

THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 30, 1995

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold 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. Walter D. Flesner.

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

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

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 8, 1995

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

HARMFUL SUBSTANCE COMPENSATION BOARD

Bob Deem, 2011 - 49th St. S.E., St. Cloud, Sherburne County, effective March 10, 1995, for a term expiring on the first Monday in January, 2001.

Debra L. McBride, 876 Westwind Dr., Little Canada, Ramsey County, effective March 10, 1995, for a term expiring on the first Monday in January, 2001.

(Referred to the Committee on Judiciary.)

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 House Files, herewith transmitted: H.F. Nos. 533, 1011, 838 and 901.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 29, 1995.

FIRST READING OF HOUSE BILLS

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

H.F. No. 533: A bill for an act relating to the Paynesville area hospital district; authorizing the district to annex the city of Eden Valley to the district.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 420, now on General Orders.

H.F. No. 1011: A bill for an act relating to traffic regulations; prohibiting radar jammers; amending Minnesota Statutes 1994, section 169.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

H.F. No. 838: A bill for an act relating to Olmsted county; authorizing the county to create a nonprofit corporation to own and operate a hospital and medical center; providing the county board with related powers and duties.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 713, now on General Orders.

H.F. No. 901: A bill for an act relating to drivers' licenses; requiring additional information in drivers' education programs, the driver's license examination, and the driver's manual regarding the legal and financial consequences of violating DWI-related laws; amending Minnesota Statutes 1994, sections 169.121, by adding a subdivision; and 171.13, subdivisions 1 and 1b.

Referred to the Committee on Transportation and Public Transit.

REPORTS OF COMMITTEES

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

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

S.F. No. 992: A bill for an act relating to health; reinstating certain advisory councils and a task force; amending Minnesota Statutes 1994, section 326.41.

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

Page 1, line 18, strike the comma

Page 1, strike line 19

Page 1, line 20, delete "2003"

Pages 1 and 2, delete section 2

Page 2, line 13, after the period, insert "These groups are subject to the expiration date in Minnesota Statutes, section 15.059, subdivision 5."

Page 2, line 15, delete "to 3" and insert "and 2"

Renumber the sections in sequence

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. 930: A bill for an act relating to watershed districts; clarifying procedures that must be used when taking property for watershed district projects; amending Minnesota Statutes 1994, sections 103D.335, subdivision 11; 103D.715, subdivision 4; 103D.721, subdivision 3; and 117.011.

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

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

S.F. No. 279: A bill for an act relating to state government; directing the governor, attorney general, and other public officers to perform certain duties in regard to certain waters and public lands; proposing coding for new law in Minnesota Statutes, chapters 1 and 84B.

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

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

S.F. No. 651: A bill for an act relating to crime; expanding the scope of the dangerous and career offender sentencing law and the crimes of second degree murder, criminal sexual conduct in the fifth degree, burglary in the first degree, and harassment and stalking; limiting the authority of courts to stay mandatory minimum sentences for repeat sex offenders; expanding the restitution laws; amending Minnesota Statutes 1994, sections 609.152, subdivision 1; 609.19; 609.3451, subdivision 1; 609.346, subdivision 2; 609.582, subdivision 1; 609.749, subdivision 5; 611A.01; 611A.04, subdivisions 1 and 1a; and 624.712, subdivision 5.

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

Page 1, after line 15, insert:

"Section 1. Minnesota Statutes 1994, section 145A.05, subdivision 7a, is amended to read:

Subd. 7a. [CURFEW.] A county board may adopt an ordinance establishing a countywide curfew for persons under ~~17~~ 18 years of age."

Pages 3 and 4, delete sections 4 and 5

Page 5, line 18, strike "clause" and insert "clauses (3), (4), and"

Page 5, line 27, strike "611A.04 and"

Page 6, line 1, after the comma, insert "including a good faith effort to prevent a crime,"

Page 6, lines 2 to 4, delete the new language

Pages 8 and 9, delete section 9

Page 10, line 3, delete "1 to 10" and insert "3 to 5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the comma

Page 1, line 6, delete "degree," and delete "limiting the"

Page 1, delete line 7

Page 1, line 8, delete everything before "expanding"

Page 1, line 9, after the semicolon, insert "increasing the age for curfew under countywide curfew ordinances;"

Page 1, line 10, after "sections" insert "145A.05, subdivision 7a;"

Page 1, line 11, delete "609.346, subdivision 2; 609.582,"

Page 1, line 12, delete "subdivision 1;"

Page 1, line 13, delete "subdivisions" and insert "subdivision" and delete "and 1a"

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

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

S.F. No. 1220: A bill for an act relating to health; organ donations; amending the living will form to include provisions for organ donations; amending Minnesota Statutes 1994, section 145B.04.

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

Page 5, line 8, delete "for transplantation"

Page 5, lines 11 and 12, delete "for transplantation"

Page 5, delete line 16

Page 5, after line 18, insert:

"..... I do not wish to become an organ donor upon my death."

Page 6, after line 5, insert:

"Sec. 2. Minnesota Statutes 1994, section 145C.05, subdivision 2, is amended to read:

Subd. 2. [ADDITIONAL PROVISIONS.] The durable power of attorney for health care may include additional provisions consistent with this chapter, including:

(1) the designation of one or more alternative agents to act if the named agent is unable, unavailable, or unwilling to serve;

(2) specific instructions to the agent or any alternative agents;

(3) limitations, if any, on the right of the agent or any alternative agents to receive, review, obtain copies of, and consent to the disclosure of the principal's medical records; and

(4) limitations, if any, on the nomination of the agent as guardian or conservator for purposes of section 525.544; and

(5) a document of gift for the purpose of making an anatomical gift, as set forth in sections

525.921 to 525.9224, or a limitation of the agent's authority to make an anatomical gift upon the death of the principal."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "allowing a durable power of attorney for health care to include provisions for organ donations;" and delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; and 145C.05, subdivision 2"

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. 1242: A bill for an act relating to natural resources; motor vehicles; establishing special critical habitat license plates; appropriating money; amending Minnesota Statutes 1994, section 84.943, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Page 3, line 23, delete "\$100,000" and insert "\$50,000"

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. 150: A bill for an act relating to game and fish; removing certain requirements relating to fish taken in Canada; amending Minnesota Statutes 1994, section 97A.531, subdivision 1; repealing Minnesota Statutes 1994, section 97A.531, subdivisions 2, 3, 4, 5, and 6.

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

Page 1, after line 17, insert:

"Sec. 2. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of trade and economic development for grants to local and regional organizations for projects that provide for improved resource management, tourism promotion, and economic development in the Minnesota-Ontario border area of Lake of the Woods, Rainy River, and Rainy Lake. The grants may be used for cooperative efforts between Minnesota and Ontario."

Page 1, line 22, delete "2" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

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. 1111: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; affirming the right of citizens to hunt or take game and fish.

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

Page 1, line 12, before the period, insert ", subject only to harvest licensure, seasons, limits, and restrictions on methods of taking, as prescribed by law, that are necessary for the conservation and enhancement of the state's game and fish resources"

Page 1, line 16, after the second "the" insert "fundamental"

Page 1, line 18, after "manner" insert ", subject only to harvest licensure, seasons, limits, and restrictions on methods of taking, as prescribed by law, that are necessary for the conservation and enhancement of the state's game and fish resources"

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

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

S.F. No. 858: A bill for an act relating to the city of Duluth; making certain statutory provisions concerning public utilities applicable to the city of Duluth; authorizing a demonstration project to develop methods to prevent the infiltration and inflow of storm water into the city's sanitary sewer system.

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

Page 1, line 10, delete "any law to the contrary" and insert "Minnesota Statutes, section 444.075, subdivision 1"

Page 2, line 3, delete from "takes" through page 2, line 5, to "3" and insert "is effective the day following final enactment"

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 618: A resolution memorializing the Congress to pass and the President to sign legislation amending the Indian Gaming Regulatory Act.

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

Page 1, line 22, delete "....." and insert "seven"

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 1044: A bill for an act relating to gambling; terminating existing tribal-state gaming compacts effective June 30, 1998.

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 1120: A bill for an act relating to gambling; creating a special account for money received by the gambling control board as reimbursement for costs of testing pull-tab dispensing devices; appropriating money in the account to the board for that purpose; amending Minnesota Statutes 1994, section 349.151, subdivision 4b.

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

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

S.F. No. 1204: A bill for an act relating to insurance; no-fault auto; regulating rental vehicle coverages; determining when a vehicle is rented; modifying the right to compensation for loss of use of a damaged rented motor vehicle; providing for limits of liability for motor vehicle lessors; amending Minnesota Statutes 1994, section 65B.49, subdivision 5a.

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

Page 4, delete line 7

Page 4, line 8, delete everything before the period and insert "\$100,000 because of bodily injury to one person in any one accident and, subject to the limit for one person, \$300,000 because of injury to two or more persons in any one accident, and, \$10,000 because of injury to or destruction of property of others in any one accident"

Page 4, line 9, delete "exempts" and insert "in any way alters or increases the obligations of"

Page 4, after line 16, insert:

"(i) Compensation for the loss of use of a damaged rented motor vehicle is limited to 14 days."

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

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

S.F. No. 1170: A bill for an act relating to occupations and professions; requiring licensure or certification of geoscientists; adding geoscientists to the board of architecture, engineering, land surveying, landscape architecture, and interior design; providing for certain duties for the board; amending Minnesota Statutes 1994, sections 214.01, subdivision 3; 214.04, subdivision 3; 319A.02, subdivision 2; 326.02, subdivisions 1, 4, 4a, and by adding a subdivision; 326.03, subdivisions 1 and 4; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 7; 326.11, subdivision 1; 326.111, subdivisions 1, 2, 3, 4, and 6; 326.12; 326.13; and 326.14.

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

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

S.F. No. 164: A bill for an act relating to insurance; health plans; prohibiting provisions that grant the health carrier a subrogation right, except where the covered person has been fully compensated from another source; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Delete everything after the enacting clause and insert:

"Section 1. [62A.095] [SUBROGATION CLAUSES REGULATED.]

Subdivision 1. [APPLICABILITY.] No health plan shall be offered, sold, or issued to a resident of this state, or to cover a resident of this state, unless the health plan complies with subdivision 2.

Subd. 2. [SUBROGATION CLAUSE; LIMITS.] No health plan described in subdivision 1 shall contain a subrogation, reimbursement, or similar clause that provides subrogation, reimbursement, or similar rights to the health carrier issuing the health plan, unless:

(1) the clause provides that the health plan is entitled to a pro rata share of the recovery for its health care costs where a covered person receives less than a full recovery from all other sources; and

(2) the clause provides that the health carrier's subrogation right is subject to subtraction to account for the pro rata share of the covered person's costs, disbursements, and reasonable attorney fees, and other expenses incurred in obtaining the recovery from another source unless the health carrier is separately represented by an attorney.

If the health carrier is separately represented by an attorney, the health carrier and the covered person, by their attorneys, may enter into an agreement regarding allocation of the covered person's costs, disbursements, and reasonable attorney fees and other expenses. If the health carrier and covered person cannot reach agreement on allocation, the health carrier and covered person shall submit the matter to binding arbitration.

Nothing in this section shall limit a health carrier's right to recovery from another source which may otherwise exist at law.

Subd. 3. [RETROACTIVE AMENDMENTS REGULATED.] No addition of, or amendment of, a subrogation, reimbursement, or similar clause in a health plan shall be applied to the disadvantage of a covered person with respect to benefits provided by the health carrier in connection with an injury, illness, condition, or other covered situation that originated prior to the addition of or amendment to the clause.

Sec. 2. [62A.096] [NOTICE OF SUBROGATION CLAIM REQUIRED.]

A person covered by a health carrier who makes a claim against a collateral source for damages that include repayment for medical and medically-related expenses incurred for the covered person's benefit shall provide timely notice, in writing, to the health carrier of the pending or potential claim. Notwithstanding any other law to the contrary, the statute of limitations applicable to the rights with respect to reimbursement or subrogation by the health carrier against the covered person does not commence to run until the notice has been given.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 1996."

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

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

S.F. No. 543: A bill for an act relating to health; requiring equal treatment of prescription drug prescribers; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Page 2, after line 2, insert:

"Sec. 2. Minnesota Statutes 1994, section 151.37, subdivision 2, is amended to read:

Subd. 2. (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse, a physician assistant, or intern medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a registered nurse, physician assistant, or medical student or resident to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be

prescribed and administered. The verbal, electronic, or other transmission of a written, oral, or electronic order by an agent of a prescriber is not prescribing. This paragraph applies to a physician assistant only if the physician assistant meets the registration and certification requirements of section 147.34, subdivision 1, paragraph (a).

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "clarifying the role of practice guidelines in prescribing legend drugs; amending Minnesota Statutes 1994, section 151.37, subdivision 2;"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1152: A bill for an act relating to employment; requiring disclosure to recruited employees in the food processing industry; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 1, line 11, delete "any" and insert "a"

Page 1, delete lines 19 to 21 and insert:

"(c) "Recruits" means to induce an individual, directly or through an agent, to travel to Minnesota to work in food processing by an offer of employment or of the possibility of employment."

