson introduced—

S.F. No. 2785: A bill for an act relating to education; modifying development of high school graduation rule; amending Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7c; repealing Laws 1992, chapter 499, article 8, section 33, as amended.

Referred to the Committee on Education.

Ms. Piper, Messrs. Sams and Samuelson introduced—

S.F. No. 2786: A bill for an act relating to health; modifying exceptions for the nursing home moratorium; amending Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Messrs. Sams and Hottinger introduced—

S.F. No. 2787: A bill for an act relating to human services; modifying certain provisions concerning nursing facility reimbursement costs; amending Minnesota Statutes 1993 Supplement, section 256B.431, subdivision 22.

Referred to the Committee on Health Care.

Mr. Price introduced—

S.F. No. 2788: A bill for an act relating to education; providing for an elected board for intermediate school districts; restoring intermediate school districts and their funding for fiscal year 1996 and thereafter; amending Minnesota Statutes 1992, sections 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; and 136D.82, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6; and Laws 1992, chapter 499, article 6, section 39, subdivision 3.

Referred to the Committee on Education.

Ms. Hanson introduced—

S.F. No. 2789: A bill for an act relating to education; clarifying that special education aids and levies for school districts are not reduced by medical assistance and insurance payments; amending Minnesota Statutes 1992, section 124.90, by adding a subdivision.

Referred to the Committee on Education.

Ms. Pappas introduced—

S.F. No. 2790: A bill for an act relating to bilingual communication services; requiring the Spanish-speaking affairs council and the council on Asian-Pacific Minnesotans to report on coordination with the department of administration; requiring all public agencies that deal directly with non-English-speaking people to provide information and services in the language of the non-English-speaking people; amending Minnesota Statutes 1992, sections 3.9223, subdivision 7; 3.9226, subdivision 7; and 15.441.

Referred to the Committee on Governmental Operations and Reform.

Mr. Metzen introduced—

S.F. No. 2791: A bill for an act relating to motor carriers; regulating and establishing classification of distilled spirits and wine carrier; amending Minnesota Statutes 1992, sections 221.011, by adding a subdivision; 221.121, subdivision 1, and by adding a subdivision; and 340A.907.

Referred to the Committee on Transportation and Public Transit.

Mr. Neuville introduced—

S.F. No. 2792: A bill for an act relating to education; transferring certain land to independent school district No. 656, Faribault.

Referred to the Committee on Education.

Mr. Johnson, D.J.; Ms. Ranum, Messrs. Kelly, McGowan and Marty introduced—

S.F. No. 2793: A bill for an act relating to corrections; establishing productive day initiative programs in local correctional facilities in Hennepin, Ramsey, and St. Louis counties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention.

Mr. Solon introduced—

S.F. No. 2794: A bill for an act relating to insurance; no-fault auto; requiring coordination of benefits to prevent overpayment by insureds for duplicate coverage; amending Minnesota Statutes 1992, section 65B.61, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Merriam introduced—

S.F. No. 2795: A bill for an act relating to state finance; requiring fees to cover costs; requiring commissioner of finance to approve fees not set by rule; amending Minnesota Statutes 1992, sections 16A.127, subdivision 1; 116.07, subdivision 4d; 144.98, subdivision 3; 221.0335; 326.2421, subdivision 3; and 341.10; Minnesota Statutes 1993 Supplement, sections 4A.05, subdivision 2; 16A.1285, subdivisions 2, 4, and 5; and 18E.03, subdivision 3; repealing Minnesota Statutes 1992, sections 14.1311; 14.235; and 14.305.

Referred to the Committee on Finance.

Mr. Kroening introduced—

S.F. No. 2796: A bill for an act relating to public housing; appropriating money from the bond proceeds fund to improve public housing in the city of Minneapolis; authorizing the sale of bonds.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Kelly introduced—

S.F. No. 2797: A bill for an act relating to retirement; making the 1993 early retirement incentive program retroactive in certain instances.

Referred to the Committee on Governmental Operations and Reform.

Mr. Kelly introduced—

S.F. No. 2798: A bill for an act relating to retirement; permitting the purchase of service credit for St. Paul bureau of health service.

Referred to the Committee on Governmental Operations and Reform.

Mr. Pogemiller introduced—

S.F. No. 2799: A bill for an act relating to crime prevention; prohibiting physical interference with religious observance; amending Minnesota Statutes 1992, section 609.28.

Referred to the Committee on Crime Prevention.

Ms. Runbeck, Messrs. Metzen, Novak and Frederickson introduced—

S.F. No. 2800: A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Berglin introduced—

S.F. No. 2801: A bill for an act relating to taxation; increasing the rate of the excise tax on cigarettes; providing that the proceeds of the tax increase will be deposited in the health care access fund; amending Minnesota Statutes 1992, sections 297.02, subdivision 1; 297.03, subdivision 5; and 297.13, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Frederickson introduced—

S.F. No. 2802: A bill for an act relating to employment; providing a cost-of-living adjustment for certain employment programs; appropriating money; amending Minnesota Statutes 1992, section 268A.09, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Wiener, Messrs. Spear, Beckman, Ms. Ranum and Mr. Terwilliger introduced—

S.F. No. 2803: A bill for an act relating to education; providing for comprehensive parent involvement programs to prevent violence; establishing a parent advisory council; requiring program evaluation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mr. Knutson, Ms. Ranum, Robertson, Krentz and Mr. Cohen introduced—

S.F. No. 2804: A bill for an act relating to family law; requiring consent for a parent to remove a child from this state for the purpose of leaving the country; imposing penalties; amending Minnesota Statutes 1992, section 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 257.

Referred to the Committee on Judiciary.

Mses. Piper, Berglin, Messrs. Stumpf and Sams introduced—

S.F. No. 2805: A bill for an act relating to health; establishing a physician substitute demonstration project for rural communities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Mr. Solon, Ms. Wiener, Messrs. Benson, D.D.; Samuelson and Ms. Berglin introduced—

S.F. No. 2806: A bill for an act relating to lead abatement; developing directives; modifying definition of asbestos-related work; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Referred to the Committee on Health Care.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

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

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

S.F. No. 2093: A bill for an act relating to agriculture; establishing certification and labeling program to identify milk and milk products free of recombinant bovine growth hormone; amending regulations regarding use and clarification of recombinant bovine somatotropin; appropriating money; amending Minnesota Statutes 1992, sections 32.103; 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 32.

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 1992, sections 32.103, is amended to read:

32.103 [INSPECTION OF DAIRIES.]

(a) At times the commissioner determines proper, the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk, and shall require the correction of all insanitary conditions and practices found. *During routine inspections or as necessary, the commissioner shall inspect for evidence of use of rBGH in violation of section 32.75, by producers providing affidavits of nontreatment under that section.*

(b) A refusal or physical threat that prevents the completion of an inspection or neglect to obey a lawful direction of the commissioner or the commission-

er's agent given while carrying out this section may result in the suspension of the offender's permit or certification. The offender is required to meet with a representative of the offender's plant or marketing organization and a representative of the commissioner within 48 hours excluding holidays or weekends or the suspension will take effect. A producer may request a hearing before the commissioner or the commissioner's agent if a serious concern exists relative to the retention of the offender's permit or certification to sell milk.

Sec. 2. Minnesota Statutes 1993 Supplement, section 32.394, subdivision 8d, is amended to read:

Subd. 8d. [PROCESSOR ASSESSMENT.] (a) A manufacturer shall pay to the commissioner a fee for fluid milk processed and milk used in the manufacture of fluid milk products sold for retail sale in Minnesota. Beginning May 1, 1993, the fee is six cents per hundredweight. If the commissioner determines that a different fee, not less than five cents and not more than nine cents per hundredweight, when combined with general fund appropriations and fees charged under sections 31.39 and 32.394, subdivision 8, is needed to provide adequate funding for the Grades A and B inspection programs and the administration and enforcement of Laws 1993, chapter 65, the commissioner may, by rule, change the fee on processors within the range provided within this subdivision.

(b) Processors must report quantities of milk processed under paragraph (a) on forms provided by the commissioner. Processor fees must be paid monthly. The commissioner may require the production of records as necessary to determine compliance with this subdivision.

(c) *Processors of milk or dairy products labeled under section 32.75 shall pay to the commissioner a fee of ... cents per hundred weight of fluid milk processed and milk used in the manufacture of such products.*

Sec. 3. [32.75] [RECOMBINANT BOVINE GROWTH HORMONE; LABELING.]

Subdivision 1. [DEFINITION.] For purposes of this section and section 32.103, "recombinant bovine growth hormone" or "rBGH" means a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques, described alternately as recombinant bovine somatotropin, or rBST.

Subd. 2. [LABELING.] (a) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, which have been processed and handled pursuant to the requirements of this section, may be labeled: "Milk in this product is from cows not treated with rBGH." Labeling of dairy products under this section which are offered for sale within this state may also include an indication that the milk used is "farmer certified rBGH-free." The label must include the statement: "The federal government has determined that no significant difference has been shown between milk derived from rBGH-treated cows and non-rBGH-treated cows." Products offered for wholesale or retail sale within this state need not contain any further label information relative to the use of rBGH in milk production. A manufacturer or processor of dairy products for interstate or international sale may apply to the commissioner for additional label compliance approval if that product label contains any reference to rBGH.