Page 1, line 23, delete ", meat, or vegetables" and insert "or meat"

Page 1, line 24, delete "Disclosure" and insert "Terms and conditions of employment" and delete "documentation of"

Page 2, line 31, delete "to relocate"

Page 2, line 32, after "providing" insert "the"

Page 2, line 33, after "disclosure" insert "required" and delete everything after the period

Page 2, delete lines 34 and 35

Page 3, line 1, delete the comma and insert "or false"

Page 3, line 2, delete ", or omits information from a disclosure"

Page 3, line 9, delete "A"

Page 3, delete lines 10 and 11

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

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

H.F. No. 1105 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
1105	626

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1105 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1105 and insert the language after the enacting clause of S.F. No. 626; further, delete the title of H.F. No. 1105 and insert the title of S.F. No. 626.

And when so amended H.F. No. 1105 will be identical to S.F. No. 626, and further recommends that H.F. No. 1105 be given its second reading and substituted for S.F. No. 626, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 992, 930, 279, 651, 1220, 858, 1044 and 1120 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1105 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Reichgott Junge moved that her name be stricken as chief author, shown as a co-author and the name of Mr. Knutson be added as chief author to S.F. No. 292. The motion prevailed.

Ms. Krentz moved that her name be stricken as a co-author to S.F. No. 1329. The motion prevailed.

Ms. Pappas moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1386. The motion prevailed.

Mr. Limmer moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1436. The motion prevailed.

Mr. Laidig moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1439. The motion prevailed.

Ms. Krentz moved that the name of Mr. Finn be added as a co-author to S.F. No. 1485. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Bertram be added as a co-author to S.F. No. 1487. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Janezich be added as a co-author to S.F. No. 1509. The motion prevailed.

Mr. Neuville moved that the names of Mr. Samuelson and Ms. Berglin be added as co-authors to S.F. No. 1524. The motion prevailed.

Mr. Morse moved that the name of Mr. Finn be added as a co-author to S.F. No. 1526. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Finn be added as a co-author to S.F. No. 1529. The motion prevailed.

Ms. Kiscaden, Messrs. Scheevel; Johnson, D.E. and Day introduced--

Senate Resolution No. 47: A Senate resolution congratulating the Rochester Mayo High School Girls basketball team on winning the 1995 State High School Class AA Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Ms. Kiscaden, Messrs. Scheevel; Johnson, D.E. and Day introduced--

Senate Resolution No. 48: A Senate resolution congratulating the Rochester Lourdes High School Girls basketball team on winning the 1995 State High School Class A Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Kroening, Ms. Berglin, Messrs. Pogemiller, Spear and Ms. Ranum introduced--

Senate Resolution No. 49: A Senate resolution congratulating the Minneapolis North High School Boys basketball team on winning the 1995 Sweet 16 Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Berg moved that S.F. No. 1120, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

CALENDAR

S.F. No. 218: A bill for an act relating to children; providing for care of children by noncustodial parents in certain cases; amending Minnesota Statutes 1994, sections 518.175, by adding a subdivision; and 518.551, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 10, as follows:

Those who voted in the affirmative were:

Beckman	Day	Johnson, J.B.	Kroening	Metzen
Belanger	Dille	Johnston	Laidig	Moe, R.D.
Berg	Frederickson	Kelly	Langseth	Mondale
Bertram	Hanson	Kiscaden	Larson	Morse
Betzold	Hottinger	Kleis	Lesewski	Murphy
Chandler	Janezich	Knutson	Lessard	Neuville
Chmielewski	Johnson, D.E.	Kramer	Limmer	Oliver
Cohen	Johnson, D.J.	Krentz	Merriam	Olson

Ourada
Pappas
Price

Riveness
Robertson
Runbeck

Sams
Samuelson
Scheevel

Stevens
Stumpf
Terwilliger

Vickerman

Those who voted in the negative were:

Anderson
Berglin

Finn
Flynn

Marty
Piper

Ranum
Reichgott Junge

Spear
Wiener

So the bill passed and its title was agreed to.

H.F. No. 367: A bill for an act relating to debt; providing for prompt payment of subcontractors of municipal contractors; modifying certain provisions relating to liens and performance bonds; amending Minnesota Statutes 1994, sections 471.425, by adding a subdivision; 514.13; 574.28; 574.30; and 574.31, subdivisions 1 and 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson
Beckman
Belanger
Berg
Berglin
Bertram
Betzold
Chandler
Chmielewski
Cohen
Day
Dille
Finn

Flynn
Frederickson
Hanson
Hottinger
Janezich
Johnson, D.E.
Johnson, D.J.
Johnson, J.B.
Johnston
Kelly
Kiscaden
Kleis
Knutson

Kramer
Krentz
Kroening
Laidig
Langseth
Larson
Lesewski
Lessard
Limmer
Marty
Merriam
Metzen
Moe, R.D.

Mondale
Morse
Murphy
Neuville
Oliver
Olson
Ourada
Pappas
Piper
Price
Ranum
Reichgott Junge
Riveness

Robertson
Runbeck
Sams
Samuelson
Scheevel
Spear
Stevens
Stumpf
Terwilliger
Vickerman
Wiener

So the bill passed and its title was agreed to.

H.F. No. 321: A bill for an act relating to game and fish; continuing the authorization for residents under the age of 16 to take deer of either sex; amending Minnesota Statutes 1994, section 97B.301, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson
Beckman
Belanger
Berg
Berglin
Bertram
Betzold
Chandler
Chmielewski
Cohen
Day
Dille
Finn

Flynn
Frederickson
Hanson
Hottinger
Janezich
Johnson, D.E.
Johnson, D.J.
Johnson, J.B.
Johnston
Kelly
Kiscaden
Kleis
Knutson

Kramer
Krentz
Kroening
Laidig
Langseth
Larson
Lesewski
Lessard
Limmer
Marty
Merriam
Metzen
Moe, R.D.

Mondale
Morse
Murphy
Neuville
Oliver
Olson
Ourada
Pappas
Piper
Price
Ranum
Reichgott Junge
Riveness

Robertson
Runbeck
Sams
Samuelson
Scheevel
Spear
Stevens
Stumpf
Terwilliger
Vickerman
Wiener

So the bill passed and its title was agreed to.

S.F. No. 224: A bill for an act relating to motor vehicles; providing for biennial payment of tax on certain towed recreational vehicles and trailers; amending Minnesota Statutes 1994, section 168.013, subdivisions 1d and 1g.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 264: A bill for an act relating to drivers' licenses; abolishing separate review process for commercial driver's license disqualification; amending Minnesota Statutes 1994, section 171.166, subdivision 3; repealing Minnesota Statutes 1994, section 171.166, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Morse	Sams
Beckman	Hanson	Kroening	Murphy	Samuelson
Berg	Hottinger	Laidig	Neuville	Scheevel
Berglin	Janezich	Langseth	Oliver	Spear
Bertram	Johnson, D.E.	Larson	Olson	Stevens
Betzold	Johnson, D.J.	Lesewski	Ourada	Stumpf
Chandler	Johnson, J.B.	Lessard	Pappas	Terwilliger
Chmielewski	Johnston	Limmer	Piper	Vickerman
Cohen	Kelly	Marty	Price	Wiener
Day	Kiscaden	Merriam	Ranum	
Dille	Kleis	Metzen	Reichgott Junge	
Finn	Knutson	Moe, R.D.	Robertson	
Flynn	Kramer	Mondale	Runbeck	

So the bill passed and its title was agreed to.

S.F. No. 348: A bill for an act relating to motor vehicles; clarifying power to appoint motor vehicle deputy registrars; amending Minnesota Statutes 1994, section 373.35, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Chandler	Frederickson	Johnston	Kroening
Beckman	Chmielewski	Hanson	Kelly	Laidig
Belanger	Cohen	Hottinger	Kiscaden	Langseth
Berg	Day	Janezich	Kleis	Larson
Berglin	Dille	Johnson, D.E.	Knutson	Lesewski
Bertram	Finn	Johnson, D.J.	Kramer	Lessard
Betzold	Flynn	Johnson, J.B.	Krentz	Limmer

Marty	Neuville	Price	Sams	Vickerman
Metzen	Oliver	Ranum	Samuelson	Wiener
Moe, R.D.	Olson	Reichgott Junge	Scheevel	
Mondale	Ourada	Riveness	Spear	
Morse	Pappas	Robertson	Stumpf	
Murphy	Piper	Runbeck	Terwilliger	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 34: A bill for an act relating to insurance; health; requiring plans issued to supplement Medicare to provide coverage for equipment and supplies for the management and treatment of diabetes; amending Minnesota Statutes 1994, section 62A.45.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Flynn	Kramer	Mondale	Robertson
Beckman	Frederickson	Krentz	Morse	Runbeck
Belanger	Hanson	Kroening	Murphy	Sams
Berg	Hottinger	Laidig	Neuville	Samuelson
Berglin	Janezich	Langseth	Oliver	Scheevel
Bertram	Johnson, D.E.	Larson	Olson	Spear
Betzold	Johnson, D.J.	Lesewski	Ourada	Stevens
Chandler	Johnson, J.B.	Lessard	Pappas	Stumpf
Chmielewski	Johnston	Limmer	Piper	Terwilliger
Cohen	Kelly	Marty	Price	Vickerman
Day	Kiscaden	Merriam	Ranum	Wiener
Dille	Kleis	Metzen	Reichgott Junge	
Finn	Knutson	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 479: A bill for an act relating to lawful gambling; regulating lawful purpose expenditures by or to certain organizations exempt from federal income taxes; amending Minnesota Statutes 1994, sections 349.12, subdivision 25, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Limmer voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 632: A bill for an act relating to crime; providing for forfeiture of motor vehicles for

conviction for fleeing a peace officer; amending Minnesota Statutes 1994, section 609.5312, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Larson	Neuville	Runbeck
Berglin	Johnson, J.B.	Limmer	Oliver	Spear
Betzold	Johnston	Marty	Olson	Stevens
Chandler	Kelly	Merriam	Pappas	Terwilliger
Cohen	Kleis	Metzen	Piper	Wiener
Day	Kramer	Moe, R.D.	Price	
Dille	Krentz	Mondale	Ranum	
Flynn	Kroening	Morse	Reichgott Junge	
Frederickson	Laidig	Murphy	Riveness	

Those who voted in the negative were:

Anderson	Finn	Kiscaden	Ourada	Stumpf
Beckman	Hanson	Knutson	Robertson	Vickerman
Berg	Hottinger	Langseth	Sams	
Bertram	Janezich	Lesewski	Samuelson	
Chmielewski	Johnson, D.J.	Lessard	Scheevel	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 786: A bill for an act relating to state lands; authorizing the conveyance of certain tax-forfeited land that borders public water in the city of Preston.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 812: A bill for an act relating to natural resources; broadening the uses permitted for emergency materials and equipment; amending Minnesota Statutes 1994, section 88.065.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement on the remainder of the Consent Calendar. The motion prevailed.

S.F. No. 1043: A bill for an act relating to agriculture; modifying provisions related to farmed cervidae; amending Minnesota Statutes 1994, sections 17.451, subdivision 2; and 17.452, subdivisions 10 and 12.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Ms. Reichgott Junge in the chair.

After some time spent therein, the committee arose, and Ms. Reichgott Junge reported that the committee had considered the following:

S.F. Nos. 155, 204, 446, 673, 16, 193, 380, 381, 382, 184, 290, 445, 133, 687, 444, 368 and 1100, which the committee recommends to pass.

S.F. No. 144, which the committee recommends to pass with the following amendment offered by Ms. Hanson:

Page 1, line 18, delete "under this clause" and insert "that are not medical data"

The motion prevailed. So the amendment was adopted.

On motion of Ms. Reichgott Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 418: A bill for an act relating to education; authorizing special projects and programs to combat truancy; denying driving privileges for certain truant students; imposing parental liability for failure to exercise reasonable control; requiring the attorney general to report on the effectiveness of school safety programs; increasing school levy authority for crime prevention activities; providing for expulsion of students for possession of a firearm; providing a fee exception for school uniforms; requiring criminal history background checks for teachers and other school district personnel; clarifying authority to deny teacher licenses; modifying offender rehabilitation exceptions; providing for school security; clarifying access to data; limiting school liability for certain security measures; establishing grants for school safety programs; imposing penalties; appropriating money; amending Minnesota Statutes 1994, sections 120.14; 120.73, by adding a subdivision; 125.05, by adding a subdivision; 125.09, subdivision 1; 171.04, subdivision 1; 260.131, by adding a subdivision; 260.132, subdivisions 1 and 4; 260.161, subdivision 3; 260.191, subdivision 1; 260.315; 364.09; 466.03, by adding a subdivision; and 609.605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 8; 123; and 127; proposing coding for new law as Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 1994, section 126.25; and Laws 1994, chapter 576, section 1.

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

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

S.F. No. 1404: A bill for an act relating to insurance; regulating reinsurance intermediaries; providing for the investment of funds held by reinsurance intermediaries; amending Minnesota Statutes 1994, sections 60A.715; and 60A.73, subdivision 4.

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

Page 1, lines 25 and 26, delete the new language and insert "and may be invested in the United States treasury bills or notes whose maturities do not exceed 90 days"

Page 2, lines 12 and 13, delete the new language and insert "and may be invested in the United States treasury bills or notes whose maturities do not exceed 90 days"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was re-referred

S.F. No. 1019: A bill for an act relating to metropolitan government; establishing the metropolitan livable communities advisory board; establishing the metropolitan livable communities fund and providing for fund distribution; reducing the levy authority of the

metropolitan mosquito control commission; requiring the metropolitan mosquito control district to liquidate certain assets; providing for certain revenue sharing; amending Minnesota Statutes 1994, sections 116J.556; 473.167, subdivisions 2, 3, and by adding a subdivision; 473.702; 473.704, subdivisions 2, 3, 5, 6, 7, 8, 13, and 17; 473.711, subdivision 2; and 473F.08, subdivisions 5, 7a, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 1, line 24, delete from "as" through page 1, line 29, to "authorities" and insert "by the metropolitan council and who serve at the pleasure of the council"

Page 1, line 30, delete "appointing authorities" and insert "council"

Page 2, line 35, after "establish" insert "and submit to the council for approval"

Page 3, line 2, before the period, insert "including, but not limited to:

(1) helping to change long-term market incentives that adversely impact creation and preservation of living-wage jobs in the fully developed area;

(2) creating incentives for developing communities to include a full range of housing opportunities;

(3) creating incentives to preserve and rehabilitate affordable housing in the fully developed area; and

(4) creating incentives for all communities to implement compact and efficient development"

Page 3, line 3, after "establish" insert "and submit to the council for approval"

Page 3, line 4, delete "projects" and after "account" insert "for projects"

Page 3, delete lines 7 to 16

Page 3, line 17, delete "(i)" and insert "(1)" and delete "projects which"

Page 3, line 19, delete "(ii)" and insert "(2)" and delete "projects which"

Page 3, line 21, delete "(iii)" and insert "(3)" and delete "projects which"

Page 3, line 23, delete "(iv)" and insert "(4)" and delete "projects which"

Page 3, line 27, delete "(v)" and insert "(5)"

Page 3, line 29, after "establish" insert "and submit to the council for approval"

Page 5, line 1, delete from "and" through page 5, line 2, to "4"

Page 6, line 31, delete "certify" and insert "verify"

Page 19, after line 21, insert:

"Sec. 18. [MOSQUITO CONTROL COMMISSION EMPLOYEES.]

Employees of the metropolitan mosquito control commission as of March 1, 1995, may not be terminated by discharge, except for cause, before January 1, 1999. This act does not abrogate or change any rights enjoyed by the employees of the commission under the terms of a collective bargaining agreement that is in effect on March 1, 1995."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete from "requiring" through page 1, line 8, to "assets;"

Page 1, line 9, after the semicolon, insert "regulating employee layoffs by the metropolitan mosquito control district;"

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

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

S.F. No. 678: A bill for an act relating to human services; extending welfare fraud penalties to the Minnesota family investment plan; providing a method of lien enforcement in the AFDC program; expanding the fraud prevention investigation project on a regional basis into counties with smaller AFDC caseloads; establishing the program integrity reinvestment project based on statewide guidelines and performance standards; providing for disqualification in diverted cases; expanding the timeframe for establishing food stamp claims; modifying recovery incentives to allow state sharing in recoveries received through the federal tax revenue offset program; authorizing the use of affidavits of collection without the appointment of a personal representative; revising the protections from income attachments; amending Minnesota Statutes 1994, sections 256.034, subdivision 1; 256.73, subdivision 2; 256.98, subdivisions 1 and 8; 256.983, subdivision 4, and by adding a subdivision; 393.07, subdivision 10; 524.6-207; and 550.37, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Page 12, line 28, delete "to 10" and insert "and 3 to 8" and after the period, insert "Sections 2, 9, and 10 are effective August 1, 1995."

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

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

S.F. No. 1350: A bill for an act relating to agriculture; appropriating money for continuation of certain legal actions against the United States Department of Agriculture.

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

Page 1, line 6, after "APPROPRIATION" insert "; MARKET ORDERS LEGAL ACTION"

Page 1, after line 12, insert:

"Sec. 2. [APPROPRIATION; MILK MARKETING ECONOMIC STUDIES.]

\$100,000 is appropriated from the general fund to the commissioner of agriculture for purposes of funding economic research studies by the department or by the universities of Minnesota and/or Wisconsin to determine the impacts on the upper midwest dairy industry of reforming or eliminating the federal milk marketing order system."

Amend the title as follows:

Page 1, line 4, before the period, insert "and for funding economic research studies"

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

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

S.F. No. 1052: A bill for an act relating to abuse; conforming domestic abuse definitions; including persons with certain significant relationships; allowing certain minors to petition on their own behalf for orders for protection; modifying petition requirements; providing for subsequent petitions; modifying requirements for alternate service; extending time period for certain domestic abuse arrests; providing for licensure revocation for peace officers convicted of assault; appropriating money; amending Minnesota Statutes 1994, sections 518B.01, subdivisions 2, 4, 8, 14, and by adding a subdivision; 611A.31, subdivision 2; 626.843, by adding a subdivision; 629.341, subdivision 1; and 629.72, subdivisions 1, 2, and 6.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1994, section 518B.01, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means the following, if committed against a family or household member by a family or household member:

(i) (1) physical harm, bodily injury, or assault, ~~or~~;

(2) the infliction of fear of imminent physical harm, bodily injury or assault, ~~between family or household members~~ without regard to intent; or

(ii) (3) terroristic threats, within the meaning of section 609.713, subdivision 1, or criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, or 609.345, ~~committed against a family or household member by a family or household member.~~

(b) "Family or household members" means:

(1) spouses, ~~and~~ former spouses;

(2) parents and children;

(3) persons related by blood, ~~and~~;

(4) persons who are presently residing together or who have resided together in the past, ~~and~~;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time. ~~"Family or household member" also includes;~~

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; ~~and~~

(7) persons involved in a significant romantic or sexual relationship.

Issuance of an order for protection on ~~this~~ the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination."

Page 4, lines 32 and 33, delete the new language

Page 8, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete everything after the semicolon

Page 1, delete line 10

Page 1, lines 13 and 14, delete "626.843, by adding a subdivision;"

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

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

S.F. No. 699: A bill for an act relating to property rights; establishing procedures governing

entry of private property by government officials; requiring notice; proposing coding for new law in Minnesota Statutes, chapter 566.

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

Delete everything after the enacting clause and insert:

"Section 1. [566.001] [PROCEDURES FOR ENTRY OF PROPERTY BY GOVERNMENT OFFICIALS.]

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

(b) "Government official" means an employee or agent of the state or a political subdivision of the state.

(c) "Official business" means a government official acting within the scope of employment or other authority granted by the state or a political subdivision of the state.

(d) "Owner" means the record owner, the owner's agent, or lawful occupant of private property or, if the property is used for commercial purposes, the owner of a business or place of employment within the property that is the subject of an inspection or investigation. "Owner" includes a manager or other employee who is operating or in charge of a business or place of employment at the time of the inspection or investigation.

(e) "Peace officer" has the meaning given in section 626.84.

(f) "Private property" means a privately-owned building or land.

Subd. 2. [NOTICE AT TIME OF ENTRY.] (a) On or before the time that a government official enters private property on official business, the government official shall give the owner a written or oral notice that includes:

(1) the government official's name and the government agency or entity that the official represents;

(2) the reason for the entry and the specific statutory or legal authority authorizing the entry; and

(3) the right, if any, of the owner to deny or restrict the entry and the possible consequences of a denial or restriction.

(b) The notice under paragraph (a) must be given to the owner at the time of the entry or as soon as practicable after the time of the entry. Upon request, the government official shall provide proof of identification. The owner has the right to accompany the government official, unless this is not practical or would jeopardize an inspection or investigation. In the case of land that is not occupied by the owner at the time of the entry, a written notice must be mailed to the owner as soon as practicable after the entry. Notice is not required if the government official was not able to conduct an inspection or investigation because the owner was not present or if the owner could not be identified or located.

Subd. 3. [NOTICE AFTER ENTRY.] Upon request of an owner, as soon as practicable, a government official shall provide an oral or written summary of the results of an entry and itemize any property that was seized. This subdivision does not require the release of confidential investigative data under section 13.39 or 13.82.

Subd. 4. [EXCEPTIONS.] (a) Subdivisions 2 and 3 do not apply to the extent that the government official reasonably determines that notice would jeopardize an inspection or investigation, provided that:

(1) the government official is entering property or a portion of property in which the owner has no reasonable expectation of privacy; and

(2) the notices required under subdivisions 2 and 3 are given as soon as practicable after the government official leaves the property, unless the government official determines that notice would jeopardize future inspections or investigations.

(b) Subdivisions 2 and 3 do not apply to:

(1) an entry by a licensed peace officer, except for an entry under chapter 103G, or by a probation officer or corrections agent acting under authority granted by a court or the commissioner of corrections;

(2) government officials acting on behalf of a municipality or municipal power or gas agency that produces or furnishes water, gas, or electric service;

(3) assessors acting under section 273.20 and land surveyors acting under section 117.041 or 505.31;

(4) government officials acting in an emergency situation or in response to a request by an owner;

(5) an entry for purposes of inspecting a building under construction or for a public health hazard abatement procedure;

(6) an entry made only for the purpose of crossing open land or a view of property made without physical entry onto the land; and

(7) an entry for the purpose of the collection of general information not related to the possession or use of the property that is entered, except that notice under subdivision 2 must be given to the owner if the owner is present at the time of the entry.

Subd. 5. [RELATIONSHIP TO OTHER LAWS.] Subdivisions 2 and 3 do not prohibit other law from imposing other requirements on entry of private property by a government official. Subdivisions 2 and 3 do not apply to the extent that other law specifically controls the notice of entry in a manner inconsistent with subdivisions 2 and 3. Nothing in this section authorizes an entry or seizure not otherwise permissible under law.

Subd. 6. [EVIDENCE NOT EXCLUDED.] Observations made or evidence obtained through an investigation or inspection governed by this section may not be excluded as evidence in any proceeding because of the violation of this section.

Subd. 7. [PENALTY.] A government official who knowingly violates this section is guilty of a petty misdemeanor."

Amend the title as follows:

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

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

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

S.F. No. 1153: A bill for an act relating to courts; increasing the number of trial court judgeships; appropriating money; amending Minnesota Statutes 1994, section 2.722, subdivision 1.

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

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 1994, section 2.722, is amended by adding a subdivision to read:

Subd. 4a. [REFEREE VACANCY; CONVERSION TO JUDGESHIP.] When a referee of the district court dies, resigns, retires, or is removed from the position, the chief judge of the district shall notify the supreme court and may petition to request that the position be converted to a judgeship. The supreme court shall determine within 90 days of the petition whether to continue the referee position, order the position abolished, or convert the position to a judgeship in the affected or another judicial district. The supreme court shall certify any judicial vacancy to the governor, who shall fill it in the manner provided by law."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "1" insert ", and by adding a subdivision"

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

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

S.F. No. 1101: A bill for an act relating to civil proceedings; expanding parties eligible for fees and expenses in certain proceedings involving the state; amending Minnesota Statutes 1994, section 15.471, subdivision 6.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation. Report adopted.

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

S.F. No. 1414: A bill for an act relating to agriculture; changing provisions governing ethanol payments; appropriating money; amending Minnesota Statutes 1994, sections 41A.09, subdivision 6, and by adding subdivisions; and 296.02, by adding a subdivision; repealing Minnesota Statutes 1994, sections 41A.09, subdivisions 2, 3, and 5; and 296.02, subdivision 7.

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

Pages 4 and 5, delete section 5

Page 5, line 27, delete "and 5" and insert "5, and 6"

Page 5, line 29, delete "7" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "subdivision"

Page 1, line 5, delete "6, and"

Page 1, line 7, delete "and 5" and insert "5, and 6"

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

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

S.F. No. 959: A bill for an act relating to health; revising the data and research initiatives of MinnesotaCare; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; 62J.04, subdivision 3; 62J.06; 62J.212; 62J.37; 62J.38; 62J.40; 62J.41, subdivision 1; 62J.55; 62Q.03, subdivisions 1, 6, 7, 8, 9, 10, and by adding subdivisions; 214.16, subdivisions 2 and 3; and 295.57; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1994, sections 62J.30; 62J.31; 62J.32; 62J.33; 62J.34; 62J.35; 62J.41, subdivisions 3 and 4; 62J.44; and 62J.45.

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

Page 1, lines 28 and 29, strike "regional and"

Page 2, line 13, strike ", conduct consumer satisfaction surveys,"

Page 2, line 34, delete the new language and strike the old language

Page 2, lines 35 and 36, strike the old language

Page 3, line 1, strike the old language

Page 3, line 2, delete "(9)" and insert "(8)"

Page 3, line 11, delete "(10)" and insert "(9)"

Page 4, line 19, delete "requestors" and insert "requesters"

Page 4, line 32, delete everything after "(a)" and insert ""Health outcomes data" means data used in research designed to identify"

Page 5, lines 25 and 26, delete "62L.02, subdivision 16" and insert "62Q.01, subdivision 4"

Page 5, line 35, delete "data on" and before the comma, insert "data"

Page 6, line 29, delete "state"

Page 6, line 30, delete "in" and insert "under" and after "chapter" insert "62D, 62N," and after "144" insert a comma

Page 7, line 2, delete ", track and trend" and insert "and track"

Page 7, line 3, delete "an" and insert "and"

Page 7, line 7, delete "on-going" and insert "ongoing"

Page 7, line 13, before "and" insert a comma

Page 7, line 23, after "private" insert "data collection" and delete "this is"

Page 7, line 31, delete from "for" through page 7, line 32, to "and"

Page 8, line 12, before "The" insert "(a)"

Page 8, line 20, delete everything after "patients"

Page 8, line 21, delete "of data" and after the period, insert "Patient consent shall not be required for the release of data to the commissioner pursuant to sections 62J.301 to 62J.42 by any group purchaser, health plan company, health care provider, or agent, contractor, or association acting on behalf of a group purchaser or health care provider. Any group purchaser, health plan company, health care provider, or agent, contractor, or association acting on behalf of a group purchaser or health care provider, that releases data to the commissioner in good faith pursuant to sections 62J.301 to 62J.42 shall be immune from civil liability and criminal prosecution."

(b) When a group purchaser, health plan company, or health care provider submits patient identifying data, as defined in section 62J.451, to the commissioner pursuant to sections 62J.301 to 62J.42, and the data is submitted to the commissioner in electronic form, or through other electronic means including, but not limited to, the electronic data interchange system defined in section 62J.451, the group purchaser, health plan company, or health care provider shall submit the patient identifying data in encrypted form, using an encryption method specified by the commissioner. Submission of encrypted data as provided in this paragraph satisfies the requirements of section 144.335, subdivision 3b.

(c)"

Page 8, line 24, delete "plans" and insert "plan companies"

Page 9, lines 19 and 27, delete "linkages" and insert "links"

Page 10, line 28, delete everything after "analysis"

Page 10, line 29, delete everything before the period and after the period, insert "The commissioner may not make public any patient identifying information except as specified in statute."

Page 11, line 19, delete "subject to including" and insert "with"

Page 12, line 33, delete "indicator" and insert "data" and delete "information" and insert "data"

Page 12, lines 34 and 35, delete "indicator" and insert "data"

Page 13, line 33, strike "must" and insert "may" and after "categories" insert "or for other categories required by the commissioner"

Page 14, line 3, delete "The"

Page 14, delete lines 4 to 7

Page 14, line 8, delete "efforts." and delete "shall" and insert "may"

Page 14, line 11, after the comma, insert "and" and delete the second "monitoring"

Page 14, line 12, delete "about" and insert "on"

Page 14, line 14, delete from "integrated" through page 14, line 15, to "carriers" and insert "health plan companies"

Page 14, line 20, delete "integrated service networks" and insert "health plan companies"

Page 14, lines 32 to 35, delete the new language

Page 15, delete lines 7 to 10 and insert:

"(b) For purposes of estimating total health care spending as provided in section 62J.301, subdivision 4, paragraph (c), all local governmental units shall provide expenditure data to the commissioner. The commissioner shall consult with representatives of the affected local government units in establishing definitions, reporting formats, and reporting time frames. As much as possible, the data shall be collected in a manner that ensures that the data collected is consistent with data collected from the private sector and minimizes the reporting burden to local government."

Page 15, line 19, reinstate the stricken language

Page 16, after line 6, insert:

"Sec. 14. Minnesota Statutes 1994, section 62J.41, subdivision 2, is amended to read:

Subd. 2. [ANNUAL MONITORING AND ESTIMATES.] The commissioner shall require health care providers to submit the required data for the period July 1, 1993 to December 31, 1993, by April 1, 1994. Health care providers shall submit data for the 1994 calendar year by April 1, 1995, and each April 1 thereafter shall submit data for the preceding calendar year. The commissioner of revenue may collect health care service revenue data from health care providers, if the commissioner of revenue and the commissioner agree that this is the most efficient method of collecting the data. ~~The commissioner of revenue shall provide any data collected to the commissioner of health~~ commissioners of health and revenue shall have the authority to share data collected pursuant to this section."

Page 16, line 10, delete the first "of" and insert "for"

Page 16, lines 14 and 15, delete "created in this section will" and insert "shall"

Page 17, line 21, delete from ", which" through page 17, line 23, to "62J.452"

Page 18, line 16, delete "Provider or health care provider" and insert "Provider" or "health care provider"

Page 19, lines 18 and 23, delete "linkages" and insert "links"

Page 20, line 1, delete "component's" and insert "components"

Page 20, line 10, delete "linkages" and insert "links"

Page 21, line 34, delete "should" and insert "may"

Page 21, line 35, delete "shall" and insert "may"

Page 22, line 10, delete the second "to" and insert "of"

Page 22, line 15, before "The" insert "(a)"

Page 22, line 19, delete from "The" through page 22, line 26, to "1996."

Page 22, line 34, delete "off-years" and insert "off years"

Page 23, lines 10 and 13, after "raw" insert a comma

Page 23, after line 32, insert:

"(b) The health data institute shall appoint a consumer advisory group which shall consist of 13 individuals, representing enrollees from public and private health plan companies and programs and two uninsured consumers, to advise the health data institute on issues of concern to consumers. The advisory group must have at least one member from each regional coordinating board region of the state. The advisory group expires June 30, 1996."

Page 24, line 27, delete from the second "data" through page 24, line 29, to "institute" and insert "access data under section 62J.452, subdivision 6 or 7"

Page 24, line 36, after "institute" insert "under section 62J.452, subdivision 6 or 7,"

Page 25, line 8, before the period, insert "beginning February 1, 1996"

Page 25, line 12, delete "and"

Page 25, line 17, delete the period and insert "; and

"(3) a description of the actions taken by the health data institute to ensure that the EDI system being established pursuant to section 62J.451, subdivision 3, clause (2), and subdivision 5, protects the confidentiality requirements of this section and other applicable laws."

Page 27, after line 1, insert:

"Subd. 15. [NONLIMITING.] Nothing in this section shall be construed to limit the powers granted to the commissioner of health in chapter 62D, 62N, 144, or 144A."

Page 27, line 17, delete from "collected" through page 27, line 20, to "individuals" and insert "that identify individual patients or industry participants are private data on individuals or nonpublic data, as appropriate"

Page 27, line 29, delete "state law" and insert "statute"

Page 27, line 30, after "data" insert "to the commissioner" and after "chapter" insert "or to the health data institute pursuant to section 62J.451"

Page 27, after line 32, insert:

"(c) When an industry participant submits patient identifying data to the health data institute, and the data is submitted to the health data institute in electronic form, or through other electronic means including, but not limited to, the electronic data interchange system defined in section 62J.451, the industry participant shall submit the patient identifying data in encrypted form, using an encryption method supplied or specified by the health data institute. Submission of encrypted data as provided in this paragraph satisfies the requirements of section 144.335, subdivision 3b."

Page 27, line 33, delete "(c)" and insert "(d)"

Page 27, line 35, delete "(d)" and insert "(e)"

Page 28, line 4, delete "(e)" and insert "(f)"

Page 28, line 6, delete "(f)" and insert "(g)"

Page 28, line 35, after "analysis" insert "or the data used in the analysis"

Page 28, line 36, delete everything after "consider" and insert "and determine, in accordance with policies and criteria developed by the health data institute, that the data and analysis are sufficiently accurate, complete, reliable, valid, and as appropriate, case-mixed and severity adjusted, and statistically and clinically significant."

Page 29, delete lines 1 to 3

Page 30, lines 4 and 5, delete "to have access"

Page 30, line 18, delete "will" and insert "shall"

Page 30, line 33, delete "date" and insert "data"

Page 30, line 34, after "data" insert "are"

Page 31, line 24, delete "also"

Page 31, line 27, delete "that that" and insert "than the industry participant"

Page 31, line 36, delete "paragraph" and insert "subdivision"

Page 32, line 4, delete "also" and before "participant" insert "industry"

Page 32, line 10, delete "that is"

Page 32, line 21, delete "fair" and after "insurance" insert "fair"

Page 32, line 22, delete "thereto" and insert "to it"

Page 32, line 26, before "Notwithstanding" insert "(a)"

Page 32, line 27, delete "paragraph (a),"

Page 32, line 33, after the period, insert:

"(b) Data provided by the commissioner pursuant to paragraph (a) of this subdivision may not include patient identifying data as defined in section 62J.451, subdivision 2, paragraph (1). For data provided by the commissioner of health pursuant to paragraph (a), the health data institute and anyone receiving the data from the health data institute, is prohibited from unencrypting or attempting to link the data with other patient identifying data sources.

(c)" and delete "such"

Page 32, line 34, after "institute" insert "pursuant to paragraph (a)" and delete "in" and insert "with the state agency or political subdivision"

Page 32, line 35, delete "the hands of the entity" and delete "provide" and insert "provided"

Page 33, after line 1, insert:

"(d) Notwithstanding any limitation in chapter 13 or sections 62J.451 and 62J.452 regarding the disclosure of nonpublic and private data, the health data institute may provide nonpublic and private data to any state agency that is a member of the board of the health data institute. Any such data provided to a state agency shall retain nonpublic or private classification, as applicable."

Page 33, line 6, after "by" insert "any"

Page 33, line 10, delete "committed to" and insert "under"

Page 33, line 21, delete "or 6" and insert "6; or 7"

Page 33, line 33, delete "evident" and insert "evidence"

Page 33, line 35, after "the" insert "health"

Page 34, line 1, delete "it"

Page 34, line 8, after "include" insert a comma and after "to" insert a comma

Page 34, after line 10, insert:

"Sec. 17. Minnesota Statutes 1994, section 62J.54, is amended to read:

62J.54 [IDENTIFICATION AND IMPLEMENTATION OF UNIQUE IDENTIFIERS.]

Subdivision 1. [UNIQUE IDENTIFICATION NUMBER FOR HEALTH CARE PROVIDER ORGANIZATIONS.] (a) On and after January 1, ~~1996~~ 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify health care provider organizations, except as provided in paragraph (d).

(b) Following the recommendation of the workgroup for electronic data interchange, the federal tax identification number assigned to each health care provider organization by the Internal Revenue Service of the Department of the Treasury shall be used as the unique identification number for health care provider organizations.

(c) The unique health care provider organization identifier shall be used for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

(d) The state and federal health care programs administered by the department of human services shall use the unique identification number assigned to health care providers for implementation of the Medicaid Management Information System or the uniform provider identification number (UPIN) assigned by the Health Care Financing Administration.

Subd. 2. [UNIQUE IDENTIFICATION NUMBER FOR INDIVIDUAL HEALTH CARE PROVIDERS.] (a) On and after January 1, ~~1996~~ 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify an individual health care provider, except as provided in paragraph (d).

(b) The uniform provider identification number (UPIN) assigned by the Health Care Financing Administration shall be used as the unique identification number for individual health care providers. Providers who do not currently have a UPIN number shall request one from the health care financing administration.

(c) The unique individual health care provider identifier shall be used for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

(d) The state and federal health care programs administered by the department of human services shall use the unique identification number assigned to health care providers for implementation of the Medicaid Management Information System or the uniform provider identification number (UPIN) assigned by the health care financing administration.

Subd. 3. [UNIQUE IDENTIFICATION NUMBER FOR GROUP PURCHASERS.] (a) On and after January 1, ~~1996~~ 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify group purchasers.

(b) The federal tax identification number assigned to each group purchaser by the Internal Revenue Service of the Department of the Treasury shall be used as the unique identification number for group purchasers. This paragraph applies until the codes described in paragraph (c) are available and feasible to use, as determined by the commissioner.

(c) A two-part code, consisting of 11 characters and modeled after the National Association of Insurance Commissioners company code shall be assigned to each group purchaser and used as the unique identification number for group purchasers. The first six characters, or prefix, shall contain the numeric code, or company code, assigned by the National Association of Insurance Commissioners. The last five characters, or suffix, which is optional, shall contain further codes that will enable group purchasers to further route electronic transaction in their internal systems.

(d) The unique group purchaser identifier shall be used for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

Subd. 4. [UNIQUE PATIENT IDENTIFICATION NUMBER.] (a) On and after January 1, 1996 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify each patient who receives health care services in Minnesota, except as provided in paragraph (e).

(b) Except as provided in paragraph (d), following the recommendation of the workgroup for electronic data interchange, the social security number of the patient shall be used as the unique patient identification number.

(c) The unique patient identification number shall be used by group purchasers and health care providers for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

(d) The commissioner shall develop an alternate numbering system for patients who do not have or refuse to provide a social security number. This provision does not require that patients provide their social security numbers and does not require group purchasers or providers to demand that patients provide their social security numbers. Group purchasers and health care providers shall establish procedures to notify patients that they can elect not to have their social security number used as the unique patient identification number.

(e) The state and federal health care programs administered by the department of human services shall use the unique person master index (PMI) identification number assigned to clients participating in programs administered by the department of human services."

Page 34, line 16, strike "6" and insert "1"

Page 34, after line 30, insert:

"Sec. 19. Minnesota Statutes 1994, section 62J.58, is amended to read:

62J.58 [IMPLEMENTATION OF STANDARD TRANSACTION SETS.]

Subdivision 1. [CLAIMS PAYMENT.] ~~(a) By July 1, 1995 Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I industry participants, except pharmacists, shall be able to submit or accept, as appropriate, the ANSI ASC X12 835 health care claim payment/advice transaction set (draft standard for trial use version 3030) for electronic transfer of payment information.~~

~~(b) By July 1, 1996, and all category II industry participants, except pharmacists, shall be able to submit or accept, as appropriate, the ANSI ASC X12 835 health care claim payment/advice transaction set (draft standard for trial use version 3030) for electronic submission of payment information to health care providers.~~

Subd. 2. [CLAIMS SUBMISSION.] ~~Beginning July 1, 1995 Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 837 health care claim transaction set (draft standard for trial use version 3030) for the electronic transfer of health care claim information. Category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, this transaction set, beginning July 1, 1996.~~

Subd. 3. [ENROLLMENT INFORMATION.] ~~Beginning January 1, 1996 Six months from the~~

date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, excluding pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 834 health care enrollment transaction set (draft standard for trial use version 3030) for the electronic transfer of enrollment and health benefit information. ~~Category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, this transaction set, beginning January 1, 1997.~~

Subd. 4. [ELIGIBILITY INFORMATION.] ~~By January 1, 1996~~ Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 270/271 health care eligibility transaction set (draft standard for trial use version 3030) for the electronic transfer of health benefit eligibility information. ~~Category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, this transaction set, beginning January 1, 1997.~~

Subd. 5. [APPLICABILITY.] This section does not require a group purchaser, health care provider, or employer to use electronic data interchange or to have the capability to do so. This section applies only to the extent that a group purchaser, health care provider, or employer chooses to use electronic data interchange."

Page 36, line 24, after the period, insert "The commissioners of health and human services shall have the authority to collect data from health plan companies as needed for the purposes of developing a risk adjustment mechanism for public programs."

Page 36, delete section 19

Page 38, line 32, delete from "The" through page 39, line 7, to "commissioners." and insert "The commissioners of health and commerce shall have the authority to approve or reject the plan of operation."

Page 39, line 24, delete "to maintain protection from antitrust law,"

Page 39, line 28, delete everything after "by" and insert "an"

Page 39, line 30, delete everything before "for" and insert "shall have the authority to audit and examine data collected by the association"

Page 39, line 31, delete everything before the period and insert "the purposes of the development and implementation of the risk adjustment system"

Page 39, line 34, delete "collected" and insert "obtained by the commissioner"

Page 40, line 12, delete "review and" and after "approve" insert "or reject"

Page 40, line 20, delete "review and" and after "approve" insert "or reject"

Page 40, line 22, after "approve" insert "or reject"

Page 40, after line 23, insert:

"If the commissioners reject any of the plans identified in clauses (1), (4), and (5) of this subdivision, the directors shall submit for review an appropriate revised plan within 30 days."

Page 42, line 2, before "The" insert "(a)"

Page 42, line 3, after "institute" insert ", where applicable,"

Page 42, line 4, delete "next" and insert "1996" and delete the second "the" and after the period, insert:

"(b) The revisor of statutes is instructed to change any statutory reference to the information clearinghouse from Minnesota Statutes, section 62J.33 or 62J.33, subdivision 2, to 62J.2930, in the 1996 edition of Minnesota Statutes and Minnesota Rules."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "subdivision 1" and insert "subdivisions 1 and 2" and before "62J.55" insert "62J.54;"

Page 1, line 7, before "62Q.03" insert "62J.58;"

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

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

H.F. No. 496: A bill for an act relating to education; providing for disclosure of past buyout arrangements by superintendents to be; amending Minnesota Statutes 1994, section 123.34, 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 1994, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the an employment relationship or of a buyout agreement, as defined in section 123.34, subdivision 9a, paragraph (a); work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

Sec. 2. Minnesota Statutes 1994, section 123.34, is amended by adding a subdivision to read:

Subd. 9a. [DISCLOSE PAST BUYOUTS OR CONTRACT IS VOID.] (a) For the purposes of paragraph (b), a "buyout agreement" is any agreement under which a person employed as a superintendent left the position before the term of the contract was over and received a sum of money, something else of value, or the right to something of value for some purpose other than performing the services of a superintendent.

(b) Before a person may enter into a superintendent's contract with a school board, the candidate shall disclose in writing the existence and terms of any previous buyout agreement, including amounts and the purpose for the payments, relating to a superintendent's contract with another school board. A disclosure made under this paragraph is public data.

(c) The superintendent's contract of a person who fails to make a timely disclosure under paragraph (b) is void.

Sec. 3. [EFFECTIVE DATE.]

Section 2 applies to initial contracts to take effect on or after July 1, 1995, between a school district and a person not employed as the superintendent in the hiring district on June 30, 1995."

Delete the title and insert:

"A bill for an act relating to education; providing for disclosure of past buyout arrangements by superintendents to be; providing public access to the terms of buyout agreements; amending Minnesota Statutes 1994, sections 13.43, subdivision 2; and 123.34, by adding a subdivision."

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

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

S.F. No. 1055: A bill for an act relating to occupations and professions; exempting certain social workers from requirement to obtain home care provider license; exempting some social workers employed in a hospital or nursing home from examination; modifying licensure requirements; requiring hospital and nursing home social workers to be licensed; amending Minnesota Statutes 1994, sections 144A.46, subdivision 2; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; and 148B.60, subdivision 3; repealing Minnesota Statutes 1994, sections 148B.23, subdivision 1a; and 148B.28, subdivision 6.

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

Page 5, line 34, delete "1995" and insert "1996"

Page 6, line 2, delete "the" and insert "a" and delete everything after "hospital"

Page 6, delete lines 3 to 7 and insert "licensed under chapter 144."

Page 7, line 10, delete "1" and insert "15"

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

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

S.F. No. 990: A bill for an act relating to human services; changing absent parent's liability for child support; adding provisions relating to recognition of parentage; adding provisions for administrative proceedings; adding provisions for child support collection; amending Minnesota Statutes 1994, sections 256.87, subdivision 5; 257.34, subdivision 1; 257.67, subdivision 1; 257.75, subdivision 3, and by adding a subdivision; 518.5511, subdivisions 1, 2, 3, 4, 5, 7, and 9; 518.611, subdivision 5; 518.64, by adding a subdivision; and 595.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 257; and 518; repealing Minnesota Statutes 1994, section 518.64, subdivision 6.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

RECOGNITION OF PARENTAGE

Section 1. Minnesota Statutes 1994, section 256.87, subdivision 5, is amended to read:

Subd. 5. [CHILD NOT RECEIVING ASSISTANCE.] A person or entity having physical custody of a dependent child not receiving assistance under sections 256.031 to 256.0361, or 256.72 to 256.87 has a cause of action for child support against the child's absent parents. Upon a motion served on the absent parent, the court shall order child support payments from the absent parent under chapter 518. The absent parent's liability may include up to the two years immediately preceding the commencement of the action. This subdivision applies only if the person or entity has physical custody with the consent of a custodial parent or approval of the court.

Sec. 2. Minnesota Statutes 1994, section 257.34, subdivision 1, is amended to read:

Subdivision 1. [ACKNOWLEDGMENT BY PARENTS.] The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before ~~or up to ten months after~~ the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) have the same consequences as an acknowledgment by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111, 197.75, and 197.752;

(c) create a presumption that the signatory is the biological father of the child for the purposes of sections 257.51 to 257.74;

(d) when timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.51, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.51 if it contains the information required by section 259.51 or rules promulgated thereunder;

(e) have the same consequences as a writing declaring paternity of the child for the purposes of section 524.2-109; and

(f) be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Sec. 3. Minnesota Statutes 1994, section 257.34, is amended by adding a subdivision to read:

Subd. 4. [EXPIRATION OF AUTHORITY FOR DECLARATIONS.] An acknowledgment of parentage under this section may not be entered into on or after August 1, 1995. The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may execute a recognition of parentage under section 257.75.

Sec. 4. Minnesota Statutes 1994, section 257.55, subdivision 1, is amended to read:

Subdivision 1. [PRESUMPTION.] A man is presumed to be the biological father of a child if:

(a) He and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court;

(b) Before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth certificate; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child;

(e) He and the child's biological mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with the state registrar of vital statistics. If another man is presumed under this paragraph to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted;

(f) Evidence of statistical probability of paternity based on blood testing establishes the likelihood that he is the father of the child, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater;

(g) He and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man is presumed to be the father under this subdivision; or

(h) He and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man and the child's mother have executed a recognition of parentage in accordance with section 257.75; or

(i) He and the child's biological mother executed a recognition of parentage in accordance with section 257.75 when either or both of the signatories were less than 18 years of age.

Sec. 5. Minnesota Statutes 1994, section 257.57, subdivision 2, is amended to read:

Subd. 2. The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (d), (e), (f), (g), or (h), or the nonexistence of the father and child relationship presumed under clause (d) of that subdivision;

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is brought within three years after the date of the execution of the declaration or recognition of parentage; or

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (f), only if the action is brought within three years

after the party bringing the action, or the party's attorney of record, has been provided the blood test results; or

(4) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.75, subdivision 9, only if the action is brought by the minor signatory within six months after the minor signatory reaches the age of 18. In the case of a recognition of parentage executed by two minor signatories, the action to declare the nonexistence of the father and child relationship must be brought within six months after the youngest signatory reaches the age of 18.

Sec. 6. Minnesota Statutes 1994, section 257.60, is amended to read:

257.60 [PARTIES.]

The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. The biological mother, each man presumed to be the father under section 257.55, and each man alleged to be the biological father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. The public agency responsible for support enforcement is joined as a party in each case in which rights are assigned under section 256.74, subdivision 5, and in each case in which the public agency is providing services pursuant to an application for child support services. A person who may bring an action under section 257.57 may be made a party to the action. The court may align the parties. The child shall be made a party whenever:

(1) the child is a minor and the case involves a compromise under section 257.64, subdivision 1, or a lump sum payment under section 257.66, subdivision 4, in which case the commissioner of human services shall also be made a party subject to department of human services rules relating to paternity suit settlements; or

(2) the child is a minor and the action is to declare the nonexistence of the father and child relationship; or

(3) an action to declare the existence of the father and child relationship is brought by a man presumed to be the father under section 257.55, or a man who alleges to be the father, and the mother of the child denies the existence of the father and child relationship.

Sec. 7. Minnesota Statutes 1994, section 257.75, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF RECOGNITION.] Subject to subdivision 2 and section 257.55, subdivision 1, paragraph (g) or (h), the recognition has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If the conditions in section 257.55, subdivision 1, paragraph (g) or (h), exist, the recognition creates only a presumption of paternity for purposes of sections 257.51 to 257.74. Until an order is entered granting custody to another, the mother has sole custody. The recognition is:

(1) a basis for bringing an action to award custody or visitation rights to either parent, establishing a child support obligation which may include up to the two years immediately preceding the commencement of the action, ordering a contribution by a parent under section 256.87, or ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3, or ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2;

(2) determinative for all other purposes related to the existence of the parent and child relationship; and

(3) entitled to full faith and credit in other jurisdictions.

Sec. 8. [257.651] [DEFAULT ORDER OF PARENTAGE.]

In an action to determine the existence of the father and child relationship under sections 257.51 to 257.74, if the alleged father fails to appear at a hearing after service duly made and proved, the court shall enter a default judgment or order of paternity.

Sec. 9. Minnesota Statutes 1994, section 257.67, subdivision 1, is amended to read:

Subdivision 1. If existence of the parent and child relationship is declared, or parentage or a duty of support has been acknowledged or adjudicated under sections 257.51 to 257.74 or under prior law, the obligation of the noncustodial parent may be enforced in the same or other proceedings by the custodial parent, the child, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent that person has furnished or is furnishing these expenses. Full faith and credit shall be given to a determination of paternity made by another state, whether established through voluntary acknowledgment or through administrative or judicial processes.

Sec. 10. Minnesota Statutes 1994, section 257.75, is amended by adding a subdivision to read:

Subd. 9. [EXECUTION BY A MINOR PARENT.] A recognition of parentage executed and filed in accordance with this section by a minor parent creates a presumption of paternity for the purposes of sections 257.51 to 257.74.

Sec. 11. [518.255] [PROVISION OF LEGAL SERVICES BY THE PUBLIC AUTHORITY.]

The provision of services under the child support enforcement program that includes services by an attorney or an attorney's representative employed by, under contract to, or representing the public authority does not create an attorney-client relationship with any party other than the public authority. Attorneys employed by or under contract with the public authority have an affirmative duty to inform applicants and recipients of services in writing under the child support enforcement program that no attorney-client relationship exists between the attorney and the applicant or recipient. The written notice must inform the individual applicant or recipient of services that no attorney-client relationship exists between the attorney and the applicant or recipient, the rights of the individual as a subject of data under section 13.04, subdivision 2, and that the individual has a right to have an attorney represent the individual. This section applies to all legal services provided by the child support enforcement program.

ARTICLE 2

CHILD SUPPORT PROCEDURES

Section 1. Minnesota Statutes 1994, section 518.5511, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) An administrative process is established to obtain, modify, and enforce child and medical support orders and parentage orders and modify maintenance if combined with a child support proceeding. All laws governing these actions apply insofar as they are not inconsistent with the provisions of this section and section 518.5512. Wherever other laws are inconsistent with this section and section 518.5512, the provisions in this section and section 518.5512 shall apply.

(b) All proceedings for obtaining, modifying, or enforcing child and medical support orders and modifying maintenance orders if combined with a child support proceeding, are required to be conducted in the administrative process when the public authority is a party or provides services to a party or parties to the proceedings. At county option, the administrative process may include contempt motions or actions to establish parentage. Nothing contained herein shall prevent a party, upon timely notice to the public authority, from commencing an action or bringing a motion for the establishment, modification, or enforcement of child support or modification of maintenance orders if combined with a child support proceeding in district court, if additional issues involving domestic abuse, establishment or modification of custody or visitation, property issues, or other issues outside the jurisdiction of the administrative process, are part of the motion or action, or from proceeding with a motion or action brought by another party containing one or more of these issues if it is pending in district court.

(c) A party may make a written request to the public authority to initiate an uncontested administrative proceeding. If the public authority denies the request, the public authority shall issue a summary order notice which denies the request for relief, states the reasons for the denial, and notifies the party of the right to commence an action for relief. If the party commences an action or serves and files a motion within 30 days after the public authority's denial and the

party's action results in a modification of a child support order, the modification may be retroactive to the date the written request was received by the public authority.

(d) After August 1, 1994, all counties shall participate in the administrative process established in this section in accordance with a statewide implementation plan to be set forth by the commissioner of human services. No county shall be required to participate in the administrative process until after the county has been trained. The implementation plan shall include provisions for training the counties by region no later than July 1, 1995.

(e) For the purpose of the administrative process, all powers, duties, and responsibilities conferred on judges of district court to obtain and enforce child and medical support and parentage and maintenance obligations, subject to the limitations of this section are conferred on administrative law judges, including the power to issue subpoenas, orders to show cause, and bench warrants for failure to appear.

The administrative law judge has the authority to approve parentage orders that contain uncontested custody and visitation provisions.

Sec. 2. Minnesota Statutes 1994, section 518.5511, subdivision 2, is amended to read:

Subd. 2. [UNCONTESTED ADMINISTRATIVE PROCEEDING.] (a) A party may petition the chief administrative law judge, the chief district court judge, or the chief family court referee to proceed immediately to a contested hearing upon good cause shown.

(b) The public authority shall give the parties written notice requesting the submission of information necessary for the public authority to prepare a proposed ~~child support~~ order. The written notice shall be sent by first class mail to the parties' last known addresses. The written notice shall describe the information requested, state the purpose of the request, state the date by which the information must be postmarked or received (which shall be at least 30 days from the date of the mailing of the written notice), state that if the information is not postmarked or received by that date, the public authority will prepare a proposed order on the basis of the information available, and identify the type of information which will be considered.

(c) Following the submission of information or following the date when the information was due, the public authority shall, on the basis of all information available, complete and sign a proposed ~~child support~~ order and notice. In preparing the proposed ~~child support~~ order, the public authority will establish child support in the highest amount permitted under section 518.551, subdivision 5. The proposed order shall include written findings in accordance with section 518.551, subdivision 5, clauses (i) and (j). The notice shall state that the proposed ~~child support~~ order will be entered as a final and binding default order unless one of the parties requests a conference under subdivision 3 within 14 days following the date of service of the proposed ~~child support~~ order. The method for requesting the conference shall be stated in the notice. The notice and proposed ~~child support~~ order shall be served under the rules of civil procedure. For the purposes of the contested hearing, and notwithstanding any law or rule to the contrary, the service of the proposed order pursuant to this paragraph shall be deemed to have commenced a proceeding and the judge, including an administrative law judge or a referee, shall have jurisdiction over the contested hearing.

(d) If a conference under subdivision 3 is not requested by a party within 14 days after the date of service of the proposed ~~child support~~ order, the public authority may ~~enter~~ submit the proposed order as the default order. The default order becomes ~~effective 30 days after the date of service of the notice in paragraph (c)~~ enforceable upon signature by an administrative law judge or district court judge or referee. The public authority may also prepare and serve a new notice and proposed ~~child support~~ order if new information is subsequently obtained. The default ~~child support~~ order shall be a final order, and shall be served under the rules of civil procedure.

(e) The public authority shall file in the district court copies of all notices served on the parties, proof of service, and all orders.

Sec. 3. Minnesota Statutes 1994, section 518.5511, subdivision 3, is amended to read:

Subd. 3. [ADMINISTRATIVE CONFERENCE.] (a) If a party requests a conference within 14

days of the date of service of the proposed order, the public authority shall schedule a conference, and shall serve written notice of the date, time, and place of the conference on the parties.

(b) The purpose of the conference is to review all available information and seek an agreement to enter a consent ~~child support~~ order. The notice shall state the purpose of the conference, and that the proposed ~~child support~~ order will be entered as a final and binding default order if the requesting party fails to appear at the conference. The notice shall be served on the parties by first class mail at their last known addresses, and the method of service shall be documented in the public authority file.

(c) A party alleging domestic abuse by the other party shall not be required to participate in a conference. In such a case, the public authority shall meet separately with the parties in order to determine whether an agreement can be reached.

(d) If the party requesting the conference does not appear and fails to provide a written excuse (with supporting documentation if relevant) to the public authority within seven days after the date of the conference which constitutes good cause, the public authority may enter a default ~~child support~~ order through the uncontested administrative process. The public authority shall not enter the default order until at least seven days after the date of the conference.

For purposes of this section, misrepresentation, excusable neglect, or circumstances beyond the control of the person who requested the conference which prevented the person's appearance at the conference constitutes good cause for failure to appear. If the public authority finds good cause, the conference shall be rescheduled by the public authority and the public authority shall send notice as required under this subdivision.

(e) If the parties appear at the conference, the public authority shall seek agreement of the parties to the entry of a consent ~~child support~~ order which establishes child support in accordance with applicable law. The public authority shall advise the parties that if a consent order is not entered, the matter will be scheduled for a hearing before an administrative law judge, or a district court judge or referee, and that the public authority will seek the establishment of child support at the hearing in accordance with the highest amount permitted under section 518.551, subdivision 5. If an agreement to enter the consent order is not reached at the conference, the public authority shall schedule the matter ~~before an administrative law judge, district court judge, or referee for a contested hearing.~~

(f) If an agreement is reached by the parties at the conference, a consent ~~child support~~ order shall be prepared by the public authority, and shall be signed by the parties. All consent and default orders shall be signed by the nonattorney employee of the public authority and shall be submitted to an administrative law judge or the district court for ~~countersignature approval and signature.~~ The order is effective enforceable upon the signature by the administrative law judge or the district court ~~and is retroactive to the date of signature by the nonattorney employee of the public authority.~~ The consent order shall be served on the parties under the rules of civil procedure.

Sec. 4. Minnesota Statutes 1994, section 518.5511, subdivision 4, is amended to read:

Subd. 4. [CONTESTED ADMINISTRATIVE PROCEEDING.] (a) ~~The commissioner of human services is authorized to designate counties to use the contested administrative hearing process based upon federal guidelines for county performance. The contested administrative hearing process may also be initiated upon request of a county board. The administrative hearing process shall be implemented in counties designated by the commissioner. All counties shall participate in the contested administrative process established in this section as designated in a statewide implementation plan to be set forth by the commissioner of human services. No county may be required to participate in the contested administrative process until after the county has been trained. The contested administrative process must be in operation in all counties except Hennepin by July 1, 1996.~~

A Hennepin county pilot program shall be jointly planned, implemented, and evaluated by the department of human services, the office of administrative hearings, the fourth judicial district court, and Hennepin county and be in operation by July 1, 1996. The pilot program shall provide that one-half of the case load use the contested administrative process. The pilot program shall

include an evaluation which shall be conducted after one year of program operation. A preliminary evaluation report shall be submitted by the commissioner to the legislature by March 1, 1997. A final evaluation report shall be submitted by the commissioner to the legislature by January 1, 1998. The pilot program shall continue pending final decision by the legislature, or until the commissioner determines that Hennepin county will not participate in the contested administrative process.

In counties designated by the commissioner, contested hearings required under this section shall be scheduled before administrative law judges, and shall be conducted in accordance with the provisions under this section. In counties not designated by the commissioner, contested hearings shall be conducted in district court in accordance with the rules of civil procedure and the rules of family court.

(b) An administrative law judge may conduct hearings and approve a stipulation reached on a contempt motion brought by the public authority. Any stipulation that involves a finding of contempt and a jail sentence, whether stayed or imposed, shall require the review and signature of a district court judge.

(c) For the purpose of this process, all powers, duties, and responsibilities conferred on judges of the district court to obtain and enforce child and medical support and maintenance obligations, subject to the limitation set forth herein, are conferred on the administrative law judge conducting the proceedings, including the power to issue subpoenas, to issue orders to show cause, and to issue bench warrants for failure to appear. A party, witness, or attorney may appear or testify by telephone, audiovisual means, or other electronic means, at the discretion of the administrative law judge.

(d) Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county shall provide hearing facilities for implementing this process in the county. A contested administrative hearing shall be conducted in a courtroom, if one is available, or a conference or meeting room with at least two exits and of sufficient size to permit adequate physical separation of the parties. The court administrator shall provide administrative support for the contested hearing. Security personnel shall either be present during the administrative hearings, or be available to respond to a request for emergency assistance.

(e) The contested administrative hearings shall be conducted under the rules of the office of administrative hearings, Minnesota Rules, parts 1400.5275, 1400.5500, 1400.6000 to 1400.6400, 1400.6600 to 1400.7000, 1400.7100 to 1400.7500, 1400.7700, and 1400.7800, and 1400.8100, as adopted by the chief administrative law judge.

For matters not initiated under section 518.5511, subdivision 2, documents from the moving party shall be served and filed at least 14 days prior to the hearing and the opposing party shall serve and file documents raising new issues at least ten days prior to the hearing. In all contested administrative proceedings, the administrative law judge may limit the extent and timing of discovery. Except as provided under this section, other aspects of the case, including, but not limited to, pleadings, discovery, and motions, shall be conducted under the rules of family court, the rules of civil procedure, and chapter 518.

(f) Pursuant to a contested administrative hearing, the administrative law judge shall make findings of fact, conclusions, and a final decision and issue an order. Orders issued by an administrative law judge may be enforceable by the contempt powers of the district courts.

(g) At the time the matter is scheduled for a contested hearing, the public authority shall file in the district court copies of all relevant documents sent to or received from the parties, in addition to the documents filed under subdivision 2, paragraph (e). For matters scheduled for a contested hearing which were not initiated under section 518.5511, subdivision 2, the public authority shall obtain any income information available to the public authority through the department of economic security and serve this information on all parties and file the information with the court at least five days prior to the hearing.

(h) The decision and order of the administrative law judge is appealable to the court of appeals in the same manner as a decision of the district court.

Sec. 5. Minnesota Statutes 1994, section 518.5511, subdivision 5, is amended to read:

Subd. 5. [NONATTORNEY AUTHORITY.] Nonattorney employees of the public authority responsible for child support may prepare, sign, serve, and file complaints, motions, notices, summary ~~orders~~ notices, proposed orders, default orders, and consent orders for obtaining, modifying, or enforcing child and medical support orders, orders establishing paternity, and related documents, and orders to modify maintenance if combined with a child support order. The nonattorney may also conduct prehearing conferences, and participate in proceedings before an administrative law judge. This activity shall not be considered to be the unauthorized practice of law. Nonattorney employees may not represent the interests of any party other than the public authority, and may not give legal advice to any party.

Sec. 6. Minnesota Statutes 1994, section 518.5511, subdivision 7, is amended to read:

Subd. 7. [PUBLIC AUTHORITY LEGAL ADVISOR.] At all stages of the administrative process ~~prior to the contested hearing~~, the county attorney, or other attorney under contract, shall act as the legal advisor for the public authority, but shall not play an active role in the review of information ~~and~~, the preparation of default and consent orders, and the contested hearings unless the nonattorney employee of the public authority requests the appearance of the county attorney.

Sec. 7. Minnesota Statutes 1994, section 518.5511, subdivision 9, is amended to read:

Subd. 9. [TRAINING AND RESTRUCTURING.] (a) The commissioner of human services, in consultation with the office of administrative hearings, shall be responsible for the supervision of the administrative process. The commissioner of human services shall provide training to child support officers and other employees of the public authority persons involved in the administrative process. The commissioner of human services shall prepare simple and easy to understand forms for all notices and orders prescribed in this subdivision section, and the public authority shall use them.

(b) The office of administrative hearings shall be responsible for training and monitoring the performance of administrative law judges, maintaining records of proceedings, providing transcripts upon request, and maintaining the integrity of the district court file.

Sec. 8. [518.5512] [ADMINISTRATIVE PROCEDURES FOR CHILD AND MEDICAL SUPPORT ORDERS AND PARENTAGE ORDERS.]

Subdivision 1. [GENERAL.] The provisions of this section apply to actions conducted in the administrative process pursuant to section 518.5511.

Subd. 2. [PATERNITY.] (a) A nonattorney employee of the public authority may request an administrative law judge or the district court to order the child, mother, or alleged father to submit to blood or genetic tests. The order is effective when signed by an administrative law judge or the district court. Failure to comply with the order for blood or genetic tests may result in a default determination of parentage.

(b) If parentage is contested at the administrative hearing, the administrative law judge may order temporary child support under section 257.62, subdivision 5, and shall refer the case to the district court.

(c) The district court may appoint counsel for an indigent alleged father only after the return of the blood or genetic test results from the testing laboratory.

Subd. 3. [COST-OF-LIVING ADJUSTMENT.] The notice of application for adjustment shall be treated as a proposed order under section 518.5511, subdivision 2, paragraph (c). The public authority shall stay the adjustment of support upon receipt of a request for an administrative conference. An obligor requesting an administrative conference shall provide all relevant information that establishes an insufficient increase in income to justify the adjustment of the support obligation. If the obligor fails to submit any evidence at the administrative conference, the cost-of-living adjustment will immediately go into effect.

ARTICLE 3

CHILD SUPPORT COLLECTION

Section 1. Minnesota Statutes 1994, section 518.611, subdivision 5, is amended to read:

Subd. 5. [ARREARAGE ORDER.] Nothing in this section shall prevent the court from ordering the payor of funds to withhold amounts to satisfy the obligor's previous arrearage in child support or maintenance payments, the obligor's liability for reimbursement of child support or of public assistance pursuant to sections 256.87 and 257.66, for pregnancy and confinement expenses and for blood test costs, and any service fees that may be imposed under section 518.551. This remedy shall not operate to exclude availability of other remedies to enforce judgments.

Sec. 2. Minnesota Statutes 1994, section 518.64, subdivision 4, is amended to read:

Subd. 4. Unless otherwise agreed in writing or expressly provided in the order, provisions for the support of a child are not terminated by ~~emancipation of the child but not~~ by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.

Sec. 3. Minnesota Statutes 1994, section 518.64, is amended by adding a subdivision to read:

Subd. 4a. [AUTOMATIC TERMINATION OF SUPPORT.] (a) Unless a court order provides otherwise, a child support obligation in a specific amount per child terminates automatically and without any action by the obligor to reduce, modify, or terminate the order upon the emancipation of the child as provided under section 518.54, subdivision 2.

(b) A child support obligation for two or more children that is not a support obligation in a specific amount per child continues in the full amount until the emancipation of the last child for whose benefit the order was made, or until further order of the court.

(c) The obligor may request a modification of his or her child support order upon the emancipation of a child if there are still minor children under the order. The child support obligation shall be determined based on the income of the parties at the time the modification is sought. The court may provide that a modification order made under this paragraph is effective as of the date that the child was emancipated.

Sec. 4. [REPEALER.]

Minnesota Statutes 1994, section 518.64, subdivision 6, is repealed.

Sec. 5. [EFFECTIVE DATE.]

This act is effective August 1, 1995."

Delete the title and insert:

"A bill for an act relating to human services; changing absent parent's liability for child support; adding provisions relating to recognition of parentage; adding provisions for administrative proceedings; adding provisions for child support collection; amending Minnesota Statutes 1994, sections 256.87, subdivision 5; 257.34, subdivision 1, and by adding a subdivision; 257.55, subdivision 1; 257.57, subdivision 2; 257.60; 257.67, subdivision 1; 257.75, subdivision 3, and by adding a subdivision; 518.5511, subdivisions 1, 2, 3, 4, 5, 7, and 9; 518.611, subdivision 5; and 518.64, subdivision 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 257 and 518; repealing Minnesota Statutes 1994, section 518.64, subdivision 6."

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

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

S.F. No. 598: A bill for an act relating to civil actions; limiting the liability of grocery stores and delicatessens as food donors to the elderly or needy; amending Minnesota Statutes 1994, section 604A.10, subdivision 1.

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

Page 1, line 24, after "delicatessen," insert "convenience store,"

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. 1159: A bill for an act relating to state government; requiring notice to the commissioner of agriculture and certain other actions before an agency adopts or repeals rules that affect farming operations; amending Minnesota Statutes 1994, sections 14.11, by adding a subdivision; and 116.07, 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 Veterans. Report adopted.

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1421: A bill for an act relating to local government; providing civil and criminal immunity to persons who operate or use ranges; protecting ranges from planning and zoning laws and ordinances; limiting closings of ranges and providing for relocation costs; proposing coding for new law in Minnesota Statutes, chapter 500; proposing coding for new law as Minnesota Statutes, chapter 87A.

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

Delete everything after the enacting clause and insert:

"Section 1. [87A.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 87A.01 to 87A.04.

Subd. 2. [PERSON.] "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or "range" means an area or facility designed and operated for the use of firearms or archery.

Subd. 4. [GENERALLY ACCEPTED OPERATION PRACTICES.] "Generally accepted operation practices" means those practices adopted by emergency and permanent rules of the commissioner of natural resources for shooting ranges. In developing the practices, the commissioner shall consider all information reasonably available regarding the safe operation of shooting ranges, including practices established by a nationally recognized nonprofit membership organization that provides voluntary firearm safety programs that include training individuals in the safe handling and use of firearms, which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges. The generally accepted operation practices shall be reviewed at least every five years by the commissioner of natural resources and revised as the commissioner considers necessary. The commissioner shall adopt rules required by this section by January 1, 1996.

Subd. 5. [UNIT OF GOVERNMENT.] "Unit of government" means a home rule charter or statutory city, county, town, municipal corporation, or other political subdivision, or any of their instrumentalities.

Sec. 2. [87A.03] [LOCAL ORDINANCE PROTECTION; EXISTING OPERATIONS.]

(a) A shooting range that is in operation and not in violation of existing law at the time of the enactment of an ordinance must be permitted to continue in operation even if the operation of the shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.

(b) A shooting range that operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance of a local unit of government, must be permitted to do all of the following within the boundaries of the unit of government if done in compliance with generally accepted operation practices:

(1) repair, remodel, or reinforce any conforming or nonconforming building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or structure;

(2) reconstruct, repair, restore, remodel, or resume the use of a nonconforming building damaged by fire, collapse, explosion, act of God, or act of war occurring after the effective date of this section; and

(3) do anything authorized under generally accepted operation practices, including:

(i) expand or increase its membership or opportunities for public participation; and

(ii) expand or increase events, facilities and activities.

Sec. 3. [87A.04] [LIMITS ON CLOSING SHOOTING RANGES; PAYMENT OF CERTAIN COSTS.]

(a) Except as provided in section 87A.03, a shooting range may not be prevented from operating by any state agency or unit of government unless because of new development of adjacent land: (1) the range becomes a clear and proven safety hazard to the adjacent population; or (2) the range becomes unable to meet the minimum range safety standards contained in generally accepted operation practices adopted by the rules of the commissioner.

(b)(1) If the requirements of paragraph (a), clause (1), are met, a shooting range may be relocated by a state agency or a unit of government if the following conditions are met:

(i) the clear and proven safety hazard is documented through a hearing, testimony, and a clear and precise statement of the hazard by the agency or unit of government; and

(ii) the agency or unit of government obtaining the closure pays the fair market value of the range business as a going concern to the operators and the fair market value of the land including improvements, to the owner of the land; and

(2) upon final full payment, the range operator and landowners shall relinquish their interest in the property to the agency or unit of government obtaining the closure.

(c) If the requirements of paragraph (a), clause (2), are met, the shooting range operations may be suspended if:

(1) the range operators are given reasonable notice and opportunity to respond; and

(2) the range operators are given a reasonable opportunity to correct safety defects and meet the minimum range safety standards contained in generally accepted operation practices.

(d) If a shooting range is suspended from operation because the requirements of paragraph (a), clause (2), are met and if the shooting range operators are able to obtain a current certificate of reasonable shooting range safety compliance from an organization establishing range safety standards, any order of a state agency, or unit of government to suspend the shooting range operation must, upon application by the operators, be vacated.

Sec. 4. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to local government; protecting shooting ranges from planning and zoning laws and ordinances; limiting closings of ranges and providing for relocating costs; proposing coding for new law as Minnesota Statutes, chapter 87A."

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

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 209: A bill for an act relating to government operations; requiring a study of the feasibility of consolidating counties and rationalizing other internal boundaries; appropriating money.

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

Page 1, lines 9 and 18, delete "state auditor" and insert "board of government innovation and cooperation"

Page 1, line 11, delete "state auditor" and insert "board"

Page 1, line 19, delete "January 1, 1996" and insert "January 15, 1997"

Page 1, lines 21 and 22, delete "state auditor" and insert "board of government innovation and cooperation"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 1017: A bill for an act relating to drivers' licenses; providing for suspension of a driver's license for failure to pay child support; appropriating money; amending Minnesota Statutes 1994, sections 518.551, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Page 1, lines 15 and 16, delete "of at least \$3,000" and insert "equal to or greater than four times the obligor's total monthly support and maintenance payments,"

Page 1, line 18, after "by" insert "a court, an administrative law judge, or"

Page 2, line 1, after "court" insert ", an administrative law judge,"

Page 2, lines 12 and 13, delete "of at least \$3,000" and insert "equal to or greater than four times the obligor's total monthly support and maintenance payments,"

Page 2, line 14, after "arrearages" insert "approved by the court, an administrative law judge, or the public authority"

Page 2, line 27, after the period, insert "An obligee may not bring a motion under this paragraph within 12 months of a denial of a previous motion under this paragraph."

Page 2, line 32, delete "of at least \$3,000" and insert "equal to or greater than four times the obligor's total monthly support and maintenance payments,"

Page 2, line 33, delete "is"

Page 2, line 34, after "the" insert "court, an administrative law judge, or the"

Page 3, line 19, after "the" insert "court, an administrative law judge, or the"

Page 3, after line 22, insert:

"(d) If a person's license is improperly suspended under this subdivision, the person may

recover reasonable expenses from the responsible agency for expenses associated with having the suspension removed."

Page 3, line 23, delete "(d)" and insert "(e)"

Page 3, line 26, delete "of at least \$3,000" and insert "equal to or greater than four times the obligor's total monthly support and maintenance payments"

Page 3, line 32, delete "determined to be acceptable by" and insert "approved by the court, an administrative law judge, or"

Page 3, line 34, delete "(e)" and insert "(f)"

Page 4, line 7, delete "(f)" and insert "(g)" and delete "1" and insert "15"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 980: A bill for an act relating to metropolitan government; clarifying language and changing obsolete references; defining available local transit funds; establishing conditions for use of funds by communities providing replacement service; providing application procedure; establishing reserve accounts; amending Minnesota Statutes 1994, section 473.388.

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

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

S.F. No. 1398: A bill for an act relating to nonpoint source pollution; modifying the agriculture best management practices loan program and the clean water partnership loan program; amending Minnesota Statutes 1994, sections 17.117, subdivisions 2, 4, 6, 7, 8, 9, 10, 11, 14, 16, and by adding subdivisions; and 103F.725, subdivision 1a.

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

Page 6, after line 17, insert:

"(d) Local lenders may enter into agreements with other lenders that meet the definition of local lender under this section for the limited purposes of loan review, processing, and servicing, or to enter into loan agreements with borrowers. In no case may there be more than one local lender per county or more than one revolving fund per county."

Page 8, line 28, delete "as repayments are received and"

Page 9, line 15, delete "including" and insert "excluding"

Page 9, line 25, after the period, insert "If within ten days of the written notice a lender which has a prior recorded interest in the real property makes written objection to the intent to obtain the lien to be established, then the county shall not make the loan."

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

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

S.F. No. 852: A bill for an act relating to agriculture; changing limits for agricultural improvement loans; appropriating money; amending Minnesota Statutes 1994, section 41B.043, subdivisions 2 and 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 1994, section 41B.043, subdivision 1b, is amended to read:

Subd. 1b. [LOAN PARTICIPATION.] The authority may participate in an agricultural improvement loan with an eligible lender to a farmer who meets the requirements of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in farming. Participation is limited to 45 percent of the principal amount of the loan or ~~\$50,000~~ \$100,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different than the interest rates and repayment terms of the lender's retained portion of the loan."

Page 2, after line 2, insert:

"Sec. 4. Minnesota Statutes 1994, section 41B.045, subdivision 2, is amended to read:

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 ~~\$100,000~~ \$250,000, 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. Loans under this program must not be included in the lifetime limitation calculated under section 41B.03, subdivision 1.

Sec. 5. [DEMONSTRATION PROGRAM RESTRICTIONS.]

(a) During fiscal years 1996 and 1997, 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 reviewed by a University of Minnesota extension livestock specialist prior to approval by the authority."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "improvement" insert "and livestock expansion"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, delete "2" and insert "1b, 2," and before the period, insert "; and 41B.045, subdivision 2"

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

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

S.F. No. 1178: A bill for an act relating to agriculture; prohibiting the importation, ownership, or possession of Eurasian wild hogs; providing compensation for affected owners; amending Minnesota Statutes 1994, section 17.457, subdivisions 1, 2, and 6; repealing Minnesota Statutes 1994, section 17.457, subdivisions 3, 4, 5, 7, 8, 9, and 10.

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

Pages 1 and 2, delete sections 2 and 3

Page 2, line 12, before "is" insert "and who decides to permanently discontinue production of Eurasian wild hogs,"

Page 2, lines 14 and 15, delete "section 2" and insert "this act"

Page 2, line 17, delete "section 2" and insert "this act"

Page 2, line 19, delete "under subdivision 2"

Page 2, line 30, after "board" insert "of animal health"

Page 2, delete lines 31 to 33

Pages 2 and 3, delete sections 5 and 6 and insert:

"Sec. 3. [APPROPRIATION.]

\$..... is appropriated to the commissioner of agriculture to make the payments set forth in section 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "prohibiting the importation, ownership, or possession of Eurasian wild hogs;"

Page 1, line 4, after "owners" insert "of Eurasian wild hogs" and after the semicolon, insert "appropriating money;"

Page 1, line 5, delete "subdivisions"

Page 1, delete lines 6 and 7 and insert "subdivision 1."

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. 1404, 699, 1055 and 598 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Murphy introduced--

S.F. No. 1538: A bill for an act relating to motor vehicles; directing registrar to revoke vehicle registrations obtained with worthless checks; requiring notice to deputy registrars; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation and Public Transit.

Ms. Pappas introduced--

S.F. No. 1539: A bill for an act relating to education; moving teachers at the Minnesota center for arts education from the unclassified to the classified service; amending Minnesota Statutes 1994, section 43A.08, subdivisions 1 and 1a.

Referred to the Committee on Education.

Mr. Limmer introduced--

S.F. No. 1540: A bill for an act relating to crime; expanding the scope of first degree burglary; amending Minnesota Statutes 1994, section 609.582, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Limmer introduced--

S.F. No. 1541: A bill for an act relating to crime; clarifying application of mandatory minimum penalties for controlled substance offenses; authorizing use of drivers' license photographs to investigate or prosecute misdemeanor and gross misdemeanor-level thefts; precluding the expungement of criminal records in diversion cases; authorizing sentencing courts to order the payment of restitution to victim assistance programs; adding a fine provision to the terroristic threats crime; amending Minnesota Statutes 1994, sections 152.021, subdivision 3; 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025, subdivision 3; 171.07, subdivision 1a; 299C.11; 609.10; 609.125; and 609.713, subdivisions 1 and 2.

Referred to the Committee on Crime Prevention.

Mr. Dille introduced--

S.F. No. 1542: A bill for an act relating to telecommunications; imposing TACIP fee on cellular telephone users; requiring that a person must be able to use a communication device to be eligible to get it; restricting eligibility for communication device for communication-impaired person in a residential care facility when the facility already provides or is required to provide comparable telephone service; abolishing restriction on TACIP board for contracting for operation of the telecommunication relay system; amending Minnesota Statutes 1994, sections 237.52, subdivision 3; 237.53, subdivision 2; and 237.54, subdivision 2.

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

Mr. Pogemiller introduced--

S.F. No. 1543: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1994, sections 474A.03, subdivisions 1 and 4; 474A.061, subdivisions 2a, 2c, 4, and 6; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Ms. Runbeck and Mr. Johnson, D.J. introduced--

S.F. No. 1544: A bill for an act relating to utilities; modifying the role and composition of the public utilities commission; making technical changes; amending Minnesota Statutes 1994, sections 216A.01; 216A.03, subdivisions 1, 3, and 3a; 216A.036; 216A.04, subdivisions 1a and 3; and 216A.05, subdivisions 1, 2, and 5; proposing coding for new law in Minnesota Statutes, chapter 216A; repealing Minnesota Statutes 1994, section 216A.05, subdivision 4.

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

Messrs. Murphy and Dille introduced--

S.F. No. 1545: A bill for an act relating to energy; removing Goodhue county as the alternative site for dry cask storage; amending Minnesota Statutes 1994, section 116C.771; repealing Minnesota Statutes 1994, section 116C.80.

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

Ms. Lesewski introduced--

S.F. No. 1546: A bill for an act relating to employment; modifying provisions relating to access to occupational safety and health investigation data; amending Minnesota Statutes 1994, section 182.659, subdivision 8, and by adding a subdivision.

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

Ms. Lesewski introduced--

S.F. No. 1547: A bill for an act relating to employment; modifying provisions relating to high pressure piping installation; providing penalties; amending Minnesota Statutes 1994, sections 326.48, subdivisions 1, 2, 3, 4, and 5; 326.50; 326.51; and 326.52.

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

Mr. Scheevel, Mses. Olson and Robertson introduced--

S.F. No. 1548: A bill for an act relating to education; providing for a fund transfer for independent school district No. 227, Chatfield.

Referred to the Committee on Education.

Mr. Cohen introduced--

S.F. No. 1549: A bill for an act relating to occupations; modifying the entertainment agencies act; amending Minnesota Statutes 1994, sections 184A.01, subdivisions 4, 5, 7, 8, and by adding subdivisions; 184A.02; 184A.03; 184A.04, subdivisions 1 and 3; 184A.05; 184A.06, subdivisions 1, 2, and by adding a subdivision; 184A.09; 184A.10; and 184A.12; repealing Minnesota Statutes 1994, section 184A.01, subdivision 2.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Knutson, Beckman, Laidig and Neuville introduced--

S.F. No. 1550: A bill for an act relating to courts; permitting the court to collect unpaid money after a stayed sentence is served; amending Minnesota Statutes 1994, section 609.135, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Ms. Johnson, J.B.; Messrs. Vickerman, Murphy, Ms. Lesewski and Mr. Novak introduced--

S.F. No. 1551: A bill for an act relating to agricultural economics; providing loans and incentives for agricultural energy resources development for family farms and cooperatives; amending Minnesota Statutes 1994, sections 41B.02, subdivision 19; 41B.046, subdivision 1, and by adding a subdivision; and 216C.41, subdivisions 1, 2, 3, and 4.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Sams and Solon introduced--

S.F. No. 1552: A bill for an act relating to reemployment insurance; providing eligibility for benefits to certain business owners; amending Minnesota Statutes 1994, section 268.07, subdivision 3.

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

Messrs. Kleis, Stevens and Bertram introduced--

S.F. No. 1553: A bill for an act relating to the environment; modifying the definition of a qualified facility for purposes of the landfill cleanup program; amending Minnesota Statutes 1994, section 115B.39, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Kleis, Stevens and Bertram introduced--

S.F. No. 1554: A bill for an act relating to appropriations; appropriating money to reimburse Benton county for landfill cleanup costs.

Referred to the Committee on Environment and Natural Resources.

Ms. Hanson, Messrs. Sams and Morse introduced--

S.F. No. 1555: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; appropriating money; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

Mr. Hottinger introduced--

S.F. No. 1556: A bill for an act proposing an amendment to the Minnesota Constitution by adding sections to article X; dedicating a portion of the sales tax to property tax relief for property taxpayers in cities and towns; limiting property taxes levied for public schools; amending Minnesota Statutes 1994, sections 124A.23, subdivisions 1 and 2; 273.1398, subdivisions 6 and 8; 275.07, subdivisions 1 and 1a; 276.04, subdivision 2; 290A.01; 290A.07, subdivision 3; 290A.23, subdivision 3; 297A.01, subdivision 3; 297A.25, subdivisions 8 and 9; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 1994, sections 273.1398, subdivisions 2 and 2c; 273.166; 290A.04, subdivision 2h; 297A.01, subdivision 18; and 297A.25, subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hottinger, Langseth and Sams introduced--

S.F. No. 1557: A bill for an act relating to taxation; redirecting state-paid property tax relief; reducing the class rate on certain agricultural property; establishing an industrial property tax credit; appropriating money; amending Minnesota Statutes 1994, sections 273.13, subdivision 23; 273.1398, subdivisions 2, 8, and by adding a subdivision; and 290A.01; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hottinger, Riveness and Metzen introduced--

S.F. No. 1558: A bill for an act relating to state government; administrative rulemaking; establishing a procedure for legislative review of certain rules to ensure that they accomplish legislative goals in the most expeditious, cost-effective, and least intrusive manner possible; amending Minnesota Statutes 1994, sections 3.842, subdivision 3; and 14.09; repealing Minnesota Rules, parts 2010.0600 and 2010.9905.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Berg introduced--

S.F. No. 1559: A bill for an act relating to education; providing a grant for independent school district No. 128, Milan; appropriating money.

Referred to the Committee on Education.

Messrs. Kelly, Limmer, Betzold, Riveness and Chandler introduced--

S.F. No. 1560: A bill for an act relating to crime prevention; requiring notification of local authorities of the impending release of sex offenders; authorizing the release to the public of information on registered sex offenders under certain circumstances; clarifying law on HIV testing of convicted offenders; amending Minnesota Statutes 1994, sections 243.166, subdivision 7; and 611A.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Crime Prevention.

Mr. Terwilliger introduced--

S.F. No. 1561: A bill for an act relating to education; providing for a fund transfer for independent school district No. 273, Edina.

Referred to the Committee on Education.

Messrs. Terwilliger and Merriam introduced--

S.F. No. 1562: A bill for an act relating to government finance; limiting the time within which authorized bonds may be issued; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

Ms. Anderson and Mr. Kelly introduced--

S.F. No. 1563: A bill for an act relating to crime; prohibiting the use, possession, or sale of electronic incapacitation devices that operate by means of carbon dioxide propellant; amending Minnesota Statutes 1994, section 624.731, subdivisions 2, 3, 5, and 8.

Referred to the Committee on Crime Prevention.

Ms. Anderson introduced--

S.F. No. 1564: A bill for an act relating to crime; amending the definition of manslaughter in the first degree; amending Minnesota Statutes 1994, section 609.20.

Referred to the Committee on Crime Prevention.

Mr. Neuville introduced--

S.F. No. 1565: A bill for an act relating to state lands; authorizing the conveyance of state land in Rice county.

Referred to the Committee on Education.

Ms. Reichgott Junge introduced--

S.F. No. 1566: A bill for an act relating to taxation; property; allowing county boards to delegate authority to the county auditor for tax-forfeited land administration and property tax abatement; amending Minnesota Statutes 1994, section 375.192, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 282.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig introduced--

S.F. No. 1567: A bill for an act relating to taxation; exempting a tax increment financing district in the city of Bayport from certain aid offsets.

Referred to the Committee on Taxes and Tax Laws.

Mr. Novak, Mses. Pappas, Krentz, Messrs. Belanger and Day introduced--

S.F. No. 1568: A bill for an act relating to taxation; providing a comprehensive reform of state and local taxes and budgeting; providing penalties; requiring studies; appropriating money; amending Minnesota Statutes 1994, sections 272.02, subdivision 1; 273.11, subdivision 5; 273.121; 273.13, subdivisions 21a, 22, 23, 24, 25, 31, and 33; 273.1316, subdivision 1; 273.1393; 273.165, subdivision 2; 275.08, subdivision 1b, and by adding a subdivision; 276.04, subdivision 2; 289A.08, subdivisions 1 and 6; 289A.18, subdivision 4; 290.01, subdivisions 19a and 19b; 290.06, subdivision 2c, and by adding subdivisions; 290.0671, subdivision 1; 290.91; 290.9201, subdivision 2; 290.923, subdivision 2; 290.97; 290.9705, subdivisions 1 and 3; 290A.03, subdivision 3; 290A.04, by adding subdivisions; 297A.01, subdivisions 3, 6, 8, 16, and by adding subdivisions; 297A.02, subdivision 1; 297A.03, subdivision 1; 297A.14, subdivision 1; 297A.15, subdivision 5; 297A.21, subdivision 2; 297A.22; 297A.24, subdivision 1; 297A.25, subdivisions 4, 9, 12, 42, and by adding a subdivision; 297A.44, subdivision 1; 297B.01, subdivision 8; and 297B.03; proposing coding for new law in Minnesota Statutes, chapters 16; 273; and 275; proposing coding for new law as Minnesota Statutes, chapter 290B; repealing Minnesota Statutes 1994, sections 16A.152; 273.11, subdivisions 1a, 16, and 18; 273.13, subdivisions 21b and 32; 273.1315; 273.1317; 273.1318; 273.134; 273.135; 273.136; 273.138; 273.1391; 273.1392; 273.1398; 273.166; 273.33; 273.35; 273.36; 273.37; 273.371; 273.38; 273.39; 273.40; 273.41; 273.42; 273.425; 273.43; 275.08, subdivisions 1c and 1d; 290.01, subdivision 19g; 290.06, subdivision 21; 290.0802; 290.091; 290.092; 290.0921; 290.0922; 290A.03, subdivisions 9 and 10; 290A.04, subdivision 2i; 297A.01, subdivision 20; 297A.02, subdivisions 2 and 5; 297A.25, subdivisions 6, 7, 8, 10, 11, 17, 18, 21, 23, 26, 30, 39, 40, 41, 44, 56, 57, 58, and 59; 297A.256, subdivision 2; 297B.02, subdivisions 2 and 3; 297B.025; 477A.011, subdivisions 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37; 477A.012; 477A.013; 477A.0132; 477A.03, subdivision 3; and 477A.15.

Referred to the Committee on Taxes and Tax Laws.

Mses. Olson, Robertson and Johnston introduced--

S.F. No. 1569: A bill for an act relating to Lake Minnetonka conservation district; providing for the appointment of members of the governing body of the district; amending Minnesota Statutes 1994, section 103B.611, subdivisions 1 and 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Moe, R.D.; Johnson, D.J.; Hottinger; Ms. Reichgott Junge and Mr. Price introduced--

S.F. No. 1570: A bill for an act relating to taxes; freezing property tax values, levies, and rates for taxes payable in 1996; limiting increases in property tax values, levies, and rates for taxes payable in 1997; appropriating money; repealing Minnesota Statutes 1994, sections 124.01; 124.05; 124.06; 124.07; 124.76; 124.82; 124.829; 124.83; 124.84; 124.85; 124.86; 124.90; 124.91; 124.912; 124.914; 124.916; 124.918; 124.95; 124.961; 124.962; 124.97; 124A.02, subdivisions 16, 23, and 24; 124A.03, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, and 1i; 124A.0311; 124A.032; 124A.04; 124A.22, subdivisions 1, 2, 3, 4, 4a, 4b, 6, 6a, 8, and 9; 124A.23; 124A.24; 124A.26, subdivisions 1, 2, and 3; 124A.27; 124A.28; 124A.29, subdivision 2; 273.13; 273.1398; 473F.001; 473F.01; 473F.02; 473F.03; 473F.05; 473F.06; 473F.07; 473F.08; 473F.09; 473F.10; 473F.11; 473F.13; 477A.011; 477A.012; 477A.0121; 477A.0122; 477A.013; 477A.0132; 477A.014;

477A.015; 477A.016; 477A.017; 477A.03; 477A.11; 477A.12; 477A.13; 477A.14; and 477A.15; Laws 1991, chapter 265, article 7, section 35.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Pogemiller was excused from the Session of today. Mr. Laidig was excused from the Session of today at 9:00 a.m. Messrs. Kleis and Solon were excused from the Session of today from 8:00 to 8:35 a.m. Mrs. Pariseau was excused from the Session of today from 8:00 to 8:55 a.m. Mr. Novak was excused from the Session of today from 8:00 to 9:00 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 3, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