(b) The label described in paragraph (a) may appear on the principal display panel, as defined in section 31.01, subdivision 22, of a packaged product, be conspicuously attached to the container of a bulk product, or appear in any advertisement, as defined in section 31.01, subdivision 26, for a product, including radio advertisements or displays or placards posted in retail stores.

(c) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, may display a label indicating that the product is produced from cows not treated with rBGH, if the label conforms with labeling requirements of another state for such products.

(d) All labeling or advertising statements relating to rBST must be factually supported. False or misleading statements are prohibited.

Subd. 3. [AFFIDAVIT; RECORDS.] (a) A dairy plant purchasing milk or cream to be used in products labeled pursuant to subdivision 2 shall require an affidavit approved by the commissioner from producers supplying such milk. This affidavit must be signed by the producer or authorized representative and state that all cows used in the producer's dairy operations have not and will not be treated with rBGH, without advanced written notice of at least 30 days to the dairy plant.

(b) Dairy plants shall keep original affidavits on file for a period of not less than two years after receiving written notice from the producer of anticipated rBGH use, as provided in paragraph (a). These affidavits and corresponding records must be made available for inspection by the commissioner. Dairy plants supplying milk or cream to a processor or manufacturer of a product to be labeled pursuant to subdivision 2, for use in that product, shall supply a certification to that processor or manufacturer stating that producers of the supplied milk or cream have executed and delivered affidavits pursuant to paragraph (a).

Subd. 4. [SEPARATION OF NONTREATED COWS AND MILK.] All milk or cream from non-rBGH-treated cows used in manufacturing or processing of products labeled pursuant to subdivision 2, or milk or cream supplied by a producer under an affidavit pursuant to subdivision 3, must be kept fully separate from any other milk or cream through all stages of storage, transportation, and processing until the milk or resulting dairy products are in final packaged form in a properly labeled container. Records of the separation must be kept by the dairy plant and product processor or manufacturer at all stages and made available to the commissioner for inspection.

Sec. 4. Minnesota Statutes 1992, section 151.01, subdivision 28, is amended to read:

Subd. 28. [VETERINARY LEGEND DRUG.] "Veterinary legend drug" means ~~biosynthetic bovine somatotropin (BST)~~ until June 12, 1992, or a drug that is required by federal law to bear the following statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

Sec. 5. Minnesota Statutes 1992, section 151.15, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED PERSONS; VETERINARY LEGEND DRUGS.] It shall be unlawful for any person other than a licensed veterinarian or pharmacist to compound or dispense veterinary legend drugs except as provided in this chapter. ~~Until June 12, 1992, a veterinarian or veterinarian's assistant may use biosynthetic bovine somatotropin (BST) for medical or research purposes only. Biosynthetic bovine somatotropin (BST) may not be dispensed to, used by, or administered by a person who is not a licensed veterinarian or a veterinarian's assistant under the veterinarian's supervision.~~

Sec. 6. Minnesota Statutes 1992, section 151.25, is amended to read:

151.25 [REGISTRATION OF MANUFACTURERS; FEE; PROHIBITIONS.]

The board shall require and provide for the annual registration of every person engaged in manufacturing drugs, medicines, chemicals, or poisons for medicinal purposes, now or hereafter doing business with accounts in this state. Upon a payment of a fee as set by the board, the board shall issue a registration certificate in such form as it may prescribe to such manufacturer. Such registration certificate shall be displayed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the date set by the board. It shall be unlawful for any person to manufacture drugs, medicines, chemicals, or poisons for medicinal purposes unless such a certificate has been issued to the person by the board. It shall be unlawful for any person engaged in the manufacture of drugs, medicines, chemicals, or poisons for medicinal purposes, or the person's agent, to sell legend drugs ~~or biosynthetic bovine somatotropin (BST) until June 12, 1992,~~ to other than a pharmacy, except as provided in this chapter.

Sec. 7. [APPROPRIATION.]

\$..... is appropriated from the dairy services account to the commissioner of agriculture for use in the enforcement and management of the recombinant bovine growth hormone labeling under Minnesota Statutes, section 32.75. This appropriation is available until June 30, 1995.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 and 3 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete line 5 and insert "removing and clarifying regulations concerning veterinary use"

Page 1, line 6, delete "somatotropin" and insert "growth hormone"

Page 1, line 9, after the semicolon, insert "Minnesota Statutes 1993 Supplement, section 32.394, subdivision 8d;"

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

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 24, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate