

THIRTY-THIRD DAY

St. Paul, Minnesota, Monday, April 3, 1995

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Ted Hottinger.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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 communications were received.

March 29, 1995

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 145.

Warmest regards,
Arne H. Carlson, Governor

March 30, 1995

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1995 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1995	Date Filed 1995
	654	25	12:58 p.m. March 29	March 29
	121	26	1:00 p.m. March 29	March 29
	305	27	1:02 p.m. March 29	March 29
145		28	1:05 p.m. March 29	March 29

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 739.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1995

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 568, 612, 751, 1363, 868, 694 and 698.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 568: A bill for an act relating to traffic regulations; requiring adult motorcycle rider to wear eye protection device; amending Minnesota Statutes 1994, section 169.974, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 528, now on General Orders.

H.F. No. 612: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 543.

H.F. No. 751: A bill for an act relating to insurance; regulating trade practices; prohibiting certain insurance agent quotas; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 649, now on General Orders.

H.F. No. 1363: A bill for an act relating to health; modifying provisions relating to drug dispensing; amending Minnesota Statutes 1994, section 152.11, subdivisions 1 and 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1336, now on General Orders.

H.F. No. 868: A bill for an act relating to education; providing for a report on child assessment and case management procedures used by the education and human services systems.

Referred to the Committee on Education.

H.F. No. 694: A bill for an act relating to human services; modifying child care programs and county contribution; amending Minnesota Statutes 1994, section 256H.12, subdivision 3.

Referred to the Committee on Family Services.

H.F. No. 698: A bill for an act relating to veterans; the military; eliminating certain duties of the board of directors of the Minnesota veterans homes; authorizing a study of the needs for expansion of the dementia unit at the Silver Bay veterans home; providing greater flexibility in appointment of members of the armory building commission; authorizing the state armory building commission to use funds for construction; clarifying which municipalities may provide sites for armories; changing provisions for disposal of unused armory sites; clarifying authority for levying taxes for armory construction; clarifying the authority for conveyance of armories to the state; clarifying authority for use of funds from surplus facilities of the veterans homes board; amending Minnesota Statutes 1994, section 193.142, subdivisions 1, 2, and 3; 193.143; 193.144, subdivisions 1, 2, and 6; 193.145, subdivisions 2, 4, and 5; 193.148; 198.003, subdivisions 1, 3, and 4; 198.065; and 198.35, by adding a subdivision.

Referred to the Committee on Governmental Operations and Veterans.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1164 and 1236. The motion prevailed.

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

S.F. No. 1472: A bill for an act relating to drainage; allowing an outlet fee to be charged for use of an established drainage system in Red Lake county as an outlet for drainage originating in Polk county.

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

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

S.F. No. 571: A bill for an act relating to traffic regulations; permitting operation of vehicle combinations over 65 feet in length except when to do so is found unsafe by commissioner of transportation; amending Minnesota Statutes 1994, section 169.81, subdivision 3, and 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 169.81, subdivision 3, is amended to read:

Subd. 3. [LENGTH OF VEHICLE COMBINATIONS.] (a) Statewide, except as provided in paragraph (b), no combination of vehicles coupled together, including truck-tractor and semitrailer, may consist of more than two units and no combination of vehicles, unladen or with load, may exceed a total length of 65 feet. The length limitation does not apply to the transportation of telegraph poles, telephone poles, electric light and power poles, piling, or pole length pulpwood, and is subject to the following further exceptions: the length limitations do not apply to vehicles transporting pipe or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in this subdivision, but with respect to night transportation, a vehicle and the load must be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load. Mount combinations may be drawn but the combinations may not exceed 65 75 feet in length. The limitation on the number of units does not apply to vehicles used for transporting milk from point of production to point of first processing, in which case no combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, may consist of more than three units and no combination of those vehicles may exceed a total length of 65 feet. Notwithstanding other provisions of this section, and except as provided in paragraph (b), no combination of vehicles consisting of a truck-tractor and semitrailer designed and used exclusively for the transportation of motor vehicles or boats may exceed 65 feet in length. The load may extend a total of seven feet, but may not extend more than three feet beyond the front or four feet beyond the rear, and in no case may the overall length of the combination of vehicles, unladen or with load, exceed 65 feet. For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination are semitrailers. The state as to state trunk highways, and a city or town as to roads or streets located within the city or town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in this subdivision over highways, roads, or streets within their boundaries. Combinations of vehicles authorized by this subdivision may be restricted as to the use of highways by the commissioner as to state trunk highways, and a road authority as to highways or streets subject to its jurisdiction. Nothing in this subdivision alters or changes the authority vested in local authorities under the provisions of section 169.04.

(b) ~~The following combination of vehicles regularly engaged in the transportation of commodities may operate only on divided highways having four or more lanes of travel, and on other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over the highway, for the purpose of providing reasonable access between the divided highways of four or more lanes of travel and terminals, facilities for food, fuel, repair, and rest, and points of loading and unloading for household goods carriers, livestock carriers, or for the purpose of providing any highways under the jurisdiction of the commissioner of transportation unless the commissioner, after notice, has determined that operating the combination on a particular highway or segment of it is unsafe. In no instance shall the combination be prohibited from operating on the federal interstate and designated highway system and on any access highways connecting within two miles those highways to terminals, to facilities for fuel, repair, or rest, to points of loading and unloading, or to other points for purposes of continuity of route:~~

- (1) a truck-tractor and semitrailer not exceeding 65 75 feet in length;
- (2) a combination of vehicles with an overall length exceeding 55 feet and including a truck-tractor and semitrailer drawing one additional semitrailer which may be equipped with an auxiliary dolly;
- (3) a combination of vehicles with an overall length not exceeding 55 75 feet and including a truck-tractor and semitrailer drawing one full trailer;
- (4) a truck-tractor and semitrailer designed and used exclusively for the transportation of motor vehicles or boats and not exceeding an overall length of 65 75 feet including the load except as restricted by applicable federal law; and
- (5) a truck or truck-tractor transporting similar vehicles by having the front axle of the transported vehicle mounted onto the center or rear part of the preceding vehicle, defined in Code of Federal Regulations, title 49, sections 390.5 and 393.5 as drive-away saddlemount combinations or drive-away saddlemount vehicle transporter combinations, when the overall length ~~exceeds 65~~ does not exceed 75 feet.

(c) Vehicles operated under the provisions of this section must conform to the standards for those vehicles prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, as amended."

Delete the title and insert:

"A bill for an act relating to traffic regulations; permitting operation of vehicle combinations up to 75 feet in length except when to do so is found unsafe by commissioner of transportation; amending Minnesota Statutes 1994, section 169.81, subdivision 3."

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

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

S.F. No. 11: A bill for an act relating to the environment; exempting newer motor vehicles from annual air pollution emissions inspections; requiring a report; amending Minnesota Statutes 1994, section 116.61, subdivision 2.

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

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1994, section 116.62, is amended by adding a subdivision to read:

Subd. 5a. [TEMPORARY REGISTRATION.] The commissioner, in consultation with the commissioner of public safety, shall adopt a procedure for granting temporary registrations to persons whose vehicle registrations have expired or will shortly expire. Upon request of the vehicle owner, the commissioner shall issue a letter of temporary registration, valid for one day, that allows the owner to drive to an inspection station to have the vehicle inspected."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "inspections;" insert "authorizing temporary registrations to facilitate vehicle inspections;"

Page 1, line 5, delete "section" and insert "sections" and after "2" insert "; and 116.62, by adding a subdivision"

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

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

S.F. No. 682: A bill for an act relating to state departments; abolishing the office of strategic and long-range planning and transferring certain powers, responsibilities, and duties to other agencies; amending Minnesota Statutes 1994, sections 4.045; 16B.42, subdivision 1; 16B.87, subdivision 1; 43A.08, subdivision 1; 103F.211, subdivision 2; 116C.03, subdivisions 2, 4, and 5; 144A.31, subdivisions 1 and 6; 245.697, subdivision 2a; and 477A.014, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 16B; and 241; repealing Minnesota Statutes 1994, sections 4A.01; 4A.02; 4A.03; 4A.04; 4A.05; and 4A.06.

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

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

S.F. No. 733: A bill for an act relating to the family; creating a presumption of refusal or neglect of parental duties in certain termination of parental rights cases; amending Minnesota Statutes 1994, section 260.221, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:
Page 2, lines 15 and 16, before "failed" insert "substantially, continuously, or repeatedly"
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. 349: A bill for an act relating to state government; classifying certain data of the economic security department; amending Minnesota Statutes 1994, section 268.0122, 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 268.0124, is amended to read:

268.0124 [PLAIN LANGUAGE IN WRITTEN MATERIALS.]

(a) To the extent reasonable and consistent with the goals of providing easily understandable and readable materials and complying with federal and state laws governing the programs, all written materials relating to services and determinations of eligibility for or amounts of benefits that will be given to applicants for or recipients of assistance under a program administered or supervised by the commissioner of economic security must be understandable to a person ~~who reads at the seventh-grade level, using the Flesch scale analysis readability score as determined under section 72C.09 of average intelligence and education.~~

(b) All written materials relating to determinations of eligibility for or amounts of benefits that will be given to applicants for or recipients of assistance under programs administered or supervised by the commissioner of economic security must be developed to satisfy the plain language requirements of the plain language contract act under sections 325G.29 to 325G.36. Materials may be submitted to the attorney general for review and certification. Notwithstanding section 325G.35, subdivision 1, the attorney general shall review submitted materials to determine whether they comply with the requirements of section 325G.31. The remedies available pursuant to sections 8.31 and 325G.33 to 325G.36 do not apply to these materials. Failure to comply with this section does not provide a basis for suspending the implementation or operation of other laws governing programs administered by the commissioner.

(c) The requirements of this section apply to all materials modified or developed by the commissioner on or after July 1, 1988. The requirements of this section do not apply to materials that must be submitted to a federal agency for approval, to the extent that application of the requirements prevents federal approval.

(d) Nothing in this section may be construed to prohibit a lawsuit brought to require the commissioner to comply with this section or to affect individual appeal rights granted pursuant to section 268.10.

(e) The commissioner shall report annually to the chairs of the health and human services divisions of the senate finance committee and the house of representatives appropriations committee on the number and outcome of cases that raise the issue of the commissioner's compliance with this section."

Delete the title and insert:

"A bill for an act relating to state government; classifying certain data of the economic security department; modifying plain language requirements; amending Minnesota Statutes 1994, section 268.0124."

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

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

S.F. No. 1164: A bill for an act relating to transportation; allowing commissioner of transportation to act as agent to accept federal money for nonpublic organizations for transportation purposes; increasing maximum lump sum utility adjustment amount allowed for relocating utility facility; eliminating percentage limit for funding transportation research projects and providing for federal research funds and research partnerships; allowing counties more authority in disbursing certain state-aid highway funds; eliminating requirement to have permit identifying number affixed to highway billboard; eliminating legislative route No. 331 from trunk highway system and turning it back to the jurisdiction of Fillmore county; making technical corrections; amending Minnesota Statutes 1994, sections 161.085; 161.36, subdivisions 1, 2, 3, and 4; 161.46, subdivision 3; 161.53; 162.08, subdivisions 4 and 7; 162.14, subdivision 6; 173.07, subdivision 1; 174.04; repealing Minnesota Statutes 1994, sections 161.086; 161.115, subdivision 262.

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

Page 1, after line 22, insert:

"Section 1. Minnesota Statutes 1994, section 16B.54, subdivision 2, is amended to read:

Subd. 2. [VEHICLES.] (a) [ACQUISITION FROM AGENCY; APPROPRIATION.] The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(b) [PURCHASE.] To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) [TRANSFER AT AGENCY REQUEST.] On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) [VEHICLES; MARKING.] The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by the governor, ~~the~~ lieutenant governor, ~~the~~ division of criminal apprehension, division of liquor control, division of gambling enforcement, and arson investigators of the division of fire marshal in the department of public safety; financial institutions division of the department of commerce; division of disease prevention and control of the department of health; state lottery; criminal investigators of the department of revenue; state-owned community service facilities in the department of human services; ~~the~~ investigative staff of the department of economic security; and the office of the attorney general.

Page 7, after line 6, insert:

"Sec. 12. Minnesota Statutes 1994, section 168.012, subdivision 1, is amended to read:

Subdivision 1. (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) vehicles owned and used by honorary consul or consul general of foreign governments; and

(6) ambulances owned by ambulance services licensed under section 144.802, the general appearance of which is unmistakable.

(b) Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections shall be registered and shall display appropriate license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the department of revenue in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates which shall be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the division of disease prevention and control of the department of health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the division of disease prevention and control.

(f) All other motor vehicles shall be registered and display tax-exempt number plates which shall be furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates shall have the name of the state department or political subdivision, or the nonpublic high school operating a driver education program, on the vehicle plainly displayed on both sides thereof in letters not less than 2-1/2 inches high and one-half inch wide; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. Such identification shall be in a color giving contrast with that of the part of the vehicle on which it is placed and shall endure throughout the term of the registration. The identification must not be on a removable plate or placard and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program."

Page 8, after line 22, insert:

"Sec. 15. Minnesota Statutes 1994, section 222.37, subdivision 1, is amended to read:

Subdivision 1. [USE REQUIREMENTS.] Any water power, telegraph, telephone, pneumatic tube, pipeline, community antenna television, cable communications or electric light, heat, ~~or~~ power company, or fire department may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, ~~or~~ conduits, hydrants, or dry hydrants, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, ~~or~~ conduit, hydrants, or dry hydrants, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be. If the governing body does not require the company to obtain a permit, a company shall notify the governing body of any county, town, or city having jurisdiction over a public road prior to the construction or major repair, involving extensive excavation on the road right-of-way, of the company's equipment along, over, or under the public road, unless the governing body waives the notice requirement. A waiver of the notice requirement must be renewed on an annual basis. For emergency repair a company shall notify the governing body as soon as practical after the repair is made. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, cable communications system, or light, heat, ~~or~~ power system, or hydrant system within the corporate limits of any city until such person shall have obtained the right to maintain such system within such city or for a period beyond that for which the right to operate such system is granted by such city."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing department of health division of disease prevention and control to use unmarked motor vehicles and passenger vehicle license plates;"

Page 1, line 15, after the semicolon, insert "allowing fire departments to use public roads for hydrants or dry hydrants;"

Page 1, line 17, after "sections" insert "16B.54, subdivision 2;"

Page 1, line 19, after "6;" insert "168.012, subdivision 1;"

Page 1, line 20, after the semicolon, insert "227.37, subdivision 1;"

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

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

S.F. No. 180: A bill for an act relating to peace officers; authorizing certain expenditures by a surviving spouse from a dependent child's share of a peace officer's survivor benefits; amending Minnesota Statutes 1994, section 299A.44.

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

Page 2, line 6, before the period, insert "or the child's education"

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. 1236: A bill for an act relating to agriculture; providing for land application of agricultural chemical contaminated media; amending Minnesota Statutes 1994, section 18D.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18D.

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

Page 1, line 20, delete "agricultural chemical contaminated soil"

Page 1, line 21, delete "or other" and insert "contaminated"

Page 2, line 9, delete "agricultural chemical"

Page 2, line 11, delete "verbally" and insert "orally"

Page 2, after line 11, insert "The commissioner will confirm the oral approval in writing within three business days."

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1103: A bill for an act relating to children's services; establishing the department of children, families, and learning; making related changes; proposing coding for new law as Minnesota Statutes, chapter 119A; repealing Minnesota Statutes 1994, sections 121.02, subdivisions 1, 2a, and 3; 121.03; and 121.04, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Family Services, shown in the Journal for March 27, 1995, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1037: A bill for an act relating to workers' compensation; repealing the sunset of the targeted industry fund for loggers.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for March 22, 1995, be amended to read:

"the bill do pass and be re-referred to the Committee on Finance". Report adopted.

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

S.F. No. 543: A bill for an act relating to health; requiring equal treatment of prescription drug prescribers; clarifying the role of practice guidelines in prescribing legend drugs; amending Minnesota Statutes 1994, section 151.37, subdivision 2; 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, line 23, delete everything after the period

Page 2, line 24, delete "transmission of" and insert "An individual who verbally, electronically, or otherwise transmits" and delete "by" and insert ", as"

Page 2, line 25, delete "is not prescribing" and insert ", shall not be deemed to have prescribed the legend drug"

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

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

S.F. No. 58: A bill for an act relating to insurance; extending eligibility for certain elective individual paid insurance and benefits; amending Minnesota Statutes 1994, section 43A.27, subdivision 2.

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. 1503: A bill for an act relating to public safety; requiring fireworks display operators to be certified by state fire marshal; setting fees; appropriating money; amending Minnesota Statutes 1994, section 624.22.

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

Page 2, line 16, delete "(d)" and insert "(e)"

Page 2, line 18, strike "of \$2"

Page 3, line 27, delete "; ACCOUNT" and delete "(a)"

Page 3, line 32, delete everything after the period

Page 3, delete line 33

Page 4, delete lines 2 to 7

Page 5, line 6, delete everything after "safety"

Page 5, line 7, delete everything before the period

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 referred

S.F. No. 837: A bill for an act relating to transportation; requiring transit symbol on licenses and identification cards for senior citizens; establishing an employer payroll tax to support transit programs; requiring consultation for route and schedule changes; establishing route and schedule planning review process; requiring a study and report by the metropolitan council concerning coordination of transit services; requiring assessment of electric vehicle technology; authorizing issuance of free bus passes; appropriating money; amending Minnesota Statutes 1994, sections 171.07, subdivisions 1 and 3a; 473.375, by adding subdivisions; and 473.408, 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:

Pages 1 to 3, delete sections 1 to 3

Page 4, line 21, delete "shall" and insert "may" and after "a" insert "preliminary"

Page 4, line 25, delete "must" and insert "may"

Page 5, line 18, delete the new language

Page 5, line 19, delete "shall" and insert "may"

Page 5, delete line 20 and insert "study to the transportation and public transit committees of the legislature."

Page 5, line 24, delete "mass"

Pages 5 and 6, delete section 9

Page 6, line 5, delete "Section 3 is effective for taxable years beginning after"

Page 6, line 6, delete "December 31, 1995." and delete "9" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 5, to "programs;"

Page 1, line 7, delete "requiring" and insert "authorizing"

Page 1, line 11, delete "appropriating money;"

Page 1, lines 12 and 13, delete "171.07, subdivisions 1 and 3a;"

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. 98: A bill for an act relating to public safety; requiring owners of residential rental buildings to request criminal background checks of managers; prohibiting owners from hiring or continuing to employ certain individuals as managers and requiring notices; requiring the superintendent of the bureau of criminal apprehension to assist in the performance of the background checks; limiting owner entry of residential dwellings; imposing penalties; proposing coding for new law in Minnesota Statutes, chapters 299C; and 504.

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

Page 6, after line 30, insert:

"(e) If an owner is required to terminate a manager's employment under paragraph (a) or (b), or terminates a manager's employment in lieu of notifying tenants under paragraph (c), the owner is not liable under any law, contract, or agreement, including liability for unemployment compensation claims, for terminating the manager's employment in accordance with this section. Notwithstanding a lease or agreement governing termination of the tenancy, if the manager whose employment is terminated is also a tenant, the owner may terminate the tenancy immediately upon giving notice to the manager. An unlawful detainer action to enforce the termination of the tenancy must be treated as a priority writ under sections 566.05, 566.07, 566.09, subdivision 1, 566.16, subdivision 2, and 566.17, subdivision 1a."

Pages 7 and 8, delete section 7

Amend the title as follows:

Page 1, delete line 9

Page 1, line 11, delete "chapters" and insert "chapter" and delete "; and 504"

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. 1134: A bill for an act relating to financial institutions; regulating notices; electronic financial terminals, mergers with subsidiaries, the powers and duties of the commissioner of commerce, reporting and records requirements, lending powers, data classification, the powers and duties of institutions, detached facilities, interstate banking, and pawnbrokers; making technical changes; regulating mortgage prepayments; allowing written waivers of the right to prepay without penalty under certain circumstances; clarifying definition of franchise; permitting a delinquency and collection charge; amending Minnesota Statutes 1994, sections 46.04, subdivision 1, and by adding a subdivision; 46.041, subdivisions 1 and 4; 46.046, subdivision 1; 46.048, subdivision 1, and by adding subdivisions; 47.10, subdivision 3; 47.11; 47.20,

subdivisions 5 and 10; 47.28, subdivision 1; 47.52; 47.56; 47.58, subdivision 2; 47.61, subdivision 3; 47.62, subdivisions 2, 3, and by adding subdivisions; 47.67; 47.69, subdivisions 3 and 5; 47.78; 48.16; 48.194; 48.24, subdivision 5; 48.475, subdivision 3; 48.48, subdivisions 1 and 2; 48.49; 48.61, subdivision 7, and by adding a subdivision; 48.65; 48.90, subdivision 1; 48.91; 48.92, subdivisions 1, 2, 6, 7, 8, 9, and by adding a subdivision; 48.93, subdivisions 1, 3, and 4; 48.96; 48.99, subdivision 1; 49.01, subdivision 3; 51A.02, subdivisions 6, 26, and 40; 51A.19, subdivision 9; 51A.50; 51A.58; 52.04, subdivision 2a; 52.05, subdivision 2; 53.015, subdivision 4; 53.04, subdivisions 3a, 3c, 4a, and 5a; 53.09, subdivisions 1, 2, and by adding a subdivision; 56.11; 56.12; 56.125, subdivisions 1, 2, and 3; 56.131, subdivisions 1, 2, 4, and 6; 56.132; 56.14; 56.155, subdivision 1; 56.17; 59A.06, subdivision 2; 61A.09, subdivision 3; 62B.04, subdivision 1; 62B.08, subdivision 2; 80C.01, subdivision 4; 300.20, subdivision 1; 325F.91, subdivision 2; 327B.04, subdivision 1; 327B.09, subdivision 1; 332.23, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 45; 47; 48; 51A; 52; and 334; proposing coding for new law as Minnesota Statutes, chapter 325J; repealing Minnesota Statutes 1994, sections 46.03; 47.80; 47.81; 47.82; 47.83; 47.84; 47.85; 48.1585; 48.512, subdivision 6; 48.611; 48.95; 48.97; 48.98; 48.991; and 51A.385.

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

Page 26, delete section 2

Page 47, line 5, delete the new language and insert "Sections 1, 2, 5 to 15, 17 to 21, and 23 to 32 are"

Page 47, line 6, delete "4 and 5" and insert "3 and 4"

Page 47, line 8, delete "17" and insert "16"

Page 47, line 10, delete "23" and insert "22"

Pages 100 to 107, delete article 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "data classification,"

Page 1, line 8, before "interstate" insert "and" and delete ", and pawnbrokers"

Page 1, line 15, delete "subdivisions 1 and" and insert "subdivision"

Page 1, line 42, delete everything after "334;"

Page 1, line 43, delete everything before "repealing"

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

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

H.F. No. 838 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

CONSENT CALENDAR

CALENDAR

H.F. No.
838

S.F. No.
713

H.F. No.

S.F. No.

H.F. No.

S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 838 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 838 and insert the language after the enacting clause of S.F. No. 713, the second engrossment; further, delete the title of H.F. No. 838 and insert the title of S.F. No. 713, the second engrossment.

And when so amended H.F. No. 838 will be identical to S.F. No. 713, and further recommends that H.F. No. 838 be given its second reading and substituted for S.F. No. 713, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 533 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
533	420

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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and that the above Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1472, 571, 11, 682, 733, 349, 180, 543, 58, 837, 98 and 1134 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 838 and 533 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Hanson moved that the name of Ms. Johnston be added as a co-author to S.F. No. 144. The motion prevailed.

Ms. Krentz moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 626. The motion prevailed.

Ms. Ranum moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 799. The motion prevailed.

Mr. Mondale moved that the name of Ms. Robertson be added as a co-author to S.F. No. 1019. The motion prevailed.

Mr. Bertram moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1100. The motion prevailed.

Ms. Robertson moved that her name be stricken as a co-author to S.F. No. 1421. The motion prevailed.

Mr. Vickerman moved that the name of Ms. Hanson be added as a co-author to S.F. No. 1421. The motion prevailed.

Ms. Ranum moved that the name of Mr. Larson be added as a co-author to S.F. No. 1471. The motion prevailed.

Mr. Day moved that his name be stricken as a co-author to S.F. No. 1568. The motion prevailed.

Ms. Runbeck introduced--

Senate Resolution No. 50: A Senate resolution limiting per diem payments during the month of May 1995.

Referred to the Committee on Rules and Administration.

Mr. Murphy moved that S.F. No. 682, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Johnson, D.J.; Hottinger; Mses. Pappas, Flynn and Mr. Price introduced--

S.F. No. 1571: A bill for an act relating to tax expenditure budget; requiring incidence analysis in certain instances; amending Minnesota Statutes 1994, section 270.067, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Riveness, Ms. Wiener, Messrs. Metzen, Solon and Terwilliger introduced--

S.F. No. 1572: A bill for an act relating to state government; prohibiting investment of public funds in certain assets; amending Minnesota Statutes 1994, sections 11A.24, subdivision 1; 356A.06, by adding a subdivision; and 475.66, subdivision 3.

Referred to the Committee on Governmental Operations and Veterans.

Ms. Ranum introduced--

S.F. No. 1573: A bill for an act relating to crime; recodifying and clarifying portions of the assault in the fifth degree statute which concern domestic assault; amending Minnesota Statutes 1994, section 609.224, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Mr. Mondale introduced--

S.F. No. 1574: A bill for an act relating to railroads; establishing zoning system for railroad tracks; proposing coding for new law in Minnesota Statutes, chapter 219.

Referred to the Committee on Transportation and Public Transit.

Mr. Pogemiller introduced--

S.F. No. 1575: A bill for an act relating to retirement; Minneapolis teachers retirement fund; providing supplemental contributions to reduce the unfunded actuarial accrued liability; reallocating levy authority to special school district No. 1; reallocating direct state aid; amending Minnesota Statutes 1994, sections 124.916, subdivision 3; 354A.12, subdivisions 2, 3b, 3c, and by adding a subdivision.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Stumpf introduced--

S.F. No. 1576: A bill for an act relating to natural resources; authorizing road authorities to repair and maintain road affecting public waters wetlands; amending Minnesota Statutes 1994, sections 103G.221, subdivision 1; and 103G.245, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig introduced--

S.F. No. 1577: A bill for an act relating to workers' compensation; adding correctional officers to the presumption of occupational disease; amending Minnesota Statutes 1994, section 176.011, subdivision 15.

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

Messrs. Solon; Moe, R.D.; Johnson, D.J.; Stumpf and Lessard introduced--

S.F. No. 1578: A bill for an act relating to appropriations; providing for a grant for regional land use planning in the northern counties.

Referred to the Committee on Environment and Natural Resources.

Mr. Mondale introduced--

S.F. No. 1579: A bill for an act relating to taxation; authorizing an exception to time requirements for qualifying for a property tax exemption.

Referred to the Committee on Taxes and Tax Laws.

Mr. Larson introduced--

S.F. No. 1580: A bill for an act relating to education; clarifying the effect of the receipt of certain state aids; amending Minnesota Statutes 1994, section 124.95, by adding a subdivision.

Referred to the Committee on Education.

Mr. Neuville introduced--

S.F. No. 1581: A bill for an act relating to state lands; modifying the authorization to convey state land for an elementary school in Rice county; amending Laws 1992, chapter 499, article 11, section 9, as amended.

Referred to the Committee on Education.

Ms. Ranum introduced--

S.F. No. 1582: A bill for an act relating to highways; providing for noise abatement along freeways and expressways; amending Minnesota Statutes 1994, sections 116.07, subdivision 2a; 160.02, by adding a subdivision; and 161.125, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mr. Moe, R.D. introduced--

S.F. No. 1583: A bill for an act relating to state lands; authorizing the commissioner of natural resources to sell certain acquired state lands located in Becker county.

Referred to the Committee on Environment and Natural Resources.

Mr. Price introduced--

S.F. No. 1584: A bill for an act relating to education; allowing waivers of application fees under certain circumstances; allowing certain exceptions to the enrollment limit for state grants; modifying the allocation process for child care grants; amending Minnesota Statutes 1994, sections 136A.121, subdivision 9; and 136A.125, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

Mr. Price introduced--

S.F. No. 1585: A bill for an act relating to education; appropriating money for the Minnesota academic excellence foundation.

Referred to the Committee on Education.

Mr. Metzen introduced--

S.F. No. 1586: A bill for an act relating to taxation; sales and use; exempting construction materials and supplies used to construct certain sports facilities; amending Minnesota Statutes 1994, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ourada and Stevens introduced--

S.F. No. 1587: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Sherburne county.

Referred to the Committee on Environment and Natural Resources.

Ms. Runbeck, Messrs. Langseth, Frederickson, Kelly and Ms. Lesewski introduced--

S.F. No. 1588: A resolution to continue to improve the state's environment as a location for business development.

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

Ms. Johnson, J.B. introduced--

S.F. No. 1589: A bill for an act relating to education; creating an increased student-teacher contact time grant program; awarding a grant to independent school district No. 138, North Branch; appropriating money.

Referred to the Committee on Education.

Ms. Piper, Mr. Janezich, Ms. Berglin and Mr. Johnson, D.J. introduced--

S.F. No. 1590: A bill for an act relating to health; insurance; providing for certain breast cancer coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Kelly introduced--

S.F. No. 1591: A bill for an act relating to firearms; permitting licensed protective agents and their employees who provide armored car services to apply for a permit to carry a pistol with the sheriff or police chief where the person is employed; requiring that the permit be valid only when

armored car services are being provided; amending Minnesota Statutes 1994, section 624.714, subdivisions 2 and 6.

Referred to the Committee on Crime Prevention.

Ms. Reichgott Junge, Messrs. Johnson, D.E.; Moe, R.D.; Merriam and Neuville introduced--

S.F. No. 1592: A bill for an act relating to elections; requiring candidates for attorney general to be learned in the law; proposing an amendment to the Minnesota Constitution, article V, section 1; amending Minnesota Statutes 1994, section 204B.06, subdivision 4.

Referred to the Committee on Ethics and Campaign Reform.

Ms. Hanson, Messrs. Sams, Bertram and Ms. Lesewski introduced--

S.F. No. 1593: A bill for an act relating to agriculture; appropriating money for the Minnesota Education in Agriculture Leadership Council.

Referred to the Committee on Agriculture and Rural Development.

Mr. Marty introduced--

S.F. No. 1594: A bill for an act relating to retirement; providing early retirement benefits to a certain retired Minneapolis teacher.

Referred to the Committee on Governmental Operations and Veterans.

Ms. Pappas introduced--

S.F. No. 1595: A bill for an act relating to education; creating a pilot grant program to meet the educational and culturally related academic needs of students of Mexican origin; appropriating money.

Referred to the Committee on Education.

Mr. Samuelson introduced--

S.F. No. 1596: A bill for an act relating to human services; requiring the commissioner of human services to waive the supervision requirement for certain dental clinics; amending Minnesota Statutes 1994, section 256B.04, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Finn, Murphy, Solon and Chmielewski introduced--

S.F. No. 1597: A bill for an act relating to taxation; sales and use; increasing the tax on certain liquor and beer sales; allocating a portion of the revenue to chemical dependency treatment; amending Minnesota Statutes 1994, sections 254B.02, subdivision 1; 297A.02, subdivision 3; and 297A.44, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Betzold and Novak introduced--

S.F. No. 1598: A bill for an act relating to claims; expanding legislative authority to hear inmate claims; amending Minnesota Statutes 1994, section 3.738, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Lessard introduced--

S.F. No. 1599: A bill for an act relating to public defenders; providing that assistant district public defenders may not be dismissed except for just cause; amending Minnesota Statutes 1994, section 611.26, subdivision 4.

Referred to the Committee on Crime Prevention.

Mr. Cohen introduced--

S.F. No. 1600: A bill for an act relating to courts; increasing the number of judges authorized in Ramsey county; amending Minnesota Statutes 1994, section 2.722, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Kelly introduced--

S.F. No. 1601: A bill for an act relating to education; increasing the permitted school district levy for crime related costs from \$1 to \$3 per capita; amending Minnesota Statutes 1994, section 124.912, subdivision 6.

Referred to the Committee on Education.

Ms. Johnston, Messrs. Chmielewski, Langseth, Belanger and Ms. Krentz introduced--

S.F. No. 1602: A bill for an act relating to passenger carriers; requiring persons providing livery service to obtain a permit from the commissioner of transportation; providing for livery service license plates; making conforming changes; amending Minnesota Statutes 1994, sections 168.128, subdivision 3; 169.122, subdivision 5; 221.011, subdivision 21, and by adding a subdivision; 221.031, subdivision 3b; and 221.091; proposing coding for new law in Minnesota Statutes, chapters 168; and 221; repealing Minnesota Statutes 1994, sections 168.011, subdivision 36; 168.1281; 221.011, subdivision 34; 221.84; and 221.85.

Referred to the Committee on Transportation and Public Transit.

Messrs. Metzen and Solon introduced--

S.F. No. 1603: A bill for an act relating to insurance; life or health; prohibiting certain insurance agent quotas; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Dille introduced--

S.F. No. 1604: A bill for an act relating to local government; authorizing temporary relocation of certain McLeod county offices to places outside of the county seat.

Referred to the Committee on Metropolitan and Local Government.

Ms. Reichgott Junge and Mr. Johnson, D.J. introduced--

S.F. No. 1605: A bill for an act relating to taxation; imposing limits on levies and market values for property taxes payable in 1996; requiring a study of local government finance and a study of education reform; terminating certain payments to local units of government; repealing Minnesota Statutes 1994, sections 124A.02, subdivisions 16 and 24; 124A.03, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, and 3b; 124A.034; 124A.035; 124A.036; 124A.04; 124A.22, subdivisions 2, 3, 4, 4a, 4b, 8, and 9; 124A.225; 124A.23; 124A.24; 124A.26; 124A.28; 124A.29, subdivision 1; 273.138; 273.1398; 273.1399; 273.166; 477A.011; 477A.012; 477A.0121; 477A.0122; 477A.013; 477A.0132; 477A.014; 477A.015; and 477A.03.

Referred to the Committee on Taxes and Tax Laws.

Mses. Robertson, Hanson, Messrs. Janezich, Stumpf and Scheevel introduced--

S.F. No. 1606: A bill for an act relating to education; providing for a report on projected school district capital expenditures.

Referred to the Committee on Education.

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

S.F. No. 1607: A bill for an act relating to taxation; extending the duration of certain enterprise zones; amending Minnesota Statutes 1994, section 469.169, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Morse, Metzen, Vickerman, Hottinger and Ms. Robertson introduced--

S.F. No. 1608: A bill for an act relating to local government; regulating the development, imposition, and management of state mandates upon local political subdivisions; amending Minnesota Statutes 1994, section 14.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3 and 14; repealing Minnesota Statutes 1994, section 3.982.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Kelly and Finn introduced--

S.F. No. 1609: A bill for an act relating to capital improvements; appropriating money to the higher education board to acquire land.

Referred to the Committee on Education.

Mr. Chandler introduced--

S.F. No. 1610: A bill for an act relating to education; establishing a pilot program for children with emotional or behavioral disorders; appropriating money.

Referred to the Committee on Education.

Mr. Neuville introduced--

S.F. No. 1611: A bill for an act relating to criminal procedure; providing for disposition of forfeited bail proceeds by the court; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Crime Prevention.

Mr. Janezich introduced--

S.F. No. 1612: A bill for an act relating to education; providing for high school graduation incentives; amending Minnesota Statutes 1994, sections 126.22, subdivisions 3a and 8; and 126.23.

Referred to the Committee on Education.

Messrs. Neuville and Beckman introduced--

S.F. No. 1613: A bill for an act relating to corrections; authorizing the creation of a nonprofit corporation to manage correctional work programs; providing for the organization, duties, and authority of the corporation; creating a correctional work program revolving fund; providing

inmate labor to operate correctional work programs; authorizing sale of corporation services and goods to governmental entities and private enterprises; requiring reports on corporation performance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention.

Messrs. Finn, Merriam and Johnson, D.E. introduced--

S.F. No. 1614: A bill for an act relating to taxes; modifying provisions relating to the sales tax on mixed municipal solid waste collection and disposal services; amending Minnesota Statutes 1994, sections 297A.01, subdivision 3, and by adding a subdivision; 297A.25, subdivision 11; and 297A.45.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and Consent Calendar. The motion prevailed.

CALENDAR

S.F. No. 155: A bill for an act relating to wild animals; authorizing poultry farmers to trap great horned owls; amending Minnesota Statutes 1994, section 97B.705.

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 24, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.J.	Larson	Olson	Solon
Bertram	Johnson, J.B.	Lesewski	Ourada	Stevens
Cohen	Johnston	Lessard	Pariseau	Stumpf
Day	Kelly	Metzen	Riveness	Terwilliger
Dille	Kiscaden	Moe, R.D.	Robertson	Vickerman
Frederickson	Kleis	Morse	Runbeck	
Hottinger	Knutson	Murphy	Sams	
Janezich	Kramer	Neuville	Samuelson	
Johnson, D.E.	Langseth	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Chandler	Kroening	Mondale	Ranum
Beckman	Finn	Laidig	Novak	Reichgott Junge
Belanger	Flynn	Limmer	Pappas	Spear
Berglin	Hanson	Marty	Piper	Wiener
Betzold	Krentz	Merriam	Price	

So the bill passed and its title was agreed to.

S.F. No. 204: A bill for an act relating to state government; requiring reporting on and certain analysis of federal mandates imposed on state agencies.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 446: A bill for an act relating to commerce; restraint of trade; repealing price markup provisions in the sales discrimination law; amending Minnesota Statutes 1994, section 325D.06; and repealing Minnesota Statutes 1994, section 325D.08.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 687: A bill for an act relating to traffic regulations; requiring minimum clearance when passing bicycle or individual on roadway or bikeway; requiring bicycle traffic laws to be included in driver's manual and driver's license tests; amending Minnesota Statutes 1994, sections 169.18, subdivision 3; 169.222, subdivision 4; and 171.13, subdivision 1, 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 4, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Johnston	Larson	Novak
Beckman	Finn	Kelly	Lesewski	Oliver
Belanger	Flynn	Kiscaden	Lessard	Olson
Berg	Frederickson	Kleis	Marty	Ourada
Berglin	Hanson	Knutson	Merriam	Pappas
Bertram	Hottinger	Kramer	Metzen	Pariseau
Betzold	Janezich	Krentz	Moe, R.D.	Piper
Chandler	Johnson, D.E.	Kroening	Mondale	Price
Chmielewski	Johnson, D.J.	Laidig	Morse	Ranum
Cohen	Johnson, J.B.	Langseth	Murphy	Reichgott Junge

Riveness
Robertson
Runbeck

Sams
Samuelson
Solon

Spear
Stevens

Stumpf
Terwilliger

Vickerman
Wiener

Messrs. Day, Limmer, Neuville and Scheevel voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 673: A bill for an act relating to motor vehicles; providing for determination of base value of motor vehicle for purposes of registration tax; amending Minnesota Statutes 1994, sections 168.013, subdivision 1a; and 168.017, subdivision 3.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 16: A bill for an act relating to health; modifying provisions relating to the administration and prescription of neuroleptic medications; changing the name of a court in certain circumstances; amending Minnesota Statutes 1994, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.05, subdivisions 2 and 3; 253B.12, subdivision 1; and 253B.17, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 144: A bill for an act relating to traffic regulations; limiting access to data on holders of disabled parking certificates; modifying provisions governing display and use of certificates;

amending Minnesota Statutes 1994, sections 13.69, subdivision 1; and 169.345, subdivisions 1, 3, and 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 193: A bill for an act relating to veterans; authorizing an annual expense allowance for the veterans homes board of directors; amending Minnesota Statutes 1994, section 15A.081, subdivision 8.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 380: A bill for an act relating to the military; clarifying certain powers and duties of the governor; defining certain terms; clarifying language designating the rank of the adjutant general; clarifying language on acceptance of money by the adjutant general on behalf of the state; clarifying authority of the adjutant general to lease certain land; eliminating certain obsolete and duplicative language; amending Minnesota Statutes 1994, sections 190.02; 190.05, by adding subdivisions; 190.07; 190.16, subdivision 2; 190.25, subdivision 1; repealing Minnesota Statutes 1994, sections 190.10; 190.13; and 190.29.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 381: A bill for an act relating to the military; providing greater flexibility in appointment of members of the armory building commission; authorizing the state armory building commission to use funds for construction; clarifying which municipalities may provide sites for armories; changing provisions for disposal of unused armory sites; clarifying authority for levying taxes for armory construction; clarifying the authority for conveyance of armories to the state; amending Minnesota Statutes 1994, sections 193.142, subdivisions 1, 2, and 3; 193.143; 193.144, subdivisions 1, 2, and 6; 193.145, subdivisions 2, 4, and 5; and 193.148.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 382: A bill for an act relating to the military; authorizing the adjutant general to assign certain retired officers to temporary active duty; expanding the authority of the adjutant general to recommend members of the national guard for brevet rank; changing eligibility for the state service medal; changing certain penalties for wrongful disposition of military property; changing the agency to be notified in the case of temporary emergency relief payments; providing for appointment of a United States property and fiscal officer; eliminating obsolete language concerning retention of uniforms; national guard discipline, training, rifle practice, encampments, and drills; clarifying provisions related to pay for officers and enlisted persons; imposing a penalty; amending Minnesota Statutes 1994, sections 192.19; 192.20; 192.23; 192.37; 192.38, subdivision 1; 192.40; and 192.49; repealing Minnesota Statutes 1994, sections 192.36; 192.435; 192.44; 192.45; 192.46; 192.47; and 192.51, subdivision 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 184: A bill for an act relating to veterans; clarifying authority for use of funds from surplus facilities of the veterans homes board; amending Minnesota Statutes 1994, section 198.003, subdivisions 3 and 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 290: A bill for an act relating to the environment; providing that contamination cleanup grants cover costs of developing a response action plan and cleanup costs incurred before the award of a grant in certain cases; modifying the application cycle for contamination cleanup grants; amending Minnesota Statutes 1994, sections 116J.552, subdivision 2; and 116J.555, subdivision 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

Langseth	Metzen	Oliver	Ranum	Solon
Larson	Moe, R.D.	Olson	Riveness	Spear
Lesewski	Mondale	Ourada	Robertson	Stevens
Lessard	Morse	Pappas	Runbeck	Stumpf
Limmer	Murphy	Pariseau	Sams	Terwilliger
Marty	Neuville	Piper	Samuelson	Vickerman
Merriam	Novak	Price	Scheevel	Wiener

So the bill passed and its title was agreed to.

S.F. No. 445: A bill for an act relating to the environment; requiring the pollution control agency to permit the operation of certain waste combustors.

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 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 133: A bill for an act relating to state lands; authorizing the private sale of certain tax-forfeited lands bordering public waters in Cook county.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 444: A bill for an act relating to state parks; adding territory to Split Rock Creek state park.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	

So the bill passed and its title was agreed to.

S.F. No. 1100: A bill for an act relating to lawful gambling; allowing unlimited use of the proceeds of lawful gambling for payment of real estate taxes and assessments for certain premises; amending Minnesota Statutes 1994, section 349.12, subdivision 25.

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 3, as follows:

Those who voted in the affirmative were:

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

Mses. Berglin, Flynn and Pappas voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 368: A bill for an act relating to agriculture; clarifying the employment status of certain farm crisis assistance personnel; amending Minnesota Statutes 1994, section 17.03, subdivision 9.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dille	Hottinger	Johnston
Beckman	Chandler	Finn	Janezich	Kelly
Berg	Chmielewski	Flynn	Johnson, D.E.	Kiscaden
Berglin	Cohen	Frederickson	Johnson, D.J.	Kleis
Bertram	Day	Hanson	Johnson, J.B.	Knutson

Kramer	Limmer	Neuville	Price	Scheevel
Krentz	Marty	Novak	Ranum	Solon
Kroening	Merriam	Oliver	Reichgott Junge	Spear
Laidig	Metzen	Olson	Riveness	Stevens
Langseth	Moe, R.D.	Ourada	Robertson	Stumpf
Larson	Mondale	Pappas	Runbeck	Terwilliger
Lesewski	Morse	Pariseau	Sams	Vickerman
Lessard	Murphy	Piper	Samuelson	Wiener

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 680: A bill for an act relating to state lands; authorizing the commissioner of natural resources to sell certain land in Scott county.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 610 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 610: A bill for an act relating to the financing of government in this state; providing tax credits; making the used farm machinery sales tax exemption permanent; repealing the political contribution refund; providing flexibility and accountability for local governments; appropriating money; amending Minnesota Statutes 1994, sections 256E.06, subdivisions 9, 12, and 13; 273.138, subdivision 2; 273.1398, subdivisions 2 and 3a; 273.166, subdivision 2; 276.04, subdivision 2; 289A.50, subdivision 1; 290.01, subdivision 6; 297A.25, subdivision 59; 471.9981, subdivision 6; 477A.012, subdivision 1; 477A.013, subdivisions 1 and 9; 477A.0132, subdivisions 1 and 2; 477A.014, subdivisions 1, 2, and 5; 477A.015; 477A.017, subdivision 3; and 477A.03, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 275; and 477A; repealing Minnesota Statutes 1994, sections 10A.322, subdivision 4; 10A.43, subdivision 5; 290.06, subdivision 23; 477A.011, subdivisions 30, 31, 32, 33, 34, 35, 36, and 37; 477A.012; 477A.013; and 477A.014, subdivision 1a.

Mr. Belanger moved to amend S.F. No. 610 as follows:

Page 14, line 32, delete "October 15, 1995" and insert "July 1, 1996"

Page 15, line 30, delete "September 1" and insert "July 1"

Page 15, line 31, delete "1995" and insert "1996"

Page 16, line 5, delete "September 30" and insert "July 15"

Page 16, line 6, delete "1995" and insert "1996" and delete "thereafter" and insert "beginning in 1996"

Page 16, line 10, delete "July" and insert "August"

Page 16, line 15, delete "May 1 and" and after "July 15" insert "and August 15"

Page 17, line 18, delete "July" and insert "August"

Page 18, line 22, delete "July" and insert "August"

Page 18, line 23, delete "July" and insert "August"

Page 19, lines 4 to 10, delete the new language and reinstate the stricken language

Page 19, delete section 16

Page 23, delete section 25 and insert:

"Sec. 24. [BUDGETARY ADJUSTMENTS.]

By amending this article to eliminate a proposed \$57,000,000 reduction in certain payments to be made to local units of government in fiscal year 1996, the legislature has created an imbalance in the state treasury in fiscal year 1996 of that amount. In order to restore the general fund of the state treasury to a projected positive ending balance for the fiscal year ending June 30, 1996, and in order to provide additional funding for K-12 education purposes during the same time period, the legislature declares its intention to enact appropriations that make the following changes for fiscal year 1996 when compared to the supplemental budget recommendations made by the governor on February 28, 1995:

- (1) for K-12 education purposes, an increase of \$62,000,000;
- (2) for health and human services, a decrease of at least \$60,000,000;
- (3) for corrections, a decrease of at least \$10,000,000;
- (4) for environmental purposes, a decrease of at least \$6,000,000;
- (5) for transportation, a decrease of at least \$5,000,000;
- (6) for criminal justice administration and programs, a decrease of at least \$15,000,000; and
- (7) for state departments, a decrease of at least \$18,000,000.

In addition, the legislature hereby declares its intention to establish and maintain a new reserve of at least \$220,000,000 in the fiscal year 1996 state budget in accordance with the supplemental budget recommendations of the governor dated February 28, 1995.

Sec. 25. [PROPERTY TAX AND EDUCATION AIDS REFORM.]

Subdivision 1. [CREATION.] The property tax and education aids reform task force is created.

Subd. 2. [MEMBERSHIP.] On or before June 1, 1995, membership of the property tax and education aids reform task force shall be appointed as follows:

- (1) two members appointed by the majority caucus leader of the senate;
- (2) two members appointed by the minority caucus leader of the senate;
- (3) two members appointed by the majority caucus leader of the house of representatives;

- (4) two members appointed by the minority caucus leader of the house of representatives; and
- (5) two members appointed by the governor.

Subd. 3. [RECOMMENDED PROGRAM.] The property tax and education aids reform task force shall prepare and recommend to the legislature a property tax reform and education aids reform program that includes:

- (1) a property tax classification and class rate system;
- (2) elementary and secondary education aids and levies; and
- (3) aids to local governments.

Subd. 4. [STANDARDS.] (a) The recommended reform program must treat the interests of the taxpayer as the primary objective, as provided in paragraphs (b) to (e).

(b) The recommended program must provide meaningful spending reform by reducing or eliminating wasteful spending, controlling excessive costs, prioritizing state program responsibilities, and by targeting limited state resources to individuals and communities which have high needs and limited local resources.

(c) The recommended program must provide accountability by:

- (1) being understandable to the taxpayer;
- (2) providing for local control over and public participation in government decisions; and
- (3) linking the costs of services to those levels of government responsible for providing the services and paying the costs.

(d) The recommended program must provide a stable and predictable revenue and expenditure system for the state and local governments.

(e) The recommended program must result in a state and local fiscal system that makes the tax system of this state and the level of quality in government services provided in this state competitive with other states.

Subd. 5. [REPORT.] The task force shall report its recommendations to the legislature on or before January 1, 1996. The report shall include proposed legislation to implement the recommendations of the task force.

Sec. 26. [SAVINGS CLAUSE.]

Notwithstanding the repealers in section 27 or any other provision in this act to the contrary, nothing in this act constitutes an impairment of any obligations, certificates of indebtedness, capital notes, or other debt instruments, including installment purchase contracts or lease purchase agreements, issued before the date of final enactment of this act, by a municipality as defined in Minnesota Statutes, section 469.174, subdivision 6, or a special taxing district as defined in Minnesota Statutes, section 275.066.

Sec. 27. [REPEALER.]

Subdivision 1. 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; and 124A.29, subdivision 2; and Laws 1991, chapter 265, article 7, section 35, are repealed.

Subd. 2. Minnesota Statutes 1994, sections 273.13; 273.135; 273.1391; 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, are repealed."

Page 23, line 17, delete "17, 19 to 22, and 24" and insert "16, 18 to 21, and 23 to 26"

Page 23, line 18, delete "Sections 18 and 25 are" and insert "Section 17 is"

Page 23, line 21, delete "23" and insert "22"

Page 23, line 22, after the period, insert "Section 27, subdivision 1, is effective for the 1997-1998 school year, and section 27, subdivision 2, is effective for taxes payable in 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Mr. Frederickson imposed a call of the Senate for the balance of the proceedings on S.F. No. 610. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Belanger amendment.

The roll was called, and there were yeas 25 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Laidig	Neuville	Robertson
Berg	Kiscaden	Larson	Oliver	Runbeck
Day	Kleis	Lesewski	Olson	Scheevel
Dille	Knutson	Limmer	Ourada	Stevens
Frederickson	Kramer	Merriam	Pariseau	Terwilliger

Those who voted in the negative were:

Anderson	Flynn	Kroening	Murphy	Samuelson
Beckman	Hanson	Langseth	Novak	Solon
Berglin	Hottinger	Lessard	Piper	Spear
Bertram	Janezich	Marty	Pogemiller	Stumpf
Betzold	Johnson, D.J.	Metzen	Price	Vickerman
Chandler	Johnson, J.B.	Moe, R.D.	Ranum	Wiener
Cohen	Kelly	Mondale	Reichgott Junge	
Finn	Krentz	Morse	Riveness	

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

S.F. No. 610 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 0 and nays 67, as follows:

Those who voted in the negative were:

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

So the bill failed to pass.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S.F. No. 1118: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1994, sections 3A.01, subdivision 7; 3A.02, subdivision 1; 3A.11, subdivision 4; 3C.10, subdivision 3; 9.071; 11A.18, subdivision 10; 13.99, subdivision 92c; 15.061; 15.56, subdivision 5; 17.1015; 29.021; 31.495, subdivisions 1 and 5; 32.01, subdivision 6; 60B.02; 72A.20, subdivision 29; 72C.03; 72C.04, subdivision 4; 82.34, subdivision 6; 84.025, subdivision 7; 84.0895, subdivision 2; 84.0911, subdivision 2; 85.016; 90.251, subdivision 4; 92.46, subdivision 1; 97A.115, subdivision 2; 103F.516, subdivision 2; 103G.2365; 116.03, subdivision 2; 116C.724, subdivision 2; 116C.98, subdivision 3; 116J.035, subdivision 1; 116J.402; 116J.70, subdivision 2a; 124.916, subdivision 1; 126.25, subdivision 3; 134.341; 136A.40; 144.3831, subdivision 1; 145A.07, subdivision 1; 147.01, subdivision 5; 154.161, subdivision 3; 162.09, subdivision 1; 192.261, subdivision 3; 192.501, subdivision 2; 193.36, subdivision 2; 201.15, subdivision 1; 270.69, subdivision 10; 271.21, subdivision 6; 275.066; 290.01, subdivisions 3a and 19d; 290.05, subdivision 3; 294.03, subdivision 2; 297A.25, subdivision 21; 299F.72, subdivision 1; 299L.05; 299L.07, subdivision 2a; 308A.503, subdivision 3; 317A.733, subdivisions 1 and 2; 340A.503, subdivision 1; 349.12, subdivision 25; 349.17, subdivision 6; 352.01, subdivision 2a; 354.07, subdivision 7; 360.305, subdivisions 1, 2, and 5; 365.125, subdivision 2; 383A.90, subdivision 2; 383D.71, subdivision 2; 462C.12, subdivision 2; 473.121, subdivision 11; 473.149, subdivision 4; 473.192, subdivision 4; 473.3993, subdivision 1; 473.405, subdivisions 1 and 12; 473.598, subdivision 4; 473.599, subdivision 8; 473.811, subdivisions 1a and 5; 473.834, subdivision 2; 474A.061, subdivision 2a; 518.551, subdivision 5; 518C.101; 524.2-210; 525.011, subdivision 1; 554.04, subdivision 2; 609.342, subdivision 1; 609.561, subdivision 3; and 609.66, subdivision 1d; Laws 1993, chapter 273, section 1, as amended; and Laws 1994, chapter 647, article 7, section 19, subdivision 4; repealing Minnesota Statutes 1994, sections 13.99, subdivision 71; 103B.151, subdivision 3; 134.32, subdivision 2; 256B.0925; 297A.25, subdivision 50; 383B.614, subdivision 5; 469.110, subdivision 9; 469.170, subdivision 9; 611A.032; 624.01; and 624.03; Laws 1986, First Special Session chapter 1, article 9, section 18; First Special Session chapter 2, article 3, section 1; Laws 1987, chapter 254, section 8; Laws 1988, chapter 486, section 59; Laws 1990, chapter 562, article 10, section 1; Laws 1993, chapter 146, article 5, section 15; Laws 1994, chapter 485, section 14; chapter 647, article 1, section 4; article 8, section 46, paragraph (b); article 13, sections 3 and 14.

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

Page 76, after line 9, insert:

"Sec. 112. Laws 1994, chapter 628, article 2, section 5, is amended to read:

Sec. 5. [APPLICATION.]

This article Laws 1994, chapter 628, article 2, applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Page 13, after line 21, of the memorandum of explanation, insert:

"Sec. 112. Explanation. This corrects the application section of a 1994 law dealing with the metropolitan council. Hennepin county was inadvertently omitted from the seven-county metropolitan area."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 45, after the semicolon, insert "Laws 1994, chapter 628, article 2, section 5;"

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

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

S.F. No. 1396: A bill for an act relating to local government; requiring counties, cities, and towns to codify and print ordinances, resolutions, and rules; requiring the local governmental unit to furnish copies to the county law library; amending Minnesota Statutes 1994, sections 375.52; and 415.021.

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

Page 1, line 12, reinstate the stricken "may" and delete "shall"

Page 1, line 20, delete "the" and insert "any"

Page 1, line 21, delete "codified" and delete ", resolutions, or rules" and insert "adopted by the county"

Page 1, line 22, after the period, insert "A county, upon request, shall be reimbursed a reasonable charge by the county law library for a copy furnished."

Page 2, line 1, reinstate the stricken "may" and delete "shall"

Page 2, line 8, delete "the codified" and insert "any" and delete the comma

Page 2, line 9, delete "resolutions, or rules" and insert "adopted by the city or town"

Page 2, line 10, after the period, insert "A city or town, upon request, shall be reimbursed a reasonable charge by the county law library for a copy furnished."

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 3, to "ordinances,"

Page 1, line 4, delete "resolutions, and rules;" and delete "the" and insert "a"

Page 1, line 5, after "copies" insert "of any ordinances adopted"

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. 317: A bill for an act relating to cities; permitting cities to close certain unlawful businesses; proposing coding for new law in Minnesota Statutes, chapter 415.

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

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

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

S.F. No. 1233: A bill for an act relating to metropolitan government; establishing housing as a metropolitan system; amending Minnesota Statutes 1994, sections 473.145; 473.175, by adding a subdivision; and 473.852, subdivision 8; 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, lines 24 and 25, delete the new language and insert ", and housing"

Page 1, after line 26, insert:

"The metropolitan council shall prepare and adopt, as part of its metropolitan development guide, a long-range policy plan for housing in the metropolitan area. The policy plan shall be developed in cooperation with local governments and with active public participation, include a description of specific housing objectives, and indicate the strategies that will be used to achieve the objectives and specify the authority the council will require to implement the policy. The council should submit a preliminary report to the chairs of the metropolitan and local government committees by January 31, 1996, and the final plan by January 31, 1997."

Page 2, delete lines 1 to 36

Page 3, delete lines 1 to 36

Page 4, delete lines 1 to 33

Pages 4 to 7, delete sections 3 to 5

Page 7, line 25, delete "6" and insert "3"

Amend the title as follows:

Page 1, line 4, delete from "sections" through page 1, line 5, to "8" and insert "section 473.145"

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

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

S.F. No. 337: A bill for an act relating to health; establishing MN ENABL, a program to postpone sexual involvement in an effort to reduce adolescent pregnancy; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Delete everything after the enacting clause and insert:

"Section 1. [145.9255] [MN ENABL, MINNESOTA EDUCATION NOW AND BABIES LATER.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education, in consultation with the director of the office of strategic and long-range planning and the commissioner of health, shall develop and implement the Minnesota education now and babies later (MN ENABL) program, targeted to adolescents ages 12 to 14, with the goal of reducing the incidence of adolescent pregnancy in the state. The program must provide a multifaceted, primary prevention, community

health promotion approach to educating and supporting adolescents in the decision to postpone sexual involvement, modeled after the ENABL program in California. The commissioner of education shall consult with the health education section of the California department of health services for general guidance in developing and implementing the program.

Subd. 1a. [DEFINITION.] "Community-based local contractor" or "contractor" includes boards of health under section 145A.02, Indian tribal governments, nonprofit organizations, family collaboratives, or school districts. The community-based local contractors may provide the education component of MN ENABL in a variety of settings including, but not limited to, schools, religious establishments, local community centers, and youth camps.

Subd. 2. [DUTIES OF THE COMMISSIONER OF EDUCATION.] The commissioner of education shall:

(1) manage the grant process, including awarding and monitoring grants to community-based local contractors, and may contract with community-based local contractors that can demonstrate at least a 25 percent local match and agree to participate in the four MN ENABL program components under subdivision 3;

(2) provide technical assistance to the community-based local contractors as necessary under subdivision 3;

(3) develop and implement the evaluation component, and provide centralized coordination at the state level of the evaluation process; and

(4) explore and pursue the federal funding possibilities and specifically request funding from the United States Department of Health and Human Services to supplement the development and implementation of the program.

Subd. 3. [PROGRAM COMPONENTS.] The program must include the following four major components:

(a) A community organization component in which the community-based local contractors shall include:

(1) use of a postponing sexual involvement education curriculum targeted to boys and girls ages 12 to 14 in schools and/or community settings;

(2) planning and implementing community organization strategies to convey and reinforce the MN ENABL message of postponing sexual involvement, including activities promoting awareness and involvement of parents and other primary caregivers/significant adults, schools, and community; and

(3) develop local media linkages.

(b) A statewide, comprehensive media and public relations campaign to promote changes in sexual attitudes and behaviors and reinforce the message of postponing adolescent sexual involvement.

The commissioner of education, in consultation with the commissioner of health, shall contract with the attorney general's office to develop and implement the media and public relations campaign. In developing the campaign, the attorney general's office shall coordinate and consult with representatives from ethnic and local communities to maximize effectiveness of the social marketing approach to health promotion among the culturally diverse population of the state. The development and implementation of the campaign is subject to input and approval by the commissioners of health and education.

The local community-based contractors shall collaborate and coordinate efforts with other community organizations and interested persons to provide school and community-wide promotional activities that support and reinforce the message of the MN ENABL curriculum.

(c) An evaluation component which evaluates the process and the impact of the program.

The "process evaluation" must provide information to the state on the breadth and scope of the program. The evaluation must identify program areas that might need modification and identify local MN ENABL contractor strategies and procedures which are particularly effective. Contractors must keep complete records on the demographics of clients served, number of direct education sessions delivered, and other appropriate statistics and must document exactly how the program was implemented. The commissioner may select contractor sites for more in-depth case studies.

The "impact evaluation" must provide information to the state on the impact of the different components of the MN ENABL program and an assessment of the impact of the program on adolescents' related sexual knowledge, attitudes, and risk-taking behavior.

The commissioner shall compare the MN ENABL evaluation information and data with similar evaluation data from other states pursuing a similar adolescent pregnancy prevention program modeled after ENABL, use the information to improve MN ENABL, and build on aspects of the program that have demonstrated a delay in adolescent sexual involvement.

(d) A training component requiring the commissioner of education, in consultation with the commissioner of health, to provide comprehensive uniform training to the local MN ENABL community-based local contractors and the direct education program staff.

The local community-based contractors may use adolescent leaders slightly older than the adolescents in the program to impart the message to postpone sexual involvement provided:

(1) the contractor follows a protocol for adult mentors/leaders and older adolescent leaders established by the commissioner of education;

(2) the older adolescent leader is accompanied by an adult leader; and

(3) the contractor uses the curriculum as directed and required by the commissioner of the department of education to implement this part of the program. The commissioner of education shall provide technical assistance to community-based local contractors.

Sec. 2. [APPROPRIATION.]

\$..... is appropriated from the general fund to the department of education for purposes of developing and implementing the program in section 1, and is available for the biennium."

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. 730: A bill for an act relating to human services; providing medical assistance reimbursement for a comprehensive pharmaceutical care research project; appropriating money.

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

Page 2, delete section 2

Amend the title as follows:

Page 1, lines 4 and 5, delete "; appropriating money"

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

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

S.F. No. 1121: A bill for an act relating to human development; appropriating money for preliminary planning and programming for a human development center.

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

Page 1, line 15, after "to," insert "administration,"

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

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

S.F. No. 273: A bill for an act relating to water; providing for the classification of water supply systems and wastewater treatment facilities and certification of operators by the department of health and the pollution control agency; appropriating money; amending Minnesota Statutes 1994, sections 115.71, subdivisions 1, 4, 8, 10, and by adding subdivisions; 115.72; 115.73; 115.75; 115.76; 115.77; and 144.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115; repealing Minnesota Statutes 1994, sections 115.71, subdivisions 2, 3, and 3a; 115.74; 115.78; 115.79; 115.80; and 115.82.

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

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

S.F. No. 1360: A bill for an act relating to lawful gambling; providing that a city's trade area for purpose of limiting expenditures of net profits may consist of all or part of the city's school district; allowing cities and counties to adopt reporting requirements; allowing cities and counties to adopt residence requirements as a condition of approval of premises permits; amending Minnesota Statutes 1994, section 349.213.

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

Page 1, line 11, before "is" insert "subdivision 1,"

Page 1, delete line 13

Page 2, line 28, delete the first "or" and insert "and"

Page 2, line 29, delete "as" and insert "or districts of"

Page 3, delete lines 6 to 25

Amend the title as follows:

Page 1, delete lines 6 to 9 and insert "reporting requirements; amending Minnesota Statutes 1994, section 349.213, subdivision 1."

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

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

S.F. No. 258: A bill for an act relating to occupations and professions; board of medical practice; providing for the registration of physician assistants by the board of medical practice; providing for rulemaking; providing penalties; amending Minnesota Statutes 1994, sections 116J.70, subdivision 2a; 136A.1356, subdivision 1; 144.335, subdivision 1; 148B.60, subdivision 3; 151.01, subdivision 23; 151.37, subdivision 2a; 214.23, subdivision 1; and 604A.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 147A; repealing Minnesota Statutes 1994, sections 147.34; 147.35; and 147.36; Minnesota Rules, parts 5600.2600; 5600.2605; 5600.2610; 5600.2615; 5600.2620; 5600.2625; 5600.2630; 5600.2635; 5600.2640; 5600.2645; 5600.2650; 5600.2655; 5600.2660; 5600.2665; and 5600.2670.

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

Page 2, line 4, delete everything after the second period

Page 2, delete lines 5 and 6

Page 2, line 7, delete "Subd. 5."

Page 2, line 9, delete "6" and insert "5"

Page 2, line 18, delete "7" and insert "6"

Page 2, line 20, delete "8" and insert "7"

Page 2, line 22, delete "9" and insert "8"

Page 2, line 36, delete "10" and insert "9"

Page 3, line 4, delete "11" and insert "10"

Page 3, line 7, delete "12" and insert "11"

Page 3, line 9, delete "13" and insert "12"

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

Page 3, line 25, delete "15" and insert "14"

Page 3, line 27, delete "16" and insert "15"

Page 3, line 32, delete "17" and insert "16"

Page 4, line 1, delete "18" and insert "17"

Page 4, line 4, delete "19" and insert "18"

Page 4, line 10, delete "20" and insert "19"

Page 4, line 28, delete "21" and insert "20"

Page 4, line 31, delete "22" and insert "21"

Page 5, line 1, delete "23" and insert "22"

Page 5, line 4, delete "24" and insert "23"

Page 5, line 10, delete "25" and insert "24"

Page 5, line 19, delete "26" and insert "25"

Page 5, line 32, delete "27" and insert "26"

Page 6, line 3, delete "28" and insert "27"

Page 29, line 4, delete "all" and delete everything after "rules"

Page 29, delete line 5

Page 29, line 6, delete everything before the colon

Pages 29 and 30, delete section 22

Page 31, line 26, delete "26" and insert "25"

Renumber the sections in sequence

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

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

S.F. No. 1365: A bill for an act relating to public safety; regulating fireworks; modifying the definitions of the term fireworks; permitting sale of certain fireworks; amending Minnesota Statutes 1994, section 624.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 624.

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 624.20, subdivision 1, is amended to read:

Subdivision 1. As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture, sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 200 grams or less for multiple tubes, snake and glow worms, smoke devices, and trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Sec. 2. Minnesota Statutes 1994, section 624.20, is amended by adding a subdivision to read:

Subd. 3. Any regulation of fireworks by a governmental body that is different from sections 624.20 to 624.25, is not valid.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to public safety; regulating fireworks; modifying the definition of the term fireworks; preempting local regulation of fireworks; amending Minnesota Statutes 1994, section 624.20, subdivision 1, and by adding a subdivision."

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 referred

S.F. No. 1076: A bill for an act relating to energy; regulating wind energy conversion systems siting; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Page 2, line 2, after "116C.59" delete the comma and insert a semicolon and after "116C.63" insert "; 116C.645"

Page 2, line 28, delete "(a)"

Page 3, line 11, after the semicolon, insert "and"

Page 3, line 14, delete "; and" and insert a period

Page 3, delete lines 15 to 22

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1118, 1396, 317, 1159, 1233, 730, 1360, 258 and 1365 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Kroening moved that the name of Mr. Novak be added as a co-author to S.F. No. 1424. The motion prevailed.

Mr. Limmer moved that the name of Mr. Marty be added as a co-author to S.F. No. 1437. The motion prevailed.

Ms. Reichgott Junge moved that the name of Mr. Finn be added as a co-author to S.F. No. 1492. The motion prevailed.

Mr. Solon moved that S.F. No. 730, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Price moved that S.F. No. 423, No. 26 on General Orders, be stricken and returned to its author. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 4:00 p.m. The motion prevailed. The hour of 4:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1136. The motion prevailed.

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

S.F. No. 563: A bill for an act relating to Dakota county; appropriating money to Dakota county to reimburse the county for costs of airport planning arising from the dual-track international airport planning program.

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

Delete everything after the enacting clause and insert:

"Section 1. [PLANNING ASSISTANCE LOAN FUND; GRANT TO DAKOTA COUNTY.]

The metropolitan council shall pay Dakota county the sum of \$100,000 as a grant from the planning assistance loan fund established under Minnesota Statutes, section 473.867, to reimburse the county for payments the county made in 1994 and 1995 to the council to satisfy a loan made to Dakota county from the fund to enable Dakota county to participate in the site selection process of the dual-track airport planning process. The \$50,000 payment due from Dakota county to the council in 1996, as the final payment on the loan, shall be forgiven and deemed to be a grant from the fund.

Sec. 2. [APPLICATION.]

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to the metropolitan council; requiring the council to pay Dakota county a sum of money to reimburse the county for payments made to the planning assistance loan fund; providing that the final payment due on the loan be deemed a grant."

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

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was re-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 be amended as follows:

Page 5, line 22, after the period, insert "Nothing in this subdivision shall be construed to permit a professional geoscientist to engage in the practice of professional engineering as defined in subdivision 3."

Page 13, line 3, after the first "the" insert "two" and delete "member and one civil engineer member" and insert "members"

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

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

S.F. No. 1290: A bill for an act relating to the legislature; abolishing the legislative commission to review administrative rules, the legislative commission on children, youth, and their families, the legislative water commission, the legislative commission on the economic status of women, the legislative commission on child protection, the legislative commission on health care access, the legislative commission on long-term health care, the legislative commission on waste management, and the legislative tax study commission; transferring functions of the legislative commission on Minnesota resources to the office of strategic and long-range planning; amending Minnesota Statutes 1994, sections 3.846, subdivision 2; 4.071, subdivision 2; 14.131; 14.15,

subdivision 4; 14.19; 14.23; 14.26; 14.32, subdivision 2; 14.47, subdivisions 3, 6, and 8; 62J.04, subdivisions 1a and 9; 62Q.33, subdivision 5; 84.0274, subdivision 7; 85.019, subdivision 2; 86.72, subdivisions 2 and 3; 89.022, subdivision 2; 103A.43; 103B.321, subdivision 1; 115A.07, subdivision 3; 115A.15, subdivision 5; 115A.158, subdivision 2; 115A.165; 115A.193; 115A.22, subdivision 5; 115A.5501, subdivisions 2 and 4; 115A.551, subdivisions 4 and 5; 115A.557, subdivision 4; 115A.9157, subdivision 6; 115A.96, subdivision 2; 115A.961, subdivision 2; 115A.9651, subdivision 2; 115A.97, subdivisions 5 and 6; 115B.20, subdivisions 2, 5, and 6; 116C.712, subdivision 5; 116J.555, subdivision 2; 116P.02; 116P.03; 116P.05, subdivision 2, and by adding a subdivision; 116P.06; 116P.07; 116P.08, subdivisions 3, 4, 5, 6, and 7; 116P.09; 116P.10; 116P.11; 116P.12; 116Q.02; 256.9352, subdivision 3; 256B.431, subdivision 2i; 290.431; 290.432; and 473.846; repealing Minnesota Statutes 1994, sections 3.841; 3.842; 3.843; 3.844; 3.845; 3.861; 3.873; 3.887; 3.9222; 3.9227; 14.115, subdivision 8; 62J.04, subdivision 4; 62J.07; 62N.24; 103B.351; 115A.03, subdivision 16; 115A.08; 115A.14; 115A.29; 115A.38; 115A.411; 115A.913, subdivision 5; 115A.9157, subdivision 4; 115A.965, subdivision 7; 115A.981, subdivision 3; 115B.20, subdivision 6; 115B.22, subdivision 8; 115B.43, subdivision 4; 116P.05, subdivision 1; 256B.504; 473.149, subdivisions 2c and 6; 473.845, subdivision 4; and 473.848, subdivision 4.

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

Page 12, line 17, reinstate the stricken "The" and after the stricken "on" insert "division of" and reinstate the stricken "Minnesota resources shall make"

Page 12, lines 18 and 19, reinstate the stricken language

Page 31, line 27, after the first semicolon, insert "216C.051;"

Page 31, line 30, delete "section" and insert "sections" and delete ", is" and insert "and 3.885, are"

Page 36, line 21, after "agency" insert ", the metropolitan council as defined in section 473.121, subdivision 3, or a metropolitan agency as defined in section 473.121, subdivision 5a,"

Amend the title as follows:

Page 1, line 36, after "3.873;" insert "3.885;"

Page 1, line 44, after "1;" insert "216C.051;"

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

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

S.F. No. 1384: A bill for an act relating to state government; abolishing the department of human rights and transferring its responsibilities to the attorney general; amending Minnesota Statutes 1994, sections 15.01; 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 363.06, subdivision 4; 363.071, subdivisions 2 and 7; and 363.14, subdivision 3; repealing Minnesota Statutes 1994, sections 363.01, subdivisions 8 and 12; and 363.121.

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

Delete everything after the enacting clause and insert:

"Section 1. [363.062] [EVALUATION FORM.]

Once a year, the commissioner shall send an evaluation form to each charging party whose grievance is an open case file and each charging party whose case file was closed during the preceding 12 months. The evaluation form must seek the charging party's assessment of the way the party's grievance is being or was processed by the department and invite the party's suggestions for ways in which the department might improve its processing of grievances. The commissioner shall compile and summarize the responses to the forms, including summaries of favorable comments, unfavorable comments, and suggestions for improvements, and submit the

report to the committees of the legislature having jurisdiction over the department by March 15 of each year.

Sec. 2. [INITIAL FORMS.]

The initial report to the appropriate committees of the legislature required by Minnesota Statutes, section 363.062, must be submitted by March 15, 1996. The commissioner of human rights shall send the evaluation forms required by that section to charging parties in time for responses to be returned, compiled, and summarized by that date.

Sec. 3. [QUARTERLY REPORTS.]

(a) The commissioner of human rights shall submit reports to the finance divisions of the legislature having jurisdiction over the budget of the department of human rights by June 30, 1995; September 30, 1995; December 31, 1995; and March 15, 1996. The reports, at a minimum, must include the information required by paragraphs (b) and (c). The report due June 30, 1995, must contain the required information from March 15, 1995, to the date of the report. Each succeeding report must contain information for the period covered by that report, as well as cumulative information from March 15, 1995, to the date of the report.

(b) Each report must contain the following information on charges filed with the commissioner under Minnesota Statutes, section 363.06, subdivision 1:

- (1) the number of charges filed;
 - (2) the nature of the unfair discriminatory practices charged;
 - (3) the resolutions of the charges, including dismissals, findings of probable cause, and other outcomes;
 - (4) the reasons for any dismissals;
 - (5) the number of staff hours spent on processing complaints, compared with the total number of staff hours spent on other activities, with a breakdown of time spent on complaints by each staff classification;
 - (6) the number of open files at the reporting date, their status, and the categories of staff level or division to which the files are assigned;
 - (7) the number of days required to process charges, broken down according to staff level or division;
 - (8) the cost of processing each complaint; and
 - (9) any other information the commissioner considers relevant.
- (c) Each report must also contain information on how the department is attempting to educate the public to eliminate and prevent discrimination and to respond to the increasing diversity of Minnesota's population. Each report must focus especially on the department's activities in response to Minnesota Statutes, section 363.05, subdivision 1, clauses (10) and (11).

Sec. 4. [REALLOCATION OF RESOURCES.]

(a) By March 15, 1996, the commissioner of human rights, in cooperation with the exclusive representatives of employees of the department of human rights, shall reallocate the resources of the department to accomplish the following goals:

(1) reduce to no more than ten percent of the total the portion of the department budget devoted to administrative and management functions, including the work of the commissioner, deputy commissioner, and legal and policy analysts; fiscal operations, human services, and information systems, except for personnel with a specific budget allocation for developing a new information system;

(2) increase the number of investigators and enforcement officers capable of carrying full

caseloads and reduce caseloads so that each investigator or enforcement officer has no more than 60 open files at any time;

(3) set specific goals for reducing the time required for processing charges and develop a plan to achieve those goals;

(4) increase the number of charges resolved in a timely fashion; and

(5) prioritize charges so that top priority go to:

(i) those with a high potential of being resolved in favor of the charging party;

(ii) those that would establish precedents for a class of persons; and

(iii) those that would affect future practices of large employers or landlords.

(b) If a reallocation required by paragraph (a) would violate the terms of a collective bargaining agreement reached under Minnesota Statutes, chapter 179A, the reallocation may not be implemented without the consent of the exclusive representative that is a party to the agreement.

Sec. 5. [LEGISLATIVE AUDIT.]

The legislative audit commission is asked to consider directing the legislative auditor to conduct a full program evaluation of the department of human rights in 1995."

Delete the title and insert:

"A bill for an act relating to the department of human rights; requiring the distribution of evaluation forms to charging parties; requiring reports to the legislature; requiring reallocation of resources; requesting consideration of a legislative audit; proposing coding for new law in Minnesota Statutes, chapter 363."

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

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

S.F. No. 1136: A bill for an act relating to human services; providing firearms background check; providing mental health services; adding provisions for paternity testing; adding provisions for paternity and child support; consolidating the prepaid medical assistance; providing penalties; amending Minnesota Statutes 1994, sections 245.041; 245.4871, subdivisions 12 and 33a; 245.4873, subdivision 6; 245.4874; 245.4875, subdivision 2; 245.4878; 245.4885, subdivision 2; 253B.091; 256.015, subdivision 7; 256.025, subdivisions 1 and 3; 256.12, subdivision 14; 256.74, by adding a subdivision; 256.76, subdivision 1; 256B.69, subdivisions 4, 6, and by adding subdivisions; 256E.08, subdivision 8; 257.55, subdivision 1; 257.57, subdivision 2; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivisions 1, 3, 4, 5, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 7; and 518.615, subdivision 3; repealing Minnesota Statutes 1994, sections 62C.141; 62C.143; 62D.106; and 62E.04, subdivisions 9 and 10.

Reports the same back with the recommendation that the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1022: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Koochiching county.

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

Page 1, line 15, delete "three" and insert "two"

Page 1, delete lines 17 to 23

Page 1, line 24, delete "3" and insert "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. 171: A bill for an act relating to state lands; requiring the sale of certain school trust lands bordering public waters in St. Louis county.

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

Page 1, line 8, delete "shall" and insert "may"

Page 1, line 13, after the colon, insert "part of"

Page 1, line 15, before the period, insert ", and parts of the unplatted portions of Government Lots 7 and 8, Section 16, Range 60 North, Township 21 North"

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

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

S.F. No. 1023: A bill for an act relating to public lands; notice requirements for sales of tax-forfeited lands; leasing of tax-forfeited lands; roads used by counties on tax-forfeited lands; amending Minnesota Statutes 1994, sections 282.02; and 282.04, subdivision 1, and by adding a subdivision.

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

Page 4, line 27, delete "\$3,000" and insert "\$1,500"

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

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

S.F. No. 1280: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Meeker county.

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

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

S.F. No. 1366: A bill for an act relating to natural resources; authorizing Hennepin county to construct a seawall on Lake Minnetonka without a permit.

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

Page 1, line 9, after the comma, insert "the commissioner of natural resources shall issue" and delete "is not required for" and insert "authorizing"

Page 1, line 13, delete "18" and insert "15"

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring the commissioner of natural resources to issue a permit"

Page 1, line 4, delete "without a permit"

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

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

S.F. No. 1092: A bill for an act relating to public safety; clarifying duties of the office of crime victim ombudsman; amending Minnesota Statutes 1994, sections 611A.73, subdivision 3; and 611A.74.

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

Page 4, delete lines 22 to 28

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

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

S.F. No. 1088: A bill for an act relating to courts; civil actions; modifying the requirements for an application to proceed in forma pauperis by an inmate; allowing the court to dismiss an inmate's action for false allegations of poverty or if it is frivolous or malicious; providing for a hearing; providing for the payment of fees and costs by inmates; providing for the disposition of damages recovered by an inmate; allowing parties to defend certain actions brought by inmates without paying costs; requiring disciplinary rules on false claims or evidence by an inmate; amending Minnesota Statutes 1994, sections 243.23, subdivision 3; and 563.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 243; 244; and 563.

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

Page 1, lines 29 and 30, delete the new language and strike the old language

Page 2, line 4, delete "(5)" and insert "(4)"

Page 2, line 6, delete "(6)" and insert "(5)"

Page 2, line 7, delete "(7)" and insert "(6)"

Page 2, line 9, delete "(8)" and insert "(7)"

Page 2, line 11, delete "(9)" and insert "(8)"

Page 2, line 14, delete "(10)" and insert "(9)"

Page 2, line 17, delete "(11)" and insert "(10)"

Page 3, line 7, after "claim" insert "as determined under section 563.02, subdivision 3," and delete "testifies falsely or submits" and insert "is determined by the court to have testified falsely or to have submitted"

Page 3, line 9, delete "isolation or"

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

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

S.F. No. 663: A bill for an act relating to the military; exempting the national guard and the department of military affairs from certain prohibitions concerning weapons; amending Minnesota Statutes 1994, section 609.66, subdivision 2.

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 609.66, subdivision 1g, is amended to read:

Subd. 1g. [FELONY; POSSESSION IN COURTHOUSE OR CERTAIN STATE BUILDINGS.] (a) A person who commits either of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) possesses a dangerous weapon, ammunition, or explosives within any courthouse complex;
or

(2) possesses a dangerous weapon, ammunition, or explosives in any state building within the capitol area described in section 15.50, other than the National Guard Armory.

(b) Unless a person is otherwise prohibited or restricted by other law to possess a dangerous weapon, this subdivision does not apply to:

(1) licensed peace officers or military personnel who are performing official duties;

(2) persons who carry pistols according to the terms of a permit issued under section 624.714 and who so notify the sheriff or the commissioner of public safety, as appropriate;

(3) persons who possess dangerous weapons for the purpose of display as demonstrative evidence during testimony at a trial or hearing or exhibition in compliance with advance notice and safety guidelines set by the sheriff or the commissioner of public safety; or

(4) persons who possess dangerous weapons in a courthouse complex with the express consent of the county sheriff or who possess dangerous weapons in a state building with the express consent of the commissioner of public safety.

(c) Notwithstanding paragraph (a), a person who would otherwise be within the exception described in paragraph (b), clause (2), who fails to provide the required notice, is guilty of a petty misdemeanor and may be fined up to \$200."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "limiting the penalty for certain persons who possess unauthorized pistols in certain locations; imposing penalties;"

Page 1, line 5, delete "subdivision" and insert "subdivisions 1g and"

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

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

S.F. No. 390: A bill for an act relating to driving while intoxicated; extending vehicle forfeiture penalties to include failure to appear at trial for designated driving while intoxicated offenses; amending Minnesota Statutes 1994, section 169.1217, subdivisions 7, 8, and 9.

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. 1255: A bill for an act relating to corrections; authorizing use of force in defense of assault in correctional facilities under the control of or licensed by the commissioner; amending Minnesota Statutes 1994, section 243.52.

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

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

S.F. No. 259: A bill for an act relating to insurance; regulating the use of genetic testing and genetic characteristics by insurers; amending Minnesota Statutes 1994, section 8.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 72A.

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.307] [USE OF GENETIC TESTS.]

Subdivision 1. [NAME AND CITATION.] This section shall be known and may be cited as the "genetic discrimination act."

Subd. 2. [DEFINITION.] As used in this section, a "genetic test" means a presymptomatic test of a person's genes, gene products, or chromosomes for the purpose of determining the presence or absence of a gene or genes that exhibit abnormalities, defects, or deficiencies, including carrier status, that are known to be the cause of a disease or disorder, or are determined to be associated with a statistically increased risk of development of a disease or disorder. "Genetic test" does not include a cholesterol test or other test not conducted for the purpose of determining the presence or absence of a gene or genes.

As used in this subdivision, a "gene product" is any biochemically identifiable substance that may provide evidence of a mutation in a gene or chromosome, and "presymptomatic" means prior to the appearance of a symptom or of other evidence of a disease or disorder.

Subd. 3. [PROHIBITION.] A health carrier, in determining eligibility for health plan coverage, establishing health plan premiums, limiting health plan coverage, or renewing health plan coverage, shall not:

(1) require or request an applicant seeking coverage or an insured renewing coverage to submit to a genetic test;

(2) take into consideration the fact that a genetic test was undertaken or refused;

(3) take into consideration the results of a genetic test;

(4) make any inquiry to determine whether an applicant or insured has undergone or refused a genetic test or regarding the results of such a test; or

(5) make any inquiry regarding whether an applicant or insured's blood relatives have undergone or refused a genetic test, or regarding the results of such a test.

Subd. 4. [APPLICATION.] Subdivisions 5, 6, and 7 apply only to a life insurance company or fraternal benefit society requiring a genetic test for the purpose of determining insurability under a policy of life insurance.

Subd. 5. [INFORMED CONSENT.] A life insurance company or fraternal benefit society that requests an applicant to take a genetic test shall obtain the applicant's written informed consent for the test. Written informed consent must include a description of the specific test to be performed; its purpose, potential uses, and limitations; the meaning of its results; and the right to confidential treatment of the results. The written informed consent must inform the individual that the individual should consider consulting with a genetic counselor prior to taking the test and must state whether the insurer will pay for any such consultation. An informed consent disclosure form must be approved by the commissioner prior to its use.

Subd. 6. [NOTIFICATION.] The life insurance company or fraternal benefit society shall notify an applicant of a genetic test result by notifying the applicant or the applicant's designated physician. If the applicant tested has not given written consent authorizing a physician to receive the test results, the applicant must be urged, at the time that the applicant is informed of the genetic test result described in this subdivision, to contact a genetic counselor or other health care professional.

Subd. 7. [PAYMENT FOR TEST.] A life insurance company or fraternal benefit society shall not require a person to submit to a genetic test unless the cost of the test is paid by the life insurance company or fraternal benefit society.

Subd. 8. [ENFORCEMENT; REMEDY.] An insurer that violates this section is subject to the investigation and enforcement authority of the commissioner.

Sec. 2. [EFFECTIVE DATE; APPLICABILITY.]

Section 1 is effective January 1, 1996, and applies to applications for coverage made on or after that date and to policies, contracts, and certificates issued or renewed on or after that date to provide coverage to Minnesota residents."

Delete the title and insert:

"A bill for an act relating to insurance; regulating the use of genetic testing by insurers; proposing coding for new law in Minnesota Statutes, chapter 62A."

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. 1127: A bill for an act relating to state lands; authorizing public sale of certain state land that borders public water in Hennepin county.

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

Page 1, line 8, after "commissioner" insert "of natural resources"

Page 4, delete lines 1 to 4 and insert:

"(d) The proceeds from the sale must be deposited in the state treasury and credited to the water recreation account and are appropriated to the commissioner of natural resources for acquisition of water access sites."

Amend the title as follows:

Page 1, line 4, before the period, insert "; appropriating money"

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

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

S.F. No. 512: A bill for an act relating to human services; licensing; administrative hearings; vulnerable adults reporting act; imposing criminal penalties; amending Minnesota Statutes 1994, sections 13.46, subdivision 4; 13.82, subdivision 10, and by adding subdivisions; 13.88; 13.99, subdivision 113; 144.4172, subdivision 8; 144.651, subdivisions 14 and 21; 144A.103, subdivision 1; 144A.612; 144B.13; 148B.68, subdivision 1; 214.10, subdivision 2a; 245A.04, subdivisions 3 and 3b; 253B.02, subdivision 4a; 256.045, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and by adding a subdivision; 256E.03, subdivision 2; 256E.081, subdivision 4; 268.09, subdivision 1; 325F.692, subdivision 2; 525.703, subdivision 3; 609.224, subdivision 2; 609.268, subdivisions 1 and 2; 609.72, by adding a subdivision; 609.7495, subdivision 1; 626.556, subdivision 12; and 626.557, subdivisions 1, 3, 3a, 4, 5, 6, 7, 8, 9, 10, 14, 16, 17, 18, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 144; 609; and 626; repealing Minnesota Statutes 1994, sections 609.23; 609.231; and 626.557, subdivisions 2, 10a, 11, 11a, 12, 13, 15, and 19.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1
VULNERABLE ADULTS ACT AMENDMENTS

Section 1. Minnesota Statutes 1994, section 626.557, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to ~~abuse or neglect maltreatment~~; to assist in providing safe environments for vulnerable adults; and to provide safe institutional or residential services, community-based services, or living environments for vulnerable adults who have been ~~abused or neglected~~; and to assist persons charged with the care of vulnerable adults to provide safe environments maltreated.

In addition, it is the policy of this state to require the reporting of suspected ~~abuse or neglect maltreatment~~ of vulnerable adults, to provide for the voluntary reporting of ~~abuse or neglect maltreatment~~ of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

Sec. 2. Minnesota Statutes 1994, section 626.557, subdivision 3, is amended to read:

Subd. 3. ~~[PERSONS MANDATED TO TIMING OF REPORT.] A professional or the professional's delegate who is engaged in the care of vulnerable adults, education, social services, law enforcement, or any of the regulated occupations referenced in subdivision 2, clause (g)(3) and (4), or an employee of a rehabilitation facility certified by the commissioner of economic security for vocational rehabilitation, or an employee of or person providing services in a facility who has knowledge of the abuse or neglect of a vulnerable adult, has reasonable cause to believe~~ (a) A mandated reporter who has reason to believe that a vulnerable adult is being or has been abused or neglected maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained by the history of injuries provided by the caretaker or caretakers of the vulnerable adult shall immediately report the information to the local police department, county sheriff, local welfare agency, or appropriate licensing or certifying agency common entry point. If an individual is a vulnerable adult solely because the individual is admitted to a facility, a mandated reporter is not required to report suspected maltreatment of the individual that occurred prior to admission, unless:

(1) the individual was admitted to the facility from another facility and the reporter has reason to believe that the vulnerable adult was maltreated in the previous facility; or

(2) the reporter knows or has reason to believe that the individual is a vulnerable adult as defined in section 626.5572, subdivision 21, clause (4). The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff and the appropriate licensing agency or agencies.

(b) A person not required to report under the provisions of this subdivision section may voluntarily report as described above. Medical examiners or coroners shall notify the police department or county sheriff and the local welfare department in instances in which they believe that a vulnerable adult has died as a result of abuse or neglect.

(c) Nothing in this subdivision shall be construed to require the reporting or transmittal of information regarding an incident of abuse or neglect or suspected abuse or neglect if the incident has been reported or transmitted to the appropriate person or entity section requires a report of known or suspected maltreatment, if the reporter knows or has reason to know that a report has been made to the common entry point.

(d) Nothing in this section shall preclude a reporter from also reporting to a law enforcement agency.

Sec. 3. Minnesota Statutes 1994, section 626.557, subdivision 3a, is amended to read:

Subd. 3a. [REPORT NOT REQUIRED.] The following events are not required to be reported under this section:

(a) A circumstance where federal law specifically prohibits a person from disclosing patient identifying information in connection with a report of suspected abuse or neglect under Laws 1983, chapter 273, section 3 maltreatment, that person need not make a required report unless the vulnerable adult, or the vulnerable adult's guardian, conservator, or legal representative, has consented to disclosure in a manner which conforms to federal requirements. Facilities whose patients or residents are covered by such a federal law shall seek consent to the disclosure of suspected abuse or neglect maltreatment from each patient or resident, or a guardian, conservator, or legal representative, upon the patient's or resident's admission to the facility. Persons who are prohibited by federal law from reporting an incident of suspected abuse or neglect maltreatment shall promptly immediately seek consent to make a report.

(b) Except as defined in subdivision 2, paragraph (d), clause (1), Verbal or physical aggression occurring between patients, residents, or clients of a facility, or self-abusive behavior of by these persons does not constitute "abuse" for the purposes of subdivision 3 abuse unless it the behavior causes serious harm. The operator of the facility or a designee shall record incidents of aggression and self-abusive behavior in a manner that facilitates periodic to facilitate review by licensing agencies and county and local welfare agencies.

(c) Accidents as defined in section 626.5572, subdivision 3.

(d) Events occurring in a facility that result from an individual's single mistake, as defined in section 626.5572, subdivision 17, paragraph (c), clause (4).

Nothing in this section shall be construed to require a report of abuse (e) Financial exploitation, as defined in section 626.5572, subdivision 2 9, paragraph (d), clause (4), solely on the basis of the transfer of money or property by gift or as compensation for services rendered.

Sec. 4. Minnesota Statutes 1994, section 626.557, subdivision 4, is amended to read:

Subd. 4. [REPORT REPORTING.] A person required to report under subdivision 3 mandated reporter shall immediately make an oral report immediately by telephone or otherwise. A person required to report under subdivision 3 shall also make a report as soon as possible in writing to the appropriate police department, the county sheriff, local welfare agency, or appropriate licensing agency. The written report shall to the common entry point. Use of a telecommunications device for the deaf or other similar device shall be considered an oral report. The common entry point may not require written reports. To the extent possible, the report must be of sufficient content to identify the vulnerable adult, the caretaker caregiver, the nature and extent of the suspected abuse or neglect maltreatment, any evidence of previous abuse or neglect maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect maltreatment. Written reports received by a police department or a county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff and the appropriate licensing agency or agencies. A mandated reporter may disclose not public data, as defined in section 13.02, and medical records under section 144.335, to the extent necessary to comply with this subdivision.

Sec. 5. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 4a. [INTERNAL REPORTING OF MALTREATMENT.] (a) Each facility shall establish and enforce an ongoing written procedure in compliance with applicable licensing rules to ensure that all cases of suspected maltreatment are reported. If a facility has an internal reporting procedure, a mandated reporter may meet the reporting requirements of this section by reporting internally. However, the facility remains responsible for complying with the immediate reporting requirements of this section.

(b) A facility with an internal reporting procedure that receives an internal report by a mandated reporter shall give the mandated reporter a written notice stating whether the facility has reported the incident to the common entry point. The written notice must be provided within two working days and in a manner that protects the confidentiality of the reporter.

(c) The written response to the mandated reporter shall note that if the mandated reporter is not satisfied with the action taken by the facility on whether to report the incident to the common entry point, then the mandated reporter may report externally.

(d) A facility may not prohibit a mandated reporter from reporting externally, and a facility is prohibited from retaliating against a mandated reporter who reports an incident to the common entry point in good faith. The written notice by the facility must inform the mandated reporter of this protection from retaliatory measures by the facility against the mandated reporter for reporting externally.

Sec. 6. Minnesota Statutes 1994, section 626.557, subdivision 5, is amended to read:

Subd. 5. ~~[IMMUNITY; FROM LIABILITY PROTECTION FOR REPORTERS.]~~ (a) ~~A person making a voluntary or mandated report under subdivision 3 or participating in an investigation under this section is immune from any civil or criminal liability that otherwise might result from the person's actions, if the person is acting in good faith who makes a good faith report is immune from any civil or criminal liability that might otherwise result from making the report, or from participating in the investigation, or for failure to comply with the reporting obligation.~~

(b) ~~A person employed by a local welfare lead agency or a state licensing agency who is conducting or supervising an investigation or enforcing the law in compliance with subdivision 10, 11, or 12 this section or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is acting in good faith and exercising due care.~~

(c) A person who knows or has reason to know a report has been made to a common entry point and who in good faith participates in an investigation of alleged maltreatment is immune from civil or criminal liability that otherwise might result from making a report or from failure to comply with the reporting obligation or from participating in the investigation.

(d) The identity of any reporter may not be disclosed, except as provided in subdivision 12b.

Sec. 7. Minnesota Statutes 1994, section 626.557, subdivision 6, is amended to read:

Subd. 6. ~~[FALSIFIED REPORTS.] A person or facility who intentionally makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the reported facility, or person or persons so reported and for any punitive damages set by the court or jury up to \$10,000 and attorney fees.~~

Sec. 8. Minnesota Statutes 1994, section 626.557, subdivision 7, is amended to read:

Subd. 7. ~~[FAILURE TO REPORT.] (a) A person required to report by this section who intentionally fails to report is guilty of a misdemeanor.~~

(b) A person required by this section to report A mandated reporter who negligently or intentionally fails to report is liable for damages caused by the failure. Nothing in this subdivision imposes vicarious liability for the acts or omissions of others.

Sec. 9. Minnesota Statutes 1994, section 626.557, subdivision 8, is amended to read:

Subd. 8. ~~[EVIDENCE NOT PRIVILEGED.] No evidence regarding the abuse or neglect maltreatment of the vulnerable adult shall be excluded in any proceeding arising out of the alleged abuse or neglect maltreatment on the grounds of lack of competency under section 595.02.~~

Sec. 10. Minnesota Statutes 1994, section 626.557, subdivision 9, is amended to read:

Subd. 9. ~~[MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER THE COMMON ENTRY POINT.] A person required to report under the provisions of subdivision 3 who has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff, the local welfare~~

agency, and, if applicable, each licensing agency. A person or agency that receives a report under this subdivision concerning a vulnerable adult who was receiving services or treatment for mental illness, mental retardation or a related condition, chemical dependency, or emotional disturbance from an agency, facility, or program as defined in section 245.91, shall also report the information and findings to the ombudsman established under sections 245.91 to 245.97. (a) Each county board shall designate a common entry point for reports of suspected maltreatment. Two or more county boards may jointly designate a single common entry point. The common entry point is the unit responsible for receiving the report of suspected maltreatment under this section.

(b) The common entry point must be available 24 hours per day to take calls from reporters of suspected maltreatment. The common entry point shall use a standard intake form that includes:

- (1) the time and date of the report;
- (2) the name, address, and telephone number of the person reporting;
- (3) the time, date, and location of the incident;
- (4) the names of the persons involved, including but not limited to, perpetrators, alleged victims, and witnesses;
- (5) whether there was a risk of imminent danger to the alleged victim;
- (6) a description of the suspected maltreatment;
- (7) the disability, if any, of the alleged victim;
- (8) the relationship of the alleged perpetrator to the alleged victim;
- (9) whether a facility was involved and, if so, which agency licenses the facility;
- (10) any action taken by the common entry point;
- (11) whether law enforcement has been notified;
- (12) whether the reporter wishes to receive notification of the initial and final reports; and
- (13) if the report is from a facility with an internal reporting procedure, the name, mailing address, and telephone number of the person who initiated the report internally.

(c) The common entry point is not required to complete each item on the form prior to dispatching the report to the appropriate investigative agency.

(d) The common entry point shall immediately report to a law enforcement agency any incident in which there is reason to believe a crime has been committed.

(e) If a report is initially made to a law enforcement agency or a lead agency, those agencies shall take the report on the appropriate common entry point intake forms and immediately forward a copy to the common entry point.

(f) The common entry point staff must receive training on how to screen and dispatch reports efficiently and in accordance with this section.

(g) When a centralized database is available, the common entry point has access to the centralized database and must log the reports in on the database.

Sec. 11. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 9a. [EVALUATION AND REFERRAL OF REPORTS MADE TO THE COMMON ENTRY POINT.] The common entry point must screen the reports of alleged or suspected maltreatment for immediate risk and make all necessary referrals as follows:

- (1) if the common entry point determines that there is an immediate need for adult protective services, the common entry point agency shall immediately notify the appropriate county agency;

(2) if the report contains suspected criminal activity against a vulnerable adult, the common entry point shall immediately notify the appropriate law enforcement agency;

(3) if the report references alleged or suspected maltreatment and there is no immediate need for adult protective services, the common entry point shall notify the appropriate lead agency as soon as possible, but in any event no longer than two working days;

(4) if the report does not reference alleged or suspected maltreatment, the common entry point may determine whether the information will be referred; and

(5) if the report contains information about a suspicious death, the common entry point shall immediately notify the appropriate law enforcement agencies and the ombudsman established under section 245.92. Law enforcement agencies shall coordinate with the local medical examiner and the ombudsman as provided by law.

Sec. 12. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 9b. [RESPONSE TO REPORTS.] Law enforcement is the primary agency to conduct investigations of any incident in which there is reason to believe a crime has been committed. Law enforcement shall initiate a response immediately. If the common entry point notified a county agency for adult protective services, law enforcement shall cooperate with that county agency when both agencies are involved and shall exchange data to the extent authorized in subdivision 12b, paragraph (g). County adult protection shall initiate a response immediately. Each lead agency shall complete the investigative process for reports within its jurisdiction. Any other lead agency, county, adult protective agency, licensed facility, or law enforcement agency shall cooperate and may assist another agency upon request within the limits of its resources and expertise and shall exchange data to the extent authorized in subdivision 12b, paragraph (g). The lead agency shall obtain the results of any investigation conducted by law enforcement officials. The lead agency has the right to enter facilities and inspect and copy records as part of investigations. The lead agency has access to not public data, as defined in section 13.02, and medical records under section 144.335, that are maintained by facilities to the extent necessary to conduct its investigation. Each lead agency shall develop guidelines for prioritizing reports for investigation.

Sec. 13. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 9c. [LEAD AGENCY; NOTIFICATIONS, DISPOSITIONS, AND DETERMINATIONS.] (a) Upon request of the reporter, the lead agency shall notify the reporter that it has received the report, and provide information on the initial disposition of the report within five business days of receipt of the report, provided that the notification will not endanger the vulnerable adult or hamper the investigation.

(b) Upon conclusion of every investigation it conducts, the lead agency shall make a final disposition as defined in section 626.5572, subdivision 8.

(c) When determining whether the facility or individual is the responsible party for substantiated maltreatment, the lead agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were in accordance with, and followed the terms of, an erroneous physician order, prescription, resident care plan, or directive. This is not a mitigating factor when the facility or caregiver is responsible for the issuance of the erroneous order, prescription, plan, or directive or knows or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) the comparative responsibility between the facility, other caregivers, and requirements placed upon the employee, including but not limited to, the facility's compliance with related regulatory standards and factors such as the adequacy of facility policies and procedures, the adequacy of facility training, the adequacy of an individual's participation in the training, the adequacy of caregiver supervision, the adequacy of facility staffing levels, and a consideration of the scope of the individual employee's authority; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(d) The lead agency shall complete its final disposition within 60 calendar days. If the lead agency is unable to complete its final disposition within 60 calendar days, the lead agency shall notify the vulnerable adult or the vulnerable adult's legal guardian, when known, and the facility, where applicable, of the reason for the delay and the projected completion date, provided that the notification will not endanger the vulnerable adult or hamper the investigation. If the lead agency is unable to complete its final disposition by a subsequent projected completion date, the lead agency shall again notify the vulnerable adult or the vulnerable adult's legal guardian, when known, and the facility, where applicable, of the reason for the delay and the revised projected completion date provided that the notification will not endanger the vulnerable adult or hamper the investigation. The lead agency is not required to notify the vulnerable adult or the vulnerable adult's legal guardian under this paragraph unless the lead agency knows that the vulnerable adult or the guardian is aware of the investigation. A lead agency's inability to complete the final disposition within 60 calendar days or by any projected completion date does not invalidate the final disposition.

(e) Within ten calendar days of completing the final disposition, the lead agency shall provide a copy of the public investigation memorandum under subdivision 12b, paragraph (b), clause (1), when required to be completed under this section, to the following persons: (1) the vulnerable adult, or the vulnerable adult's legal guardian, if known, unless the lead agency knows this notification would not endanger the well-being of the vulnerable adult; (2) the reporter, if the reporter requested notification when making the report, unless the lead agency knows this notification would not endanger the well-being of the vulnerable adult; (3) the alleged perpetrator, if known; (4) the facility; and (5) the ombudsman for long-term care, or the ombudsman for mental health and mental retardation, as appropriate.

(f) The lead agency shall notify the vulnerable adult who is the subject of the report or the vulnerable adult's legal guardian, if known, and any person or facility determined to have maltreated a vulnerable adult, of their appeal rights under this section.

(g) If the lead agency does not complete the investigation by the projected completion date, the lead agency shall again notify the vulnerable adult or the vulnerable adult's legal guardian, when known, and the facility, where applicable, of the delay and the revised projected completion date.

(h) The lead agency shall routinely provide investigation memoranda for substantiated reports to the appropriate licensing boards. These reports must include the names of substantiated perpetrators. The lead agency may not provide investigative memoranda for inconclusive or false reports to the appropriate licensing boards unless the lead agency's investigation gives reason to believe that there may have been a violation of the applicable professional practice laws. If the investigation memorandum is provided to a licensing board, the subject of the investigation memorandum shall be notified and receive a summary of the investigative findings.

(i) In order to avoid duplication, licensing boards shall consider the findings of the lead agency in their investigations if they choose to investigate. This does not preclude licensing boards from considering other information.

(j) The lead agency must provide to the commissioner of human services its final dispositions, including the names of all substantiated perpetrators. The commissioner of human services shall establish records to retain the names of substantiated perpetrators.

Sec. 14. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 9d. [ADMINISTRATIVE RECONSIDERATION OF THE FINAL DISPOSITION.] Any individual or facility which a lead agency determines has maltreated a vulnerable adult, or the vulnerable adult or vulnerable adult's legal guardian, regardless of the lead agency's determination, who contests the lead agency's final disposition of an allegation of maltreatment, may request the lead agency to reconsider its final disposition. The request for reconsideration must be submitted in writing to the lead agency within 15 calendar days after receipt of notice of final disposition.

If the lead agency denies the request or fails to act upon the request within 15 calendar days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045, may submit to the commissioner of human services a written request for a hearing under that statute.

If, as a result of the reconsideration, the lead agency changes the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (d).

Sec. 15. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 9e. [EDUCATION REQUIREMENTS.] (a) The commissioners of health, human services, and public safety shall cooperate in the development of a joint program for education of lead agency investigators in the appropriate techniques for investigation of complaints of maltreatment. This program must be developed by July 1, 1996. The program must include but need not be limited to the following areas: (1) information collection and preservation; (2) analysis of facts; (3) levels of evidence; (4) conclusions based on evidence; (5) interviewing skills, including specialized training to interview people with unique needs; (6) report writing; (7) coordination and referral to other necessary agencies such as law enforcement and judicial agencies; (8) human relations and cultural diversity; (9) the dynamics of adult abuse and neglect within family systems and the appropriate methods for interviewing relatives in the course of the assessment or investigation; (10) the protective social services that are available to protect alleged victims from further abuse, neglect, or financial exploitation; (11) the methods by which lead agency investigators and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts; and (12) data practices laws and procedures, including provisions for sharing data.

(b) The commissioners of health, human services, and public safety shall offer at least annual education to others on the requirements of this section, on how this section is implemented, and investigation techniques.

(c) The commissioner of human services, in coordination with the commissioner of public safety, shall provide training for the common entry point staff as required in this subdivision and the program courses described in this subdivision, at least four times per year. At a minimum, the training must be held twice annually in the seven-county metropolitan area and twice annually outside the seven-county metropolitan area. The commissioners shall give priority in the program areas cited in paragraph (a) to persons currently performing assessments and investigations pursuant to this section.

(d) The commissioner of public safety shall notify in writing law enforcement personnel of any new requirements under this section. The commissioner of public safety shall conduct regional training for law enforcement personnel regarding their responsibility under this section.

(e) Each lead agency investigator must complete the education program specified by this subdivision within the first 12 months of work as a lead agency investigator.

A lead agency investigator employed when these requirements take effect must complete the program within the first year after training is available or as soon as training is available.

All lead agency investigators having responsibility for investigation duties under this section must receive a minimum of eight hours of continuing education or in-service training each year specific to their duties under this section.

Sec. 16. Minnesota Statutes 1994, section 626.557, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE THE COUNTY SOCIAL SERVICE AGENCY UPON A RECEIPT OF A REPORT.] (a) ~~The local welfare~~ Upon receipt of a report from the common entry point staff, the county social service agency shall immediately ~~investigate~~ assess and offer emergency and continuing protective social services for purposes of preventing further ~~abuse or neglect~~ maltreatment and for safeguarding ~~and enhancing~~ the welfare of the ~~abused or neglected~~ maltreated vulnerable adult. ~~Local welfare agencies may enter facilities and inspect and copy records as part of investigations.~~ In cases of suspected sexual abuse, the ~~local welfare~~ county social service agency shall immediately arrange for and make available to the ~~victim~~ vulnerable adult appropriate medical examination and treatment. ~~The investigation shall not be limited to the written records of the facility, but shall include every other available source of information.~~ When necessary in order to protect the vulnerable adult from further harm, the ~~local welfare~~ county social service agency shall seek authority to remove the vulnerable adult from the situation in which the ~~neglect or abuse~~ maltreatment occurred. The ~~local welfare~~ county social service agency

shall may also investigate to determine whether the conditions which resulted in the reported abuse or neglect maltreatment place other vulnerable adults in jeopardy of being abused or neglected maltreated and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) ~~If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify each appropriate licensing agency, and provide each licensing agency with a copy of the report and of its investigative findings.~~ County social service agencies may enter facilities and inspect and copy records as part of an investigation. The county social service agency has access to not public data, as defined in section 13.02, and medical records under section 144.335, that are maintained by facilities to the extent necessary to conduct its investigation. The inquiry is not limited to the written records of the facility, but may include every other available source of information.

(c) When necessary in order to protect a vulnerable adult from serious harm, the ~~local~~ county social service agency shall immediately intervene on behalf of that adult to help the family, ~~victim~~ vulnerable adult, or other interested person by seeking any of the following:

(1) a restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to section 518B.01;

(2) the appointment of a guardian or conservator pursuant to sections 525.539 to 525.6198, or guardianship or conservatorship pursuant to chapter 252A;

(3) replacement of ~~an abusive or neglectful~~ a guardian or conservator suspected of maltreatment and appointment of a suitable person as guardian or conservator, pursuant to sections 525.539 to 525.6198; or

(4) a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under chapter 609.

The expenses of legal intervention must be paid by the county in the case of indigent persons, under section 525.703 and chapter 563.

In proceedings under sections 525.539 to 525.6198, if a suitable relative or other person is not available to petition for guardianship or conservatorship, a county employee shall present the petition with representation by the county attorney. The county shall contract with or arrange for a suitable person or ~~nonprofit~~ organization to provide ongoing guardianship services. If the county presents evidence to the probate court that it has made a diligent effort and no other suitable person can be found, a county employee may serve as guardian or conservator. The county shall not retaliate against the employee for any action taken on behalf of the ward or conservatee even if the action is adverse to the county's interest. Any person retaliated against in violation of this subdivision shall have a cause of action against the county and shall be entitled to reasonable attorney fees and costs of the action if the action is upheld by the court.

Sec. 17. Minnesota Statutes 1994, section 626.557, is amended by adding a subdivision to read:

Subd. 12b. [DATA MANAGEMENT.] (a) [COUNTY DATA.] In performing any of the duties of this section as a lead agency, the county social service agency shall maintain appropriate records. Data collected by the county social service agency under this section are welfare data under section 13.46. Notwithstanding section 13.46, subdivision 1, paragraph (a), data under this paragraph that are inactive investigative data on an individual who is a vendor of services are private data on individuals, as defined in section 13.02. The identity of the reporter may only be disclosed as provided in paragraph (c).

Data maintained by the common entry point are confidential data on individuals or protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163, the common entry point shall destroy data one calendar year after date of receipt.

(b) [LEAD AGENCY DATA.] The commissioner of health and the commissioner of human

services shall prepare an investigation memorandum for each report alleging maltreatment investigated under this section. During an investigation by the commissioner of health or the commissioner of human services, data collected under this section are confidential data on individuals or protected nonpublic data as defined in section 13.02. Upon completion of the investigation, the data are classified as provided in clauses (1) to (3) and paragraph (c).

(1) The investigation memorandum must contain the following data, which is public:

- (i) the name of the facility investigated;
- (ii) a statement of the nature of the alleged maltreatment;
- (iii) pertinent information obtained from medical or other records reviewed;
- (iv) the identity of the investigator;
- (v) a summary of the investigation's findings;
- (vi) a statement of whether the report was found to be substantiated, inconclusive, false, or that no determination will be made;
- (vii) a statement of any action taken by the facility;
- (viii) a statement of any action taken by the lead agency; and
- (ix) when a lead agency's determination has substantiated maltreatment, a statement of whether an individual, individuals, or a facility was responsible for the substantiated maltreatment, if known.

The investigation memorandum must be written in a manner which protects the identity of the reporter and of the vulnerable adult and may not contain the names or, to the extent possible, data on individuals or private data listed in clause (2).

(2) Data on individuals collected and maintained in the investigation memorandum are private data, including:

- (i) the name of the vulnerable adult;
- (ii) the identity of the individual alleged to be the perpetrator;
- (iii) the identity of the individual substantiated as the perpetrator; and
- (iv) the identity of all individuals interviewed as part of the investigation.

(3) Other data on individuals maintained as part of an investigation under this section are private data on individuals upon completion of the investigation.

(c) [IDENTITY OF REPORTER.] The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by a court that the report was false and there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure, except that where the identity of the reporter is relevant to a criminal prosecution, the district court shall do an in-camera review prior to determining whether to order disclosure of the identity of the reporter.

(d) [DESTRUCTION OF DATA.] Notwithstanding section 138.163, data maintained under this section by the commissioners of health and human services must be destroyed under the following schedule:

- (1) data from reports determined to be false, two years after the finding was made;
 - (2) data from reports determined to be inconclusive, four years after the finding was made;
 - (3) data from reports determined to be substantiated, seven years after the finding was made;
- and

(4) data from reports which were not investigated by a lead agency and for which there is no final disposition, one year from the date of the report.

(e) [SUMMARY OF REPORTS.] The commissioners of health and human services shall each annually prepare a summary of the number and type of reports of alleged maltreatment involving licensed facilities reported under this act.

(f) [RECORD RETENTION POLICY.] Each lead agency must have a record retention policy.

(g) [EXCHANGE OF INFORMATION.] Lead agencies, prosecuting authorities, and law enforcement agencies may exchange not public data, as defined in section 13.02, if the agency or authority requesting the data determines that the data are pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation under this section. Data collected under this section must be made available to prosecuting authorities and law enforcement officials, local county agencies, and licensing agencies investigating the alleged maltreatment under this section.

(h) [COMPLETION TIME.] Each lead agency shall keep records of the length of time it takes to complete its investigations.

(i) [NOTIFICATION OF OTHER AFFECTED PARTIES.] A lead agency may notify other affected parties and their authorized representative if the agency has reason to believe maltreatment has occurred and determines the information will safeguard the well-being of the affected parties or dispel widespread rumor or unrest in the affected facility.

(j) [FEDERAL REQUIREMENTS.] Under any notification provision of this section, where federal law specifically prohibits the disclosure of patient identifying information, a lead agency may not provide any notice unless the vulnerable adult has consented to disclosure in a manner which conforms to federal requirements.

Sec. 18. Minnesota Statutes 1994, section 626.557, subdivision 14, is amended to read:

Subd. 14. [ABUSE PREVENTION PLANS.] (a) Each facility, except home health agencies and personal care attendant services providers, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan promulgated by the licensing agency.

(b) Each facility, including a home health care agency and personal care attendant services providers, shall develop an individual abuse prevention plan for each vulnerable adult residing there or receiving services from them. Facilities designated in subdivision 2, clause (b)(2) or clause (b)(3) shall develop plans for any vulnerable adults receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

Sec. 19. Minnesota Statutes 1994, section 626.557, subdivision 16, is amended to read:

Subd. 16. [ENFORCEMENT IMPLEMENTATION AUTHORITY.] (a) A facility that has not complied with this section within 60 days of the effective date of passage of emergency rules is ineligible for renewal of its license. A person required by subdivision 3 to report and who is licensed or credentialed to practice an occupation by a licensing agency who willfully fails to comply with this section shall be disciplined after a hearing by the appropriate licensing agency. By September 1, 1995, the attorney general and the commissioners of health and human services, in coordination with representatives of other entities that receive or investigate maltreatment reports, shall develop the common report form described in subdivision 9. The form may be used by mandated reporters, county social service agencies, law enforcement entities, licensing agencies, or ombudsman offices.

(b) Licensing agencies The commissioners of health and human services shall as soon as possible promulgate rules necessary to implement the requirements of subdivisions 11, 12, 13, 14, 15, and 16, clause (a) this section. Agencies The commissioners of health and human services may promulgate emergency rules pursuant to sections 14.29 to 14.36.

~~(c) The commissioner of human services shall promulgate rules as necessary to implement the requirements of subdivision 10.~~

(c) By December 31, 1995, the commissioners of health, human services, and public safety shall develop criteria for the design of a statewide database utilizing data collected on the common intake form of the common entry point. The statewide database must be accessible to all entities required to conduct investigations under this section, and must be accessible to ombudsman and advocacy programs.

(d) By September 1, 1995, each lead agency shall develop the guidelines required in subdivision 9b.

Sec. 20. Minnesota Statutes 1994, section 626.557, subdivision 17, is amended to read:

Subd. 17. [RETALIATION PROHIBITED.] (a) A facility or person shall not retaliate against any person who reports in good faith suspected ~~abuse or neglect~~ maltreatment pursuant to this section, or against a vulnerable adult with respect to whom a report is made, because of the report.

(b) In addition to any remedies allowed under sections 181.931 to 181.935, any facility or person which retaliates against any person because of a report of suspected abuse or neglect maltreatment is liable to that person for actual damages and, in addition, a penalty, punitive damages up to \$10,000, and attorney fees.

(c) There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of a report, is retaliatory. For purposes of this clause, the term "adverse action" refers to action taken by a facility or person involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) Discharge or transfer from the facility;
- (2) Discharge from or termination of employment;
- (3) Demotion or reduction in remuneration for services;
- (4) Restriction or prohibition of access to the facility or its residents; or
- (5) Any restriction of rights set forth in section 144.651.

Sec. 21. Minnesota Statutes 1994, section 626.557, subdivision 18, is amended to read:

Subd. 18. [OUTREACH.] The commissioner of human services shall ~~establish~~ maintain an aggressive program to educate those required to report, as well as the general public, about the requirements of this section using a variety of media. The commissioner of human services shall print and make available the form developed under subdivision 9.

Sec. 22. [626.5572] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of section 626.557, the following terms have the meanings given them, unless otherwise specified.

Subd. 2. [ABUSE.] "Abuse" means:

(a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:

- (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
- (2) the use of drugs to injure or facilitate crime as defined in section 609.235;
- (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322;
and
- (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451.

A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

(b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

(1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;

(2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;

(3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and

(4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.

(c) Any sexual contact as defined in section 609.341 between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

(d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

(e) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult, under section 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03 or 525.539 to 525.6199, refuses consent or withdraws consent, within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or to provide nutrition and hydration parenterally or through intubation. This paragraph does not affect the authority of other persons to make decisions regarding the provision of health care or nutrition or hydration.

(f) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.

(g) For purposes of this section, a vulnerable adult is not abused for the sole reason that the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with:

(1) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(2) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.

Nothing in this section is intended to prohibit sexual contact between a vulnerable adult and the vulnerable adult's spouse or domestic partner.

Subd. 3. [ACCIDENT.] "Accident" means a sudden, unforeseen, and unexpected occurrence or event which:

(1) is not likely to occur and which could not have been prevented by exercise of due care; and

(2) if occurring while a vulnerable adult is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

Subd. 4. [CAREGIVER.] "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

Subd. 5. [COMMON ENTRY POINT.] "Common entry point" means the entity designated by each county responsible for receiving reports under section 626.557.

Subd. 6. [FACILITY.] (a) "Facility" means a hospital or other entity required to be licensed under sections 144.50 to 144.58; a nursing home required to be licensed to serve adults under section 144A.02; a residential or nonresidential facility required to be licensed to serve adults under sections 245A.01 to 245A.16; a home care provider licensed or required to be licensed under section 144A.46; or a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, and 256B.0627.

(b) For home care providers and personal care attendants, the term "facility" refers to the provider or person or organization that exclusively offers, provides, or arranges for personal care services, and does not refer to the client's home or other location at which services are rendered.

Subd. 7. [FALSE.] "False" means a preponderance of the evidence shows that an act that meets the definition of maltreatment did not occur.

Subd. 8. [FINAL DISPOSITION.] "Final disposition" is the determination of an investigation by a lead agency that a report of maltreatment under this act is substantiated, inconclusive, false, or that no determination will be made. When a lead agency determination has substantiated maltreatment, the final disposition also identifies, if known, which individual or individuals were responsible for the substantiated maltreatment, and whether a facility was responsible for the substantiated maltreatment.

Subd. 9. [FINANCIAL EXPLOITATION.] "Financial exploitation" means:

(a) In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501 a person:

(1) engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or

(2) fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.

(b) In the absence of legal authority a person:

(1) willfully uses, withholds, or disposes of funds or property of a vulnerable adult;

(2) obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;

(3) acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or

(4) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

(c) Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

Subd. 10. [IMMEDIATELY.] "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

Subd. 11. [INCONCLUSIVE.] "Inconclusive" means there is less than a preponderance of evidence to show that maltreatment did or did not occur.

Subd. 12. [INITIAL DISPOSITION.] "Initial disposition" is the lead agency's determination of whether the report will be assigned for further investigation.

Subd. 13. [LEAD AGENCY.] "Lead agency" is the primary administrative agency responsible for investigating reports made under section 626.557.

(a) The department of health is the lead agency for the facilities which are licensed or are required to be licensed as hospitals, home care providers, nursing homes, residential care homes, or boarding care homes.

(b) The department of human services is the lead agency for the programs licensed or required to be licensed as adult day care, adult foster care, programs for people with developmental disabilities, mental health programs, chemical health programs, or personal care provider organizations.

(c) The county social service agency or its designee is the lead agency for all other reports.

Subd. 14. [LEGAL AUTHORITY.] "Legal authority" includes, but is not limited to: (1) a fiduciary obligation recognized elsewhere in law, including pertinent regulations; (2) a contractual obligation; or (3) documented consent by a competent person.

Subd. 15. [MALTREATMENT.] "Maltreatment" means abuse as defined in subdivision 2, neglect as defined in subdivision 17, or financial exploitation as defined in subdivision 9.

Subd. 16. [MANDATED REPORTER.] "Mandated reporter" means a professional or professional's delegate while engaged in: (1) social services; (2) law enforcement; (3) education; (4) the care of vulnerable adults; (5) any of the occupations referred to in section 214.01, subdivision 2; (6) an employee of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation; (7) an employee or person providing services in a facility as defined in subdivision 6; or (8) a person that performs the duties of the medical examiner or coroner.

Subd. 17. [NEGLECT.] "Neglect" means:

(a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

(1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and

(2) which is not the result of an accident or therapeutic conduct.

(b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.

(c) For purposes of this section, a vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult, under section 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03 or 525.539 to 525.6199, refuses or withdraws consent, within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or to provide nutrition and hydration parenterally or through intubation; this clause does not affect the authority of other persons to make decisions regarding the provision of health care or nutrition or hydration. Nothing in this section is intended or shall be construed to change the definition of reasonable medical practice;

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer

for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult;

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in sexual contact with: (i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship. Nothing in this section is intended to prohibit sexual contact between a vulnerable adult and the vulnerable adult's spouse or domestic partner; or

(4) an individual makes a single mistake in the provision of therapeutic conduct to a vulnerable adult which: (i) does not result in injury or harm which reasonably requires the care of a physician or mental health professional, whether or not the care was sought; (ii) is immediately reported internally by the employee or person providing services in the facility; and (iii) is sufficiently documented for review and evaluation by the facility and any applicable licensing and certification agency.

(d) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

Subd. 18. [REPORT.] "Report" means a statement concerning all the circumstances surrounding the alleged or suspected maltreatment of a vulnerable adult which are known to the reporter at the time the statement is made.

Subd. 19. [SUBSTANTIATED.] "Substantiated" means a preponderance of the evidence shows that an act that meets the definition of maltreatment occurred.

Subd. 20. [THERAPEUTIC CONDUCT.] "Therapeutic conduct" means the provision of program services, health care, or other personal care services done in good faith in the interests of the vulnerable adult by: (1) an individual, facility, or employee or person providing services in a facility under the rights, privileges and responsibilities conferred by state license, certification, or registration; or (2) a caregiver.

Subd. 21. [VULNERABLE ADULT.] "Vulnerable adult" means any person 18 years of age or older who:

(1) is a resident or inpatient of a facility;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, and 256B.0627; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

Sec. 23. [REPEALER.]

Minnesota Statutes 1994, section 626.557, subdivisions 2, 10a, 11, 11a, 12, 13, 15, and 19, are repealed.

ARTICLE 2 CRIMINAL PENALTIES

Section 1. Minnesota Statutes 1994, section 609.224, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous conviction under this section, sections 609.221 to 609.2231, 609.342 to 609.345, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence for that conviction, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. Whoever violates the provisions of subdivision 1 against a family or household member as defined in section 518B.01, subdivision 2, during the time period between a previous conviction under this section or sections 609.221 to 609.2231, 609.342 to 609.345, or 609.713 against a family or household member, and the end of the five years following discharge from sentence for that conviction is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous conviction under this section or sections 609.221 to 609.2231 or 609.713 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 2. [609.232] [CRIMES AGAINST VULNERABLE ADULTS; DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 609.2325, 609.233, 609.2335, and 609.234, the terms defined in this section have the meanings given.

Subd. 2. [CAREGIVER.] "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

Subd. 3. [FACILITY.] (a) "Facility" means a hospital or other entity required to be licensed under sections 144.50 to 144.58; a nursing home required to be licensed to serve adults under section 144A.02; a home care provider licensed or required to be licensed under section 144A.46; a residential or nonresidential facility required to be licensed to serve adults under sections 245A.01 to 245A.16; or a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, and 256B.0627.

(b) For home care providers and personal care attendants, the term "facility" refers to the provider or person or organization that exclusively offers, provides, or arranges for personal care services, and does not refer to the client's home or other location at which services are rendered.

Subd. 4. [IMMEDIATELY.] "Immediately" means as soon as possible, but no longer than 24 hours from the time of initial knowledge that the incident occurred has been received.

Subd. 5. [LEGAL AUTHORITY.] "Legal authority" includes, but is not limited to:

- (1) a fiduciary obligation recognized elsewhere in law, including pertinent regulations;
- (2) a contractual obligation; or
- (3) documented consent by a competent person.

Subd. 6. [MALTREATMENT.] "Maltreatment" means any of the following:

- (1) abuse under section 609.2325;
- (2) neglect under section 609.233; or
- (3) financial exploitation under section 609.2335.

Subd. 7. [OPERATOR.] "Operator" means any person whose duties and responsibilities evidence actual control of administrative activities or authority for the decision making of or by a facility.

Subd. 8. [PERSON.] "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal, professional, or commercial entity.

Subd. 9. [REPORT.] "Report" means a statement concerning all the circumstances surrounding the alleged or suspected maltreatment, as defined in this section, of a vulnerable adult which are known to the reporter at the time the statement is made.

Subd. 10. [THERAPEUTIC CONDUCT.] "Therapeutic conduct" means the provision of program services, health care, or other personal care services done in good faith in the interests of the vulnerable adult by: (1) an individual, facility or employee, or person providing services in a facility under the rights, privileges, and responsibilities conferred by state license, certification, or registration; or (2) a caregiver.

Subd. 11. [VULNERABLE ADULT.] "Vulnerable adult" means any person 18 years of age or older who:

- (1) is a resident or inpatient of a facility;
- (2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, and 256B.0627; or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

Sec. 3. [609.2325] [CRIMINAL ABUSE.]

Subdivision 1. [CRIMES.] (a) A caregiver who, with intent to produce physical or mental pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse and may be sentenced as provided in subdivision 3.

This paragraph does not apply to therapeutic conduct.

(b) A caregiver, facility staff person, or person providing services in a facility who engages in sexual contact, as defined in section 609.341, under circumstances other than those described in sections 609.342 to 609.3451, with a resident, patient, or client of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision 3.

Subd. 2. [EXEMPTIONS.] For the purposes of this section, a vulnerable adult is not abused for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult, under section 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03 or 525.539 to 525.6199, refuses to consent or withdraws consent, within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or to provide nutrition and hydration parenterally or through intubation; this clause does not affect the authority of other persons to make decisions regarding the provision of health care or nutrition or hydration;

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult; or

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship. Nothing in this section is intended to prohibit sexual contact between a vulnerable adult and the vulnerable adult's spouse or domestic partner.

Subd. 3. [PENALTIES.] (a) A person who violates subdivision 1, paragraph (a), may be sentenced as follows:

(1) if the act results in the death of a vulnerable adult, imprisonment for not more than 15 years or payment of a fine of not more than \$30,000, or both;

(2) if the act results in great bodily harm, imprisonment for not more than ten years or payment of a fine of not more than \$20,000, or both;

(3) if the act results in substantial bodily harm or the risk of death, imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both; or

(4) in other cases, imprisonment for not more than one year or payment of a fine of not more than \$3,000, or both.

(b) A person who violates subdivision 1, paragraph (b), may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 4. [609.233] [CRIMINAL NEGLECT.]

Subdivision 1. [CRIME.] (a) A caregiver or operator who commits any of the acts or omissions listed in paragraph (b) is guilty of criminal neglect and may be sentenced as provided in subdivision 3, if the act or omission constitutes a conscious disregard for danger to human life and reckless indifference to the risk of harm.

(b) This subdivision applies to the following acts or omissions:

(1) the failure or omission to supply a vulnerable adult with care or services, including but not limited to food, clothing, shelter, health care, or supervision when the care or services are reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical or mental capacity or dysfunction of the vulnerable adult, and the failure or omission is not therapeutic conduct; or

(2) knowingly permitting conditions to exist by failing to take corrective action within the scope of that person's authority, resulting in the abuse, as defined in section 626.5572, subdivision 2, or neglect, as defined in section 626.5572, subdivision 17, of a vulnerable adult.

Subd. 2. [EXEMPTIONS.] A vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult, under section 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03 or 525.539 to 525.6199, refuses to consent or withdraws consent, within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or to provide nutrition and hydration parenterally or through intubation; this clause does not affect the authority of other persons to make decisions regarding the provision of health care or nutrition or hydration;

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult; or

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship. Nothing in this section is intended to prohibit sexual contact between a vulnerable adult and the vulnerable adult's spouse or domestic partner.

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section may be sentenced as follows:

(1) if the act results in great bodily harm, imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both;

(2) if the act results in substantial bodily harm or the risk of death, imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both; or

(3) otherwise, imprisonment for not more than one year or payment of a fine of not more than \$3,000, or both.

Subd. 4. [DEFENSES.] Nothing in this section requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

Sec. 5. [609.2335] [FINANCIAL EXPLOITATION OF A VULNERABLE ADULT.]

Subdivision 1. [CRIME.] Whoever does any of the following acts commits the crime of financial exploitation:

(1) in breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party under section 144.6501, intentionally fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for the vulnerable adult; or

(2) in the absence of legal authority:

(i) acquires possession or control of an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, or duress; or

(ii) forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

Subd. 2. [DEFENSES.] Nothing in this section requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

Subd. 3. [CRIMINAL PENALTIES.] A person who violates subdivision 1, clause (1) or clause (2), item (i), may be sentenced as provided in section 609.52, subdivision 3. A person who violates subdivision 1, clause (2), item (ii), may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 6. [609.234] [FAILURE TO REPORT.]

Any mandated reporter who is required to report under section 626.557, who knows or has reason to believe that a vulnerable adult is being or has been maltreated, as defined in section 626.5572, subdivision 15, and who does any of the following is guilty of a misdemeanor:

- (1) intentionally fails to make a report;
- (2) knowingly provides information which is false, deceptive, or misleading; or
- (3) intentionally fails to provide all of the material circumstances surrounding the incident which are known to the reporter when the report is made.

Sec. 7. Minnesota Statutes 1994, section 609.72, is amended by adding a subdivision to read:

Subd. 3. [CAREGIVER; PENALTY FOR DISORDERLY CONDUCT.] A caregiver, as defined in section 609.232, who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 8. [REPEALER.]

Minnesota Statutes 1994, sections 609.23 and 609.231, are repealed.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective August 1, 1995, and apply to crimes committed on or after that date.

ARTICLE 3

OTHER LAWS AFFECTING VULNERABLE ADULTS

Section 1. Minnesota Statutes 1994, section 13.82, is amended by adding a subdivision to read:

Subd. 5c. [VULNERABLE ADULT IDENTITY DATA.] Active or inactive investigative data that identify a victim of vulnerable adult maltreatment under section 626.557 are private data on individuals. Active or inactive investigative data that identify a reporter of vulnerable adult maltreatment under section 626.557 are private data on individuals.

Sec. 2. Minnesota Statutes 1994, section 13.82, is amended by adding a subdivision to read:

Subd. 5d. [INACTIVE VULNERABLE ADULT MALTREATMENT DATA.] Investigative data that becomes inactive under subdivision 5, paragraph (a) or (b), and that relate to the alleged maltreatment of a vulnerable adult by a caregiver or facility are private data on individuals.

Sec. 3. Minnesota Statutes 1994, section 13.82, subdivision 10, is amended to read:

Subd. 10. [PROTECTION OF IDENTITIES.] A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency may withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

- (a) when access to the data would reveal the identity of an undercover law enforcement officer;
- (b) when access to the data would reveal the identity of a victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;
- (c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, and the agency reasonably determines that revealing the identity of the victim or witness would threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller; or

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or

(h) when access to the data would reveal the identity of a mandated reporter under sections 626.556 and 626.557.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (d) and (g).

Sec. 4. [144.057] [BACKGROUND STUDIES ON LICENSEES.]

Subdivision 1. [BACKGROUND STUDIES REQUIRED.] The commissioner of health shall contract with the commissioner of human services to conduct background studies on individuals providing services which allow direct contact, as defined under section 245A.04, subdivision 3, with patients and residents in hospitals, boarding care homes, outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and home care agencies licensed under chapter 144A; residential care homes licensed under chapter 144B; and board and lodging establishments that are registered to provide supportive or health supervision services under section 157.031. If a facility or program is licensed by the department of human services and subject to the background study provisions of chapter 245A and is also licensed by the department of health, the department of human services is solely responsible for the background studies of individuals in the jointly licensed programs.

Subd. 2. [RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES.] The commissioner of human services shall conduct the background studies required by subdivision 1 in compliance with the provisions of chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. For the purpose of this section, the term "residential program" shall include all facilities described in subdivision 1. The commissioner of human services shall provide necessary forms and shall conduct the necessary background studies of individuals, and shall provide notification of the results of the studies to the facilities, individuals, and the commissioner of health. Individuals shall be disqualified under the provisions of chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. If an individual is disqualified, the commissioner of human services shall notify the facility and the individual and shall inform the individual of the right to request a reconsideration of the disqualification by submitting the request to the commissioner of health.

Subd. 3. [RECONSIDERATIONS.] The commissioner of health shall review and decide reconsideration requests in accordance with the procedures and criteria contained in chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. The commissioner's decision shall be provided to the individual, the facility, and to the commissioner of human services. The commissioner's decision to grant or deny a reconsideration of disqualification is the final administrative agency action.

Subd. 4. [RESPONSIBILITIES OF FACILITIES.] Facilities described in subdivision 1 shall be

responsible for cooperating with the departments in implementing the provisions of this section. The responsibilities imposed on applicants and licensees under chapter 245A and Minnesota Rules, parts 9453.3000 to 9453.3090, shall apply to these facilities. The provision of section 245A, subdivision 3, paragraph (d), shall apply to an applicant's, a licensee's, or an individual's refusal to cooperate with the completion of the background studies.

Sec. 5. Minnesota Statutes 1994, section 245A.04, subdivision 3, is amended to read:

Subd. 3. [STUDY OF THE APPLICANT.] (a) Before the commissioner issues a license, the commissioner shall conduct a study of the individuals specified in clauses (1) to (4) (5) according to rules of the commissioner. The applicant, license holder, the bureau of criminal apprehension, the commissioner of health, and county agencies, after written notice to the individual who is the subject of the study, shall help with the study by giving the commissioner criminal conviction data and reports about abuse or neglect of adults in licensed programs substantiated under section 626.557 and the maltreatment of minors in licensed programs substantiated under section 626.556. The individuals to be studied shall include:

(1) the applicant;

(2) persons over the age of 13 living in the household where the licensed program will be provided;

(3) current employees or contractors of the applicant who will have direct contact with persons served by the program; ~~and~~

(4) volunteers who have direct contact with persons served by the program to provide program services, if the contact is not directly supervised by the individuals listed in clause (1) or (3); and

(5) any person who, as an individual or as a member of an organization, exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, and 256B.0625, subdivision 19.

The juvenile courts shall also help with the study by giving the commissioner existing juvenile court records on individuals described in clause (2) relating to delinquency proceedings held within either the five years immediately preceding the application or the five years immediately preceding the individual's 18th birthday, whichever time period is longer. The commissioner shall destroy juvenile records obtained pursuant to this subdivision when the subject of the records reaches age 23.

For purposes of this subdivision, "direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by a program. For purposes of this subdivision, "directly supervised" means an individual listed in clause (1) ~~or~~, (3), or (5) is within sight or hearing of a volunteer to the extent that the individual listed in clause (1) ~~or~~, (3), or (5) is capable at all times of intervening to protect the health and safety of the persons served by the program who have direct contact with the volunteer.

A study of an individual in clauses (1) to (4) (5) shall be conducted at least upon application for initial license and reapplication for a license. No applicant, license holder, or individual who is the subject of the study shall pay any fees required to conduct the study.

(b) The individual who is the subject of the study must provide the applicant or license holder with sufficient information to ensure an accurate study including the individual's first, middle, and last name; home address, city, county, and state of residence; zip code; sex; date of birth; and driver's license number. The applicant or license holder shall provide this information about an individual in paragraph (a), clauses (1) to (4) (5), on forms prescribed by the commissioner. The commissioner may request additional information of the individual, which shall be optional for the individual to provide, such as the individual's social security number or race.

(c) Except for child foster care, adult foster care, and family day care homes, a study must include information from the county agency's record of substantiated abuse or neglect of adults in licensed programs, and the maltreatment of minors in licensed programs, information from juvenile courts as required in paragraph (a) for persons listed in paragraph (a), clause (2), and information from the bureau of criminal apprehension. For child foster care, adult foster care, and

family day care homes, the study must include information from the county agency's record of substantiated abuse or neglect of adults, and the maltreatment of minors, information from juvenile courts as required in paragraph (a) for persons listed in paragraph (a), clause (2), and information from the bureau of criminal apprehension. The commissioner may also review arrest and investigative information from the bureau of criminal apprehension, the commissioner of health, a county attorney, county sheriff, county agency, local chief of police, other states, the courts, or a national criminal record repository if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual listed in paragraph (a), clauses (1) to (4) (5).

(d) An applicant's or license holder's failure or refusal to cooperate with the commissioner is reasonable cause to deny an application or immediately suspend, suspend, or revoke a license. Failure or refusal of an individual to cooperate with the study is just cause for denying or terminating employment of the individual if the individual's failure or refusal to cooperate could cause the applicant's application to be denied or the license holder's license to be immediately suspended, suspended, or revoked.

(e) The commissioner shall not consider an application to be complete until all of the information required to be provided under this subdivision has been received.

(f) No person in paragraph (a), clause (1), (2), (3), or (4), or (5) who is disqualified as a result of this section may be retained by the agency in a position involving direct contact with persons served by the program.

(g) Termination of persons in paragraph (a), clause (1), (2), (3), or (4), or (5) made in good faith reliance on a notice of disqualification provided by the commissioner shall not subject the applicant or license holder to civil liability.

(h) The commissioner may establish records to fulfill the requirements of this section.

(i) The commissioner may not disqualify an individual subject to a study under this section because that person has, or has had, a mental illness as defined in section 245.462, subdivision 20.

(j) An individual who is subject to an applicant background study under this section and whose disqualification in connection with a license would be subject to the limitations on reconsideration set forth in subdivision 3b, paragraph (c), shall be disqualified for conviction of the crimes specified in the manner specified in subdivision 3b, paragraph (c). The commissioner of human services shall amend Minnesota Rules, part 9543.3070, to conform to this section.

(k) An individual must be disqualified if it has been determined that the individual failed to make required reports under sections 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (1) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (2) the maltreatment was recurring or serious as defined in Minnesota Rules, part 9543.3020, subpart 10.

(l) An individual subject to disqualification under this subdivision has the applicable rights in subdivision 3a, 3b, or 3c.

Sec. 6. Minnesota Statutes 1994, section 256.045, subdivision 1, is amended to read:

Subdivision 1. [POWERS OF THE STATE AGENCY.] The commissioner of human services may appoint one or more state human services referees to conduct hearings and recommend orders in accordance with subdivisions 3, 3a, 3b, 4a, and 5. Human services referees designated pursuant to this section may administer oaths and shall be under the control and supervision of the commissioner of human services and shall not be a part of the office of administrative hearings established pursuant to sections 14.48 to 14.56.

Sec. 7. Minnesota Statutes 1994, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] Any person applying for, receiving or having received public assistance or a program of social services granted by the state agency or a county agency under sections 252.32, 256.031 to 256.036, and 256.72 to 256.879, chapters 256B, 256D, 256E, 261, or the federal Food Stamp Act whose application for assistance is denied, not acted

upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, or a party aggrieved by a ruling of a prepaid health plan, or any individual or facility determined by a lead agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557, may contest that action or, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit.

The hearing for an individual or facility under section 626.557 is the only administrative appeal to the final lead agency disposition specifically, including a challenge to the accuracy and completeness of data under section 13.04.

For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

Except for a prepaid health plan, a vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services under section 256E.08, subdivision 4, is not a party and may not request a hearing under this section.

An applicant or recipient is not entitled to receive social services beyond the services included in the amended community social services plan developed under section 256E.081, subdivision 3, if the county agency has met the requirements in section 256E.081.

Sec. 8. Minnesota Statutes 1994, section 256.045, is amended by adding a subdivision to read:

Subd. 3b. [STANDARD OF EVIDENCE FOR MALTREATMENT HEARINGS.] The state human services referee shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under section 626.557.

The state human services referee shall recommend an order to the commissioner of health or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapter 245A and sections 144.50 to 144.58 and 144A.02 to 144A.46, the commissioner's findings as to whether maltreatment occurred is conclusive.

Sec. 9. Minnesota Statutes 1994, section 256.045, subdivision 4, is amended to read:

Subd. 4. [CONDUCT OF HEARINGS.] (a) All hearings held pursuant to subdivision 3, 3a, 3b, or 4a shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of human services. County agencies shall install equipment necessary to conduct telephone hearings. A state human services referee may schedule a telephone conference hearing when the distance or time required to travel to the county agency offices will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be conducted by telephone conferences unless the applicant, recipient, or former recipient, person, or facility contesting maltreatment objects. The hearing shall not be held earlier than five days after filing of the required notice with the county or state agency. The state human services referee shall notify all interested persons of the time, date, and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other representative of their choice at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant, recipient, or former recipient, person, or facility contesting maltreatment shall have the opportunity to examine the contents of the case file and all documents and records to be used by the county agency at the hearing at a reasonable time before the date of the hearing and during the hearing. In cases alleging discharge for maltreatment, either party may subpoena the private data relating to the investigation memorandum prepared by the lead agency under section 626.557, provided the name of the reporter may not be disclosed.

(b) The private data must be subject to a protective order which prohibits its disclosure for any other purpose outside the hearing provided for in this section without prior order of the district court. Disclosure without court order is punishable by a sentence of not more than 90 days imprisonment or a fine of not more than \$700, or both. These restrictions on the use of private data do not prohibit access to the data under section 13.03, subdivision 6. Upon request, the county agency shall provide reimbursement for transportation, child care, photocopying, medical assessment, witness fee, and other necessary and reasonable costs incurred by the applicant, recipient, or former recipient in connection with the appeal, except in appeals brought under subdivision 3b. All evidence, except that privileged by law, commonly accepted by reasonable people in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3.

Sec. 10. Minnesota Statutes 1994, section 256.045, subdivision 5, is amended to read:

Subd. 5. [ORDERS OF THE COMMISSIONER OF HUMAN SERVICES.] This subdivision does not apply to appeals under subdivision 3b. A state human services referee shall conduct a hearing on the appeal and shall recommend an order to the commissioner of human services. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A referee may take official notice of adjudicative facts. The commissioner of human services may accept the recommended order of a state human services referee and issue the order to the county agency and the applicant, recipient, former recipient, or prepaid health plan. The commissioner on refusing to accept the recommended order of the state human services referee, shall notify the county agency and the applicant, recipient, former recipient, or prepaid health plan of that fact and shall state reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the county agency and the applicant, recipient, former recipient, or prepaid health plan.

A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order of the commissioner is binding on the parties and must be implemented by the state agency or a county agency until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10.

Except for a prepaid health plan, a vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services under section 256E.08, subdivision 4, is not a party and may not request a hearing or seek judicial review of an order issued under this section.

Sec. 11. Minnesota Statutes 1994, section 256.045, subdivision 6, is amended to read:

Subd. 6. [ADDITIONAL POWERS OF THE COMMISSIONER; SUBPOENAS.] (a) The commissioner of human services, or the commissioner of health for matters within the commissioner's jurisdiction under subdivision 3b, may initiate a review of any action or decision of a county agency and direct that the matter be presented to a state human services referee for a hearing held under subdivision 3, 3a, 3b, or 4a. In all matters dealing with human services committed by law to the discretion of the county agency, the commissioner's judgment may be substituted for that of the county agency. The commissioner may order an independent examination when appropriate.

(b) Any party to a hearing held pursuant to subdivision 3, 3a, 3b, or 4a may request that the commissioner issue a subpoena to compel the attendance of witnesses at the hearing. The issuance, service, and enforcement of subpoenas under this subdivision is governed by section 357.22 and the Minnesota Rules of Civil Procedure.

(c) The commissioner may issue a temporary order staying a proposed demission by a residential facility licensed under chapter 245A while an appeal by a recipient under subdivision 3 is pending or for the period of time necessary for the county agency to implement the commissioner's order.

Sec. 12. Minnesota Statutes 1994, section 256.045, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL REVIEW.] Any party who is aggrieved by an order of the commissioner of human services, or the commissioner of health in appeals within the commissioner's jurisdiction under subdivision 3b, may appeal the order to the district court of the county responsible for furnishing assistance, or, in appeals under subdivision 3b, the county where the maltreatment occurred, by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, the amended order, or order affirming the original order, and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the court administrator in appeals taken pursuant to this subdivision, with the exception of appeals taken under subdivision 3b. The commissioner may elect to become a party to the proceedings in the district court. Except for appeals under subdivision 3b, any party may demand that the commissioner furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner under subdivision 5 may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 13. Minnesota Statutes 1994, section 256.045, subdivision 8, is amended to read:

Subd. 8. [HEARING.] Any party may obtain a hearing at a special term of the district court by serving a written notice of the time and place of the hearing at least ten days prior to the date of the hearing. Except for appeals under subdivision 3b, the court may consider the matter in or out of chambers, and shall take no new or additional evidence unless it determines that such evidence is necessary for a more equitable disposition of the appeal.

Sec. 14. Minnesota Statutes 1994, section 256.045, subdivision 9, is amended to read:

Subd. 9. [APPEAL.] Any party aggrieved by the order of the district court may appeal the order as in other civil cases. Except for appeals under subdivision 3b, no costs or disbursements shall be taxed against any party nor shall any filing fee or bond be required of any party.

Sec. 15. Minnesota Statutes 1994, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from any employment under paragraph (a), (b), or (d) shall be disqualified for waiting week credit and benefits. For separations under paragraphs (a) and (b), the disqualification shall continue until four calendar weeks have elapsed following the individual's separation and the individual has earned eight times the individual's weekly benefit amount in insured work.

(a) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued employment with such employer. For the purpose of this paragraph, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the

employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(b) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with work or for misconduct which interferes with and adversely affects employment.

(c) [EXCEPTIONS TO DISQUALIFICATION.] An individual shall not be disqualified under paragraphs (a) and (b) under any of the following conditions:

(1) the individual voluntarily discontinued employment to accept employment offering substantially better conditions or substantially higher wages or both;

(2) the individual is separated from employment due to personal, serious illness provided that such individual has made reasonable efforts to retain employment.

An individual who is separated from employment due to the individual's illness of chemical dependency which has been professionally diagnosed or for which the individual has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment the individual knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain employment.

(3) the individual accepts work from a base period employer which involves a change in location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(4) the individual left employment because of reaching mandatory retirement age and was 65 years of age or older;

(5) the individual is terminated by the employer because the individual gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which the individual receives the individual's normal wage or salary which is equal to or greater than the weekly benefit amount;

(6) the individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(7) the individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual;

(8) the individual is separated from employment based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act on behalf of the individual;

(9) except as provided in paragraph (d), separations from part-time employment will not be disqualifying when the claim is based on sufficient full-time employment to establish a valid claim from which the claimant has been separated for nondisqualifying reasons; or

(10) the individual accepts employment which represents a substantial departure from the individual's customary occupation and experience and would not be deemed suitable work as defined under subdivision 2, paragraphs (a) and (b), and within a period of 30 days from the commencement of that work voluntarily discontinues the employment due to reasons which would have caused the work to be unsuitable under the provisions of subdivision 2 or, if in commission sales, because of a failure to earn gross commissions averaging an amount equal to or in excess of the individual's weekly benefit amount. Other provisions notwithstanding, applying this provision precludes the use of these wage credits to clear a disqualification.

(d) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross

misconduct connected with work or gross misconduct which interferes with and adversely affects the individual's employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom the individual was discharged for gross misconduct connected with work.

For the purpose of this paragraph "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a ~~health-care facility~~, as defined in section 626.5572, gross misconduct also includes misconduct involving an act of patient or resident abuse, financial exploitation, or recurring or serious neglect, as defined in section 626.557, subdivision 2, ~~clause (d) 626.5572 and applicable rules.~~

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with the individual's work.

(e) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing paragraphs, excepting paragraphs (c)(3), (c)(5), and (c)(8), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure to accept an offer of suitable reemployment or to accept reemployment which offered substantially the same or better hourly wages and conditions of work as were previously provided by that employer, but was deemed unsuitable under subdivision 2, shall not be used as a factor in determining the future contribution rate of the employer whose offer of reemployment was not accepted or whose offer of reemployment was refused solely due to the distance of the available work from the individual's residence, the individual's own serious illness, the individual's other employment at the time of the offer, or if the individual is in training with the approval of the commissioner.

Benefits paid by another state as a result of Minnesota transferring wage credits under the federally required combined wage agreement shall not be directly charged to either the taxpaying or reimbursing employer.

(f) [ACTS OR OMISSIONS.] An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after separation from employment with the employer.

(g) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from the individual's own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 16. [APPLICATION.]

The provision of section 7 that eliminates certain challenges to the accuracy and completeness of data under Minnesota Statutes, section 13.04, does not apply if the individual initiated a challenge under Minnesota Statutes, section 13.04, before the effective date of section 7.

ARTICLE 4

CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 1994, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public: the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

The following data on persons subject to disqualification under section 245A.04 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245A.04, subdivision 3b, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision ~~12~~ 12b.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

Sec. 2. Minnesota Statutes 1994, section 13.88, is amended to read:

13.88 [COMMUNITY DISPUTE RESOLUTION CENTER DATA.]

The guidelines shall provide that all files relating to a case in a community dispute resolution program are to be classified as private data on individuals, pursuant to section 13.02, subdivision 12, with the following exceptions:

(1) When a party to the case has been formally charged with a criminal offense, the data are to be classified as public data on individuals, pursuant to section 13.02, subdivision 15.

(2) Data relating to suspected neglect or physical or sexual abuse of children or maltreatment of vulnerable adults are to be subject to the reporting requirements of sections 626.556 and ~~626.557~~.

Sec. 3. Minnesota Statutes 1994, section 13.99, subdivision 113, is amended to read:

Subd. 113. [VULNERABLE ADULT REPORT RECORDS.] Data contained in vulnerable adult report records are classified under section 626.557, subdivision ~~12~~ 12b.

Sec. 4. Minnesota Statutes 1994, section 144.4172, subdivision 8, is amended to read:

Subd. 8. [HEALTH THREAT TO OTHERS.] "Health threat to others" means that a carrier demonstrates an inability or unwillingness to act in such a manner as to not place others at risk of exposure to infection that causes serious illness, serious disability, or death. It includes one or more of the following:

(1) With respect to an indirectly transmitted communicable disease:

(a) behavior by a carrier which has been demonstrated epidemiologically to transmit or which evidences a careless disregard for the transmission of the disease to others; or

(b) a substantial likelihood that a carrier will transmit a communicable disease to others as is evidenced by a carrier's past behavior, or by statements of a carrier that are credible indicators of a carrier's intention.

(2) With respect to a directly transmitted communicable disease:

(a) repeated behavior by a carrier which has been demonstrated epidemiologically to transmit or which evidences a careless disregard for the transmission of the disease to others;

(b) a substantial likelihood that a carrier will repeatedly transmit a communicable disease to others as is evidenced by a carrier's past behavior, or by statements of a carrier that are credible indicators of a carrier's intention;

(c) affirmative misrepresentation by a carrier of the carrier's status prior to engaging in any behavior which has been demonstrated epidemiologically to transmit the disease; or

(d) the activities referenced in clause (1) if the person whom the carrier places at risk is: (i) a minor, (ii) of diminished capacity by reason of mood altering chemicals, including alcohol, (iii) has been diagnosed as having significantly subaverage intellectual functioning, (iv) has an organic disorder of the brain or a psychiatric disorder of thought, mood, perception, orientation, or memory which substantially impairs judgment, behavior, reasoning, or understanding; (v) adjudicated as an incompetent; or (vi) a vulnerable adult as defined in section ~~626.557~~ 626.5572.

(3) Violation by a carrier of any part of a court order issued pursuant to this chapter.

Sec. 5. Minnesota Statutes 1994, section 144.651, subdivision 14, is amended to read:

Subd. 14. [FREEDOM FROM ABUSE MALTREATMENT.] Patients and residents shall be free from ~~mental and physical abuse maltreatment~~ as defined in the Vulnerable Adults Protection Act. "Abuse" ~~means any act which constitutes assault, sexual exploitation, or criminal sexual~~ "Maltreatment" means conduct as described in section ~~626.557, subdivision 2d~~ 626.5572, subdivision 15, or the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress. Every patient and resident shall also be free from nontherapeutic chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a patient's or resident's physician for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.

Sec. 6. Minnesota Statutes 1994, section 144.651, subdivision 21, is amended to read:

Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. Upon admission to a facility, a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying

information to callers and visitors. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. This right is limited where medically inadvisable, as documented by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, ~~clause 2 paragraph (b)~~, this right shall also be limited accordingly.

Sec. 7. Minnesota Statutes 1994, section 144A.103, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, "abuse" and "neglect" have the meanings given in section ~~626.557, subdivision 2, paragraphs (d) and (e)~~ 626.5572, subdivisions 2 and 17.

Sec. 8. Minnesota Statutes 1994, section 144A.612, is amended to read:

144A.612 [APPEALS FROM FINDINGS OF ABUSE, NEGLECT, OR MISAPPROPRIATION OF PROPERTY.]

(a) Until federal regulations are adopted under sections 1819(g)(1)(C) and 1919(g)(1)(C) of the Social Security Act that govern appeals from the state's findings of abuse, neglect, or misappropriation of property by nursing assistants employed by or working in a nursing home or boarding care home, the commissioner of health shall provide hearings under sections 14.57 to 14.62 and the rules adopted by the office of administrative hearings governing contested cases.

(b) The commissioner of health shall notify the nursing assistant of findings by sending written notice, by certified mail, to the last known address available from the facility or employer. The notice must contain a statement of the nature of the allegation and the time and date of the occurrence; the individual's right to a hearing; and the commissioner's intent to report the findings to the nurse aide registry, pending the individual's appeal.

(c) To contest the finding, the nursing assistant must request a hearing in writing no later than 30 days after receiving written notice of the finding, unless federal regulations provide otherwise.

(d) The hearing must be held within 60 days from the date of receipt of the request for a hearing. The individual must be served written notice by certified mail of the time, place, and date of the hearing at least 15 days in advance. The hearing must be held in a place and time that is convenient for the individual to attend.

(e) The hearing must provide an opportunity for the individual to present evidence, either in person, in writing, or through witnesses, and to refute the allegations. The individual is entitled to have an attorney or other representative present at the hearing. The commissioner must issue a decision within 30 days after the hearing record is complete and the parties have had an opportunity to file exceptions under section 14.61. A copy of the decision shall be mailed to the individual.

(f) If a hearing is requested and held, and if the department's findings of abuse, neglect, or misappropriation of property are upheld by a preponderance of the evidence, the commissioner's decision and findings will be sent to the registry established under section 144A.61, subdivision 1. If a hearing is not requested or if the notice to the nursing assistant is returned to the department, the commissioner has no jurisdiction to hear an appeal at a later date, and the department's findings shall be sent to the registry at the end of the 30-day period with a notation that a hearing was not requested or held. The registry must include any brief statement by the individual disputing the findings.

(g) If it is determined that the individual did not neglect, abuse, or misappropriate resident property, all records and investigative reports shall be classified as private data under section 13.39.

(h) The identity of the nursing assistant and the findings of abuse, neglect, or misappropriation of property are public when sent to the registry, notwithstanding the provisions of section 626.557, subdivision 12 ~~b~~. The identity of the reporter, the vulnerable adult, and persons interviewed are governed by section 626.557, subdivision 12 ~~b~~.

Sec. 9. Minnesota Statutes 1994, section 144B.13, is amended to read:

144B.13 [FREEDOM FROM ABUSE AND NEGLECT MALTREATMENT.]

Residents shall be free from ~~abuse and neglect maltreatment~~ as defined in section ~~626.557, subdivision 2~~ 626.5572, subdivision 15. The commissioner shall by rule develop procedures for the reporting of alleged incidents of ~~abuse or neglect maltreatment~~ in residential care homes. The office of health facility complaints shall investigate reports of alleged ~~abuse or neglect maltreatment~~ according to sections 144A.51 to 144A.54.

Sec. 10. Minnesota Statutes 1994, section 148B.68, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED CONDUCT.] The commissioner may impose disciplinary action as described in section 148B.69 against any unlicensed mental health practitioner. The following conduct is prohibited and is grounds for disciplinary action:

(a) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to the provision of mental health services. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of crimes against persons. For purposes of this chapter, a crime against a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; ~~609.23; 609.234~~ 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, clause (1); 609.561; 609.562; ~~and 609.595; and 609.72, subdivision 3.~~

(c) Failure to comply with the self-reporting requirements of section 148B.63, subdivision 6.

(d) Engaging in sexual contact with a client or former client as defined in section 148A.01, or engaging in contact that may be reasonably interpreted by a client as sexual, or engaging in any verbal behavior that is seductive or sexually demeaning to the patient, or engaging in sexual exploitation of a client or former client.

(e) Advertising that is false, fraudulent, deceptive, or misleading.

(f) Conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent, or as a person who is dangerous to self, or adjudication pursuant to chapter 253B, as chemically dependent, mentally ill, mentally retarded, mentally ill and dangerous to the public, or as a sexual psychopathic personality or sexually dangerous person.

(h) Inability to provide mental health services with reasonable safety to clients.

(i) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

(j) Improper or unauthorized personal or other use of any legend drugs as defined in chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined in chapter 152.

(k) Revealing a communication from, or relating to, a client except when otherwise required or permitted by law.

(l) Failure to comply with a client's request made under section 144.335, or to furnish a client record or report required by law.

(m) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client.

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

(o) Failure to make reports as required by section 148B.63, or cooperate with an investigation of the office.

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

(q) Undertaking or continuing a professional relationship with a client in which the objectivity of the professional would be impaired.

(r) Failure to provide the client with a copy of the client bill of rights or violation of any provision of the client bill of rights.

(s) Violating any order issued by the commissioner.

(t) Failure to comply with sections 148B.60 to 148B.71, and the rules adopted under those sections.

(u) Failure to comply with any additional disciplinary grounds established by the commissioner by rule.

Sec. 11. Minnesota Statutes 1994, section 214.10, subdivision 2a, is amended to read:

Subd. 2a. [PROCEEDINGS.] A board shall initiate proceedings to suspend or revoke a license or shall refuse to renew a license of a person licensed by the board who is convicted in a court of competent jurisdiction of violating sections 609.23, 609.231, 609.224, subdivision 2, paragraph (c), 609.2325, 609.233, 609.2335, 609.234, 609.465, 609.466, 609.52, or 626.557 609.72, subdivision 3.

Sec. 12. Minnesota Statutes 1994, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) Within 30 days after receiving notice of disqualification under subdivision 3a, the individual who is the subject of the study may request reconsideration of the notice of disqualification. The individual must submit the request for reconsideration to the commissioner in writing. The individual must present information to show that:

(1) the information the commissioner relied upon is incorrect; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant or license holder.

(b) The commissioner may set aside the disqualification if the commissioner finds that the information the commissioner relied upon is incorrect or the individual does not pose a risk of harm to any person served by the applicant or license holder. The commissioner shall review the consequences of the event or events that could lead to disqualification, whether there is more than one disqualifying event, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, and documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event. In reviewing a disqualification, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder or applicant over the interests of the license holder or applicant.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in section 609.20

(manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.21 (criminal vehicular homicide), 609.215 (aiding suicide or aiding attempted suicide), 609.221 to 609.2231 (felony violations of assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), 609.582 (burglary in the first or second degree), 609.66 (reckless use of a gun or dangerous weapon or intentionally pointing a gun at or towards a human being), 609.665 (setting a spring gun), 609.67 (unlawfully owning, possessing, or operating a machine gun), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.224, subdivision 2, paragraph (c) (fifth degree assault by a caregiver against a vulnerable adult), 609.228 (great bodily harm caused by distribution of drugs), ~~609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients)~~ 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), 609.378 (neglect or endangerment of a child), 609.377 (a gross misdemeanor offense of malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), 609.377 (a felony offense of malicious punishment of a child), 609.322 (soliciting, inducement, or promotion of prostitution), 609.323 (receiving profit derived from prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of abuse of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant or license holder residing in the applicant's or license holder's home, the applicant or license holder may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure because the license holder or applicant poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing to all reconsideration requests within 15 working days after receiving the request for reconsideration. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing of the decision.

(e) Except as provided in subdivision 3c, the commissioner's decision to grant or deny a

reconsideration of disqualification under this subdivision, or to set aside or uphold the results of the study under subdivision 3, is the final administrative agency action.

Sec. 13. Minnesota Statutes 1994, section 253B.02, subdivision 4a, is amended to read:

Subd. 4a. [CRIME AGAINST THE PERSON.] "Crime against the person" means a violation of or attempt to violate any of the following provisions: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; ~~609.23; 609.231~~ 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25; 609.255; 609.265; 609.27, subdivision 1, clause (1) or (2); 609.28 if violence or threats of violence were used; 609.322, subdivision 1, clause (2); 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, clause (1); 609.561; 609.562; and 609.595; and 609.72, subdivision 3.

Sec. 14. Minnesota Statutes 1994, section 256E.03, subdivision 2, is amended to read:

Subd. 2. (a) "Community social services" means services provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.08, subdivision 1, to the following groups of persons:

(1) families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;

(2) persons who are under the guardianship of the commissioner of human services as dependent and neglected wards;

(3) adults who are in need of protection and vulnerable as defined in section ~~626.557~~ 626.5572;

(4) persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;

(5) emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;

(6) persons with mental retardation as defined in section 252A.02, subdivision 2, or with related conditions as defined in section 252.27, subdivision 1a, who are unable to provide for their own needs or to independently engage in ordinary community activities;

(7) drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs;

(8) parents whose income is at or below 70 percent of the state median income and who are in need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment; and

(9) other groups of persons who, in the judgment of the county board, are in need of social services.

(b) Except as provided in section 256E.08, subdivision 5, community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145A.09 to 145A.13.

Sec. 15. Minnesota Statutes 1994, section 256E.081, subdivision 4, is amended to read:

Subd. 4. [DENIAL, REDUCTION, OR TERMINATION OF SERVICES.] (a) Before a county denies, reduces, or terminates services to an individual due to fiscal limitations, the county must meet the requirements in subdivisions 2 and 3, and document in the person's individual service plan:

(1) the person's service needs;

(2) the alternatives considered for meeting the person's service needs; and

(3) the actions that will be taken to prevent abuse or neglect as defined in sections section 626.556, subdivision 2, paragraphs (a), (c), (d), and (k); and 626.557, subdivision 2, paragraphs (d) and (e) maltreatment as defined in section 626.5572, subdivision 15.

(b) The county must notify the individual and the individual's guardian in writing of the reason for the denial, reduction, or termination of services and of the individual's right to an appeal under section 256.045.

(c) The county must inform the individual and the individual's guardian in writing that the county will, upon request, meet to discuss alternatives and amend the individual service plan before services are terminated or reduced.

Sec. 16. Minnesota Statutes 1994, section 325F.692, subdivision 2, is amended to read:

Subd. 2. [UNAUTHORIZED INFORMATION SERVICE CHARGES; LIABILITY.] A telephone service subscriber is not responsible for information service charges for calls made by minors or other vulnerable adults as defined in section 626.557, subdivision 2, paragraph (b) 626.5572, subdivision 2, unless expressly authorized by the subscriber or spouse.

Sec. 17. Minnesota Statutes 1994, section 525.703, subdivision 3, is amended to read:

Subd. 3. [GUARDIAN OR CONSERVATOR.] (a) When the court determines that a guardian or conservator of the person or the estate has rendered necessary services or has incurred necessary expenses for the benefit of the ward or conservatee, the court may order reimbursement or reasonable compensation to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the guardianship or conservatorship if the ward or conservatee is indigent. The court may not deny an award of fees solely because the ward or conservatee is a recipient of medical assistance. In determining reasonable compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(b) The court shall order reimbursement or reasonable compensation if the guardian or conservator requests payment and the guardian or conservator was nominated by the court or by the county adult protection unit because no suitable relative or other person was available to provide guardianship or conservatorship services necessary to prevent abuse or neglect maltreatment of a vulnerable adult, as defined in section 626.557 626.5572, subdivision 15. In determining reasonable compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(c) When a county employee serves as a guardian or conservator as part of employment duties, the court shall order reasonable compensation if the guardian or conservator performs necessary services that are not compensated by the county. The court may order reimbursement to the county from the ward's or conservatee's estate for reasonable compensation paid by the county for services rendered by a guardian or conservator who is a county employee but only if the county shows that after a diligent effort it was unable to arrange for an independent guardian or conservator.

Sec. 18. Minnesota Statutes 1994, section 609.268, subdivision 1, is amended to read:

Subdivision 1. [DEATH OF AN UNBORN CHILD.] Whoever, in the commission of a felony or in a violation of section 609.224, 609.23, or 609.231 609.2325, or 609.233, causes the death of an unborn child is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine not more than \$30,000, or both. As used in this subdivision, "felony" does not include a violation of sections 609.185 to 609.21, 609.221 to 609.2231, or 609.2661 to 609.2665.

Sec. 19. Minnesota Statutes 1994, section 609.268, subdivision 2, is amended to read:

Subd. 2. [INJURY TO AN UNBORN CHILD.] Whoever, in the commission of a felony or in a violation of section ~~609.23 or 609.231~~ 609.2325 or 609.233, causes great or substantial bodily harm to an unborn child who is subsequently born alive, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. As used in this subdivision, "felony" does not include a violation of sections 609.21, 609.221 to 609.2231, or 609.267 to 609.2672.

Sec. 20. Minnesota Statutes 1994, section 609.7495, subdivision 1, is amended to read:

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

(a) "Facility" means any of the following:

- (1) a hospital or other health institution licensed under sections 144.50 to 144.56;
- (2) a medical facility as defined in section 144.561;
- (3) an agency, clinic, or office operated under the direction of or under contract with the commissioner of health or a community health board, as defined in section 145A.02;
- (4) a facility providing counseling regarding options for medical services or recovery from an addiction;
- (5) a facility providing emergency shelter services for battered women, as defined in section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children;
- (6) a residential care home or home as defined in section 144B.01, subdivision 5;
- (7) a facility as defined in section 626.556, subdivision 2, paragraph (f);
- (8) a facility as defined in section ~~626.557, subdivision 2, paragraph (a)~~ 626.5572, subdivision 6, where the services described in that paragraph are provided;
- (9) a place to or from which ambulance service, as defined in section 144.801, is provided or sought to be provided; and
- (10) a hospice program licensed under section 144A.48.

(b) "Aggrieved party" means a person whose access to or egress from a facility is obstructed in violation of subdivision 2, or the facility.

Sec. 21. Minnesota Statutes 1994, section 626.556, subdivision 12, is amended to read:

Subd. 12. [DUTIES OF FACILITY OPERATORS.] Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of section 609.255, 609.377, or 609.378. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section ~~609.23 or~~ 609.378.

Sec. 22. [FEE INCREASE.]

The licensing fees for nursing homes licensed under Minnesota Statutes, chapter 144A; for hospitals and boarding care homes licensed under Minnesota Statutes, sections 144.50 to 144.58; residential care homes licensed under Minnesota Statutes, chapter 148B; and board and lodging establishments that are registered to provide supportive or health supervision services under Minnesota Statutes, section 157.031, shall be increased by \$20 per bed; and the licensing fees for home care agencies licensed under Minnesota Statutes, chapter 144A; and outpatient surgical centers licensed under Minnesota Statutes, chapter 144, shall be increased by 25 percent to implement the requirements of the vulnerable adults act under Minnesota Statutes, section 626.557, and for Minnesota Statutes, section 144.057.

ARTICLE 5 APPROPRIATIONS

Section 1. [APPROPRIATION.]

\$3,060,855 is appropriated from the state government special revenue fund to the department of health for the purposes of implementing article 1 and article 3 and is available for the biennium ending June 30, 1997."

Amend the title as follows:

Page 1, line 4, after "penalties;" insert "appropriating money;"

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

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

S.F. No. 845: A bill for an act relating to health; MinnesotaCare; establishing requirements for integrated service networks; modifying requirements for health plan companies; establishing the standard health coverage; repealing the regulated all-payer option; modifying universal coverage and insurance reform provisions; revising the research and data initiatives; expanding eligibility for the MinnesotaCare program; creating the prescription drug purchasing authority; establishing a drug purchasing benefit program for senior citizens; extending the health care commission and regional coordinating boards; making technical changes; reducing tax deductions for the voluntarily uninsured; providing penalties; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; 60A.02, subdivision 1a; 60B.02; 60B.03, subdivision 2; 60G.01, subdivisions 2, 4, and 5; 62A.10, subdivisions 1 and 2; 62A.65, subdivisions 5 and 8; 62D.02, subdivision 8; 62D.042, subdivision 2; 62D.11, subdivision 1; 62D.181, subdivisions 2, 3, 6, and 9; 62E.141; 62H.04; 62H.08; 62J.017; 62J.04, subdivisions 1a and 3; 62J.05, subdivisions 2 and 9; 62J.06; 62J.09, subdivisions 1, 2, 6, 8, and by adding a subdivision; 62J.152, subdivision 5; 62J.17, subdivision 4a; 62J.212; 62J.37; 62J.38; 62J.40; 62J.41, subdivision 1; 62J.48; 62J.55; 62L.02, subdivisions 11, 16, 24, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.09, subdivision 1; 62L.12, subdivision 2; 62M.02, subdivision 12; 62M.07; 62M.09, subdivision 5; 62M.10, by adding a subdivision; 62N.02, by adding subdivisions; 62N.04; 62N.10, by adding a subdivision; 62N.11, subdivision 1; 62N.13; 62N.14, subdivision 3; 62P.05, subdivision 4, and by adding a subdivision; 62Q.01, subdivisions 2, 3, 4, and by adding subdivisions; 62Q.03, subdivisions 1, 6, 7, 8, 9, 10, and by adding subdivisions; 62Q.07, subdivisions 1 and 2; 62Q.09, subdivision 3; 62Q.11, subdivision 2; 62Q.165; 62Q.17, subdivisions 2, 6, 8, and by adding a subdivision; 62Q.18; 62Q.19; 62Q.25; 62Q.30; 62Q.41; 72A.20, by adding subdivisions; 136A.1355, subdivisions 3 and 5; 136A.1356, subdivisions 3 and 4; 144.1464, subdivisions 2, 3, and 4; 144.147, subdivision 1; 144.1484, subdivision 1; 144.1486, subdivision 4; 144.1489, subdivision 3; 151.48; 214.16, subdivisions 2 and 3; 256.9354, subdivisions 1, 4, 5, and by adding a subdivision; 256.9357, subdivisions 1, 2, and 3; 256.9358, subdivisions 3, 4, and by adding a subdivision; 256B.057, subdivision 3; 270.101, subdivision 1; 290.01, subdivision 19a; 295.50, subdivisions 3, 4, and 10a; 295.53, subdivisions 1, 3, and 4; 295.55, subdivision 4; and 295.57; Laws 1990, chapter 591, article 4, section 9; Laws 1994, chapter 625, article 5, sections 5, subdivision 1; and 10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62J; 62L; 62N; 62Q; and 295; repealing Minnesota Statutes 1994, sections 62J.045; 62J.07, subdivision 4; 62J.09, subdivision 1a; 62J.152, subdivision 6; 62J.19; 62J.30; 62J.31; 62J.32; 62J.33; 62J.34; 62J.35; 62J.41, subdivisions 3 and 4; 62J.44; 62J.45; 62J.65; 62L.08, subdivision 7a; 62N.34; 62P.01; 62P.02; 62P.03; 62P.07; 62P.09; 62P.11; 62P.13; 62P.15; 62P.17; 62P.19; 62P.21; 62P.23; 62P.25; 62P.27; 62P.29; 62P.31; 62P.33; 62Q.03, subdivisions 2, 3, 4, 5, and 11; 62Q.21; and 62Q.27; Laws 1993, chapter 247, article 1, sections 12, 13, 14, 15, 18, and 19; Minnesota Rules, part 4685.1700, subpart 1, item D.

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

Page 11, after line 15, insert:

"Sec. 20. Minnesota Statutes 1994, section 62N.10, subdivision 4, is amended to read:

Subd. 4. [PARTICIPATION; GOVERNMENT PROGRAMS.] Integrated service networks shall, as a condition of licensure, participate in the medical assistance, general assistance medical care, and MinnesotaCare programs. The commissioner shall adopt rules specifying the participation required of the networks. The rules must be consistent with Minnesota Rules, parts 9505.5200 to 9505.5260, governing participation by health maintenance organizations in public health care programs. An integrated service network that is granted a waiver from the net worth requirements over a three-year period is not required to respond to requests for proposals to participate in the medical assistance, general assistance medical care, and MinnesotaCare programs during the first 12 months of licensure. These integrated service networks are not prohibited from responding to requests for proposals, however, if they choose to do so during that time period. After the initial 12 months of licensure, these integrated service networks are required to respond to the requests for proposals.

Page 11, line 36, delete "person" and insert "persons"

Page 12, line 9, delete "rules" and insert "rule"

Page 13, line 19, after "providers" insert ", allied health care providers, and midlevel practioners"

Page 13, line 35, delete "encourage the" and delete "of"

Page 15, line 16, before "Every" insert "(a)"

Page 15, line 17, delete "regularly" and insert ", on at least a biennial basis,"

Page 15, after line 21, insert:

"(b) Every integrated service network shall participate in the consumer survey efforts established under section 62J.451, subdivision 6b, to evaluate enrollee satisfaction, network performance, and quality of care. Participation in the consumer survey efforts of section 62J.451, subdivision 6b, shall satisfy paragraph (a) of this subdivision."

Page 16, after line 2, insert:

"Sec. 28. Minnesota Statutes 1994, section 62N.25, subdivision 2, is amended to read:

Subd. 2. [LICENSURE REQUIREMENTS GENERALLY.] To be licensed and to operate as a community integrated service network, an applicant must satisfy the requirements of chapter 62D, and all other legal requirements that apply to entities licensed under chapter 62D, except as exempted or modified in this section. Community networks must, as a condition of licensure, comply with rules adopted under section 256B.0644 that apply to entities governed by chapter 62D. A community integrated service network that phases in its net worth over a three-year period is not required to respond to requests for proposals under section 256B.0644 during the first 12 months of licensure. These community networks are not prohibited from responding to requests for proposals, however, if they choose to do so during that time period. After the initial 12 months of licensure, these community networks are required to respond to the requests for proposals as required under section 256B.0644.

Sec. 29. [REPEALER.]

Minnesota Statutes 1994, section 62N.34, is repealed."

Page 19, delete lines 25 to 36

Page 20, delete lines 1 to 9 and insert:

"Subd. 5a. [PUBLIC PROGRAMS.] (a) A risk adjustment system must be developed for state-run public programs, including medical assistance, general assistance medical care, and MinnesotaCare. The system must be developed in accordance with the general risk adjustment methodologies described in this section, must include factors in addition to age and sex adjustment, and may include additional demographic factors, different targeted conditions, and/or different payment amounts for conditions. The risk adjustment system for public programs must

attempt to reflect the special needs related to poverty, cultural, or language barriers and other needs of the public program population.

(b) The commissioners of health and human services shall jointly convene a public programs risk adjustment work group responsible for advising the commissioners in the design of the public programs risk adjustment system. The commissioner of health shall work with the risk adjustment association to ensure coordination between the risk adjustment systems for the public and private sectors. The commissioner of human services shall seek any needed federal approvals necessary for the inclusion of the medical assistance program in the public program risk adjustment system.

(c) The public programs risk adjustment work group shall be representative of the persons served by publicly paid health programs and providers and health plans that meet their needs. As much as possible, the appointing authorities shall attempt to select representatives that have historically served a significant number of persons in publicly paid health programs or the uninsured. The commissioners of health and human services shall include advocates of the disabled and other public program clients as members of the work group.

(d) The commissioners of health and human services, with the advice of the public programs risk adjustment work group, shall develop a work plan and time frame, coordinate their efforts with the private sector risk adjustment association's activities and other state initiatives related to public program managed care reimbursement."

Page 22, line 7, delete from "The" through page 22, line 18, to "commissioners." and insert "The commissioners of health and commerce shall have the authority to approve or reject the plan of operation."

Page 22, line 35, delete "To maintain protection from antitrust law,"

Page 23, line 3, delete everything after "by" and insert "an"

Page 23, line 5, delete everything before "for" and insert "shall have the authority to audit and examine data collected by the association"

Page 23, line 6, after "of" insert "the development and implementation of the" and after "adjustment" insert "system"

Page 23, lines 25 and 33, delete "review and" and after "approve" insert "or reject"

Page 23, line 35, after "approve" insert "or reject"

Page 23, after line 36, 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 24, delete section 16

Page 30, line 21, before "or" insert "Indian tribal government, an Indian health service unit,"

Page 33, line 11, after the period, insert "The rules shall provide for direct and appropriate access to a designated essential community provider for designated covered services for high risk and special needs population enrollees of health plan companies."

Page 33, line 14, delete "only"

Page 33, line 15, delete everything after "coverage"

Page 33, line 16, delete everything before "sections" and insert "established under"

Page 33, line 21, after "coverage" insert "for health maintenance organizations and integrated service networks"

Page 33, line 22, delete "section" and insert "subdivision"

Page 33, line 27, after "of" insert "frequency,"

Page 34, line 2, before "The" insert "(a) For integrated service networks and health maintenance organizations,"

Page 34, line 7, after the period, insert "As standard health coverage, health maintenance organizations and integrated service networks shall offer the two cost-sharing options established under section 62Q.24."

(b) For indemnity insurers, the standard health coverage must include the number three qualified plan defined under section 62E.06, with a \$1,000,000 maximum lifetime benefit, without the use of actuarial equivalents allowed under section 62E.02, subdivision 4.

(c)"

Page 34, after line 14, insert:

"Subd. 5. [MARKET ASSISTANCE.] On January 1, 1996, and every year thereafter, the commissioner of health, with the assistance of the commissioner of commerce, shall publish a market guide listing the market premiums charged by health plan companies to a selection of representative individuals and groups for standard health coverage policies sold in Minnesota."

Sec. 23. Minnesota Statutes 1994, section 62Q.23, is amended to read:

62Q.23 [GENERAL SERVICES.]

(a) Health plan companies shall comply with all continuation and conversion of coverage requirements applicable to health maintenance organizations under state or federal law.

(b) Health plan companies shall comply with sections 62A.047, 62A.27, and any other coverage required under chapter 62A of newborn infants, dependent children who do not reside with a covered person, handicapped children and dependents, and adopted children. A health plan company providing dependent coverage shall comply with section 62A.302.

(c) Health plan companies shall comply with the equal access requirements of section 62A.15.

(d) All health plan companies shall use the assessment criteria in Minnesota Rules, parts 9530.6600 to 9530.6660, when assessing and placing enrollees for chemical dependency treatment."

Page 35, after line 16, insert:

"Sec. 25. [62Q.24] [COST SHARING.]

Subdivision 1. [COPAYMENT COST SHARING; OPTION ONE.] Cost-sharing option one limits the calendar year deductible amount per person to \$500 for out-of-network services only, and otherwise provides 100 percent coverage, unless otherwise provided in this subdivision. The out-of-pocket limit is \$750 per person per calendar year, not to exceed a total of \$2,250 per family per calendar year, including both in- and out-of-network services. Services are subject to the following copayment and coinsurance requirements:

(1) a \$10 copayment for health professional office visits and physician's office surgery;

(2) a \$12 copayment for pharmaceuticals and disposable medical supplies. Health maintenance organizations and integrated service networks may lower the copayment for generic brand pharmaceuticals;

(3) a \$20 copayment for urgent care visits;

(4) a \$30 per week copayment for nutritional products for metabolic disorders;

(5) a \$75 copayment for emergency room care where there is no hospital admission;

(6) a \$100 copayment per admission for medical services, inpatient hospital services, inpatient chemical dependency care, and inpatient mental health care;

(7) if coverage for out-of-network services is offered, these services are subject to 20 percent coinsurance or twice the applicable in-network copayment, whichever is greater; and

(8) no cost sharing for age and risk appropriate routine examinations, vision and hearing examinations, mental health and chemical dependency assessment or diagnosis, and postnatal care.

Subd. 2. [COPAYMENT COST SHARING; OPTION TWO.] Cost-sharing option two shall limit the calendar year deductible amount to \$300 per person for out-of-network services only, and otherwise provide 100 percent coverage, unless otherwise provided in this subdivision. The out-of-pocket limit is \$500 per person per calendar year, not to exceed a total of \$1,500 per family per calendar year, including both in-network and out-of-network services. Services are subject to the following copayment and coinsurance requirements:

(1) an \$8 copayment for pharmaceuticals and disposable medical supplies. Health maintenance organizations and integrated service networks may reduce the copayment for generic brand pharmaceuticals;

(2) a \$15 copayment for urgent care visits;

(3) a \$30 per week copayment for nutritional products for metabolic disorders;

(4) a \$35 copayment for emergency room care where there is no hospital admission;

(5) if coverage for out-of-network services is offered, these services are subject to 20 percent coinsurance or twice the applicable in-network copayment, whichever is greater; and

(6) no cost sharing for services listed in subdivision 1, clause (8).

Subd. 3. [LIMITATION ON COPAYMENTS.] Where a copayment is assessed for an office visit in cost-sharing options one and two, any additional services pertaining to and provided at the same office visit are not subject to additional copayments."

Page 36, line 2, delete "62N.34;"

Page 36, line 6, delete "27" and insert "28"

Page 37, line 12, before "differences" insert "the implementation of the growth limits. This annual report shall describe the"

Page 37, after line 15, insert:

"(b) The commissioner, in consultation with the Minnesota health care commission, shall research and include in the annual report required in paragraph (a) for 1996, recommendations regarding the implementation of growth limits for health plan companies and providers. The commissioner shall:

(1) consider both spending and revenue approaches and report on the implementation of the interim limits as defined in sections 62J.041 and 62J.042;

(2) make recommendations regarding the enforcement mechanism and consider mechanisms to adjust future growth limits as well as mechanisms to establish financial penalties for noncompliance;

(3) address the feasibility of systemwide limits imposed on all integrated service networks; and

(4) make recommendations on the most effective way to implement growth limits on the fee-for-service system in the absence of a regulated all-payer system."

Page 37, line 16, strike "(b)" and insert "(c)"

Page 37, line 25, strike "(c)" and insert "(d)"

Page 37, line 30, strike everything after "may"

Page 37, lines 31 to 36, delete the new language and strike the old language

Page 38, line 1, strike everything before the period and insert "impose financial penalties up to the amount exceeding the applicable growth limit"

Page 38, line 2, strike "(d)"

Page 38, lines 13 to 29, delete the new language and strike the old language

Page 38, delete lines 30 to 36

Page 39, delete lines 1 to 3

Page 39, line 22, strike "the commissioner and other"

Page 41, line 5, before "The" insert "(a)"

Page 41, after line 12, insert:

"(b) As part of the report required in paragraph (a) due for 1996, the commissioner, in consultation with the health care commission, shall make recommendations on the design and development of an appropriate framework to apply regulations uniformly among all health plan companies and to ensure adequate oversight and consumer protection in the absence of a regulated all-payer system."

Page 42, line 6, delete "(a)" and insert "Subdivision 1. [DEFINITION.]"

Page 42, line 27, delete "(b)" and insert "Subd. 2. [GOAL.]"

Page 43, after line 1, insert:

"Subd. 3. [REPORT ON HEALTH CARE ACCESS.] (a) The health care commission shall annually report to the legislature regarding the extent to which the state is making progress toward the goal of universal coverage described in this section. As part of this report, the commission shall monitor the number of uninsured in the state. The annual report must be submitted no later than January 15 of each year in compliance with section 3.195.

(b) The annual report required under paragraph (a), due January 15, 1996, shall advise the legislature regarding possible additional steps in insurance reform that would be helpful in progressing toward universal coverage. The commission shall consider further initiatives involving group purchasing pools, narrowing premium variations, guaranteed issue and portability requirements, preexisting condition limitations, and other provisions that provide greater opportunities to obtain affordable health coverage. The commission shall consider the small employer reforms contained in the model laws recommended by the National Association of Insurance Commissioners and shall recommend whether these reforms should be adopted.

(c) The annual report due required under paragraph (a), required on January 15, 1996, shall advise the legislature regarding possible changes in the individual insurance market. The report shall consider initiatives regarding purchasing pools, including specific design details of a state-run or state-initiated purchasing pool for individuals, specific legislative reforms needed to encourage the formation of purchasing pools, and point-by-point consideration of the obstacles to enactment of these purchasing pools, including adverse selection. The report shall consider the creation of a standard and objective definition of eligibility for the comprehensive health association, and whether the enactment of such a definition could be coupled with guaranteed issuance for the remainder of the individual market. The report should include all other considerations of the commission as to the optimal reforms of the individual market.

(d) The annual report required under paragraph (a), due January 15, 1998, must include an evaluation of the reduction and elimination of the standard deduction required under section 62Q.166 and an assessment of any additional steps that may be necessary to achieve universal coverage as defined in this section.

(e) To the extent possible, the health care commission shall utilize existing information, including information collected by other state or federal agencies and organizations, to complete the studies and reports in this subdivision. State agencies and organizations shall provide information, technical and analytic support, and other assistance to the commission as possible, to ensure the timely and efficient completion of the studies and reports in this subdivision. Staff from the appropriate state agencies shall participate with the commission executive director no later

than June 15 each year in initial planning and coordination for the annual reports and studies of this subdivision. Following this initial planning, the executive director shall report to the legislative oversight commission on health care access by July 1 each year on the initial study plan, and on any commission tasks or studies which may not be completed as scheduled due to such constraints as lack of sufficient available information or resources."

Pages 51 to 85, delete sections 1 to 20 and insert:

"Section 1. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 115. [HEALTH DATA INSTITUTE DATA.] Data created, collected, received, maintained, or disseminated by the Minnesota health data institute established under section 62J.451 are classified under section 62J.452; access to and disclosure of such data are governed by section 62J.452.

Sec. 2. Minnesota Statutes 1994, section 62J.04, subdivision 3, is amended to read:

Subd. 3. [COST CONTAINMENT DUTIES.] After obtaining the advice and recommendations of the Minnesota health care commission, the commissioner shall:

(1) establish statewide and regional limits on growth in total health care spending under this section, monitor ~~regional and~~ statewide compliance with the spending limits, and take action to achieve compliance to the extent authorized by the legislature;

(2) divide the state into no fewer than four regions, with one of those regions being the Minneapolis/St. Paul metropolitan statistical area but excluding Chisago, Isanti, Wright, and Sherburne counties, for purposes of fostering the development of regional health planning and coordination of health care delivery among regional health care systems and working to achieve spending limits;

(3) provide technical assistance to regional coordinating boards;

(4) monitor the quality of health care throughout the state, ~~conduct consumer satisfaction surveys,~~ and take action as necessary to ensure an appropriate level of quality;

(5) issue recommendations regarding uniform billing forms, uniform electronic billing procedures and data interchanges, patient identification cards, and other uniform claims and administrative procedures for health care providers and private and public sector payers. In developing the recommendations, the commissioner shall review the work of the work group on electronic data interchange (WEDI) and the American National Standards Institute (ANSI) at the national level, and the work being done at the state and local level. The commissioner may adopt rules requiring the use of the Uniform Bill 82/92 form, the National Council of Prescription Drug Providers (NCPDP) 3.2 electronic version, the Health Care Financing Administration 1500 form, or other standardized forms or procedures;

(6) undertake health planning responsibilities as provided in section 62J.15;

(7) ~~monitor and promote the development and implementation of practice parameters;~~

(8) authorize, fund, or promote research and experimentation on new technologies and health care procedures;

(9) ~~designate referral centers for specialized and high cost procedures and treatment and establish minimum standards and requirements for particular procedures or treatment;~~

(10) (8) within the limits of appropriations for these purposes, administer or contract for statewide consumer education and wellness programs that will improve the health of Minnesotans and increase individual responsibility relating to personal health and the delivery of health care services, undertake prevention programs including initiatives to improve birth outcomes, expand childhood immunization efforts, and provide start-up grants for worksite wellness programs; and

(11) ~~administer the data analysis unit; and~~

(12) (9) undertake other activities to monitor and oversee the delivery of health care services in Minnesota with the goal of improving affordability, quality, and accessibility of health care for all Minnesotans.

Sec. 3. Minnesota Statutes 1994, section 62J.06, is amended to read:

62J.06 [IMMUNITY FROM LIABILITY.]

No member of the Minnesota health care commission established under section 62J.05, regional coordinating boards established under section 62J.09, or the health planning technology advisory committee established under section 62J.15, ~~data collection advisory committee established under section 62J.30, or practice parameter advisory committee established under section 62J.32~~ shall be held civilly or criminally liable for an act or omission by that person if the act or omission was in good faith and within the scope of the member's responsibilities under this chapter.

Sec. 4. Minnesota Statutes 1994, section 62J.212, is amended to read:

62J.212 ~~[COLLABORATION ON PUBLIC HEALTH GOALS.]~~ The commissioner may increase regional spending limits if public health goals for that region are achieved. The commissioner shall establish specific public health goals including, but not limited to, increased delivery of prenatal care, improved birth outcomes, and expanded childhood immunizations. The commissioner shall consider the community public health goals and the input of the statewide advisory committee on community health in establishing the statewide goals.

Sec. 5. [62J.2930] [INFORMATION CLEARINGHOUSE.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of health shall establish an information clearinghouse within the department of health to facilitate the ability of consumers, employers, providers, health plan companies, and others to obtain information on health reform activities in Minnesota. The commissioner shall make available through the clearinghouse updates on federal and state health reform activities, including information developed or collected by the department of health on cost containment or other research initiatives, the development of integrated service networks, and voluntary purchasing pools, action plans submitted by health plan companies, reports or recommendations of the health technology advisory committee and other entities on technology assessments, and reports or recommendations from other formal committees applicable to health reform activities. The clearinghouse shall also refer requestors to sources of further information or assistance. The clearinghouse is subject to chapter 13.

Subd. 2. [INFORMATION ON HEALTH PLAN COMPANIES.] The information clearinghouse shall provide information on all health plan companies operating in a specific geographic area to consumers and purchasers who request it.

Subd. 3. [COORDINATION.] To the extent possible, the commissioner shall coordinate the activities of the clearinghouse with the activities of the Minnesota health data institute.

Sec. 6. [62J.301] [RESEARCH AND DATA INITIATIVES.]

Subdivision 1. [DEFINITIONS.] For purposes of sections 62J.2930 to 62J.42, the following definitions apply:

(a) "Health outcomes data" means data used in research designed to identify and analyze the outcomes and costs of alternative interventions for a given clinical condition, in order to determine the most appropriate and cost-effective means to prevent, diagnose, treat, or manage the condition, or in order to develop and test methods for reducing inappropriate or unnecessary variations in the type and frequency of interventions.

(b) "Encounter level data" means data related to the utilization of health care services by, and the provision of health care services to individual patients, enrollees, or insureds, including claims data, abstracts of medical records, and data from patient interviews and patient surveys.

Subd. 2. [STATEMENT OF PURPOSE.] The commissioner of health shall conduct data and research initiatives in order to monitor and improve the efficiency and effectiveness of health care in Minnesota.

Subd. 3. [GENERAL DUTIES.] The commissioner shall:

(1) collect and maintain data which enable population-based monitoring and trending of the access, utilization, quality, and cost of health care services within Minnesota;

(2) collect and maintain data for the purpose of estimating total Minnesota health care expenditures and trends;

(3) collect and maintain data for the purposes of setting limits under section 62J.04, and measuring growth limit compliance;

(4) conduct applied research using existing and new data and promote applications based on existing research;

(5) develop and implement data collection procedures to ensure a high level of cooperation from health care providers and health plan companies, as defined in section 62Q.01, subdivision 4;

(6) work closely with health plan companies and health care providers to promote improvements in health care efficiency and effectiveness; and

(7) participate as a partner or sponsor of private sector initiatives that promote publicly disseminated applied research on health care delivery, outcomes, costs, quality, and management.

Subd. 4. [INFORMATION TO BE COLLECTED.] (a) The data collected may include health outcomes data, patient functional status, and health status. The data collected may include information necessary to measure and make adjustments for differences in the severity of patient condition across different health care providers, and may include data obtained directly from the patient or from patient medical records, as provided in section 62J.321, subdivision 1.

(b) The commissioner may:

(1) collect the encounter level data required for the research and data initiatives of sections 62J.301 to 62J.42, using, to the greatest extent possible, standardized forms and procedures; and

(2) process the data collected to ensure validity, consistency, accuracy, and completeness, and as appropriate, merge data collected from different sources.

(c) For purposes of estimating total health care spending and forecasting rates of growth in health care spending, the commissioner may collect from health care providers data on patient revenues and health care spending during a time period specified by the commissioner. The commissioner may also collect data on health care revenues and spending from group purchasers of health care. Health care providers and group purchasers doing business in the state shall provide the data requested by the commissioner at the times and in the form specified by the commissioner. Professional licensing boards and state agencies responsible for licensing, registering, or regulating providers and group purchasers shall cooperate fully with the commissioner in achieving compliance with the reporting requirements.

Subd. 5. [NONLIMITING.] Nothing in this section shall be construed to limit the powers granted to the commissioner of health under chapter 62D, 62N, 144, or 144A.

Sec. 7. [62J.311] [ANALYSIS AND USE OF DATA.]

Subdivision 1. [DATA ANALYSIS.] The commissioner shall analyze the data collected to:

(1) assist the state in developing and refining its health policy in the areas of access, utilization, quality, and cost;

(2) assist the state in promoting efficiency and effectiveness in the financing and delivery of health services;

(3) monitor and track accessibility, utilization, quality, and cost of health care services within the state;

(4) evaluate the impact of health care reform activities;

(5) assist the state in its public health activities; and

(6) evaluate and determine the most appropriate methods for ongoing data collection.

Subd. 2. [CRITERIA FOR DATA AND RESEARCH INITIATIVES.] (a) Data and research initiatives by the commissioner must:

(1) serve the needs of the general public, public sector health care programs, employers and other purchasers of health care, health care providers, including providers serving large numbers of people with low-income, and health plan companies as applicable;

(2) be based on scientifically sound and statistically valid methods;

(3) be statewide in scope, to the extent feasible, in order to benefit health care purchasers and providers in all parts of Minnesota and to ensure broad and representative health care data for research comparisons and applications;

(4) emphasize data that is useful, relevant, and nonredundant of existing data. The initiatives may duplicate existing private data collection activities, if necessary to ensure that the data collected will be in the public domain;

(5) be structured to minimize the administrative burden on health plan companies, health care providers, and the health care delivery system, and minimize any privacy impact on individuals; and

(6) promote continuous improvement in the efficiency and effectiveness of health care delivery.

(b) Data and research initiatives related to public sector health care programs must:

(1) assist the state's current health care financing and delivery programs to deliver and purchase health care in a manner that promotes improvements in health care efficiency and effectiveness;

(2) assist the state in its public health activities, including the analysis of disease prevalence and trends and the development of public health responses;

(3) assist the state in developing and refining its overall health policy, including policy related to health care costs, quality, and access; and

(4) provide data that allows the evaluation of state health care financing and delivery programs.

Sec. 8. [62J.321] [DATA COLLECTION AND PROCESSING PROCEDURES.]

Subdivision 1. [DATA COLLECTION.] (a) The commissioner shall collect data from health care providers, health plan companies, and individuals in the most cost-effective manner, which does not unduly burden them. The commissioner may require health care providers and health plan companies to collect and provide patient health records and claim files, and cooperate in other ways with the data collection process. The commissioner may also require health care providers and health plan companies to provide mailing lists of patients. 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) The commissioner shall require all health care providers, group purchasers, and state agencies to use a standard patient identifier and a standard identifier for providers and health plan companies when reporting data under this chapter. The commissioner must encrypt patient identifiers to prevent identification of individual patients and to enable release of otherwise private data to researchers, providers, and group purchasers in a manner consistent with chapter 13 and sections 62J.55 and 144.335. This encryption must ensure that any data released must be in a form that makes it impossible to identify individual patients.

Subd. 2. [FAILURE TO PROVIDE DATA.] The intentional failure to provide the data requested under this chapter is grounds for disciplinary or regulatory action against a regulated provider or group purchaser. The commissioner may assess a fine against a provider or group purchaser who refuses to provide data required by the commissioner. If a provider or group purchaser refuses to provide the data required, the commissioner may obtain a court order requiring the provider or group purchaser to produce documents and allowing the commissioner to inspect the records of the provider or group purchaser for purposes of obtaining the data required.

Subd. 3. [DATA COLLECTION AND REVIEW.] Data collection must continue for a sufficient time to permit: adequate analysis by researchers and appropriate providers, including providers who will be impacted by the data; feedback to providers; monitoring for changes in practice patterns; and the data and research criteria of section 62J.311, subdivision 2, to be fulfilled.

Subd. 4. [USE OF EXISTING DATA.] (a) The commissioner shall negotiate with private sector organizations currently collecting health care data of interest to the commissioner to obtain required data in a cost-effective manner and minimize administrative costs. The commissioner shall attempt to establish links between the health care data collected to fulfill sections 62J.301 to 62J.42 and existing private sector data and shall consider and implement methods to streamline data collection in order to reduce public and private sector administrative costs.

(b) The commissioner shall use existing public sector data, such as those existing for medical assistance and Medicare, to the greatest extent possible. The commissioner shall establish links between existing public sector data and consider and implement methods to streamline public sector data collection in order to reduce public and private sector administrative costs.

Subd. 5. [DATA CLASSIFICATION.] (a) Data collected to fulfill the data and research initiatives authorized by sections 62J.301 to 62J.42 that identify individual patients or providers are private data on individuals. Data not on individuals are nonpublic data. The commissioner shall establish procedures and safeguards to ensure that data released by the commissioner is in a form that does not identify specific patients, providers, employers, individual or group purchasers, or other specific individuals and organizations, except with the permission of the affected individual or organization, or as permitted elsewhere in this chapter.

(b) Raw unaggregated data collected from household and employer surveys used by the commissioner to monitor the number of uninsured individuals, reasons for lack of insurance coverage, and to evaluate the effectiveness of health care reform, are subject to the same data classifications as data collected pursuant to sections 62J.301 to 62J.42.

(c) Notwithstanding sections 13.03, subdivisions 6 to 8; 13.10, subdivisions 1 to 4; and 138.17, data received by the commissioner pursuant to sections 62J.301 to 62J.42, shall retain the classification designated under this section and shall not be disclosed other than pursuant to this section.

(d) Summary data collected to fulfill the data and research initiatives authorized by sections 62J.301 to 62J.42 may be disseminated under section 13.05, subdivision 7. For the purposes of this section, summary data includes nonpublic data not on individuals.

(e) Notwithstanding paragraph (a), the commissioner may publish nonpublic or private data collected pursuant to sections 62J.301 to 62J.42 on health care costs and spending, quality and outcomes, and utilization for health care institutions, individual health care professionals and groups of health care professionals, group purchasers, and integrated service networks, with a description of the methodology used for analysis. The commissioner may not make public any patient identifying information except as specified in law. The commissioner shall not reveal the

name of an institution, group of professionals, individual health care professional, group purchaser, or integrated service network until after the institution, group of professionals, individual health care professional, group purchaser, or integrated service network has had 21 days to review the data and comment. The commissioner shall include comments received in the release of the data.

(f) A provider or group purchaser may contest whether the data meets the criteria of section 62J.311, subdivision 2, paragraph (a), clause (2), in accordance with a contested case proceeding as set forth in sections 14.57 to 14.62, subject to appeal in accordance with sections 14.63 to 14.68. To obtain a contested case hearing, the provider or group purchaser must make a written request to the commissioner before the end of the time period for review and comment. Within ten days of the assignment of an administrative law judge, the provider or group purchaser shall make a clear showing to the administrative law judge of probable success in a hearing on the merits and likely irreparable injury to the provider or group purchaser if the data is published. If the administrative law judge determines that the provider or group purchaser has made such a showing, the data shall remain private or nonpublic during the contested case proceeding and appeal. If the administrative law judge determines that the provider or group purchaser has not made such a showing, the commissioner may publish the data immediately, with comments received in the release of the data. The contested case proceeding and subsequent appeal is not an exclusive remedy and any person may seek a remedy pursuant to section 13.08, subdivisions 1 to 4, or as otherwise authorized by law.

Subd. 6. [RULEMAKING.] The commissioner may adopt rules to implement sections 62J.301 to 62J.452. In adopting rules under this subdivision, in addition to the statement of need and reasonableness required by section 14.131, the commissioner shall prepare a written regulatory analysis of each proposed rule. The regulatory analysis must contain:

(1) a description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) a description of the probable short-term and long-term quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of person;

(3) the probable costs to the department of the implementation and enforcement of the proposed rule;

(4) a comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;

(5) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule; and

(6) a description of any alternative methods for achieving the purpose of the proposed rules that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

Subd. 7. [FEDERAL AND OTHER GRANTS.] The commissioner may seek federal funding, and funding from private and other nonstate sources, for data and research initiatives.

Subd. 8. [CONTRACTS AND GRANTS.] To carry out the duties assigned in sections 62J.301 to 62J.42, the commissioner may contract with or provide grants to private sector entities. Any contract or grant must require the private sector entity to maintain the data which it receives according to the statutory provisions applicable to the data.

Sec. 9. [62J.322] [PROVIDER INFORMATION PILOT STUDY.]

The commissioner shall develop a pilot study to collect comparative data from health care providers on opportunities and barriers to the provision of quality, cost-effective health care. The provider information pilot study shall include providers in community integrated service networks, integrated service networks, health maintenance organizations, preferred provider organizations, indemnity insurance plans, public programs, and other health plan companies. Health plan companies and group purchasers shall provide to the commissioner providers' names, health plan

assignment, and other appropriate data necessary for the commissioner to conduct the study. The provider information pilot study shall examine factors that increase and hinder access to the provision of quality, cost-effective health care. The study may examine:

- (1) administrative barriers and facilitators;
- (2) time spent obtaining permission for appropriate and necessary treatments;
- (3) latitude to order appropriate and necessary tests, pharmaceuticals, and referrals to specialty providers;
- (4) assistance available for decreasing administrative and other routine paperwork activities;
- (5) continuing education opportunities provided;
- (6) access to readily available information on diagnoses, diseases, outcomes, and new technologies;
- (7) continuous quality improvement activities;
- (8) inclusion in administrative decision making;
- (9) access to social services and other services that facilitate continuity of care;
- (10) economic incentives and disincentives;
- (11) peer review procedures; and
- (12) the prerogative to address public health needs.

In selecting additional data for collection, the commissioner shall consider the: (i) statistical validity of the data; (ii) public need for the data; (iii) estimated expense of collecting and reporting the data; and (iv) usefulness of the data to identify barriers and opportunities to improve quality care provision within health plan companies.

Sec. 10. Minnesota Statutes 1994, section 62J.37, is amended to read:

62J.37 [COST CONTAINMENT DATA FROM INTEGRATED SERVICE NETWORKS.]

The commissioner shall require integrated service networks operating under section 62N.06, subdivision 1, to submit data on health care spending and revenue for calendar year ~~1994~~ 1996 by ~~February 15, 1995~~ April 1, 1997. Each ~~February 15~~ April 1 thereafter, integrated service networks shall submit to the commissioner data on health care spending and revenue for the preceding calendar year. The data must be provided in the form specified by the commissioner. To the extent that an integrated service network is operated by a group purchaser under section 62N.06, subdivision 2, the integrated service network is exempt from this section and the group purchaser must provide data on the integrated service network under section 62J.38.

Sec. 11. Minnesota Statutes 1994, section 62J.38, is amended to read:

62J.38 [COST CONTAINMENT DATA FROM GROUP PURCHASERS.]

(a) The commissioner shall require group purchasers to submit detailed data on total health care spending for ~~calendar years 1990, 1991, and 1992, and for each calendar year 1993 and successive calendar years.~~ Group purchasers shall submit data for the 1993 calendar year by April 1, 1994, and each April 1 thereafter shall submit data for the preceding calendar year.

(b) The commissioner shall require each group purchaser to submit data on revenue, expenses, and member months, as applicable. Revenue data must distinguish between premium revenue and revenue from other sources and must also include information on the amount of revenue in reserves and changes in reserves. Expenditure data, including raw data from claims, ~~must~~ may be provided separately for the following categories or for other categories required by the commissioner: physician services, dental services, other professional services, inpatient hospital services, outpatient hospital services, emergency ~~and out-of-area care~~, pharmacy services and

~~prescription drugs~~ other nondurable medical goods, mental health ~~services~~, and chemical dependency services, other expenditures, subscriber liability, and administrative costs. The commissioner may require each group purchaser to submit any other data, including data in unaggregated form, for the purposes of developing spending estimates, setting spending limits, and monitoring actual spending and costs.

(c) The commissioner may collect information on:

(1) premiums, benefit levels, managed care procedures, and other features of health plan companies;

(2) prices, provider experience, and other information for services less commonly covered by insurance or for which patients commonly face significant out-of-pocket expenses; and

(3) information on health care services not provided through health plan companies, including information on prices, costs, expenditures, and utilization.

~~(e) State agencies and~~ (d) All other group purchasers shall provide the required data using a uniform format and uniform definitions, as prescribed by the commissioner.

Sec. 12. Minnesota Statutes 1994, section 62J.40, is amended to read:

62J.40 [COST CONTAINMENT DATA FROM STATE AGENCIES AND OTHER GOVERNMENTAL UNITS.]

~~In addition to providing the data required under section 62J.38, the commissioners of human services, commerce, labor and industry, and employee relations and~~ (a) All other state departments or agencies that administer one or more health care programs shall provide to the commissioner of health any additional data on the health care programs they administer that is requested by the commissioner of health, including data in unaggregated form, for purposes of developing estimates of spending, setting spending limits, and monitoring actual spending. The data must be provided at the times and in the form specified by the commissioner of health.

(b) For purposes of estimating total health care spending as provided in section 62J.301, subdivision 4, clause (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.

Sec. 13. Minnesota Statutes 1994, section 62J.41, subdivision 1, is amended to read:

Subdivision 1. [COST CONTAINMENT DATA TO BE COLLECTED FROM PROVIDERS.]
The commissioner shall require health care providers to collect and provide both patient specific information and descriptive and financial aggregate data on:

(1) the total number of patients served;

(2) the total number of patients served by state of residence and Minnesota county;

(3) the site or sites where the health care provider provides services;

(4) the number of individuals employed, by type of employee, by the health care provider;

(5) the services and their costs for which no payment was received;

(6) total revenue by type of payer or by groups of payers, including but not limited to, revenue from Medicare, medical assistance, MinnesotaCare, nonprofit health service plan corporations, commercial insurers, integrated service networks, health maintenance organizations, and individual patients;

(7) revenue from research activities;

- (8) revenue from educational activities;
- (9) revenue from out-of-pocket payments by patients;
- (10) revenue from donations; and

(11) any other data required by the commissioner, including data in unaggregated form, for the purposes of developing spending estimates, setting spending limits, monitoring actual spending, and monitoring costs ~~and quality~~.

The commissioner may, by rule, modify the data submission categories listed above if the commissioner determines that this will reduce the reporting burden on providers without having a significant negative effect on necessary data collection efforts.

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.

Sec. 15. [62J.451] [MINNESOTA HEALTH DATA INSTITUTE.]

Subdivision 1. [STATEMENT OF PURPOSE.] It is the intention of the legislature to create a partnership between the public and the private sectors for the coordination of efforts related to the collection, analysis, and dissemination of cost, access, quality, utilization, and other performance data, to the extent administratively efficient and effective.

The Minnesota health data institute shall be a partnership between the commissioner of health and a board of directors representing group purchasers, health care providers, and consumers.

Subd. 2. [DEFINITIONS.] For purposes of this section and section 62J.452, the following definitions apply.

(a) "Analysis" means the identification of selected data elements, a description of the methodology used to select or analyze those data elements, and any other commentary, conclusions, or other descriptive material that the health data institute determines is appropriately included, all of which is undertaken by the health data institute for one or more of the purposes or objectives set forth in subdivisions 1 and 3, or by other authorized researchers pursuant to section 62J.452, subdivision 6.

(b) "Board" means the board of directors of the health data institute.

(c) "Database" means a compilation of selected data elements by the health data institute for the purpose of conducting an analysis or facilitating an analysis by another party.

(d) "Electronic data interchange system" or "EDI system" means the electronic data system developed, implemented, maintained, or operated by the health data institute, as permitted by subdivisions 3, clause (2), and 5, according to standards adopted by the health data institute.

(e) "Encounter level data" means data related to the utilization of health care services by, and the provision of health care services to, individual patients, enrollees, or insureds, including claims data, abstracts of medical records, and data from patient interviews and patient surveys.

(f) "Group purchaser" has the definition provided in section 62J.03, subdivision 6.

(g) "Health data institute" means the public-private partnership between the commissioner of health and the board of directors established under this section.

(h) "Health plan company" has the definition provided in section 62Q.01, subdivision 4.

(i) "Industry participant" means any group purchaser, employers with employee health benefit plans, regardless of the manner in which benefits are provided or paid for under the plan, provider, or state agency or political subdivision, with the exception of professional licensing boards or law enforcement agencies.

(j) "Industry participant identifying data" means any data that identifies a specific industry participant directly, or which identifies characteristics which reasonably could uniquely identify such specific industry participant circumstantially. For purposes of this definition, an industry participant is not "directly identified" by the use of a unique identification number, provided that the number is coded or encrypted through a reliable system that can reasonably assure that such numbers cannot be traced back by an unauthorized person to determine the identity of an industry participant with a particular number.

(k) "Patient" is an individual as defined in section 13.02, subdivision 8, except that "patient" does not include any industry participant acting as an industry participant rather than as a consumer of health care services or coverage.

(l) "Patient identifying data" means data that identifies a patient directly, or which identifies characteristics which reasonably could uniquely identify such specific patients circumstantially. For purposes of this definition, a patient is not "directly identified" by the use of a unique identification number, provided that the number is coded or encrypted through a reliable system that can reasonably assure that such numbers cannot be traced back by an unauthorized person to determine the identity of a patient with a particular number.

(m) "Performance" means the degree to which a health plan company, provider organization, or other entity delivers quality, cost-effective services compared to other similar entities, or to a given level of care set as a goal to be attained.

(n) "Provider" or "health care provider" has the meaning given in section 62J.03, subdivision 8.

(o) "Roster data" with regard to the enrollee of a health plan company or group purchaser means an enrollee's name, address, telephone number, date of birth, gender, and enrollment status under a group purchaser's health plan. "Roster data" with regard to a patient of a provider means the patient's name, address, telephone number, date of birth, gender, and date or dates treated, including, if applicable, the date of admission and the date of discharge.

Subd. 3. [OBJECTIVES OF THE HEALTH DATA INSTITUTE.] (a) The health data institute shall:

(1) develop a data collection plan that provides coordination for public and private sector data collection efforts related to the performance measurement and improvement of the health care delivery system;

(2) establish an electronic data interchange system that may be used by the public and private sectors to exchange health care data in a cost-efficient manner;

(3) develop a mechanism to collect, analyze, and disseminate information for comparing the cost and quality of health care delivery system components, including health plan companies and provider organizations;

(4) develop policies and procedures to protect the privacy of individual-identifiable data, and to assure appropriate access to and disclosure of information specific to individual health plan companies and provider organizations collected pursuant to this section; and

(5) use and build upon existing data sources and performance measurement efforts, and improve upon these existing data sources and measurement efforts through the integration of data systems and the standardization of concepts, to the greatest extent possible.

(b) In carrying out its responsibilities, the health data institute may contract with private sector organizations currently collecting data on specific health-related areas of interest to the health data institute, in order to achieve maximum efficiency and cost-effectiveness. The health data institute

may establish links between the data collected and maintained by the health data institute and private sector data through the health data institute's electronic data interchange system, and may implement methods to streamline data collection in order to reduce public and private sector administrative costs. The health data institute may use or establish links with public sector data, such as that existing for medical assistance and Medicare, to the extent permitted by state and federal law. The health data institute may also recommend methods to streamline public sector data collection in order to reduce public and private sector administrative costs.

(c) Any contract with a private sector entity must require the private sector entity to maintain the data collected according to the applicable data privacy provisions, as provided in section 62J.452.

Subd. 4. [DATA COLLECTION PLAN.] (a) The health data institute shall develop a plan that:

(1) identifies the health care data needs of consumers, group purchasers, providers, and the state regarding the performance of health care delivery system components including health plan companies and provider organizations;

(2) specifies data collection objectives, strategies, priorities, cost estimates, administrative and operational guidelines, and implementation timelines for the health data institute; and

(3) identifies the data needed for the health data institute to carry out the duties assigned in this section. The plan must take into consideration existing data sources and data sources that can easily be made uniform for links to other data sets.

(b) This plan shall be updated on an annual basis.

Subd. 5. [HEALTH CARE ELECTRONIC DATA INTERCHANGE SYSTEM.] (a) The health data institute shall establish an electronic data interchange system that electronically transmits, collects, archives, and provides users of data with the data necessary for their specific interests, in order to promote a high quality, cost-effective, consumer-responsive health care system. This public-private information system shall be developed to make health care claims processing and financial settlement transactions more efficient and to provide an efficient, unobtrusive method for meeting the shared electronic data interchange needs of consumers, group purchasers, providers, and the state.

(b) The health data institute shall operate the Minnesota center for health care electronic data interchange established in section 62J.57, and shall integrate the goals, objectives, and activities of the center with those of the health data institute's electronic data interchange system.

Subd. 6. [PERFORMANCE MEASUREMENT INFORMATION.] (a) The health data institute shall develop and implement a performance measurement plan to analyze and disseminate health care data to address the needs of consumers, group purchasers, providers, and the state for performance measurement at various levels of the health care system in the state. The plan shall include a mechanism to:

(1) provide comparative information to consumers, purchasers, and policymakers for use in performance assessment of health care system components, including health plan companies and provider organizations;

(2) complement and enhance, but not replace, existing internal performance improvement efforts of health care providers and plans; and

(3) reduce unnecessary administrative costs in the health care system by eliminating duplication in the collection of data for both evaluation and improvement efforts.

(b) Performance measurement at the provider organization level may be conducted on a condition-specific basis. Criteria for selecting conditions for measurement may include:

(1) relevance to consumers and purchasers;

(2) prevalence of conditions;

- (3) costs related to diagnosis and treatment;
 - (4) demonstrated efficacy of treatments;
 - (5) evidence of variability in management;
 - (6) existence of risk adjustment methodologies to control for patient and other risk factors contributing to variation in cost and quality;
 - (7) existence of practice guidelines related to the condition; and
 - (8) relevance of the condition to public health goals.
- (c) Performance measurement on a condition-specific basis may consider multiple dimensions of performance, including, but not limited to:

- (1) accessibility;
 - (2) appropriateness;
 - (3) effectiveness, including clinical outcomes, patient satisfaction, and functional status; and
 - (4) efficiency.
- (d) Collection of data for condition-specific performance measurement may be conducted at the patient level. Encounter-level data collected for this purpose may include unique identifiers for patients, providers, payers, and employers in order to link episodes of care across care settings and over time. The health data institute must encrypt patient identifiers to prevent identification of individual patients and to enable release of otherwise private data to researchers, providers, and group purchasers in a manner consistent with chapter 13 and sections 62J.452 and 144.335.

Subd. 6a. [HEALTH PLAN COMPANY PERFORMANCE MEASUREMENT.] As part of the performance measurement plan specified in subdivision 6, the health data institute shall develop a mechanism to assess the performance of health plan companies, and to disseminate this information through reports and other means to consumers, purchasers, policymakers, and other interested parties, consistent with the data policies specified in section 62J.452.

Subd. 6b. [CONSUMER SURVEYS.] (a) The health data institute shall develop and implement a mechanism for collecting comparative data on consumer perceptions of the health care system, including consumer satisfaction, through adoption of a standard consumer survey. This survey shall include enrollees in community integrated service networks, integrated service networks, health maintenance organizations, preferred provider organizations, indemnity insurance plans, public programs, and other health plan companies. The health data institute, in consultation with the health care commission, shall determine a mechanism for the inclusion of the uninsured. This consumer survey may be conducted every two years. A focused survey may be conducted on the off years. Health plan companies and group purchasers shall provide to the health data institute roster data as defined in subdivision 2, including the names, addresses, and telephone numbers of enrollees and former enrollees and other data necessary for the completion of this survey. This roster data provided by the health plan companies and group purchasers is classified as provided under section 62J.452. The health data institute may analyze and prepare findings from the raw, unaggregated data, and the findings from this survey may be included in the health plan company performance reports specified in subdivision 6a, and in other reports developed and disseminated by the health data institute and the commissioner. The raw, unaggregated data is classified as provided under section 62J.452, and may be made available by the health data institute to the extent permitted under section 62J.452. The health data institute shall provide raw, unaggregated data to the commissioner. The survey may include information on the following subjects:

- (1) enrollees' overall satisfaction with their health care plan;
- (2) consumers' perception of access to emergency, urgent, routine, and preventive care, including locations, hours, waiting times, and access to care when needed;
- (3) premiums and costs;

- (4) technical competence of providers;
- (5) communication, courtesy, respect, reassurance, and support;
- (6) choice and continuity of providers;
- (7) continuity of care;
- (8) outcomes of care;
- (9) services offered by the plan, including range of services, coverage for preventive and routine services, and coverage for illness and hospitalization;
- (10) availability of information; and
- (11) paperwork.

(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.

Subd. 6c. [PROVIDER ORGANIZATION PERFORMANCE MEASUREMENT.] As part of the performance measurement plan specified in subdivision 6, the health data institute shall develop a mechanism to assess the performance of hospitals and other provider organizations, and to disseminate this information to consumers, purchasers, policymakers, and other interested parties, consistent with the data policies specified in section 62J.452. Data to be collected may include structural characteristics including staff-mix and nurse-patient ratios. In selecting additional data for collection, the health data institute may consider:

- (1) feasibility and statistical validity of the indicator;
- (2) purchaser and public demand for the indicator;
- (3) estimated expense of collecting and reporting the indicator; and
- (4) usefulness of the indicator for internal improvement purposes.

Subd. 7. [DISSEMINATION OF REPORTS; OTHER INFORMATION.] (a) The health data institute shall establish a mechanism for the dissemination of reports and other information to consumers, group purchasers, health plan companies, providers, and the state. When applicable, the health data institute shall coordinate its dissemination of information responsibilities with those of the commissioner, to the extent administratively efficient and effective.

(b) The health data institute may require those requesting data from its databases to contribute toward the cost of data collection through the payments of fees.

(c) The health data institute shall not allow a group purchaser or health care provider to use or have access to the electronic data interchange system or to access data under section 62J.452, subdivision 6 or 7, unless the group purchaser or health care provider cooperates with the data collection efforts of the health data institute by submitting or making available through the EDI system or other means all data requested by the health data institute. The health data institute shall prohibit group purchasers and health care providers from transferring, providing, or sharing data obtained from the health data institute under section 62J.452, subdivision 6 or 7, with a group purchaser or health care provider that does not cooperate with the data collection efforts of the health data institute.

Subd. 8. [ANNUAL REPORT.] (a) The health data institute shall submit to the chairs of the senate joint crime prevention and judiciary subcommittee on privacy, the house of representatives judiciary committee, the legislative commission on health care access, the commissioner, and the governor a report on the activities of the health data institute by February 1 of each year beginning February 1, 1996. The report shall include:

(1) a description of the data initiatives undertaken by the health data institute, including a statement of the purpose and a summary of the results of the initiative;

(2) a description of the steps taken by the health data institute to comply with the confidentiality requirements of this section and other applicable laws, and of the health data institute's internal policies and operating procedures relating to data privacy and confidentiality; 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.

(b) If the health data institute amends or adopts an internal policy or operating procedure relating to data privacy and confidentiality, it shall submit copies of such policy or procedure within 30 days of its adoption to the public officials identified in this subdivision.

Subd. 9. [BOARD OF DIRECTORS.] The health data institute is governed by a 20-member board of directors consisting of the following members:

(1) two representatives of hospitals, one appointed by the Minnesota Hospital Association and one appointed by the Metropolitan HealthCare Council, to reflect a mix of urban and rural institutions;

(2) four representatives of health carriers, two appointed by the Minnesota council of health maintenance organizations, one appointed by Blue Cross and Blue Shield of Minnesota, and one appointed by the Insurance Federation of Minnesota;

(3) two consumer members, one appointed by the commissioner, and one appointed by the AFL-CIO as a labor union representative;

(4) five group purchaser representatives appointed by the Minnesota consortium of health care purchasers to reflect a mix of urban and rural, large and small, and self-insured purchasers;

(5) two physicians appointed by the Minnesota Medical Association, to reflect a mix of urban and rural practitioners;

(6) one representative of teaching and research institutions, appointed jointly by the Mayo Foundation and the Minnesota Association of Public Teaching Hospitals;

(7) one nursing representative appointed by the Minnesota Nurses Association; and

(8) three representatives of state agencies, one member representing the department of employee relations, one member representing the department of human services, and one member representing the department of health.

Subd. 10. [TERMS; COMPENSATION; REMOVAL; AND VACANCIES.] The board is governed by section 15.0575.

Subd. 11. [STATUTORY GOVERNANCE.] The health data institute is subject to chapter 13 and section 471.705.

Subd. 12. [STAFF.] The board may hire an executive director. The executive director and other health data institute staff are not state employees but are covered by section 3.736. The executive director and other health data institute staff may participate in the following plans for employees in the unclassified service until January 1, 1996: the state retirement plan, the state deferred compensation plan, and the health, dental, and life insurance plans. The attorney general shall provide legal services to the board.

Subd. 13. [FEDERAL AND OTHER GRANTS.] The health data institute may seek federal funding, and funding from private and other nonstate sources for the initiative required by the board.

Subd. 14. [CONTRACTS.] To carry out the duties assigned in this section, the health data institute may contract with private sector entities. Any contract must require the private sector entity to maintain the data which it receives according to the statutory provisions applicable to the data and any other applicable provision specified in section 62J.452.

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.

Sec. 16. [62J.452] [PROTECTION OF PRIVACY AND CONFIDENTIALITY OF HEALTH CARE DATA.]

Subdivision 1. [STATEMENT OF PURPOSE.] The health data institute shall adopt data collection, analysis, and dissemination policies that reflect the importance of protecting the right of privacy of patients in their health care data in connection with each data initiative that the health data institute intends to undertake.

Subd. 2. [DATA CLASSIFICATIONS.] (a) Data collected, obtained, received, or created by the health data institute shall be private or nonpublic, as applicable, unless given a different classification in this subdivision. Data classified as private or nonpublic under this subdivision may be released or disclosed only as permitted under this subdivision and under the other subdivisions referenced in this subdivision. For purposes of this section, data that identify individual patients or industry participants are private data on individuals or nonpublic data, as appropriate. Data not on individuals are nonpublic data. Notwithstanding sections 13.03, subdivisions 6 to 8; 13.10, subdivisions 1 to 4; and 138.17, data received by the health data institute shall retain the classification designated under this chapter and shall not be disclosed other than pursuant to this chapter. Nothing in this subdivision prevents patients from gaining access to their health record information pursuant to section 144.335.

(b) When industry participants, as defined in section 62J.451, are required by statute to provide patient identifying data to the commissioner pursuant to this chapter or to the health data institute pursuant to section 62J.451, they shall be able to provide the data with or without patient consent, and may not be held liable for doing so.

(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.

(d) Patient identifying data may be disclosed only as permitted under subdivision 3.

(e) Industry participant identifying data which is not patient identifying data may be disclosed only by being made public in an analysis as permitted under subdivisions 4 and 5 or through access to an approved researcher, industry participant, or contractor as permitted under subdivision 6 or 7.

(f) Data that is not patient identifying data and not industry participant identifying data is public data.

(g) Data that describes the finances, governance, internal operations, policies, or operating procedures of the health data institute, and that does not identify patients or industry participants or identifies them only in connection with their involvement with the health data institute, is public data.

Subd. 3. [PATIENT IDENTIFYING DATA.] (a) The health data institute must not make public any analysis that contains patient identifying data.

(b) The health data institute may disclose patient identifying data only as follows:

(1) to research organizations that meet the requirements set forth in subdivision 6, paragraph (a), but only to the extent that such disclosure is also permitted by section 144.335, subdivision 3a, paragraph (a); or

(2) to a contractor of, or vendor of services to the health data institute for the purposes of conducting a survey or analysis, provided that such contractor or vendor agrees to comply with all data privacy requirements applicable to the health data institute, and to destroy or return to the health data institute all copies of patient identifying data in the possession of such contractor or vendor upon completion of the contract.

Subd. 4. [ANALYSIS TO BE MADE PUBLIC BY THE HEALTH DATA INSTITUTE.] (a) Notwithstanding the classification under subdivision 2 or other provision of state law of data included or used in an analysis, the health data institute may make public data in an analysis pursuant to this subdivision and subdivision 5. Such analysis may include industry participant identifying data but must not include patient identifying data. In making its determination as to whether to make an analysis or the data used in the analysis public, the health data institute shall consider 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.

(b) Prior to making an analysis public, the health data institute must provide to any industry participant identified in the analysis an opportunity to use the fair hearing procedure established under subdivision 5.

(c) Accompanying an analysis made public by the health data institute, the health data institute shall also make public descriptions of the database used in the analysis, the methods of adjusting for case mix and severity, and assuring accuracy, completeness, reliability, and statistical and clinical significance, as appropriate, and appropriate uses of the analysis and related analytical data, including precautionary statements regarding the limitations of the analysis and related analytical data.

Subd. 5. [FAIR HEARING PROCEDURE PRIOR TO MAKING AN ANALYSIS PUBLIC.] (a) The health data institute may not make public an analysis that identifies an industry participant unless the health data institute first complies with this subdivision. A draft of the portion of the analysis that identifies an industry participant must be furnished upon an industry participant's request to that industry participant prior to making that portion of the analysis public. Such draft analysis is private or nonpublic, as applicable. The industry participants so identified have the right to a hearing, at which the industry participants may object to or seek modification of the analysis. The cost of the hearing shall be borne by the industry participant requesting the hearing.

(b) The health data institute shall establish the hearing procedure in writing. The hearing procedure shall include the following:

(1) the provision of reasonable notice of the health data institute's intention to make such analysis public;

(2) an opportunity for the identified industry participants to submit written statements to the health data institute board of directors or its designate, to be represented, and to append a statement to such analysis to be included with it when and if the analysis is made public; and

(3) access by the identified industry participants to industry participant identifying data, but only as permitted by subdivision 6 or 7.

(c) The health data institute shall make the hearing procedure available in advance to industry participants which are identified in an analysis. The written hearing procedure is public data. The following data related to a hearing is public:

(1) the parties involved;

(2) the dates of the hearing; and

(3) a general description of the issue and the results of the hearing; all other data relating to the hearing is private or nonpublic.

Subd. 6. [ACCESS BY APPROVED RESEARCHERS TO DATA THAT IDENTIFIES INDUSTRY PARTICIPANTS BUT DOES NOT IDENTIFY PATIENTS.] (a) The health data institute shall provide access to industry participant identifying data, but not patient identifying data, once those data are in analyzable form, upon request to research organizations or individuals that:

(1) have as explicit goals research purposes that promote individual or public health and the release of research results to the public as determined by the health data institute according to standards it adopts for evaluating such goals;

(2) enforce strict and explicit policies which protect the confidentiality and integrity of data as determined by the health data institute according to standards it adopts for evaluating such policies;

(3) agree not to make public, redisclose, or transfer the data to any other individual or organization, except as permitted under paragraph (b);

(4) demonstrate a research purpose for the data that can be accomplished only if the data are provided in a form that identifies specific industry participants as determined by the health data institute according to standards it adopts for evaluating such research purposes; and

(5) agree to disclose analysis in a public forum or publication only pursuant to subdivisions 4 and 5 and other applicable statutes and the health data institute's operating rules governing the making of an analysis public by the health data institute.

(b) Contractors of entities that have access under paragraph (a) may also have access to industry participant identifying data, provided that the contract requires the contractor to comply with the confidentiality requirements set forth in this section and under any other statute applicable to the entity.

Subd. 7. [ACCESS BY INDUSTRY PARTICIPANTS TO DATA THAT IDENTIFIES INDUSTRY PARTICIPANTS BUT DOES NOT IDENTIFY PATIENTS.] (a) The health data institute may provide, to an industry participant, data that identifies that industry participant or other industry participants, to the extent permitted under this subdivision. An employer or an employer purchasing group may receive data relating to care provided to patients for which that employer acts as the payer. A health plan company may receive data relating to care provided to enrollees of that health plan company. A provider may receive data relating to care provided to patients of that provider.

(b) An industry participant may receive data that identifies that industry participant or other industry participants and that relates to care purchased or provided by industry participants other than the industry participant seeking the data. These data must be provided by the health data institute only with appropriate authorization from all industry participants identified.

(c) The health data institute must not provide access to any data under this subdivision that is patient identifying data as defined in section 62J.451, subdivision 2, paragraph (l), even if providing that data would otherwise be allowed under this subdivision.

(d) To receive data under this subdivision, an industry participant must cooperate with the health data institute as provided under section 62J.451, subdivision 7, paragraph (c).

(e) Contractors of entities that have access under paragraph (b) may have access to industry participant identifying data, provided that the contract requires the contractor to comply with the confidentiality requirements set forth in this section and under any other statute applicable to the entity.

Subd. 8. [STATUS OF DATA ON THE ELECTRONIC DATA INTERCHANGE SYSTEM.] (a) Data created or generated by or in the custody of an industry participant, and transferred electronically by that industry participant to another industry participant using the EDI system developed, implemented, maintained, or operated by the health data institute, as permitted by section 62J.451, subdivision 3, clause (2), and subdivision 5, is not subject to this section or to chapter 13 except as provided below.

(b) Data created or generated by or in the custody of an industry participant is subject to the privacy protections applicable to the data, including, but not limited to, chapter 13 with respect to state agencies and political subdivisions, the Minnesota insurance fair information reporting act with respect to industry participants subject to it, and section 144.335, with respect to providers and other industry participants subject to such section.

Subd. 9. [AUTHORIZATION OF STATE AGENCIES AND POLITICAL SUBDIVISIONS TO PROVIDE DATA.] (a) Notwithstanding any limitation in chapter 13 or section 62J.321, subdivision 5, regarding the disclosure of not public data, all state agencies and political subdivisions, including, but not limited to, municipalities, counties, and hospital districts may

provide not public data relating to health care costs, quality, or outcomes to the health data institute for the purposes set forth in section 62J.451.

(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) Any data provided to the health data institute pursuant to paragraph (a) shall retain the same classification that it had with the state agency or political subdivision that provided it. The authorization in this subdivision is subject to any federal law restricting or prohibiting such disclosure of the data described above.

(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.

Subd. 10. [CIVIL REMEDIES.] Violation of any of the confidentiality requirements set forth in subdivision 3; 4, paragraph (a); 6; or 7, by the health data institute, its board members, employees and contractors, any industry participant, or by any other person shall be subject to section 13.08, including, but not limited to, the immunities set forth in section 13.08, subdivisions 5 and 6. The health data institute shall not be liable for exercising its discretion in a manner that is not an abuse of discretion with respect to matters under its discretion by this section or section 62J.451. The health data institute shall not be liable for the actions of persons not under the direction and control of the health data institute, where it has performed its responsibilities to protect data privacy by complying with the requirements of this section and other applicable laws with regard to the disclosure of data. The remedies set forth in this section do not preclude any person from pursuing any other remedies authorized by law.

Subd. 11. [PENALTIES.] (a) Any person who willfully violates the confidentiality requirements set forth in subdivision 3; 4, paragraph (a); 6; or 7, shall be guilty of a misdemeanor.

(b) Any person who willfully violates the confidentiality requirements of subdivision 3, 4, 6, 7, 8, or 9, by willfully disclosing patient or industry participant identifying data for compensation or remuneration of any kind or for the purpose of damaging the reputation of any patient or industry participant or any other malicious purpose, shall be guilty of a gross misdemeanor.

Subd. 12. [DISCOVERABILITY OF HEALTH DATA INSTITUTE DATA.] (a) Data created, collected, received, maintained, or disseminated by the health data institute shall not be subject to discovery or introduction into evidence in any civil or criminal action. Data created, collected, received, maintained, or disseminated by the health data institute that is otherwise available from original sources is subject to discovery from those sources and may be introduced into evidence in civil or criminal actions in accordance with and subject to applicable laws and rules of evidence and civil or criminal procedure, as applicable.

(b) Information related to submission of data to the health data institute by industry participants is not discoverable in any civil or criminal action. Discovery requests prohibited under this paragraph include, but are not limited to, document requests or interrogatories that ask for "all data provided to the Minnesota health data institute."

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.

Sec. 18. Minnesota Statutes 1994, section 62J.55, is amended to read:

62J.55 [PRIVACY OF UNIQUE IDENTIFIERS.]

(a) When the unique identifiers specified in section 62J.54 are used for data collection purposes, the identifiers must be encrypted, as required in section ~~62J.30~~ 62J.321, subdivision 6 1. Encryption must follow encryption standards set by the National Bureau of Standards and approved by the American National Standards Institute as ANSI X3.92-1982/R 1987 to protect the confidentiality of the data. Social security numbers must not be maintained in unencrypted form in the database, and the data must never be released in a form that would allow for the identification of individuals. The encryption algorithm and hardware used must not use clipper chip technology.

(b) Providers and group purchasers shall treat medical records, including the social security number if it is used as a unique patient identifier, in accordance with section 144.335. The social security number may be disclosed by providers and group purchasers to the commissioner as necessary to allow performance of those duties set forth in section 144.05.

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.

Sec. 20. [RULES.]

Notwithstanding Minnesota Statutes, section 14.05, subdivision 1, Minnesota Rules, chapters 4650, 4651, and 4652, shall continue in effect under the authority granted in Minnesota Statutes, section 62J.321, subdivision 6.

Sec. 21. [INSTRUCTION TO REVISOR.]

(a) The revisor of statutes is instructed to change the term "data institute" or "institute", where applicable, to "health data institute" in the 1996 edition of Minnesota Statutes and Minnesota Rules.

(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."

Pages 85 to 87, delete sections 1 and 2 and insert:

"Section 1. [62J.66] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of section 62J.66 and 62J.68, the following definitions apply.

Subd. 2. [DISCOUNTED PRICE.] The "discounted price" means the average wholesale price for a prescription drug minus 20 percent.

Subd. 3. [ELIGIBLE SENIOR.] "Eligible senior" means a senior citizen eligible for the senior drug discount program under section 62J.68, subdivision 3.

Subd. 4. [SENIOR CITIZEN.] "Senior citizen" means a resident of Minnesota who is age 65 or older.

Subd. 5. [SENIOR DRUG DISCOUNT PROGRAM.] "Senior drug discount program" means the program established in section 62J.68.

Subd. 6. [PARTICIPATING DRUG MANUFACTURER.] "Participating drug manufacturer" means any manufacturer who agrees to voluntarily participate in the senior drug discount program.

Subd. 7. [PARTICIPATING CLAIMS PROCESSING COMPANIES.] "Participating claims processing companies" means entities, including, but not limited to, pharmacy benefit management companies, that are awarded a contract by the department of administration to provide on-line services to process payments to participating pharmacies.

Sec. 2. [62J.68] [SENIOR DRUG DISCOUNT PROGRAM.]

Subdivision 1. [ESTABLISHMENT AND ADMINISTRATION.] (a) The commissioner of administration shall award a contract or contracts to claims processing companies to process payments to participating pharmacies. The contract must include: (1) provisions for participating manufacturers to provide discount payments, through participating claims processing companies, equal to the difference between the discounted price and the average wholesale price; and (2) quality assurance and verification procedures and authority to conduct audits of pharmacy claims as necessary to ensure that pharmacy reimbursement payments are appropriate and justified.

(b) The commissioner of administration may establish an expert panel to assist in the development of the request for proposal for awarding the contract or contracts to process payments for the senior drug discount program.

Subd. 2. [PARTICIPATING MANUFACTURERS.] Participating manufacturers agree to: (1) pay participating pharmacies an amount equal to the difference between the discounted price and the average wholesale price; (2) process discount payments through participating claims processing companies on a monthly basis; (3) pay administrative fees established under subdivision 7.

Subd. 3. [PARTICIPATING PHARMACIES.] Participating pharmacies agree to: (1) provide eligible seniors the discounted price established by the senior drug discount program; (2) accept payments from participating claims processing companies equal to the difference between the discounted price and the average wholesale price; and (3) not charge eligible seniors a dispensing fee greater than the current dispensing fee for medical assistance programs.

Subd. 4. [ENROLLMENT.] The commissioner of human services shall determine eligibility as specified in subdivision 5 and enroll senior citizens in the senior drug discount program. The commissioner may use volunteers to assist in eligibility and enrollment duties. The commissioner of human services shall post the eligibility of the enrollees to the department's MMIS where it can be assessed by participating pharmacies through the department's eligibility verification system upon presentation of the enrollee's Minnesota health care programs card.

Subd. 5. [ELIGIBILITY.] (a) Senior citizens are eligible for the program if:

- (1) their household income does not exceed 200 percent of the federal poverty guidelines;
- (2) they are enrolled in Medicare Part A and Part B;
- (3) they do not have coverage for prescription drugs under a health plan, as defined in section 62Q.01, subdivision 3;
- (4) they do not have coverage for prescription drugs under a Medicare supplement plan, as defined in sections 62A.31 to 62A.44, or policies, contracts, or certificates that supplement Medicare issued by health maintenance organizations or those policies, contracts, or certificates governed by section 1833 or 1976 of the federal Social Security Act, United States Code, title 42, section 1395, et seq., as amended;

(5) they meet the residency requirements established under section 256.9359; and

(6) they do not have coverage under medical assistance, general assistance medical care, and MinnesotaCare program.

(b) The commissioner of human services shall provide each eligible senior with a Minnesota health care programs card indicating enrollment in the senior drug discount program. Eligible seniors must present this card to the participating pharmacy in order to receive the discounted price.

Subd. 6. [ENROLLMENT FEE.] The commissioner of human services may establish an annual enrollment fee of \$5 for purposes of administering the senior drug discount program. The fees shall be deposited in a special revenue account for the purpose of administration of enrollment to the senior drug discount program. This account shall be exempt from paying statewide and agency indirect costs as required under section 16A.127.

Subd. 7. [ADMINISTRATIVE FEE.] An administrative fee, may be used for administrative and contract costs. This administrative fee shall be set at a percentage of estimated acquisition cost and may be determined through negotiations between drug manufacturers, and participating claims processing companies.

Sec. 3. Minnesota Statutes 1994, section 256.9353, subdivision 1, is amended to read:

Subdivision 1. [COVERED HEALTH SERVICES.] "Covered health services" means the health services reimbursed under chapter 256B, with the exception of inpatient hospital services,

special education services, private duty nursing services, adult dental care services other than preventive services, orthodontic services, nonemergency medical transportation services, personal care assistant and case management services, ~~hospice care services~~, nursing home or intermediate care facilities services, inpatient mental health services, and chemical dependency services. Outpatient mental health services covered under the MinnesotaCare program are limited to diagnostic assessments, psychological testing, explanation of findings, medication management by a physician, day treatment, partial hospitalization, and individual, family, and group psychotherapy. Covered health services shall be expanded as provided in this section.

Sec. 4. Minnesota Statutes 1994, section 256.9353, subdivision 3, is amended to read:

Subd. 3. [INPATIENT HOSPITAL SERVICES.] (a) Beginning July 1, 1993, covered health services shall include inpatient hospital services, including inpatient hospital mental health services and inpatient hospital and residential chemical dependency treatment, subject to those limitations necessary to coordinate the provision of these services with eligibility under the medical assistance spenddown. The inpatient hospital benefit for adult enrollees is subject to an annual benefit limit of \$10,000. ~~The commissioner shall provide enrollees with at least 60 days' notice of coverage for inpatient hospital services and any premium increase associated with the inclusion of this benefit.~~

(b) Enrollees determined by the commissioner to have a basis of eligibility for medical assistance shall apply for and cooperate with the requirements of medical assistance by the last day of the third month following admission to an inpatient hospital. If an enrollee fails to apply for medical assistance within this time period, the enrollee and the enrollee's family shall be disenrolled from the plan within one calendar month. Enrollees and enrollees' families disenrolled for not applying for or not cooperating with medical assistance may not reenroll.

(c) Admissions for inpatient hospital services paid for under section 256.9362, subdivision 3, must be certified as medically necessary in accordance with Minnesota Rules, parts 9505.0500 to 9505.0540, except as provided in clauses (1) and (2):

(1) all admissions must be certified, except those authorized under rules established under section 254A.03, subdivision 3, or approved under Medicare; and

(2) payment under section 256.9362, subdivision 3, shall be reduced by five percent for admissions for which certification is requested more than 30 days after the day of admission. The hospital may not seek payment from the enrollee for the amount of the payment reduction under this clause."

Page 90, line 20, after the stricken period, insert "If the federal Health Care Financing Administration approves the section 1115 MinnesotaCare health care reform waiver request submitted by the commissioner, and federal financial participation is made available for children enrolled in the MinnesotaCare program, beginning July 1, 1995, or on the day federal financial participation for children enrolled in the MinnesotaCare program is made available, whichever is later, the definition of "eligible persons" is expanded to include all individuals and households with no children who have gross family incomes that are equal or less than 150 percent of the federal poverty guidelines and who are not eligible for medical assistance without a spenddown under chapter 256B. If the MinnesotaCare health care reform waiver request is not approved, eligibility for individuals and households shall be determined as provided in paragraph (a)."

Page 90, line 21, reinstate the stricken language

Page 90, line 22, delete the new language and reinstate the stricken language

Page 94, after line 15, insert:

"Sec. 15. Minnesota Statutes 1994, section 256.9363, subdivision 5, is amended to read:

Subd. 5. [ELIGIBILITY FOR OTHER STATE PROGRAMS.] MinnesotaCare enrollees who become eligible for medical assistance or general assistance medical care will remain in the same managed care plan if the managed care plan has a contract for that population. Contracts between the department of human services and managed care plans must include MinnesotaCare, and medical assistance and may, at the option of the commissioner of human services, also include general assistance medical care.

Sec. 16. [256.9366] [ELIGIBILITY FOR MINNESOTACARE FOR FAMILIES AND CHILDREN UNDER THE MINNESOTACARE HEALTH CARE REFORM WAIVER.]

Subdivision 1. [FAMILIES WITH CHILDREN; IN GENERAL.] Families with children with family income equal to or less than 275 percent of the federal poverty guidelines for the applicable family size shall be determined eligible for MinnesotaCare according to this section, and section 256.9354, subdivisions 2 to 4, shall no longer apply. All other provisions of sections 256.9351 to 256.9363, including the insurance-related barriers to enrollment under section 256.9357, shall apply unless otherwise specified in sections 256.9366 to 256.9369.

Subd. 2. [CHILDREN.] For purposes of sections 256.9366 to 256.9369, a "child" is an individual under 21 years of age, including the unborn child of a pregnant woman, and including an emancipated minor, and the emancipated minor's spouse.

Subd. 3. [FAMILIES WITH CHILDREN.] For purposes of sections 256.9366 to 256.9369, a "family with children" means a parent or parents and their children, or legal guardians and their wards who are children, and dependent siblings, residing in the same household. The term includes children and dependent siblings who are temporarily absent from the household in settings such as schools, camps, or visitation with noncustodial parents. For purposes of this section, a "dependent sibling" means an unmarried child who is a full-time student under the age of 25 years who is financially dependent upon a parent. Proof of school enrollment will be required.

Subd. 4. [CHILDREN IN FAMILIES WITH INCOME AT OR LESS THAN 150 PERCENT OF FEDERAL POVERTY GUIDELINES.] Children who have gross family incomes that are equal to or less than 150 percent of the federal poverty guidelines and who are not otherwise insured for the covered services, are eligible for enrollment under sections 256.9366 to 256.9369. For the purposes of this section, "not otherwise insured for covered services" has the meaning given in Minnesota Rules, part 9506.0020, subpart 3, item B.

Subd. 5. [RESIDENCY.] Families and children who are otherwise eligible for enrollment under section 256.9366 are exempt from the Minnesota residency requirements of section 256.9359, if they meet the residency requirements of the medical assistance program according to chapter 256B.

Subd. 6. [COOPERATION WITH MEDICAL ASSISTANCE.] Pregnant women and children applying for MinnesotaCare under this section are not required to apply for the medical assistance program as a condition of enrollment. Other adults enrolled in MinnesotaCare determined by the commissioner to have a basis of eligibility for medical assistance must cooperate in completing an application for medical assistance by the last day of the third month following admission to an inpatient hospital. If an enrollee fails to complete an application for medical assistance within this time period, the enrollee shall be disenrolled and may not reenroll.

Subd. 7. [COOPERATION IN ESTABLISHING PATERNITY AND OTHER MEDICAL SUPPORT.] Families and children enrolled in the MinnesotaCare program must cooperate with the department of human services and the local agency in establishing paternity of an enrolled child and in obtaining medical care support and payments for the child and any other person for whom the person can legally assign rights, in accordance with applicable laws and rules governing the medical assistance program. A child shall not be ineligible for or disenrolled from the MinnesotaCare program solely because of the child's parent or caretaker's failure to cooperate in establishing paternity or obtaining medical support.

Sec. 17. [256.9367] [COVERED SERVICES FOR PREGNANT WOMEN AND CHILDREN UNDER THE MINNESOTACARE HEALTH CARE REFORM WAIVER.]

Children and pregnant women are eligible for coverage of all services that are eligible for reimbursement under the medical assistance program according to chapter 256B. Pregnant women and children are exempt from the provisions of section 256.9353, subdivision 7, regarding copayments.

Sec. 18. [256.9368] [PREMIUMS.]

Subdivision 1. [PREMIUM DETERMINATION.] Families and children enrolled according to sections 256.9366 to 256.9369 shall pay a premium determined according to a sliding fee based on the cost of coverage as a percentage of the family's gross family income. Pregnant women and children under age two are exempt from the provisions of section 256.9356, subdivision 3, clause (3), requiring disenrollment for failure to pay premiums. For pregnant women, this exemption continues until the first day of the month following the 60th day postpartum. Women who remain enrolled during pregnancy or the postpartum period, despite nonpayment of premiums, shall be disenrolled on the first of the month following the 60th day postpartum for the penalty period that otherwise applies under section 256.9356.

Subd. 2. [SLIDING SCALE TO DETERMINE PERCENTAGE OF GROSS FAMILY INCOME.] The commissioner shall establish a sliding fee scale to determine the percentage of gross family income that households at different income levels must pay to obtain coverage through the MinnesotaCare program. The sliding fee scale must be based on the enrollee's gross family income during the previous four months. The sliding fee scale begins with a premium of 1.5 percent of gross family income for families with incomes below the limits for the medical assistance program for families and children and proceeds through the following evenly spaced steps: 1.8, 2.3, 3.1, 3.8, 4.8, 5.9, 7.4, and 8.8 percent. These percentages are matched to evenly spaced income steps ranging from the medical assistance income limit for families and children to 275 percent of the federal poverty guidelines for the applicable family size. The sliding fee scale and percentages are not subject to the provisions of chapter 14. If a family reports increased income after enrollment, premiums shall not be adjusted until eligibility renewal.

Subd. 3. [EXCEPTIONS TO SLIDING SCALE.] An annual premium of \$48 is required for all children who are eligible according to section 256.9366, subdivision 4.

Sec. 19. [256.9369] [PAYMENT RATES; SERVICES FOR FAMILIES AND CHILDREN UNDER THE MINNESOTACARE HEALTH CARE REFORM WAIVER.]

Section 256.9362, subdivision 2, shall not apply to services provided to children who are eligible to receive expanded services according to section 256.9367.

Sec. 20. Minnesota Statutes 1994, section 256B.037, subdivision 1, is amended to read:

Subdivision 1. [CONTRACT FOR DENTAL SERVICES.] The commissioner may conduct a demonstration project to contract, on a prospective per capita payment basis, with an organization or organizations licensed under chapter 62C or, 62D, or 62N for the provision of all dental care services beginning July 1, 1994, under the medical assistance, general assistance medical care, and MinnesotaCare programs, or when necessary waivers are granted by the secretary of health and human services, whichever occurs later. The commissioner shall identify a geographic area or areas, including both urban and rural areas, where access to dental services has been inadequate, in which to conduct demonstration projects. The commissioner shall seek any federal waivers or approvals necessary to implement this section from the secretary of health and human services.

The commissioner may exclude from participation in the demonstration project any or all groups currently excluded from participation in the prepaid medical assistance program under section 256B.69. Except for persons excluded from participation in the demonstration project, all persons who have been determined eligible for medical assistance, general assistance medical care and, if applicable, MinnesotaCare and reside in the designated geographic areas are required to enroll in a dental plan to receive their dental care services. Except for emergency services or out-of-plan services authorized by the dental plan, recipients must receive their dental services from dental care providers who are part of the dental plan provider network.

The commissioner shall select either multiple dental plans or a single dental plan in a designated area. A dental plan under contract with the department must serve both medical assistance recipients and general assistance medical care recipients in a designated geographic area and may serve MinnesotaCare recipients. The commissioner may limit the number of dental plans with which the department contracts within a designated geographic area, taking into consideration the number of recipients within the designated geographic area; the number of potential dental plan contractors; the size of the provider network offered by dental plans; the dental care services offered by a dental plan; qualifications of dental plan personnel; accessibility of services to recipients; dental plan assurances of recipient confidentiality; dental plan marketing

and enrollment activities; dental plan compliance with this section; dental plan performance under other contracts with the department to serve medical assistance, general assistance medical care, or MinnesotaCare recipients; or any other factors necessary to provide the most economical care consistent with high standards of dental care.

For purposes of this section, "dental plan" means an organization licensed under chapter 62C, 62D, or 62N that contracts with the department to provide covered dental care services to recipients on a prepaid capitation basis. "Emergency services" has the meaning given in section 256B.0625, subdivision 4. "Multiple dental plan area" means a designated area in which more than one dental plan is offered. "Participating provider" means a dentist or dental clinic who is employed by or under contract with a dental plan to provide dental care services to recipients. "Single dental plan area" means a designated area in which only one dental plan is available.

Sec. 21. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 1a. [MULTIPLE DENTAL PLAN AREAS.] After the department has executed contracts with dental plans to provide covered dental care services in a multiple dental plan area, the department shall:

(1) inform applicants and recipients, in writing, of available dental plans, when written notice of dental plan selection must be submitted to the department, and when dental plan participation begins;

(2) randomly assign to a dental plan recipients who fail to notify the department in writing of their dental plan choice; and

(3) notify recipients, in writing, of their assigned dental plan before the effective date of the recipient's dental plan participation.

Sec. 22. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 1b. [SINGLE DENTAL PLAN AREAS.] After the department has executed a contract with a dental plan to provide covered dental care services as the sole dental plan in a geographic area, the provisions in paragraphs (a) to (c) apply.

(a) The department shall assure that applicants and recipients are informed, in writing, of participating providers in the dental plan and when dental plan participation begins.

(b) The dental plan may require the recipient to select a specific dentist or dental clinic and may assign to a specific dentist or dental clinic recipients who fail to notify the dental plan of their selection.

(c) The dental plan shall notify recipients in writing of their assigned providers before the effective date of dental plan participation.

Sec. 23. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 1c. [DENTAL CHOICE.] (a) In multiple dental plan areas, recipients may change dental plans once within the first year the recipient participates in a dental plan. After the first year of dental plan participation, recipients may change dental plans during the annual 30-day open enrollment period.

(b) In single dental plan areas, recipients may change their specific dentist or clinic at least once during the first year of dental plan participation. After the first year of dental plan participation, recipients may change their specific dentist or clinic at least once annually. The dental plan shall notify recipients of this change option.

(c) If a dental plan's contract with the department is terminated for any reason, recipients in that dental plan shall select a new dental plan and may change dental plans or a specific dentist or clinic within the first 60 days of participation in the second dental plan.

(d) Recipients may change dental plans or a specific dentist or clinic at any time as follows:

(1) in multiple dental plan areas, if the travel time from the recipient's residence to a general practice dentist is over 30 minutes, the recipient may change dental plans;

(2) in single dental plan areas, if the travel time from the recipient's residence to the recipient's specific dentist or clinic is over 30 minutes, the recipient may change providers; or

(3) if the recipient's dental plan or specific dentist or clinic was incorrectly designated due to department or dental plan error.

(e) Requests for change under this subdivision must be submitted to the department or dental plan in writing. The department or dental plan shall notify recipients whether the request is approved or denied within 30 days after receipt of the written request.

Sec. 24. Minnesota Statutes 1994, section 256B.037, subdivision 3, is amended to read:

Subd. 3. [APPEALS.] All recipients of services under this section have the right to appeal to the commissioner under section 256.045. A recipient participating in a dental plan may utilize the dental plan's internal complaint procedure but is not required to exhaust the internal complaint procedure before appealing to the commissioner. The appeal rights and procedures in Minnesota Rules, part 9500.1463, apply to recipients who enroll in dental plans.

Sec. 25. Minnesota Statutes 1994, section 256B.037, subdivision 4, is amended to read:

Subd. 4. [INFORMATION REQUIRED BY COMMISSIONER.] A contractor shall submit encounter-specific information as required by the commissioner, including, but not limited to, information required for assessing client satisfaction, quality of care, and cost and utilization of services. Dental plans and participating providers must provide the commissioner access to recipient dental records to monitor compliance with the requirements of this section.

Sec. 26. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 6. [RECIPIENT COSTS.] A dental plan and its participating providers or nonparticipating providers who provide emergency services or services authorized by the dental plan shall not charge recipients for any costs for covered services.

Sec. 27. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 7. [FINANCIAL ACCOUNTABILITY.] A dental plan is accountable to the commissioner for the fiscal management of covered dental care services. The state of Minnesota and recipients shall be held harmless for the payment of obligations incurred by a dental plan if the dental plan or a participating provider becomes insolvent and the department has made the payments due to the dental plan under the contract.

Sec. 28. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 8. [QUALITY IMPROVEMENT.] A dental plan shall have an internal quality improvement system. A dental plan shall permit the commissioner or the commissioner's agents to evaluate the quality, appropriateness, and timeliness of covered dental care services through inspections, site visits, and review of dental records.

Sec. 29. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 9. [THIRD-PARTY LIABILITY.] To the extent required under section 62A.046 and Minnesota Rules, part 9506.0080, a dental plan shall coordinate benefits for or recover the cost of dental care services provided recipients who have other dental care coverage. Coordination of benefits includes the dental plan paying applicable copayments or deductibles on behalf of a recipient.

Sec. 30. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 10. [FINANCIAL CAPACITY.] A dental plan shall demonstrate that its financial risk capacity is acceptable to its participating providers; except, an organization licensed as a health maintenance organization under chapter 62D, a nonprofit health service plan under chapter 62C, or an integrated service network or a community integrated service network under chapter 62N, is not required to demonstrate financial risk capacity beyond the requirements in those chapters for licensure or a certificate of authority.

Sec. 31. Minnesota Statutes 1994, section 256B.037, is amended by adding a subdivision to read:

Subd. 11. [DATA PRIVACY.] The contract between the commissioner and the dental plan must specify that the dental plan is an agent of the welfare system and shall have access to welfare data on recipients to the extent necessary to carry out the dental plan's responsibilities under the contract. The dental plan shall comply with chapter 13, the Minnesota government data practices act.

Sec. 32. Minnesota Statutes 1994, section 256B.04, is amended by adding a subdivision to read:

Subd. 18. [APPLICATIONS FOR MEDICAL ASSISTANCE.] The state agency may take applications for medical assistance and conduct eligibility determinations for MinnesotaCare enrollees who are required to apply for medical assistance according to section 256.9353, subdivision 3, paragraph (b).

Sec. 33. Minnesota Statutes 1994, section 256B.055, is amended by adding a subdivision to read:

Subd. 10a. [CHILDREN.] This subdivision supersedes subdivision 10, as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, this subdivision expires and the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. Medical assistance may be paid for a child less than two years of age, whose mother was eligible for and receiving medical assistance at the time of birth and who remains in the mother's household or who is in a family with countable income that is equal to or less than the income standard established under section 256B.057, subdivision 1.

Sec. 34. Minnesota Statutes 1994, section 256B.057, is amended by adding a subdivision to read:

Subd. 1b. [PREGNANT WOMEN AND INFANTS; EXPANSION.] This subdivision supersedes subdivision 1 as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. An infant less than two years of age or a pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse, is eligible for medical assistance if countable family income is equal to or less than 275 percent of the federal poverty guideline for the same family size. For purposes of this subdivision, "countable family income" means the amount of income considered available using the methodology of the AFDC program, except for the earned income disregard and employment deductions. An amount equal to the amount of earned income exceeding 275 percent of the federal poverty guideline, up to a maximum of the amount by which the combined total of 185 percent of the federal poverty guideline plus the earned income disregards and deductions of the AFDC program exceeds 275 percent of the federal poverty guideline will be deducted for pregnant women and infants less than two years of age. Eligibility for a pregnant woman or infant less than two years of age under this subdivision must be determined without regard to asset standards established in section 256B.056, subdivision 3.

An infant born on or after January 1, 1991, to a woman who was eligible for and receiving medical assistance on the date of the child's birth shall continue to be eligible for medical assistance without redetermination until the child's second birthday, as long as the child remains in the woman's household.

Sec. 35. Minnesota Statutes 1994, section 256B.057, is amended by adding a subdivision to read:

Subd. 2b. [NO ASSET TEST FOR CHILDREN AND THEIR PARENTS; EXPANSION.] This subdivision supersedes subdivision 2a as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, this subdivision expires and the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. Eligibility for medical assistance for a person under age 21, and the person's parents or relative caretakers as defined in the aid to families with dependent children program according to chapter 256, who are eligible under section 256B.055, subdivision 3, and who live in the same household as the person eligible under age 21, must be determined without regard to asset standards established in section 256B.056."

Page 95, after line 8, insert:

"Sec. 37. Minnesota Statutes 1994, section 256B.0625, subdivision 30, is amended to read:

Subd. 30. [OTHER CLINIC SERVICES.] (a) Medical assistance covers rural health clinic services, federally qualified health center services, nonprofit community health clinic services, public health clinic services, and the services of a clinic meeting the criteria established in rule by the commissioner. Rural health clinic services and federally qualified health center services mean services defined in United States Code, title 42, section 1396d(a)(2)(B) and (C). Payment for rural health clinic and federally qualified health center services shall be made according to applicable federal law and regulation.

(b) A federally qualified health center that is beginning initial operation shall submit an estimate of budgeted costs and visits for the initial reporting period in the form and detail required by the commissioner. A federally qualified health center that is already in operation shall submit an initial report using actual costs and visits for the initial reporting period. Within 90 days of the end of its reporting period, a federally qualified health center shall submit, in the form and detail required by the commissioner, a report of its operations, including allowable costs actually incurred for the period and the actual number of visits for services furnished during the period, and other information required by the commissioner. Federally qualified health centers that file Medicare cost reports shall provide the commissioner with a copy of the most recent Medicare cost report filed with the Medicare program intermediary for the reporting year which support the costs claimed on their cost report to the state.

(c) In order to continue cost-based payment under the medical assistance program according to paragraphs (a) and (b), a federally qualified health center or rural health clinic must apply for designation as an essential community provider within six months of final adoption of rules by the department of health according to section 62Q.19, subdivision 7. For those federally qualified health centers and rural health clinics that have applied for essential community provider status within the six month time prescribed, medical assistance payments will continue to be made according to paragraphs (a) and (b) for the first three years of essential community provider status. For federally qualified health centers and rural health clinics that either do not apply within the time specified above, that are denied essential community provider status by the department of health, or who have had essential community provider status for three years, medical assistance payments for health services provided by these entities shall be according to the same rates and conditions applicable to the same service provided by health care providers that are not federally qualified health centers or rural health clinics.

This paragraph remains in effect for as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, this paragraph expires, and the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes.

Sec. 38. [256B.0645] [PROVIDER PAYMENTS; RETROACTIVE CHANGES IN ELIGIBILITY.]

Payment to a provider for a health care service provided to a general assistance medical care recipient who is later determined eligible for medical assistance or MinnesotaCare according to section 256.9367 for the period in which the health care service was provided, shall be considered payment in full, and shall not be adjusted due to the change in eligibility. This section applies to both fee-for-service payments and payments made to health plans on a prepaid capitated basis.

Sec. 39. Minnesota Statutes 1994, section 256B.69, subdivision 2, is amended to read:

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

(a) "Commissioner" means the commissioner of human services. For the remainder of this section, the commissioner's responsibilities for methods and policies for implementing the project will be proposed by the project advisory committees and approved by the commissioner.

(b) "Demonstration provider" means an individual, agency, organization, or group of these entities that participates in the demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner.

(c) "Eligible individuals" means those persons eligible for medical assistance benefits as defined in sections 256B.055, 256B.056, and 256B.06.

(d) "Limitation of choice" means suspending freedom of choice while allowing eligible individuals to choose among the demonstration providers.

(e) This paragraph supersedes paragraph (c) as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, this paragraph expires and the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. "Eligible individuals" means those persons eligible for medical assistance benefits as defined in sections 256B.055, 256B.056, and 256B.06. Notwithstanding sections 256B.055, 256B.056, and 256B.06, an individual who becomes ineligible for the program because of failure to submit income reports or recertification forms in a timely manner, shall remain enrolled in the prepaid health plan and shall remain eligible to receive medical assistance coverage through the last day of the month following the month in which the enrollee became ineligible for the medical assistance program.

Sec. 40. Minnesota Statutes 1994, section 256B.69, subdivision 4, is amended to read:

Subd. 4. [LIMITATION OF CHOICE.] The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6. The commissioner shall exempt the following persons from participation in the project, in addition to those who do not meet the criteria for limitation of choice: (1) persons eligible for medical assistance according to section 256B.055, subdivision 1, and children under age 21 who are in foster placement; (2) persons eligible for medical assistance due to blindness or disability as determined by the social security administration or the state medical review team, unless they are 65 years of age or older, or unless they reside in Itasca county or they reside in a county in which the commissioner conducts a pilot project under a waiver granted pursuant to section 1115 of the Social Security Act; (3) recipients who currently have private coverage through a health maintenance organization; and (4) recipients who are eligible for medical assistance by spending down excess income for medical expenses other than the nursing facility per diem expense. Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner. If a demonstration provider ends participation in the project for any reason, a recipient enrolled with that provider must select a new provider but may change providers without cause once more within the first 60 days after enrollment with the second provider.

Sec. 41. [WAIVER REQUEST.]

(a) The commissioner shall seek federal approval to add the benefit of drug coverage for qualified Medicare beneficiaries as described in section 36 and to charge a copayment for this benefit.

(b) The commissioner shall report to the legislature by January 15, 1996, on the status of the waiver request so that the legislature may appropriate money to implement the expansion of this program.

(c) If the waiver request is granted, the commissioner may consider expanding access of this program by allowing determination of eligibility to occur at the state level as well as at the county level.

Sec. 42. [REPEALER.]

Minnesota Statutes 1994, section 256.9353, subdivisions 4 and 5, are repealed."

Page 95, after line 9, insert:

"Sections 16 to 19 (256.9366 to 256.9369), 33, 34, 35, 37, and 39 (256B.055, subdivision 10a; 256B.057, subdivision 1b; 256B.057, subdivision 2b; 256B.0625, subdivision 30; and 256B.69, subdivision 2) are effective July 1, 1995. The commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes when the waiver expires and the provisions in this section expire."

Page 95, line 10, delete "13" and insert "36"

Page 102, after line 11, insert:

"Sec. 8. Minnesota Statutes 1994, section 62E.05, is amended to read:

62E.05 [CERTIFICATION OF INFORMATION ON QUALIFIED PLANS.]

Subdivision 1. [CERTIFICATION.] Upon application by an insurer, fraternal, or employer for certification of a plan of health coverage as a qualified plan or a qualified medicare supplement plan for the purposes of sections 62E.01 to 62E.16, the commissioner shall make a determination within 90 days as to whether the plan is qualified. All plans of health coverage, except Medicare supplement policies, shall be labeled as "qualified" or "nonqualified" on the front of the policy or evidence of insurance. All qualified plans shall indicate whether they are number one, two, or three coverage plans.

Subd. 2. [ANNUAL REPORT.] All health plan companies, as defined in section 62Q.01, shall annually report to the commissioner responsible for their regulation. The following information shall be reported to the appropriate commissioner on February 1 of each year:

(1) the number of individuals and groups who received coverage in the prior year through the standard coverage defined under section 62Q.22;

(2) the number of individuals and groups who received coverage in the prior year through the qualified plans; and

(3) the number of individuals and groups who received coverage in the prior year through each of the unqualified plans sold by the company."

Page 118, line 8, delete "9, 10, 14, and 18" and insert "10, 11, 15, and 19"

Page 118, line 9, delete "16" and insert "17"

Page 126, line 10, reinstate the stricken "and"

Page 126, lines 12 to 16, delete the new language

Page 126, line 29, delete "improved patient care"

Page 126, line 30, delete everything before the period and insert "accepted medical practice"

Page 129, after line 17, insert:

"Sec. 16. Minnesota Statutes 1994, section 62Q.075, subdivision 4, is amended to read:

Subd. 4. [REVIEW.] Upon receipt of the plan, the appropriate commissioner shall provide a copy to the regional coordinating boards, local community health boards, and other relevant community organizations within the managed care organization's service area. After reviewing the plan, these community groups may submit written comments on the plan to either the

commissioner of health or commerce, as applicable, and may advise the commissioner of the managed care organization's effectiveness in assisting to achieve regional public health goals. The plan may be reviewed by the county boards, or city councils acting as a local board of health in accordance with chapter 145A, within the managed care organization's service area to determine whether the plan is consistent with the goals and objectives of the plans required under chapters 145A and 256E and whether the plan meets the needs of the community. The county board, or applicable city council, may also review and make recommendations on the availability and accessibility of services provided by the managed care organization. The county board, or applicable city council, may submit written comments to the appropriate commissioner, and may advise the commissioner of the managed care organization's effectiveness in assisting to meet the needs and goals as defined under the responsibilities of chapters 145A and 256E. The commissioner of health shall develop recommendations to utilize the written comments submitted as part of the licensure process to ensure local public accountability. These recommendations shall be reported to the legislative commission on health care access by January 15, 1996. Copies of these written comments must be provided to the managed care organization. The plan and any comments submitted must be filed with the information clearinghouse to be distributed to the public.

Sec. 17. Minnesota Statutes 1994, section 62Q.32, is amended to read:

62Q.32 [LOCAL OMBUDSPERSON.]

County board or community health service agencies may establish an office of ombudsperson to provide a system of consumer advocacy for persons receiving health care services through a health plan company. The ombudsperson's functions may include, but are not limited to:

(a) mediation or advocacy on behalf of a person accessing the complaint and appeal procedures to ensure that necessary medical services are provided by the health plan company; and

(b) investigation of the quality of services provided to a person and determine the extent to which quality assurance mechanisms are needed or any other system change may be needed. The commissioner of health shall make recommendations for funding these functions including the amount of funding needed and a plan for distribution. The commissioner shall submit these recommendations to the legislative commission on health care access by January 15, 1996.

Sec. 18. Minnesota Statutes 1994, section 62Q.33, subdivision 4, is amended to read:

Subd. 4. **[CAPACITY BUILDING, ACCOUNTABILITY AND FUNDING.]** The recommendations required by subdivision 2 shall include:

(1) a definition of minimum outcomes for implementing core public health functions, including a local ombudsperson under the assurance of services function;

(2) the identification of counties and applicable cities with public health programs that need additional assistance to meet the minimum outcomes;

(3) a budget for supporting all functions needed to achieve the minimum outcomes, including the local ombudsperson assurance of services function;

(4) an analysis of the costs and benefits expected from achieving the minimum outcomes;

(5) strategies for improving local government public health functions throughout the state to meet the minimum outcomes including: (i) funding distribution for local government public health functions necessary to meet the minimum outcomes; and (ii) strategies for the financing of personal health care services within the uniform benefits set through the health plan companies and identifying appropriate mechanisms for the delivery of these services; and

(6) a recommended level of dedicated funding for local government public health functions in terms of a percentage of total health service expenditures by the state or in terms of a per capita basis, including methods of allocating the dedicated funds to local government. Funding recommendations must be broad-based and must consider all financial resources.

Sec. 19. Minnesota Statutes 1994, section 62Q.33, subdivision 5, is amended to read:

Subd. 5. [TIMELINE.] ~~(a) By October 1, 1994, the commissioner shall submit to the legislative commission on health care access the initial report and recommendations required by subdivisions 2 to 4.~~

~~(b) By February January 15, 1995 1996, the commissioner, in cooperation with the legislative commission on health care access, shall submit a final report to the legislature, with specific recommendations for capacity building and financing to be implemented over the period from January 1, 1996, through December 31, 1997.~~

(c) By January 1 15, 1997, and by January 1 15 of each odd-numbered year thereafter, the commissioner shall present to the legislature an updated report and recommendations."

Page 129, line 31, after "based" insert "solely"

Page 137, after line 9, insert:

"Sec. 34. Laws 1994, chapter 625, article 5, section 7, is amended to read:

Sec. 7. [24-HOUR COVERAGE.]

As part of the implementation report submitted on January 1, 1996, as required under Minnesota Statutes, section 62Q.41, the commissioners of health and labor and industry shall develop a 24-hour coverage plan incorporating and coordinating the health component of workers' compensation with health care coverage to be offered by an integrated service network. This plan shall include a 24-hour coverage pilot project or projects implemented in 1996. The commissioners shall also make recommendations of any legislative changes that may be needed to implement this plan or the pilot projects."

Page 138, line 13, delete "24 to 29" and insert "28 to 33"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "MinnesotaCare;" insert "expanding provisions of health care;"

Page 1, line 21, after "9;" insert "62E.05;"

Page 1, line 26, delete "subdivision" and insert "subdivisions"

Page 1, delete line 27 and insert "1 and 2; 62J.48; 62J.54; 62J.55; 62J.58; 62L.02, subdivisions 11, 16, 24,"

Page 1, line 32, after the comma, insert "subdivision 4, and"

Page 1, line 33, after "3;" insert "62N.25, subdivision 2;"

Page 1, line 38, after the first semicolon, insert "62Q.075, subdivision 4;"

Page 1, line 40, after "62Q.19;" insert "62Q.23;" and after "62Q.30;" insert "62Q.32; 62Q.33, subdivisions 4 and 5;"

Page 1, delete line 46 and insert "256.9353, subdivisions 1 and 3; 256.9354, subdivisions"

Page 2, delete line 3 and insert "and by adding a subdivision; 256.9363, subdivision 5; 256B.037, subdivisions 1, 3, 4, and by adding subdivisions; 256B.04, by adding a subdivision; 256B.055, by adding a subdivision; 256B.057, subdivision 3, and by adding subdivisions; 256B.0625, subdivision 30; 256B.69, subdivisions 2 and 4;"

Page 2, line 9, after "1;" insert "7;"

Page 2, line 11, after "62Q;" insert "256; 256B;"

Page 2, line 20, delete "and" and before "Laws" insert "and 256.9353, subdivisions 4 and 5;"

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. Piper from the Committee on Family Services, to which was referred

S.F. No. 761: A bill for an act relating to food stamps; creating a food stamp outreach program; 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 3, line 9, delete "\$....." and insert "\$150,000"

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

Ms. Piper from the Committee on Family Services, to which was re-referred

S.F. No. 900: A bill for an act relating to human services; defining interpretive guidelines; changing licensing requirements and reconsideration for foster care; assessing fines; adding provisions for drop-in child care programs; changing a definition; adding provisions for the Minnesota family preservation act; expanding eligibility for Indian child welfare grants; amending Minnesota Statutes 1994, sections 14.03, subdivision 3; 245A.02, by adding a subdivision; 245A.03, subdivision 2a; 245A.04, subdivisions 3, 3b, 7, and 9; 245A.06, subdivisions 2 and 4, and by adding a subdivision; 245A.07, subdivision 3; 245A.09, by adding subdivisions; 245A.14, subdivision 6; 256.12, subdivision 14; 256.8711; 256D.02, subdivision 5; 256F.01; 256F.02; 256F.03, subdivision 5, and by adding a subdivision; 256F.04, subdivisions 1 and 2; 256F.05, subdivisions 2, 3, 4, 5, 7, 8, and by adding a subdivision; 256F.06, subdivisions 1, 2, and 4; 257.3571, subdivision 1; 257.3572; and 257.3577, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1994, sections 256F.05, subdivisions 2a and 4a; and 256F.06, subdivision 3.

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

Page 5, line 30, after the period, insert "The commissioner's review shall be based on a review of the records submitted by the county agency and the relative."

Page 5, line 33, after the period, insert "The decision of the commissioner is the final administrative agency action."

Page 8, line 12, after the period, insert "The commissioner is not required to conduct more than one review of a subject's records from the national criminal record repository if a review of the subject's criminal history with the national criminal record repository has already been completed by the commissioner and there has been no break in the subject's affiliation with the licenseholder who initiated the background studies."

Page 21, line 21, after "services" insert "or five emergency assistance placement services"

Page 25, line 8, delete "Fifty percent of"

Page 25, line 10, delete everything after the period

Page 25, delete lines 11 and 12

Page 38, line 13, strike "total" and insert "remainder of the" and after "appropriation" insert ", after the appropriation is made under subdivision 3,"

Page 39, after line 14, insert:

"Sec. 41. Minnesota Statutes 1994, section 257.3577, subdivision 2, is amended to read:

Subd. 2. [SPECIAL FOCUS GRANTS.] The amount available for grants established under section 257.3571, subdivision 2, for local social service agencies, tribes, Indian organizations, and other social services organizations is one-fifth of the total remainder of the annual appropriation,

after the appropriation is made under subdivision 3, for Indian child welfare grants. The maximum award under this subdivision is \$100,000 a year for programs approved by the commissioner.

Sec. 42. Minnesota Statutes 1994, section 257.3577, is amended by adding a subdivision to read:

Subd. 3. [COMPLIANCE GRANTS.] The amount available for grants established under section 257.3571, subdivision 2a, to an Indian child welfare defense corporation, as defined in section 611.216, subdivision 1a, is \$100,000 per year. The remainder of the appropriation shall be allocated pursuant to subdivisions 1 and 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, delete "subdivision 1" and insert "subdivisions 1, 2, and by adding a subdivision"

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

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 532: A bill for an act relating to child care; requiring child care for school-age children not operated by a school to be licensed; amending Minnesota Statutes 1994, sections 245A.02, by adding a subdivision; 245A.03, subdivision 2; and 245A.14, subdivision 6.

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 245A.02, is amended by adding a subdivision to read:

Subd. 16. [SCHOOL AGE CHILD.] "School age child" means a child who has at least attended the first day of kindergarten but is younger than 13 years of age.

Sec. 2. Minnesota Statutes 1994, section 245A.02, is amended by adding a subdivision to read:

Subd. 17. [SCHOOL AGE CHILD CARE PROGRAM.] "School age child care program" means a nonresidential program with the primary purpose of providing child care for school age children. School age child care program does not include programs such as scouting, boys clubs, girls clubs, nor sports or art programs.

Sec. 3. Minnesota Statutes 1994, section 245A.03, subdivision 2, is amended to read:

Subd. 2. [EXCLUSION FROM LICENSURE.] Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of economic security;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education in a school as defined in section 120.101, subdivision 4, and programs serving children

in combined special education and regular prekindergarten programs that are operated or assisted by the commissioner of education;

(6) nonresidential programs primarily for children that provide care or supervision, without charge for ten or fewer days a year, and for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness who have refused an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1990;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a calendar year;

(12) ~~programs operated by a school as defined in section 120.101, subdivision 4, whose primary purpose is to provide, for adults or child care to school-age children, including children who will be eligible to enter kindergarten within not more than four months, social and recreational activities, such as scouting, boys clubs, girls clubs, sports, or the arts; except that a program operating in a school building is not excluded unless it provided the program is approved by the district's school board;~~

(13) head start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with mental retardation or related conditions from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with mental retardation or a related condition, in the person's primary residence;

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17; or

(24) the placement of a child by a birth parent or legal guardian in a preadoptive home for purposes of adoption as authorized by section 259.47.

For purposes of clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

Sec. 4. Minnesota Statutes 1994, section 245A.14, subdivision 6, is amended to read:

Subd. 6. [DROP-IN AND SCHOOL AGE CHILD CARE PROGRAMS.] (a) Except as expressly set forth in this subdivision, drop-in and school age child care programs must be licensed as a drop-in or school age program under the rules governing child care programs operated in a center.

(b) Drop-in and school age child care programs are exempt from the following Minnesota Rules:

- (1) part 9503.0040;
- (2) part 9503.0045, subpart 1, items F and G;
- (3) part 9503.0050, subpart 6, except for children less than 2-1/2 years old;
- (4) one-half the requirements of part 9503.0060, subpart 4, item A, subitems (2), (5), and (8), subpart 5, item A, subitems (2), (3), and (7), and subpart 6, item A, subitems (3) and (6);
- (5) part 9503.0070; and
- (6) part 9503.0090, subpart 2.

(c) A drop-in and school age child care program must be operated under the supervision of a person qualified as a director and a teacher.

(d) A drop-in and school age child care program must have at least two persons on staff whenever the program is operating, except that the commissioner may permit variances from this requirement under specified circumstances for parent cooperative programs, as long as all other staff-to-child ratios are met.

(e) Whenever the total number of children present to be cared for at a drop-in child care center is more than 20, children that are younger than age 2-1/2 must be in a separate group. This group may contain children up to 60 months old. This group must be cared for in an area that is physically separated from older children.

(f) A drop-in child care program must maintain a minimum staff ratio for children age 2-1/2 or greater of one staff person for each ten children. A school age child care program must maintain a minimum staff ratio of one staff person for every 15 children.

(g) If the drop-in child care program has additional staff who are on call as a mandatory condition of their employment, the minimum child-to-staff ratio may be exceeded only for children age 2-1/2 or greater, by a maximum of four children, for no more than 20 minutes while additional staff are in transit.

(h) In a drop-in child care program, the minimum staff-to-child ratio for infants up to 16 months of age is one staff person for every four infants. The minimum staff-to-child ratio for children age 17 months to 30 months is one staff for every seven children.

(i) In drop-in care programs that serve both infants and older children, children up to age 2-1/2 may be supervised by assistant teachers, as long as other staff are present in appropriate ratios.

(j) The minimum staff distribution pattern for a drop-in child care program serving children age 2-1/2 or greater and a school age child care program serving school age children is: the first staff member must be a teacher; the second, third, and fourth staff members must have at least the qualifications of a child care aide; the fifth staff member must have at least the qualifications of an

assistant teacher; the sixth, seventh, and eighth staff members must have at least the qualifications of a child care aide; and the ninth staff person must have at least the qualifications of an assistant teacher.

(k) A drop-in child care program may care for siblings 16 months or older together in any group. For purposes of this subdivision, sibling is defined as sister or brother, half-sister or half-brother, or stepsister or stepbrother.

Sec. 5. [FAMILY DAY CARE AGE RESTRICTIONS.]

(a) For purposes of Minnesota Rules, chapter 9502, specifically for siblings to be in the same day care program, the following terms are defined as follows:

(1) "preschooler" means a child at least 24 months of age up to enrollment in the first day of school in the local school district; and

(2) "toddler" means a child at least 12 months of age but younger than 24 months of age.

(b) Until July 1, 1997, for purposes of reimbursement for child care assistance, a licenseholder or legally unlicensed provider shall be reimbursed at the toddler age category rate for children between the ages of 24 and 30 months.

(c) The commissioner may grant variances to these age restrictions using the standards in Minnesota Statutes, section 245A.04, subdivision 9.

(d) The commissioner shall amend the rules governing family day care to reflect the changes in paragraph (a). The amendment in this section is exempt from the rulemaking provisions in Minnesota Statutes, chapter 14, but the commissioner must comply with Minnesota Statutes, section 14.38, subdivision 7.

(e) The commissioner shall set fees which will result in the licensing of school age child care programs being cost-neutral to the state by the year 2000."

Delete the title and insert:

"A bill for an act relating to child care; requiring child care for school age children not operated by a school to be licensed; changing the definition of toddler and preschooler for family day care programs serving siblings; amending Minnesota Statutes 1994, sections 245A.02, by adding subdivisions; 245A.03, subdivision 2; and 245A.14, subdivision 6."

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

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

S.F. No. 1482: A bill for an act relating to economic development and redevelopment; establishing the metropolitan revitalization fund; providing funding for housing and urban development in the metropolitan area; authorizing a special jobs opportunity program for AFDC recipients; providing for a sales tax refund for certain construction materials; creating an urban homesteading program; providing funding for affordable housing that is related to community economic development and redevelopment; providing for a sales tax refund for certain construction materials; appropriating money; amending Minnesota Statutes 1994, sections 290.01, subdivision 19b; 297A.15, by adding a subdivision; 297A.25, by adding a subdivision; 462A.201, by adding a subdivision; 462A.222, subdivision 3; 477A.011, subdivision 37; 477A.013, subdivisions 8, 9, and by adding subdivisions; and 477A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256; and 473; repealing Minnesota Statutes 1994, sections 504.33; 504.34; and 504.35.

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

Page 2, line 4, delete "Subdivision 1. [GENERAL.]"

Page 2, line 5, delete "this" and after "section" insert "5"

Page 2, delete lines 6 to 8

Page 2, line 10, delete "Subdivision 1. [FUND USES.] (a)"

Pages 3 to 7, delete sections 5 to 10

Page 7, line 20, after the period, insert "\$6,000,000 is appropriated from the general fund to the metropolitan revitalization fund provided by section 2."

Page 7, delete lines 29 and 30

Page 12, line 20, after the semicolon, insert "and"

Page 12, line 22, delete from "; and" through page 12, line 25, to "council"

Page 16, line 3, delete from "The" through page 16, line 9, to "years."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, after the first semicolon, insert "and" and delete "477A.011,"

Page 1, delete lines 17 and 18

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

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

S.F. No. 1315: A bill for an act relating to state departments; establishing the bureau of criminal apprehension as an independent agency of the executive branch; transferring the criminal justice information system unit to the bureau; transferring the responsibilities of the liquor control division to the department of commerce; amending Minnesota Statutes 1994, sections 3.732, subdivision 1; 15A.081, subdivision 1; 16B.14; 16B.46; 16B.54, subdivision 2; 297C.09; 297C.10, subdivision 1; 299A.02; 299A.31, subdivision 1; 299A.331, subdivision 1; 299A.38, subdivision 1; 299C.01; 299C.03; 299C.06; 299C.13; 299C.50; 340A.201; 352B.01, subdivision 2; 360.0753, subdivision 6; 611A.20, subdivision 2; 624.7151; 626.5531, subdivision 2; 626.562, subdivision 1; and 634.16.

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

Page 1, line 21, delete "Subdivision 1. [BUREAU OF CRIMINAL APPREHENSION.]"

Page 2, delete lines 12 to 26

Page 5, line 25, reinstate the stricken "or"

Page 5, line 26, delete ", commissioner of commerce, or"

Page 6, lines 31 and 32, delete "of the department of commerce"

Page 7, line 25, strike "commissioner of" and delete "commerce" and insert "superintendent of the bureau of criminal apprehension"

Page 7, line 27, strike "commissioner" and delete "of"

Page 7, line 28, delete "commerce" and insert "superintendent of the bureau of criminal apprehension"

Page 7, line 32, strike "commissioners" and insert "commissioner" and delete "commerce" and strike "and" and after "revenue" insert "and the superintendent of the bureau of criminal apprehension"

Page 8, line 1, after "REVENUE" insert "AND SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION"

Page 8, line 3, strike "department of"

Page 8, line 4, delete "commerce" and insert "bureau of criminal apprehension"

Page 8, line 11, strike "commissioner of"

Page 8, line 12, delete "commerce" and insert "superintendent of the bureau of criminal apprehension"

Page 8, line 19, strike "commissioner" and delete "of commerce" and insert "superintendent of the bureau of criminal apprehension"

Page 14, lines 17 and 18, delete "commissioner of commerce" and insert "superintendent of the bureau of criminal apprehension"

Page 19, line 7, delete "Subdivision 1. [BUREAU OF CRIMINAL APPREHENSION.]"

Page 19, delete lines 26 to 36

Page 20, delete lines 1 to 4

Amend the title as follows:

Page 1, delete lines 6 and 7

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1170, 1290, 1022, 171, 1023, 1280, 1366, 1092, 1088, 663, 390, 1255 and 259 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 121 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 121: A bill for an act relating to insurance; providing a remedy to an insured when an insurer refuses in bad faith to pay or to settle a claim; regulating fire loss claims; amending Minnesota Statutes 1994, sections 72A.20, subdivision 12; and 72A.201, subdivisions 4 and 8; proposing coding for new law in Minnesota Statutes, chapter 72A.

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 35 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Chandler	Johnson, D.J.	Merriam	Ranum
Beckman	Chmielewski	Johnson, J.B.	Metzen	Riveness
Belanger	Finn	Krentz	Moe, R.D.	Sams
Berg	Flynn	Kroening	Morse	Samuelson
Berglin	Hanson	Laidig	Novak	Spear
Bertram	Hottinger	Lessard	Piper	Stumpf
Betzold	Janezich	Marty	Price	Vickerman

Those who voted in the negative were:

Day	Kiscaden	Larson	Olson	Runbeck
Dille	Kleis	Lesewski	Ourada	Scheevel
Johnson, D.E.	Knutson	Murphy	Pariseau	Stevens
Johnston	Kramer	Oliver	Robertson	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1018 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1018: A bill for an act relating to courts; guardians ad litem; specifying the responsibilities of a guardian ad litem in juvenile and family court; requiring a report by the state court administrator; amending Minnesota Statutes 1994, sections 260.155, subdivision 4; and 518.165, 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 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Bertram and Finn voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 299 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 299: A bill for an act relating to employment; changing references to visually handicapped people; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1994, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.10; 248.11; 268A.02, subdivision 2; 268A.03; and 268A.11, subdivisions 1 and 3; repealing Minnesota Statutes 1994, section 268A.12.

Mr. Larson moved to amend S.F. No. 299 as follows:

Page 1, lines 19 and 22, strike "and visually" and delete "disabled"

Page 1, line 23, strike "and"

Page 1, line 24, strike "visually" and delete "disabled"

Page 1, line 27, strike "AND VISUALLY" and delete "DISABLED"

Page 2, lines 2 and 16, strike "and visually" and delete "disabled"

Page 5, lines 33 and 35, strike "and visually" and delete "disabled"

Page 6, line 9, strike "and"

Page 6, line 10, strike "visually" and delete "disabled"

Page 6, line 17, strike "and visually"

Page 6, line 18, delete "disabled"

Page 6, lines 20 and 28, strike "and visually" and delete "disabled"

Page 11, line 5, delete "until July 1, 1996"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 299 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 364 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 364: A bill for an act relating to employment; authorizing certain employees to communicate certain threats; amending Minnesota Statutes 1994, section 268A.05, subdivision 1, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

Larson	Mondale	Ourada	Reichgott Junge	Spear
Lesewski	Morse	Pappas	Riveness	Stevens
Lessard	Murphy	Pariseau	Robertson	Terwilliger
Limmer	Neuville	Piper	Runbeck	Vickerman
Marty	Novak	Pogemiller	Sams	Wiener
Merriam	Oliver	Price	Samuelson	
Metzen	Olson	Ranum	Scheevel	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1440 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1440: A bill for an act relating to human services; adding to definition of base level funding; adding provisions for local children's mental health collaborative; changing provisions for integrated fund task force; requiring approval for a collaborative's integrated service system; amending Minnesota Statutes 1994, sections 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; and 256B.0625, subdivision 37; proposing coding for new law in Minnesota Statutes, chapter 245.

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 373 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 373: A bill for an act relating to health; requiring efforts to seek certain waivers; defining subacute care; amending Minnesota Statutes 1994, section 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Ms. Berglin moved to amend S.F. No. 373 as follows:

Page 1, line 15, before the period, insert "in order to assure that subacute care occurs in the most cost-effective setting available"

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete from "amending" through page 1, line 5, to "subdivision;"

The motion prevailed. So the amendment was adopted.

S.F. No. 373 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kramer	Mondale	Reichgott Junge
Beckman	Finn	Krentz	Morse	Riveness
Belanger	Flynn	Kroening	Murphy	Sams
Berg	Hanson	Laidig	Novak	Samuelson
Berglin	Hottinger	Langseth	Ourada	Spear
Bertram	Janezich	Larson	Pappas	Stumpf
Betzold	Johnson, D.J.	Lessard	Pariseau	Vickerman
Chandler	Johnson, J.B.	Marty	Piper	Wiener
Chmielewski	Johnston	Merriam	Pogemiller	
Cohen	Kiscaden	Metzen	Price	
Day	Kleis	Moe, R.D.	Ranum	

Those who voted in the negative were:

Frederickson	Lesewski	Oliver	Robertson	Scheevel
Johnson, D.E.	Limmer	Olson	Runbeck	Stevens
Knutson	Neuville			

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 239 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 239: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in Kandiyohi county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 282 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 282: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

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 49 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Mondale	Reichgott Junge
Beckman	Hanson	Kroening	Morse	Riveness
Berglin	Hottinger	Laidig	Murphy	Sams
Bertram	Janezich	Langseth	Novak	Samuelson
Betzold	Johnson, D.E.	Lesewski	Ourada	Spear
Chandler	Johnson, D.J.	Lessard	Pappas	Stumpf
Chmielewski	Johnson, J.B.	Limmer	Piper	Terwilliger
Cohen	Johnston	Marty	Pogemiller	Vickerman
Finn	Kleis	Metzen	Price	Wiener
Flynn	Kramer	Moe, R.D.	Ranum	

Those who voted in the negative were:

Belanger	Kiscaden	Merriam	Olson	Runbeck
Berg	Knutson	Neuville	Pariseau	Scheevel
Day	Larson	Oliver	Robertson	Stevens
Dille				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 893 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 893: A bill for an act relating to insurance; the comprehensive health association; changing benefits; changing the association's enrollment freeze date; amending Minnesota Statutes 1994, sections 62E.12; and 62Q.18, subdivision 8.

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 477 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 477: A bill for an act relating to education; consolidating and restructuring certain higher education statutes to reflect the merger of the community colleges, state universities, and technical colleges; amending Minnesota Statutes 1994, sections 15.38, subdivision 3; 136E.01, subdivision 1; 136E.02, subdivisions 1 and 3; 136E.021, subdivision 2; 136E.03; 136E.04, subdivisions 1, 3, and 7; 136E.05; 136E.31; 136E.525, subdivisions 1 and 2; and 136E.692, subdivisions 1, 3, and 4; proposing coding for new law as Minnesota Statutes, chapter 136F; repealing Minnesota Statutes 1994, sections 15.38, subdivision 4; 136.01; 136.015; 136.017; 136.02; 136.03; 136.031; 136.036; 136.045; 136.065; 136.07; 136.09; 136.10; 136.11; 136.111; 136.12; 136.13; 136.14; 136.141; 136.142; 136.143; 136.144; 136.145; 136.146; 136.147; 136.17; 136.171; 136.172; 136.18; 136.19; 136.20; 136.21; 136.22; 136.232; 136.24; 136.25; 136.261; 136.27; 136.31; 136.311; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.40; 136.41; 136.42; 136.43; 136.44; 136.45; 136.46; 136.47; 136.48; 136.49; 136.50; 136.501; 136.502; 136.503; 136.504; 136.505; 136.506; 136.507; 136.55; 136.56; 136.57; 136.58; 136.60; 136.6011; 136.602; 136.603; 136.61; 136.62; 136.621; 136.622; 136.63; 136.65; 136.651; 136.653; 136.67; 136.70; 136.71; 136.72; 136.88; 136.90; 136C.01; 136C.02; 136C.03; 136C.04; 136C.041; 136C.042; 136C.043; 136C.044; 136C.05; 136C.06; 136C.07; 136C.075; 136C.08; 136C.13; 136C.15; 136C.17; 136C.31; 136C.34; 136C.41; 136C.411; 136C.43; 136C.44; 136C.50; 136C.51; 136C.60; 136C.61; 136C.62; 136C.63; 136C.64; 136C.65; 136C.66; 136C.67; 136C.68; 136C.69; 136C.70; 136C.71; 136C.75; 136E.04, subdivisions 2, 4, 5, and 6; and 136E.395; Laws 1994, chapter 532, article 6, section 12, paragraph (a).

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 49 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Morse	Ranum
Beckman	Frederickson	Laidig	Murphy	Riveness
Belanger	Hanson	Langseth	Neuville	Robertson
Berg	Hottinger	Larson	Novak	Runbeck
Bertram	Janezich	Lessard	Oliver	Spear
Betzold	Johnson, D.J.	Marty	Ourada	Stumpf
Chandler	Johnson, J.B.	Merriam	Pappas	Terwilliger
Cohen	Johnston	Metzen	Piper	Vickerman
Day	Kiscaden	Moe, R.D.	Pogemiller	Wiener
Dille	Krentz	Mondale	Price	

Those who voted in the negative were:

Berglin	Johnson, D.E.	Kramer	Pariseau	Scheevel
Chmielewski	Kleis	Lesewski	Sams	Stevens
Finn	Knutson	Limmer	Samuelson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 172 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 172: A bill for an act relating to motor vehicles; providing for issuance of manufacturer test plates; amending Minnesota Statutes 1994, section 168.012, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 168; and 297B.

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 3, as follows:

Those who voted in the affirmative were:

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

Ms. Kiscaden, Mr. Neuville and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 830 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 830: A bill for an act relating to state lands; allowing the sale of certain state forest lands; requiring the commissioner of natural resources to convey certain land to the city of Akeley for public purposes; proposing coding for new law in Minnesota Statutes, chapter 89.

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 605 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 605: A bill for an act relating to recreational vehicles; requiring youthful snowmobile operators and passengers to wear helmets; amending Minnesota Statutes 1994, section 84.872, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 752 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 752: A bill for an act relating to telecommunications; allowing for alternative regulation of telephone companies for a limited period; authorizing rulemaking to promote fair and reasonable competition for local exchange service; making technical changes; amending Minnesota Statutes 1994, sections 237.01, subdivision 6; 237.035; 237.09; 237.16; and 237.461, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 237.

Mr. Novak moved to amend S.F. No. 752 as follows:

Page 5, line 25, after "municipality" insert "or town"

Page 5, line 27, strike "and" and insert a comma and after "wires" insert ", and other equipment or facilities on, below, or above the streets, alleys, or other public grounds"

Page 5, line 28, strike the second "and" and insert a comma

Page 5, line 29, after "alleys" insert ", and other public grounds"

Page 17, line 31, after "an" insert "initial"

Page 27, line 28, after "department" insert "of public service"

Page 27, line 36, delete "January 1" and insert "February 15"

Page 27, after line 36, insert:

"Sec. 23. [STATEMENT OF INTENT.]

The amendments to Minnesota Statutes, section 237.16, subdivision 1, paragraph (d), in this law are solely intended for clarification. No substantive changes in powers of regulation are intended, nor are to be implied.

Sec. 24. [MUNICIPAL FRANCHISE FEES; UTILITIES.]

The department of public service shall study the issue of franchise fees and related compensation paid to local governments by utilities and cable communication companies. The study shall include a survey of fees and related compensation currently paid to municipalities by utilities and cable communication companies, and the purpose for which the franchise fees and related compensation are remitted to municipalities by utilities and cable communication

companies. The department shall develop recommendations on a state policy regarding these fees and related compensation, particularly addressing the issues of the purposes for which such fees may be assessed and paid, the amount of the fees, and uses of such fee revenue and related compensation. The department shall report its findings and recommendations to the legislature by February 15, 1996."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 752 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 759 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 759: A bill for an act relating to economic development; changing certain departmental operating procedures; altering the corporate structure of Advantage Minnesota, Inc.; clarifying economic development authority powers; amending Minnesota Statutes 1994, sections 116J.58, subdivision 1; 116J.693, subdivisions 2, 3, 4, and 5; 116N.02, subdivision 1; 116N.06; and 446A.03, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1200 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1200: A bill for an act relating to crime prevention; requiring county sheriffs to be licensed as peace officers before taking office; amending Minnesota Statutes 1994, sections 204B.06, by adding a subdivision; 387.01; and 626.846, 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	Flynn	Laidig	Novak	Runbeck
Beckman	Frederickson	Langseth	Oliver	Sams
Belanger	Hottinger	Larson	Olson	Samuelson
Berg	Janezich	Lesewski	Ourada	Scheevel
Berglin	Johnson, D.E.	Lessard	Pappas	Solon
Bertram	Johnson, D.J.	Limmer	Pariseau	Spear
Betzold	Johnson, J.B.	Marty	Piper	Stevens
Chandler	Johnston	Merriam	Pogemiller	Stumpf
Chmielewski	Kiscaden	Metzen	Price	Terwilliger
Cohen	Kleis	Moe, R.D.	Ranum	Vickerman
Day	Knutson	Morse	Reichgott Junge	Wiener
Dille	Kramer	Murphy	Riveness	
Finn	Krentz	Neuvill	Robertson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 644 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 644: A bill for an act relating to state lands; modifying the provisions of a land sale to the city of Anoka; amending Laws 1991, chapter 185, section 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 320 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 320: A bill for an act relating to criminal procedure; allowing warrantless probable cause arrests for certain offenses committed on school property; proposing coding for new law in Minnesota Statutes, chapter 629.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 292 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 292: A bill for an act relating to public safety; changing name of McGruff program; amending Minnesota Statutes 1994, section 299A.28.

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 3, as follows:

Those who voted in the affirmative were:

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

Ms. Anderson, Messrs. Larson and Merriam voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 577 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 577: A bill for an act relating to health; modifying provisions relating to nursing home administrators; amending Minnesota Statutes 1994, section 144A.04, 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1060 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1060: A bill for an act relating to employment; modifying provisions relating to reemployment insurance; amending Minnesota Statutes 1994, sections 268.04, subdivision 10; 268.06, subdivisions 3a, 18, 19, 20, and 22; 268.08, subdivision 6, and by adding a subdivision; 268.10, subdivision 2; 268.12, subdivision 12; 268.16, subdivisions 3a, 6, and by adding a subdivision; 268.161, subdivisions 8 and 9; 268.162, subdivision 2; 268.163, subdivision 3; 268.164, subdivision 3; 268.18, subdivisions 1, 2, 3, and 6; 270A.09, subdivision 1a; 352.01, subdivision 2b; 352.22, subdivision 10; and 574.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1994, sections 268.10, subdivisions 3, 4, 5, 6, 7, 8, 9, and 10; and 268.12, subdivisions 9, 10, and 13.

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 55 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Janezich	Kroening	Moe, R.D.
Beckman	Cohen	Johnson, D.E.	Laidig	Mondale
Belanger	Dille	Johnson, D.J.	Langseth	Morse
Berg	Finn	Johnson, J.B.	Lesewski	Murphy
Berglin	Flynn	Kleis	Lessard	Novak
Bertram	Frederickson	Knutson	Marty	Ourada
Betzold	Hanson	Kramer	Merriam	Pappas
Chandler	Hottinger	Krentz	Metzen	Piper

Pogemiller	Reichgott Junge	Runbeck	Solon	Terwilliger
Price	Riveness	Sams	Spear	Vickerman
Ranum	Robertson	Samuelson	Stumpf	Wiener

Those who voted in the negative were:

Johnston	Larson	Neuville	Olson	Scheevel
Kiscaden	Limmer	Oliver	Pariseau	Stevens

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 793 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 793: A bill for an act relating to agriculture; eliminating requirements for certain periodic reports by the department of agriculture; amending Minnesota Statutes 1994, sections 18.0228, subdivision 3; and 42.04, subdivision 2; repealing Minnesota Statutes 1994, sections 18.023, subdivision 11; 32.73, subdivision 7; 40A.17; and 41.53, subdivision 3.

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 839 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 839: A bill for an act relating to agriculture; changing certain pesticide dealer requirements; changing expiration of pesticide applicator certifications; requiring consideration of passive bioremediation in certain cases; amending Minnesota Statutes 1994, sections 18B.31; 18B.36, subdivision 2; and 18D.105, subdivision 3a.

Mr. Dille moved to amend S.F. No. 839 as follows:

Page 3, line 24, strike everything after "certification"

Page 3, line 25, strike "the first year of certification, and expires" and before "March" insert "shall expire"

Page 3, line 26, after "third" insert "calendar" and after "year" insert "after certification"

The motion prevailed. So the amendment was adopted.

Mr. Dille then moved to amend S.F. No. 839 as follows:

Page 4, after line 1, insert:

"Sec. 4. Minnesota Statutes 1994, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. ~~[EXCEPTION TO HAZARDOUS MATERIALS ENDORSEMENT EXCEPTIONS.]~~ Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class CC license or hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "changing classification and endorsement requirements to operate a vehicle carrying liquid fertilizer;"

Page 1, line 7, delete "and" and before the period, insert "; and 171.02, subdivision 2a"

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend S.F. No. 839 as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1994, section 18B.07, subdivision 3, is amended to read:

Subd. 3. [POSTING.] (a) ~~All fields receiving applications of pesticide(s) bearing the label statement "Notify workers of the application by warning them orally and by posting signs at entrances to treated areas" must be posted in accordance with labeling and rules adopted under this chapter.~~

(b) Sites being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment. The posting must be done in accordance with labeling and rules adopted under this chapter.

(c) ~~If federal worker protection standards are not applicable, soil applied insecticides are exempt from posting requirements."~~

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying pesticide posting requirements;"

Page 1, line 6, after "sections" insert "18B.07, subdivision 3;"

The motion prevailed. So the amendment was adopted.

S.F. No. 839 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 12, as follows:

Those who voted in the affirmative were:

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

Price	Robertson	Scheevel	Stumpf	Wiener
Reichgott Junge	Runbeck	Solon	Terwilliger	
Riveness	Samuelson	Stevens	Vickerman	

Those who voted in the negative were:

Anderson	Flynn	Marty	Pappas	Sams
Berglin	Krentz	Merriam	Pogemiller	Spear
Betzold	Kroening			

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1209 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1209: A bill for an act relating to Hennepin county; modifying certain provisions concerning the county medical examiners office; amending Minnesota Statutes 1994, section 383B.225, subdivisions 5, 6, 7, 9, 11, 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	Frederickson	Kroening	Murphy	Riveness
Beckman	Hanson	Laidig	Neuville	Robertson
Belanger	Hottinger	Langseth	Novak	Runbeck
Berg	Janezich	Larson	Oliver	Sams
Berglin	Johnson, D.E.	Lesewski	Olson	Samuelson
Bertram	Johnson, D.J.	Lessard	Ourada	Scheevel
Betzold	Johnson, J.B.	Limmer	Pappas	Solon
Chandler	Johnston	Marty	Pariseau	Spear
Chmielewski	Kiscaden	Merriam	Piper	Stevens
Cohen	Kleis	Metzen	Pogemiller	Terwilliger
Day	Knutson	Moe, R.D.	Price	Vickerman
Finn	Kramer	Mondale	Ranum	Wiener
Flynn	Krentz	Morse	Reichgott Junge	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 838 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 838: A bill for an act relating to barbers; exempting persons performing barbering services for charitable purposes from registration and other requirements; amending Minnesota Statutes 1994, section 154.04.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1086 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1086: A bill for an act relating to elections; campaign finance; prohibiting lobbying by a principal campaign committee or political party committee that issues refund receipt forms; amending Minnesota Statutes 1994, sections 10A.322, subdivisions 1, 2, 4, and by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A.

Mrs. Pariseau moved to amend S.F. No. 1086 as follows:

Page 3, line 22, after "to" insert "half"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "reducing contributions eligible for political contribution refunds;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Johnston	Laidig	Neuville	Robertson
Bertram	Kiscaden	Larson	Oliver	Runbeck
Dille	Kleis	Lesewski	Olson	Scheevel
Frederickson	Knutson	Limmer	Ourada	Stevens
Johnson, D.E.	Kramer	Merriam	Pariseau	

Those who voted in the negative were:

Anderson	Day	Kroening	Novak	Samuelson
Beckman	Finn	Lessard	Pappas	Solon
Berg	Hanson	Marty	Piper	Spear
Berglin	Hottinger	Metzen	Pogemiller	Stumpf
Betzold	Janezich	Moe, R.D.	Price	Vickerman
Chandler	Johnson, D.J.	Mondale	Reichgott Junge	Wiener
Chmielewski	Johnson, J.B.	Morse	Riveness	
Cohen	Krentz	Murphy	Sams	

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

Mrs. Pariseau then moved to amend S.F. No. 1086 as follows:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1994, section 10A.27, is amended by adding a subdivision to read:

Subd. 13. [CANDIDATES WHO ACCEPT PUBLIC SUBSIDY.] A candidate may not accept a contribution from a political committee or political fund during the same election cycle in which the candidate's principal campaign committee issues a political contribution receipt form under section 290.06, subdivision 23, or in which the candidate accepts a public subsidy under this chapter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Belanger	Kiscaden	Larson	Oliver	Runbeck
Berg	Kleis	Lesewski	Olson	Scheevel
Frederickson	Knutson	Limmer	Ourada	Stevens
Johnson, D.E.	Kramer	Merriam	Pariseau	Terwilliger
Johnston	Laidig	Neuville	Robertson	

Those who voted in the negative were:

Anderson	Day	Johnson, J.B.	Murphy	Riveness
Beckman	Dille	Krentz	Novak	Sams
Berglin	Finn	Kroening	Pappas	Samuelson
Bertram	Flynn	Marty	Piper	Solon
Betzold	Hanson	Metzen	Pogemiller	Spear
Chandler	Hottinger	Moe, R.D.	Price	Stumpf
Chmielewski	Janezich	Mondale	Ranum	Vickerman
Cohen	Johnson, D.J.	Morse	Reichgott Junge	Wiener

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

Mrs. Pariseau then moved to amend S.F. No. 1086 as follows:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1994, section 10A.27, is amended by adding a subdivision to read:

Subd. 13. [CANDIDATES WHO USE POLITICAL CONTRIBUTION REFUND PROGRAM.] A candidate may not accept a contribution from a political committee or political fund during the same election cycle in which the candidate's principal campaign committee issues a political contribution receipt form under section 290.06, subdivision 23."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 44, as follows:

Those who voted in the affirmative were:

Belanger	Kleis	Lesewski	Ourada	Stevens
Frederickson	Knutson	Limmer	Pariseau	Terwilliger
Johnson, D.E.	Kramer	Neuville	Robertson	
Johnston	Laidig	Oliver	Runbeck	
Kiscaden	Larson	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Chandler	Flynn	Krentz	Metzen
Beckman	Chmielewski	Hanson	Kroening	Moe, R.D.
Berg	Cohen	Hottinger	Langseth	Mondale
Berglin	Day	Janezich	Lessard	Morse
Bertram	Dille	Johnson, D.J.	Marty	Murphy
Betzold	Finn	Johnson, J.B.	Merriam	Novak

Pappas
Piper
Pogemiller

Price
Ranum
Reichgott Junge

Riveness
Sams
Samuelson

Solon
Spear
Stumpf

Vickerman
Wiener

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

Mr. Johnson, D.J. moved to amend S.F. No. 1086 as follows:

Page 1, line 10, after "[10A.062]" insert "[LOBBYING LIMITATION.]"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved that S.F. No. 1086 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 474 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 474: A bill for an act relating to insurance; accident and sickness; regulating policy reinstatement; amending Minnesota Statutes 1994, section 62A.04, subdivision 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 64 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
Hottinger
Janezich
Johnson, D.E.
Johnson, D.J.
Johnson, J.B.
Johnston
Kelly
Kiscaden
Kleis
Knutson
Kramer

Krentz
Laidig
Langseth
Larson
Lesewski
Lessard
Limmer
Marty
Merriam
Metzen
Moe, R.D.
Mondale
Morse

Neuville
Novak
Oliver
Olson
Ourada
Pappas
Pariseau
Piper
Pogemiller
Price
Ranum
Reichgott Junge
Riveness

Robertson
Runbeck
Sams
Samuelson
Scheevel
Solon
Spear
Stevens
Stumpf
Terwilliger
Vickerman
Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 873 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 873: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Isanti county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 965 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 965: A bill for an act relating to transportation; authorizing issuance of permits for 12-foot wide loads of baled straw; amending Minnesota Statutes 1994, sections 169.851, subdivision 1; and 169.862.

Mr. Dille moved to amend S.F. No. 965 as follows:

Page 2, after line 32, insert:

"Sec. 3. Minnesota Statutes 1994, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. ~~[EXCEPTION TO HAZARDOUS MATERIALS ENDORSEMENT EXCEPTIONS.]~~ Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class CC license or hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 965 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

Spear
Stevens

Stumpf

Terwilliger

Vickerman

Wiener

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 386 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 386: A bill for an act relating to health; modifying provisions relating to nursing home moratorium exceptions; amending Minnesota Statutes 1994, sections 144A.071, subdivisions 2, 4a, and by adding a subdivision; and 144A.073, subdivisions 1, 2, 3, 4, 8, and by adding a subdivision; repealing Minnesota Statutes 1994, section 144A.073, subdivision 3a.

Ms. Berglin moved to amend S.F. No. 386 as follows:

Page 13, line 19, after "proposals" insert "or amendments to proposals previously approved under this section"

Page 13, line 27, after the period, insert "Proposals and amendments approved under this subdivision are not subject to the six-mile limit in subdivision 5, paragraph (e), and an amendment under this section to a proposal originally approved before April 1, 1995, involving the replacement of 102 licensed and certified beds may include the relocation of 50 percent of the beds to each of two other locations. A project previously approved under this section that applies for and is granted an amendment under this subdivision prior to July 1, 1995, shall have an additional six months to commence construction beyond the limit established in subdivision 3b."

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 386 as follows:

Page 13, line 30, strike "(a)"

Page 13, line 34, delete "paragraph" and insert "subdivision"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 386 as follows:

Page 14, line 35, after "supply" insert "(A)" and after "counties" insert "in the seven-county metropolitan area"

Page 15, line 1, before the semicolon, insert "and (B) in other counties so that the supply in the 50-mile radius surrounding the project under review moves toward the statewide mean"

The motion prevailed. So the amendment was adopted.

S.F. No. 386 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 447 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 447: A bill for an act relating to commerce; relating to the administrative duties of the commissioner; regulating service of orders and other papers; modifying enforcement powers; regulating notaries public; amending Minnesota Statutes 1994, sections 45.027, subdivision 7, and by adding a subdivision; 214.101, by adding a subdivision; 359.01; 359.02; and 332.34; proposing coding for new law in Minnesota Statutes, chapters 45; and 359.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Belanger, Chmielewski and Neuville voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 615 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 615: A bill for an act relating to transportation; establishing a high-speed bus service pilot project in the metropolitan area.

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1042 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1042: A bill for an act relating to limited liability organizations; modifying name requirements; eliminating a filing requirement; clarifying when debts arise or accrue for limited liability partnerships; amending Minnesota Statutes 1994, sections 319A.02, subdivision 7; 319A.07; 319A.08; 322A.02; 322A.72; 322B.12, subdivision 1; 323.14, by adding a subdivision; 323.44, by adding a subdivision; and 323.45, subdivision 1.

Mr. Berg moved to amend S.F. No. 1042 as follows:

Page 7, after line 27, insert:

"Sec. 10. Minnesota Statutes 1994, section 500.24, subdivision 3, is amended to read:

Subd. 3. [FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.] No corporation, ~~limited liability company~~, pension or investment fund, or limited partnership shall engage in farming; nor shall any corporation, ~~limited liability company~~, pension or investment fund, or limited partnership, directly or indirectly, own, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to real estate used for farming or capable of being used for farming in this state. Livestock that are delivered for slaughter or processing may be fed and cared for by a corporation up to 20 days prior to slaughter or processing. Provided, however, that the restrictions in this subdivision do not apply to corporations or partnerships in clause (b) and do not apply to corporations, limited partnerships, and pension or investment funds that record its name and the particular exception under clauses (a) to (s) under which the agricultural land is owned or farmed, have a conservation plan prepared for the agricultural land, report as required under subdivision 4, and satisfy one of the following conditions under clauses (a) to (s):

(a) a bona fide encumbrance taken for purposes of security;

(b) a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership as defined in subdivision 2 or a general partnership;

(c) agricultural land and land capable of being used for farming owned by a corporation as of May 20, 1973, or a pension or investment fund as of May 12, 1981, including the normal expansion of such ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, or, in the case of a pension or investment fund, as of May 12, 1981, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(d) agricultural land operated for research or experimental purposes with the approval of the

commissioner of agriculture, provided that any commercial sales from the operation must be incidental to the research or experimental objectives of the corporation. A corporation, limited partnership, or pension or investment fund seeking to operate agricultural land for research or experimental purposes must submit to the commissioner a prospectus or proposal of the intended method of operation, containing information required by the commissioner including a copy of any operational contract with individual participants, prior to initial approval of an operation. A corporation, limited partnership, or pension or investment fund operating agricultural land for research or experimental purposes prior to May 1, 1988, must comply with all requirements of this clause except the requirement for initial approval of the project;

(e) agricultural land operated by a corporation or limited partnership for the purpose of raising breeding stock, including embryos, for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod. An entity that is organized to raise livestock other than dairy cattle under this clause that does not meet the definition requirement for an authorized farm corporation must:

(1) sell all castrated animals to be fed out or finished to farming operations that are neither directly nor indirectly owned by the business entity operating the breeding stock operation; and

(2) report its total production and sales annually to the commissioner of agriculture;

(f) agricultural land and land capable of being used for farming leased by a corporation or limited partnership in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of May 20, 1973, or to the limited partnership as of May 1, 1988, and the additional acreage required for normal expansion at a rate not to exceed 20 percent of the amount of land leased as of May 20, 1973, for a corporation or May 1, 1988, for a limited partnership in any five-year period, and the additional acreage reasonably necessary to meet the requirements of pollution control rules;

(g) agricultural land when acquired as a gift (either by grant or a devise) by an educational, religious, or charitable nonprofit corporation or by a pension or investment fund or limited partnership; provided that all lands so acquired by a pension or investment fund, and all lands so acquired by a corporation or limited partnership which are not operated for research or experimental purposes, or are not operated for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod must be disposed of within ten years after acquiring title thereto;

(h) agricultural land acquired by a pension or investment fund or a corporation other than a family farm corporation or authorized farm corporation, as defined in subdivision 2, or a limited partnership other than a family farm partnership or authorized farm partnership as defined in subdivision 2, for which the corporation or limited partnership has documented plans to use and subsequently uses the land within six years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A pension or investment fund or a corporation or limited partnership may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, United States Code, title 42, sections 3901 to 3914) as amended, or a subsidiary or assign of such a corporation;

(i) agricultural lands acquired by a pension or investment fund or a corporation or limited partnership by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, however, that all lands so acquired be disposed of within ten years after acquiring the title if acquired before May 1, 1988, and five years after acquiring the title if acquired on or after May 1, 1988, acquiring the title thereto, and further provided that the land so acquired shall not be used for farming during the ten-year or five-year period except under a lease to a family farm unit, a family farm corporation,

an authorized farm corporation, a family farm partnership, or an authorized farm partnership. The aforementioned ten-year or five-year limitation period shall be deemed a covenant running with the title to the land against any grantee, assignee, or successor of the pension or investment fund, corporation, or limited partnership. Notwithstanding the five-year divestiture requirement under this clause, a financial institution may continue to own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must divest of the agricultural land within the ten-year period. Livestock acquired by a pension or investment fund, corporation, or limited partnership in the collection of debts, or by a procedure for the enforcement of lien or claim on the livestock whether created by security agreement or otherwise after August 1, 1994, must be sold or disposed of within one full production cycle for the type of livestock acquired or 18 months after the livestock is acquired, whichever is later;

(j) agricultural land acquired by a corporation regulated under the provisions of Minnesota Statutes 1974, chapter 216B, for purposes described in that chapter or by an electric generation or transmission cooperative for use in its business, provided, however, that such land may not be used for farming except under lease to a family farm unit, a family farm corporation, or a family farm partnership;

(k) agricultural land, either leased or owned, totaling no more than 2,700 acres, acquired after May 20, 1973, for the purpose of replacing or expanding asparagus growing operations, provided that such corporation had established 2,000 acres of asparagus production;

(l) all agricultural land or land capable of being used for farming which was owned or leased by an authorized farm corporation as defined in Minnesota Statutes 1974, section 500.24, subdivision 1, clause (d), but which does not qualify as an authorized farm corporation as defined in subdivision 2, clause (d);

(m) a corporation formed primarily for religious purposes whose sole income is derived from agriculture;

(n) agricultural land owned or leased by a corporation prior to August 1, 1975, which was exempted from the restriction of this subdivision under the provisions of Laws 1973, chapter 427, including normal expansion of such ownership or leasehold interest to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1975, in any five-year period and the additional ownership reasonably necessary to meet requirements of pollution control rules;

(o) agricultural land owned or leased by a corporation prior to August 1, 1978, including normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1978, and the additional ownership reasonably necessary to meet requirements of pollution control rules, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, chapter 324, section 1, subdivision 2;

(p) an interest in the title to agricultural land acquired by a pension fund or family trust established by the owners of a family farm, authorized farm corporation or family farm corporation, but limited to the farm on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by subdivision 2, clause (b), (c), or (d);

(q) agricultural land owned by a nursing home located in a city with a population, according to the state demographer's 1985 estimate, between 900 and 1,000, in a county with a population, according to the state demographer's 1985 estimate, between 18,000 and 19,000, if the land was given to the nursing home as a gift with the expectation that it would not be sold during the donor's lifetime. This exemption is available until July 1, 1995;

(r) the acreage of agricultural land and land capable of being used for farming owned and recorded by an authorized farm corporation as defined in Minnesota Statutes 1986, section 500.24, subdivision 2, paragraph (d), or a limited partnership as of May 1, 1988, including the normal expansion of the ownership at a rate not to exceed 20 percent of the land owned and recorded as of May 1, 1988, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(s) agricultural land owned or leased as a necessary part of an aquatic farm as defined in section 17.47, subdivision 3."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "removing limitations on ownership and use of agricultural lands by limited liability companies;"

Page 1, line 9, delete "and" and before the period, insert "; and 500.24, subdivision 3"

Mr. Morse questioned whether the amendment was germane.

The President ruled that the amendment was germane.

CALL OF THE SENATE

Mr. Morse imposed a call of the Senate for the balance of the proceedings on S.F. No. 1042. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Dille moved to amend the Berg amendment to S.F. No. 1042 as follows:

Pages 1 to 6, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 1994, section 500.24, subdivision 2, is amended to read:

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

(a) "Farming" means the production of (1) agricultural products; (2) livestock or livestock products; (3) milk or milk products; or (4) fruit or other horticultural products. It does not include the processing, refining, or packaging of said products, nor the provision of spraying or harvesting services by a processor or distributor of farm products. It does not include the production of timber or forest products or the production of poultry or poultry products.

(b) "Family farm" means an unincorporated farming unit owned by one or more persons residing on the farm or actively engaging in farming.

(c) "Family farm corporation" means a corporation founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of said related persons is residing on or actively operating the farm, and none of whose stockholders are corporations or limited liability companies; provided that a family farm corporation shall not cease to qualify as such hereunder by reason of any devise or bequest of shares of voting stock. References in Minnesota Statutes to a family farm corporation, as defined in this paragraph, include a family farm limited liability company as defined in paragraph (1).

(d) "Authorized farm corporation" means a corporation meeting the following standards under clause (1) or (2):

(1)(i) its shareholders do not exceed five in number;

(ii) all its shareholders, other than any estate are natural persons;

(iii) it does not have more than one class of shares; and

(iv) its revenues from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts; and

(v) shareholders holding 51 percent or more of the interest in the corporation must be residing on the farm or actively engaging in farming;

(vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(vii) a shareholder of the authorized farm corporation is not a shareholder in other authorized farm corporations that directly or indirectly in combination with the authorized farm corporation own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; or

(2)(i) the corporation is engaged in the production of livestock other than dairy cattle; and is not engaged in farming activities otherwise prohibited under this section;

(ii) all its shareholders other than an estate, are natural persons or a family farm corporation;

(iii) it does not have more than one class of shares;

(iv) its revenue from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts;

(v) shareholders holding 75 percent or more of the control and financial investment in the corporation must be farmers residing in Minnesota and at least 51 percent of the required percentage of farmers must be actively engaged in livestock production;

(vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state;

(vii) a shareholder of the authorized farm corporation is not a shareholder in other authorized farm corporations that directly or indirectly in combination with the authorized farm corporation own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(viii) the corporation was formed for the production of livestock other than dairy cattle by natural persons or family farm corporations that provide 75 percent or more of the capital investment.

References in Minnesota Statutes to an authorized farm corporation, as defined in this paragraph, include an authorized farm limited liability company as defined in paragraph (m).

(e) "Agricultural land" means land used for farming.

(f) "Pension or investment fund" means a pension or employee welfare benefit fund, however organized, a mutual fund, a life insurance company separate account, a common trust of a bank or other trustee established for the investment and reinvestment of money contributed to it, a real estate investment trust, or an investment company as defined in United States Code, title 15, section 80a-3. "Pension or investment fund" does not include a benevolent trust established by the owners of a family farm, authorized farm corporation or family farm corporation.

(g) "Farm homestead" means a house including adjoining buildings that has been used as part of a farming operation or is part of the agricultural land used for a farming operation.

(h) "Family farm partnership" means a limited partnership formed for the purpose of farming and the ownership of agricultural land in which the majority of the interests in the partnership is held by and the majority of the partners are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of the related persons is residing on or actively operating the farm, and none of the partners are corporations. A family farm partnership does not cease to qualify as a family farm partnership because of a devise or bequest of interest in the partnership.

(i) "Authorized farm partnership" means a limited partnership meeting the following standards:

(1) it has been issued a certificate from the secretary of state or is registered with the county recorder and farming and ownership of agricultural land is stated as a purpose or character of the business;

(2) its partners do not exceed five in number;

(3) all its partners, other than an estate, are natural persons;

(4) its revenues from rent, royalties, dividends, interest, and annuities do not exceed 20 percent of its gross receipts;

(5) its general partners hold at least 51 percent of the interest in the land assets of the partnership and reside on the farm or are actively engaging in farming not more than 1,500 acres as a general partner in an authorized limited partnership;

(6) its limited partners do not participate in the business of the limited partnership including operating, managing, or directing management of farming operations;

(7) the authorized farm partnership, directly or indirectly, does not own or otherwise have an interest, whether legal, beneficial, or otherwise, in a title to more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(8) a limited partner of the authorized farm partnership is not a limited partner in other authorized farm partnerships that directly or indirectly in combination with the authorized farm partnership own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state.

(j) "Farmer" means a person who regularly participates in physical labor or operations management in the farmer's farming operation and files "Schedule F" as part of the person's annual Form 1040 filing with the United States Internal Revenue Service.

(k) "Actively engaged in livestock production" means that a person performs day-to-day physical labor or day-to-day operations management that significantly contributes to livestock production and the functioning of a livestock operation.

(l) "Family farm limited liability company" means a limited liability company founded for the purpose of farming and the ownership of agricultural land in which the majority of the membership interests in the limited liability company are held by and the majority of the members are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law. At least one of the related persons must be residing on or actively operating the farm, and none of the members may be corporations or limited liability companies. A family farm limited liability company does not cease to qualify as such because of a devise or bequest of a membership interest in the limited liability company.

(m) "Authorized farm limited liability company" means a limited liability company meeting the following standards under clause (1) or (2):

(1)(i) its members do not exceed five in number;

(ii) all its members, other than an estate, are natural persons;

(iii) it does not have more than one class of membership interest;

(iv) its revenues from rent, royalties, dividends, interest, and annuities do not exceed 20 percent of its gross receipts;

(v) members holding 51 percent or more of both the governance rights and financial rights in the limited liability company must be residing on the farm or actively engaged in farming;

(vi) the limited liability company, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(vii) a member of the limited liability company is not a member in one or more other authorized farm limited liability companies that directly or indirectly in combination with the authorized farm limited liability company own more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; or

(2)(i) the limited liability company is engaged in the production of livestock other than dairy cattle; and is not engaged in farming activities otherwise prohibited under this section;

(ii) all its members other than an estate, are natural persons or a family farm limited liability company;

(iii) it does not have more than one class of membership interest;

(iv) its revenue from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(v) members holding 75 percent or more of both the governance rights and financial rights in the limited liability company must be farmers residing in Minnesota and at least 51 percent of the required percentage of farmers must be actively engaged in livestock production;

(vi) the limited liability company, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state;

(vii) a member of the limited liability company is not a member in other authorized farm limited liability companies that directly or indirectly in combination with the authorized farm limited liability company, own more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(viii) the limited liability company was formed for the production of livestock, other than dairy cattle, by natural persons or family farm limited liability companies that provide 75 percent or more of the capital investment."

Amend the title amendment as follows:

Page 6, line 27, delete "removing"

Page 6, delete lines 28 and 29 and insert "providing for family farm limited liability companies and authorized farm limited liability companies;"

Page 6, line 31, delete "3" and insert "2"

The question was taken on the adoption of the Dille amendment to the Berg amendment.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Berg	Johnston	Laidig	Merriam	Robertson
Chmielewski	Kelly	Langseth	Neuville	Runbeck
Day	Kiscaden	Larson	Oliver	Scheevel
Dille	Kleis	Lesewski	Olson	Stevens
Frederickson	Knutson	Lessard	Ourada	Stumpf
Johnson, D.E.	Kramer	Limmer	Pariseau	Terwilliger

Those who voted in the negative were:

Anderson	Flynn	Marty	Piper	Solon
Beckman	Hanson	Metzen	Pogemiller	Spear
Berglin	Hottinger	Moe, R.D.	Price	Vickerman
Bertram	Janezich	Mondale	Ranum	Wiener
Betzold	Johnson, D.J.	Morse	Reichgott Junge	
Chandler	Johnson, J.B.	Murphy	Riveness	
Cohen	Krentz	Novak	Sams	
Finn	Kroening	Pappas	Samuelson	

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

The question recurred on the adoption of the Berg amendment.

The roll was called, and there were yeas 30 and nays 37, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Lesewski	Novak	Runbeck
Berg	Johnston	Lessard	Oliver	Samuelson
Chmielewski	Kleis	Limmer	Olson	Scheevel
Day	Knutson	Merriam	Ourada	Solon
Dille	Laidig	Metzen	Pariseau	Stevens
Flynn	Larson	Neuville	Robertson	Terwilliger

Those who voted in the negative were:

Anderson	Frederickson	Kramer	Murphy	Sams
Beckman	Hanson	Krentz	Pappas	Spear
Berglin	Hottinger	Kroening	Piper	Stumpf
Bertram	Janezich	Langseth	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Marty	Price	Wiener
Chandler	Johnson, J.B.	Moe, R.D.	Ranum	
Cohen	Kelly	Mondale	Reichgott Junge	
Finn	Kiscaden	Morse	Riveness	

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

S.F. No. 1042 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 163 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 163: A bill for an act relating to crimes; changing expiration for the crime victim and witness advisory council; amending Minnesota Statutes 1994, section 611A.71, subdivision 7.

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1055 a Special Order to be heard immediately.

SPECIAL ORDER

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.

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 2, as follows:

Those who voted in the affirmative were:

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

Ms. Kiscaden and Mr. Oliver voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Johnson, D.J. moved that S.F. No. 1086 be taken from the table. The motion prevailed.

S.F. No. 1086: A bill for an act relating to elections; campaign finance; prohibiting lobbying by a principal campaign committee or political party committee that issues refund receipt forms; amending Minnesota Statutes 1994, sections 10A.322, subdivisions 1, 2, 4, and by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A.

Mr. Neuville moved to amend S.F. No. 1086 as follows:

Page 1, after line 19, insert:

"Sec. 2. [10A.063] [LOBBYING LIMITATION: LOCAL GOVERNMENTS.]

A political subdivision may not use local government aid or homestead and agricultural credit aid to make expenditures:

(1) for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan government unit by communicating or urging others to communicate with public or local officials; or

(2) for direct payments to lobbyists in this state."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Johnson, D.J. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 1086 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Mondale	Reichgott Junge
Beckman	Flynn	Langseth	Morse	Riveness
Berg	Hanson	Larson	Novak	Sams
Berglin	Hottinger	Lesewski	Ourada	Samuelson
Bertram	Johnson, D.J.	Lessard	Pappas	Solon
Betzold	Johnson, J.B.	Marty	Piper	Spear
Chandler	Johnston	Merriam	Pogemiller	Stumpf
Chmielewski	Kelly	Metzen	Price	Vickerman
Cohen	Krentz	Moe, R.D.	Ranum	Wiener

Those who voted in the negative were:

Belanger	Johnson, D.E.	Kramer	Oliver	Runbeck
Day	Kiscaden	Laidig	Olson	Scheevel
Dille	Kleis	Limmer	Pariseau	Stevens
Frederickson	Knutson	Neuville	Robertson	Terwilliger

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1099.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 1995

Mr. President:

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

S.F. No. 257: A bill for an act relating to soil and water conservation district boards; providing that the office of soil and water conservation district supervisor is compatible with certain city and town offices; amending Minnesota Statutes 1994, sections 103C.315, by adding a subdivision; and 204B.06, subdivision 1.

Senate File No. 257 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 1995

Mr. Morse moved that the Senate do not concur in the amendments by the House to S.F. No. 257, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 957, 990, 1371, 1065 and 1431.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 957: A resolution memorializing the President and Congress to abandon the proposed sale of the Western Area Power Administration.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 777.

H.F. No. 990: A bill for an act relating to consumer protection; providing warranties for new assistive devices; providing enforcement procedures; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Judiciary.

H.F. No. 1371: A bill for an act relating to commerce; securities; regulating disclosure of payment received for directing order flow; amending Minnesota Statutes 1994, section 80A.06, subdivision 5.

Referred to the Committee on Commerce and Consumer Protection.

H.F. No. 1065: A bill for an act relating to St. Louis county; modifying certain accounting and expenditure requirements for road and bridge fund tax money derived from unorganized townships; proposing coding for new law in Minnesota Statutes, chapter 383C.

Referred to the Committee on Metropolitan and Local Government.

H.F. No. 1431: A bill for an act relating to wood measurement; providing standard measurements for pulpwood, firewood, and other timber; amending Minnesota Statutes 1994, section 239.33.

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

REPORTS OF COMMITTEES

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

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

S.F. No. 1329: A bill for an act relating to transportation; abolishing transportation regulation board and transferring regulatory responsibilities for motor carriers and common carriers by rail to department of transportation; making technical changes; amending Minnesota Statutes 1994, sections 15A.081, subdivision 1; 174.02, subdivisions 4, 5, and by adding subdivisions; 174.06, by adding a subdivision; 174.10; 218.041, subdivision 6; and 219.074, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1994, sections 174A.01; 174A.02; 174A.03; 174A.04; 174A.05; 174A.06; 218.011, subdivision 7; and 218.041, subdivision 7; and Minnesota Rules, part 8850.6900.

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

Page 13, after line 31, insert:

"Sec. 14. [TRANSITION STUDY.]

The transportation regulation board and the commissioner of transportation shall conduct a transition study which must result in recommendations concerning the most effective and efficient means to implement sections 1 to 13 and transfer the powers, duties, and functions of the board to an appropriate agency. In performing the study and making recommendations, the board and commissioner shall solicit input from truckers and other transportation organizations and entities concerning the effects of the federal preemption and the transfer of powers, duties, and functions from the board to an appropriate agency. The board and commissioner shall report its recommendations to the legislature no later than February 1, 1996."

Page 13, line 32, delete "14" and insert "15"

Page 13, after line 36, insert:

"Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 13 and 15 are effective on July 1, 1996. Section 14 is effective on July 1, 1995."

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

S.F. No. 654: A bill for an act relating to agriculture; expanding eligibility for the value-added agricultural product loan program; appropriating money; amending Minnesota Statutes 1994, section 41B.046, subdivision 1, and by adding a subdivision.

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

Page 1, after line 10, insert:

"(1) Agricultural commodity has the meaning given in section 17.90."

Page 1, line 11, strike "(1)" and insert "(2)"

Page 1, lines 15, 16, and 21, delete "produce" and insert "commodities"

Page 1, line 19, strike "(2)" and insert "(3)"

Page 1, line 20, after "from" insert "an" and delete "produce" and insert "commodity"

Page 2, delete sections 3 and 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

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

S.F. No. 1479: A bill for an act relating to consumer protection; providing warranties for new assistive devices; providing enforcement procedures; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

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

S.F. No. 836: A bill for an act relating to commerce; rental-purchase agreements; regulating the cost of lease services; providing for the application of certain other law; amending Minnesota Statutes 1994, sections 325F.84, by adding a subdivision; 325F.85; and 325F.91, by adding a subdivision.

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

Page 2, line 18, before the period, insert "but in no event shall the total payments necessary to acquire ownership of the leased property exceed twice the cash price of the property"

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

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

S.F. No. 1421: 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.

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

Page 1, line 15, after "for" insert "the voluntary guidance of"

Page 1, line 19, delete "emergency and permanent rules of"

Page 2, line 6, delete everything after the period

Page 2, delete line 7

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 referred

S.F. No. 1207: A bill for an act relating to economic development; authorizing an appropriation

for a grant for the Prairieland Expo facility to be used for land acquisition; amending Laws 1994, chapter 643, section 21, subdivision 4.

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

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

S.F. No. 1244: A bill for an act relating to taxes; establishing a rental tax equity program for Duluth, Minneapolis, Saint Paul, and other eligible cities; appropriating money.

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

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

S.F. No. 832: A bill for an act relating to taxation; changing the gasoline excise tax rate; indexing the rate of taxation on gasoline; removing metropolitan council transit bonding limitation; allowing metropolitan council to impose a metropolitan area sales tax; limiting metropolitan council transit taxing authority; requiring continued study of road pricing; requiring study of trunk highway turnback; amending Minnesota Statutes 1994, sections 296.02, subdivision 1b, and by adding a subdivision; 473.39, subdivision 1; and 473.446, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1994, sections 473.39, subdivisions 1a and 1b; and 473.446, subdivision 3.

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

Page 4, line 24, delete "and"

Page 4, after line 24, insert:

"(5) to provide to applicants receiving assistance for a replacement service program an amount not to exceed the allowable amount calculated under section 473.388, subdivision 4, for taxes payable in 1995; and"

Page 4, line 25, delete "(5)" and insert "(6)"

Page 8, line 32, delete "subdivision" and insert "subdivisions 1a and"

Amend the title as follows:

Page 1, line 15, delete "subdivision" and insert "subdivisions 1a and"

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

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

S.F. No. 1406: A bill for an act relating to employment; establishing and modifying certain salary limits; amending Minnesota Statutes 1994, sections 3.855, subdivision 3; 15A.083, subdivisions 5, 6a, and 7; and 43A.17, subdivisions 1, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1994, sections 15A.081, subdivisions 1, 7, and 7b; and 43A.18, subdivision 5.

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

Page 1, line 27, after the semicolon, insert "(and)"

Page 2, lines 5 to 7, strike the old language

Page 2, line 8, delete "(d)"

Page 2, after line 10, insert:

"Sec. 2. Minnesota Statutes 1994, section 15A.081, subdivision 8, is amended to read:

Subd. 8. [EXPENSE ALLOWANCE.] Notwithstanding any law to the contrary, positions listed in ~~subdivision 1 subdivisions 3 and 4, and constitutional officers, and the commissioner of iron range resources and rehabilitation~~ are authorized an annual expense allowance not to exceed \$1,500 for necessary expenses in the normal performance of their duties for which no other reimbursement is provided. The expenditures under this subdivision are subject to any laws and rules relating to budgeting, allotment and encumbrance, preaudit and postaudit. The commissioner of finance may ~~promulgate~~ adopt rules to assure the proper expenditure of these funds, and to provide for reimbursement."

Page 2, line 17, delete "5" and insert "4"

Page 3, line 17, delete "assigned to" and insert "in"

Page 3, after line 22, insert:

"Commissioner of economic security;"

Page 3, delete line 31

Page 4, line 9, delete "assigned to" and insert "in"

Page 4, delete lines 11 to 26 and insert:

"Ombudsman for corrections;

Director of office of environmental assistance;

Executive director of gambling control board;

Commissioner of iron range resources and rehabilitation board;

Commissioner, bureau of mediation services;

Ombudsman for mental health and retardation;

Chair, metropolitan airports commission;

Chair, metropolitan council;

Executive director of pari-mutuel racing;

Executive director, public employees retirement association;

Commissioner, public utilities commission;

Executive director, state retirement system;

Executive director, teacher's retirement association;

Member, transportation regulation board."

Page 4, line 28, before the period, insert "a year"

Page 5, line 3, after the second "of" insert "a" and strike "judges" and insert "judge"

Page 5, line 5, delete "salaries" and insert "salary" and after "of" insert "the chief judge of a district court judicial district as set under section 15A.082. The salaries of the assistant chief administrative law judge and the administrative law judge supervisor are 95 percent of the salary of"

Page 5, line 6, delete "the" and insert "a" and delete "judges" and insert "judge"

Page 5, line 31, strike "15A.081" and insert "15A.0815"

Page 5, line 35, strike "compensation" and insert "salaries"

Page 6, lines 34 and 35, delete "commissioner has received approval" and insert "increase has been approved"

Page 7, delete sections 9 and 10 and insert:

"Sec. 10. Minnesota Statutes 1994, section 85A.02, subdivision 5a, is amended to read:

Subd. 5a. [EMPLOYEES.] (a) The board shall appoint an administrator who shall serve as the executive secretary and principal administrative officer of the board and, subject to its approval, ~~the administrator~~ shall operate the Minnesota zoological garden and enforce all rules and policy decisions of the board. The administrator must be chosen solely on the basis of training, experience, and other qualifications appropriate to the field of zoo management and development. ~~The board shall set the compensation for the administrator within the limits established for the commissioner of agriculture in section 15A.081, subdivision 1.~~ The administrator shall perform duties assigned by the board and ~~shall serve~~ serves in the unclassified service at the pleasure of the board. The administrator, with the participation of the board, shall appoint a development director in the unclassified service or contract with a development consultant to establish mechanisms to foster community participation in and community support for the Minnesota zoological garden. The board may employ other necessary professional, technical, and clerical personnel. Employees of the zoological garden are eligible for salary supplement in the same manner as employees of other state agencies. The commissioner of finance shall determine the amount of salary supplement based on available funds.

(b) The board may contract with individuals to perform professional services and may contract for the purchases of necessary species exhibits, supplies, services, and equipment. The board may also contract for the construction and operation of entertainment facilities on the zoo grounds that are not directly connected to ordinary functions of the zoological garden. The zoo board ~~shall~~ may not enter into ~~any~~ a final agreement for construction of ~~any~~ an entertainment facility that is not directly connected to the ordinary functions of the zoo until after final construction plans have been submitted to the chairs of the senate finance and house appropriations committees for their recommendations.

The zoo may not contract for entertainment during the period of the Minnesota state fair that would directly compete with entertainment at the Minnesota state fair.

Sec. 11. Minnesota Statutes 1994, section 298.22, subdivision 1, is amended to read:

Subdivision 1. (1) ~~The office of governor shall appoint the commissioner of iron range resources and rehabilitation is created. The commissioner shall be appointed by the governor under the provisions of section 15.06.~~

(2) The commissioner may hold ~~such~~ other positions or appointments as that are not incompatible with duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner. All expenses of the commissioner, including the payment of such assistance as may be necessary, ~~shall~~ must be paid out of the amounts appropriated by section 298.28. ~~The compensation of the commissioner shall be set by the legislative coordinating commission and may not exceed the maximum salary set for the commissioner of administration under section 15A.081, subdivision 1.~~

(3) When the commissioner ~~shall determine~~ determines that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use ~~thereof~~ of natural resources in the future and ~~the any~~ resulting decrease in employment ~~resulting therefrom, now or hereafter~~, the commissioner may use ~~such~~ whatever amounts of the appropriation made to the commissioner of revenue in section 298.28 ~~as that are determined to be necessary and proper in the development of the remaining resources of said the county and in the vocational training and rehabilitation of its residents, except that the amount needed to cover cost overruns awarded to a contractor by an arbitrator in relation to a contract awarded by the~~

commissioner or in effect after July 1, 1985, is appropriated from the general fund. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism."

Page 7, after line 21, insert:

"Sec. 13. [APPROPRIATION.]

\$..... is appropriated to the legislative coordinating commission to carry out the evaluation required by section ..."

Page 7, line 26, delete "2 to 6" and insert "3 to 7" and delete "retroactively to"

Page 7, line 27, delete "January" and insert "July" and delete everything after the period

Page 7, delete line 28

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 4, after the semicolon, insert "15A.081, subdivision 8;"

Page 1, line 5, delete the second "and"

Page 1, line 6, after the semicolon, insert "85A.02, subdivision 5a; and 298.22, subdivision 1;"

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

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

S.F. No. 1076: A bill for an act relating to energy; regulating wind energy conversion systems siting; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

S.F. No. 483: A bill for an act relating to natural resources; modifying provisions relating to wetlands; amending Minnesota Statutes 1994, sections 103G.222; 103G.2241; 103G.2242, subdivisions 1, 2, 6, 7, 9, 12, and by adding a subdivision; 103G.237, subdivision 4, and by adding a subdivision; and 103G.2372, subdivision 1; repealing Minnesota Statutes 1994, sections 103G.2242, subdivision 13; and 103G.2372, subdivisions 2 and 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 103G.005, is amended by adding a subdivision to read:

Subd. 2a. [AGRICULTURAL LAND.] "Agricultural land" has the meaning given in section 17.81, subdivision 3.

Sec. 2. Minnesota Statutes 1994, section 103G.005, is amended by adding a subdivision to read:

Subd. 2b. [AGRICULTURAL USE.] "Agricultural use" has the meaning given in section 40A.02, subdivision 3.

Sec. 3. Minnesota Statutes 1994, section 103G.221, subdivision 1, is amended to read:

Subdivision 1. [DRAINAGE OF PUBLIC WATERS WETLANDS GENERALLY PROHIBITED WITHOUT REPLACEMENT.] Except as provided in this subdivision and in subdivisions 2 and 3, public waters wetlands may not be drained, and a permit authorizing drainage of public waters wetlands may not be issued, unless the public waters wetlands to be drained are replaced by wetlands that will have equal or greater public value. Road authorities may repair and maintain roads within the road right-of-way, including replacement of culverts, which result in drainage of public waters wetlands without replacement of wetlands, provided the public waters wetlands are not drained to a greater extent than when the road was constructed or when the culvert was working.

Sec. 4. Minnesota Statutes 1994, section 103G.222, is amended to read:

103G.222 [REPLACEMENT OF WETLANDS.]

(a) After the effective date of the rules adopted under section 103B.3355 or 103G.2242, whichever is later, wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan ~~approved by the board~~ adopted under section 103G.2242, subdivision 1, ~~paragraph (c)~~ 1a, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242.

(b) Except as provided in paragraph (l), replacement must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) compensating for the impact by replacing or providing substitute wetland resources or environments.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

(e) Replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 103G.2242, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish replacement in counties or watersheds in which 50 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded. Wetlands impacted by public transportation projects may be replaced statewide, provided they are approved by the commissioner under an established wetland banking system, or under the rules for wetland banking as provided for under section 103G.2242.

(f) Except as provided in paragraph (g), for a wetland located on nonagricultural land, replacement must be based on the public value or in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland located on agricultural land or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, replacement must be based on the public value or in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(i) Except in counties or watersheds where 80 percent or more of the presettlement wetlands are intact, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

(j) The technical evaluation panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

(l) A local government unit may make a sequencing determination and, after consideration, deviate from the provisions of paragraph (b), without a written alternatives analysis from the applicant, for projects involving the draining or filling of less than:

(1) 2,000 square feet of wetlands in the building setback of shoreland areas in all counties;

(2) 10,000 square feet of wetlands in counties with 80 percent or less of their presettlement wetlands remaining; and

(3) 20,000 square feet of wetlands in counties with more than 80 percent of their presettlement wetlands remaining.

(m) For projects involving draining or filling of wetlands outside of the building setback of shoreland areas, a person may satisfy replacement requirements under this section by paying an amount equal to the fair market value of the upland created by the draining or filling activity, as determined by the county assessor. The payment must be made to the local government unit if it has established a wetland bank that is approved by the board. The local government unit shall use any money received under this paragraph for making withdrawals from the wetland bank administered by the local government unit for the purpose of replacing lost wetland values.

Sec. 5. Minnesota Statutes 1994, section 103G.2241, is amended to read:

103G.2241 [EXEMPTIONS.]

(a) Subject to the conditions in paragraph (b) (c), a replacement plan for wetlands is not required for:

(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;

(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

(3) activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than 20 years are not drained;

(4) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;

(5) activities exempted from federal regulation under United States Code, title 33, section 1344(f);

(6) activities authorized under, and conducted in accordance with, an applicable individual or general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), ~~clause (14), limited to when a new road crosses a wetland, and all of clause (26);~~

(7) activities in a type 1 wetland ~~on agricultural land~~, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) except for bottomland hardwood type 1 wetlands, regardless of whether or not the wetland is part of a larger wetland that includes other types;

(8) ~~activities in a the draining or filling of up to two acres of a type 2 wetland that is two acres in size or less located on agricultural land, regardless of whether or not the wetland is part of a larger wetland that includes other types;~~

(9) activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland;

(10) activities in a wetland created solely as a result of:

(i) beaver dam construction;

(ii) blockage of culverts through roadways maintained by a public or private entity;

(iii) actions ~~by public entities~~ that were taken for a purpose other than creating the wetland; or

(iv) any combination of (i) to (iii);

(11) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications if:

(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(12) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;

(13) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline;

(14) temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest and slash deposition on frozen soil conducted as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not result in the construction of dikes, drainage ditches, tile lines, or

buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters;

(15) permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; with filling avoided wherever possible; and there is no drainage of the wetland or public waters;

(16) draining or filling up to one-half acre of wetlands for the repair, rehabilitation, or replacement of a previously authorized, currently serviceable existing public road, provided that minor deviations in the public road's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, that are necessary to make repairs, rehabilitation, or replacement are allowed if the wetland draining or filling resulting from the repair, rehabilitation, or replacement is minimized;

~~(17) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and do not result in the draining or filling, wholly or partially, of a wetland or private infrastructure, and updating of public or private infrastructure as necessary to comply with requirements under state or federal law;~~

~~(18) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland, including private crossings;~~

(19) duck blinds;

(20) aquaculture activities, including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

(21) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

(22) normal agricultural practices to control pests or weeds, defined by rule as either noxious or secondary weeds, in accordance with applicable requirements under state and federal law, including established best management practices;

(23) activities in a wetland that is on agricultural land annually enrolled in the federal Food, Agricultural, Conservation, and Trade Act of 1990, United States Code, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program;

(24) development projects and ditch improvement projects in the state that have received preliminary or final plat approval, or infrastructure that has been installed, or having local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. In the seven-county metropolitan area and in cities of the first and second class, plat approval must be preliminary as approved by the appropriate governing body; and

(25) activities that result in the draining or filling of less than 400 the following amounts of wetlands as part of a project, regardless of the total amount of wetlands drained or filled as part of the project:

(i) 1,000 square feet of wetlands in the building setback of shoreland areas in all counties;

(ii) 5,000 square feet of wetlands in counties with 80 percent of their presettlement wetlands remaining; and

(iii) 10,000 square feet of wetlands in counties with greater than 80 percent of their presettlement wetlands remaining;

(26) deposition of spoil resulting from excavation within a wetland for wildlife habitat purposes, if:

(i) the area of deposition does not exceed five percent of the wetland area; and

(ii) the project does not have an adverse impact on any species designated as threatened or endangered under state or federal law;

(27) activities by a landowner on land that has been owned continuously by the landowner since July 1, 1991; and

(28) activities by a landowner to gain access to uplands through wetland portions of the landowner's property.

(b) For the purpose of paragraph (a), clause (16), "currently serviceable" means usable as is or with some maintenance, but not so degraded as to essentially require reconstruction. Paragraph (a), clause (16), authorizes the repair, rehabilitation, or replacement of public roads destroyed by storms, floods, fire, or other discrete events, provided the repair, rehabilitation, or replacement is commenced or under contract to commence within two years of the occurrence of the destruction or damage.

(c) In applying the exemption in paragraph (a), clause (25), the local government unit shall determine the scope of the project and the wetlands to be replaced. In making this determination, the local government unit may request assistance from the technical evaluation panel established under section 103G.2242, subdivision 2.

(d) A person conducting an activity in a wetland under an exemption in paragraph (a) shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

(e) A local government unit may expand the application of paragraph (a), clause (8), to additional acreage when the additional acreage is part of a conservation plan prepared by the local soil and water conservation district and the additional drainage is necessary for efficient operation of the farm.

Sec. 6. Minnesota Statutes 1994, section 103G.2242, subdivision 1, is amended to read:

Subdivision 1. [RULES.] (a) By July 1, 1993, the board, in consultation with the commissioner, shall adopt rules governing the approval of wetland value replacement plans under this section. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values; may address the state establishment and administration of a wetland banking program for public and private projects, which may include provisions allowing monetary payment to the wetland banking program for alteration of wetlands on agricultural land; the methodology to be used in identifying and evaluating wetland functions; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon balance described in the report required by Laws 1990, chapter 587, and include the planting of trees or shrubs.

(b) After the adoption of the rules, a replacement plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules.

(c) ~~The board may approve~~ As an alternative to the rules adopted under this subdivision, a local

government unit may develop and implement a comprehensive wetland protection and management plan developed by a local government unit, provided that the plan:

- (1) incorporates sections 103A.201, subdivision 2, and 103G.222;
 - (2) is adopted as part of an approved local water plan under sections 103B.231 and 103B.311; and
 - (3) is adopted as part of the local government's official controls in accordance with subdivision 1a.
- (d) If the local government unit fails to apply the rules, or fails to implement a local program comprehensive wetland protection and management plan under paragraph (c) subdivision 1a, the government unit is subject to penalty as determined by the board.

Sec. 7. Minnesota Statutes 1994, section 103G.2242, is amended by adding a subdivision to read:

Subd. 1a. [COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS.] (a) As an alternative to the rules adopted under this section a local government unit may adopt a comprehensive wetland protection and management plan developed by a local government unit, provided that the plan:

- (1) incorporates section 103A.201, subdivision 2, and, except as provided in this subdivision, section 103G.222; and
 - (2) is adopted as part of the local government's official controls.
- (b) A comprehensive wetland protection and management plan may:
- (1) according to a procedure developed in consultation with the board, classify wetlands based on an assessment of:
 - (i) wetland functions, including floodwater retention, nutrient assimilation, sediment entrapment, groundwater recharge, low flow augmentation, aesthetics and recreation, commercial uses, wildlife and fisheries habitat, and education; and
 - (ii) the resulting public values;
 - (2) allow replacement credit for any project that increases the public value of wetlands, including activities on adjacent upland areas, based on the classification;
 - (3) establish a local wetland bank that is not subject to rules adopted by the board, provided the bank is administered so as to ensure no net loss of wetland values, based on the classification;
 - (4) expand the application of the exemptions in section 103G.2241, paragraph (a), clauses (7) and (8), to also include nonagricultural land;
 - (5) vary application of the sequencing standards of section 103G.222, paragraph (b), based on the classification; and
 - (6) vary the replacement standards of section 103G.222, paragraphs (f) and (g), provided there is no net loss of public values and biological diversity within the area subject to the plan.
- (c) The local government unit shall make replacement decisions based on the plan.

Sec. 8. Minnesota Statutes 1994, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. [EVALUATION; MAP.] (a) Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an on-site inspection. The technical evaluation panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, and a technical professional with expertise in water resources management appointed by the local government unit. The panel shall use the "Federal Manual for Identifying

and Delineating Jurisdictional Wetlands" (January 1989) "U.S. Army Corps of Engineers Wetland Delineation Manual" (January 1987). The panel shall provide the wetland determination to the local government unit that must approve a replacement plan under this section, and may recommend approval or denial of the plan. The authority must consider and include the decision of the technical evaluation panel in their approval or denial of a plan.

(b) Upon request of an applicant, the local government unit shall provide a detailed wetlands map of the applicant's property which delineates the wetlands on the property. If the applicant disagrees with the delineation, the applicant may appeal to the technical evaluation panel.

Sec. 9. Minnesota Statutes 1994, section 103G.2242, subdivision 4, is amended to read:

Subd. 4. [DECISION.] Upon receiving and considering all required data, the local government unit approving a replacement plan must act on all applications for plan approval within 60 days. A local government unit may extend the 60-day period for an additional 30 days by notifying the applicant in writing of the delay, the reasons for the delay, and the expected date of final action on the application. If the local government unit fails to act on an application within the 60-day period or any extension period, the replacement plan shall be deemed approved.

Sec. 10. Minnesota Statutes 1994, section 103G.2242, subdivision 6, is amended to read:

Subd. 6. [NOTICE OF APPLICATION.] (a) Except as provided in paragraph (b), within ten days of receiving an application for approval of a replacement plan under this section, a copy summary of the application must be submitted to the board for publication in the Environmental Quality Board Monitor and separate copies of the complete application mailed to the members of the technical evaluation panel, individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district if one exists, the board of county commissioners, and the commissioner of agriculture, and the mayors of the cities within the area watershed. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected natural resources.

(b) Within ten days of receiving an application for approval of a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the application must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the members of the technical evaluation panel, individual members of the public who request a copy, and the managers of the watershed district, if applicable. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected commissioner of natural resources.

(c) For the purpose of this subdivision, "application" includes a revised application for replacement plan approval and an application for a revision to an approved replacement plan if:

(1) the wetland area to be drained or filled under the revised replacement plan is at least ten percent larger than the area to be drained or filled under the original replacement plan; or

(2) the wetland area to be drained or filled under the revised replacement is located more than 500 feet from the area to be drained or filled under the original replacement plan.

Sec. 11. Minnesota Statutes 1994, section 103G.2242, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF DECISION.] (a) Except as provided in paragraph (b), at least 30 days prior to By the effective date of the approval or denial of a replacement plan under this section, a copy summary of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, the board members of the technical evaluation panel, individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district if one exists, the board of county commissioners, and the commissioner of agriculture, and the mayors of the cities within the area watershed natural resources. Notice in the Environmental Quality Board Monitor is not required for projects involving the draining or filling of less than 10,000 square feet of wetlands.

(b) Within ten days of the decision approving or denying a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the approval or

~~denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, individual members of the public who request a copy, the members of the technical evaluation panel, and the managers of the watershed district, if applicable. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.~~

Sec. 12. Minnesota Statutes 1994, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. [APPEAL.] Appeal of ~~the~~ a replacement plan, exemption, or no-loss decision may be obtained by mailing a ~~notice of appeal~~ petition to the board within ~~30~~ 15 days after the postmarked date of the mailing specified in subdivision 7. The local government unit may require the petitioner to post a bond in an amount not to exceed \$500. If appeal is not sought within 30 days, the decision becomes final. Appeal may be made by the wetland owner, by any of those to whom notice is required to be mailed under subdivision 7, or by 100 residents of the county in which a majority of the wetland is located. Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that the appeal is meritless, trivial, or brought solely for the purposes of delay; that the petitioner has not exhausted all local administrative remedies; or that the petitioner has not posted a bond if required by the local government unit. In determining whether to grant the appeal, the board shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or petitioner, and the consequences of the delay resulting from the appeal. All appeals must be heard by the committee for dispute resolution of the board, and a decision made within 60 days of the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. ~~The~~ A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

Sec. 13. Minnesota Statutes 1994, section 103G.2242, subdivision 12, is amended to read:

Subd. 12. [REPLACEMENT CREDITS.] (a) Except as provided in paragraphs (b) and (c) or in a comprehensive wetland protection and management plan adopted under section 103G.2242, subdivision 1a, no public or private wetland restoration, enhancement, or construction may be allowed for replacement unless specifically designated for replacement and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

~~This subdivision (b) Paragraph (a) does not apply to a wetland whose owner has paid back with interest the individual or organization restoring, enhancing, or constructing the wetland.~~

(c) A wetland covered by section 103G.2241, paragraph (a), clause (9), may be used for replacement statewide.

(d) Notwithstanding section 103G.222, paragraph (i), the following areas are eligible for replacement credit as determined by the local government unit, including enrollment in a statewide wetlands bank:

(1) an area of permanent vegetative cover reestablished on a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be set aside to receive price supports or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;

(2) a buffer area of permanent vegetative cover established on upland adjacent to a wetland, if the upland buffer area was established at the time of wetland replacement; and

(3) a water quality treatment pond constructed to pretreat stormwater runoff prior to discharge to a wetland, if the water quality treatment pond was constructed at the time of wetland replacement.

Replacement credit under clause (1) may not exceed 50 percent of the total area of reestablished vegetative cover. Replacement credits under clauses (2) and (3) may be used only for replacement above a one-to-one ratio.

Sec. 14. Minnesota Statutes 1994, section 103G.237, subdivision 4, is amended to read:

Subd. 4. [COMPENSATION.] (a) The board shall award compensation in an amount equal to the greater of:

(1) 50 percent of the value of the wetland, calculated by multiplying the acreage of the wetland by the greater of:

(1) (i) the average equalized estimated market value of agricultural property in the township as established by the commissioner of revenue at the time application for compensation is made; or

(2) (ii) the assessed value per acre of the parcel containing the wetland, based on the assessed value of the parcel as stated on the most recent tax statement; or

(2) \$200 per acre of wetland subject to the replacement plan, increased or decreased by the percentage change of the assessed valuation of land in the township where the wetland is located from the 1995 valuation.

(b) A person who receives compensation under paragraph (a) shall convey to the board a permanent conservation easement as described in section 103F.515, subdivision 4. An easement conveyed under this paragraph is subject to correction and enforcement under section 103F.515, subdivisions 8 and 9.

Sec. 15. Minnesota Statutes 1994, section 103G.237, is amended by adding a subdivision to read:

Subd. 5. [COMPENSATION CLAIMS AGAINST LOCAL GOVERNMENT UNITS.] (a) At the request of a local government unit against which a compensation action is brought based at least in part on the local government unit's application of section 103G.222, 103G.2241, 103G.2242, 103G.237, or 103G.2372, or rules adopted by the board to implement these sections, the state, through the attorney general, shall intervene in the action on behalf of the local government unit and shall thereafter be considered a defendant in the action. A local government unit making a request under this paragraph shall provide the attorney general with a copy of the complaint as soon as possible after being served. If requested by the attorney general, the court shall grant additional time to file an answer equal to the time between service of the complaint on the local government unit and receipt of the complaint by the attorney general.

(b) The state is liable for costs, damages, fees, and compensation awarded in the action based on the local government's adoption or implementation of requirements that are required by state law.

(c) For the purposes of this subdivision, "compensation action" means an action in which the plaintiff seeks compensation for a taking of private property under the state or federal constitution or a similar action under a state or federal statute.

Sec. 16. Minnesota Statutes 1994, section 103G.2372, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES ENFORCEMENT.] (a) Except as otherwise provided in this subdivision, the commissioner of natural resources, conservation officers, and peace officers shall enforce laws preserving and protecting wetlands. Sheriffs and peace officers of local law enforcement agencies shall enforce ordinances implementing comprehensive wetland protection and management plans adopted under section 103G.2242, subdivision 1a. The commissioner of natural resources, a conservation officer, or a peace officer, or for an ordinance violation the sheriff or local law enforcement agency peace officers, may issue a cease and desist order to stop any illegal activity adversely affecting draining or filling of a wetland. In the order, or by separate order, the commissioner, conservation officer, or peace officer may require restoration or replacement of the wetland, as determined by the local soil and water conservation district or as otherwise provided by a comprehensive wetland protection and management plan. The soil and water conservation district shall make its determination within 30 days after the cease and desist order or separate restoration order is issued.

(b) An order issued under this subdivision may be enforced under section 103G.141, subdivision 2.

(c) A county may, by written notice to the board, elect to assume the enforcement powers and duties granted to the commissioner of natural resources and conservation officers under paragraph (a) and enforce wetland protection laws under section 394.37. After receipt of the notice by the commissioner, the commissioner and conservation officers may not take an enforcement action under this section in the county unless requested by the county.

Sec. 17. Minnesota Statutes 1994, section 103G.245, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] A public waters work permit is not required for:

(1) work in altered natural watercourses that are part of drainage systems established under chapter 103D or 103E if the work in the waters is undertaken according to chapter 103D or 103E; ~~or~~

(2) a drainage project for a drainage system established under chapter 103E that does not substantially affect public waters or involve routine maintenance of the drainage system; or

(3) work affecting a public waters wetland if the work is maintenance or repair of a road within the road right-of-way, including replacement of culverts, by a road authority provided the public waters are not drained to a greater extent than when the road was constructed or when the culvert was working.

Sec. 18. [USE OF BLOCK GRANTS FOR WETLAND PLANS.]

Natural resource block grants made under Laws 1993, chapter 172, section 6, may be used for development and implementation of comprehensive wetland protection and management plans under Minnesota Statutes, section 103G.2242, subdivision 1a.

Sec. 19. [STUDY OF WETLAND BANKING ALTERNATIVES; REPORT.]

The wetland heritage committee, under the auspices of the state comprehensive wetlands planning project, investigates alternative procedures and policies for improving the current wetland banking system in the state. The study must address ecological, hydrological, and economic aspects of wetland banking. The study and any recommendations must be reported to the appropriate policy committees of the legislature by January 1, 1997.

Sec. 20. [401 CERTIFICATION FOR FEDERAL NATIONWIDE PERMITS.]

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

(b) "Section 401 certification" or "certification" means a water quality certification required to be issued under section 401 of the federal Clean Water Act, United States Code, title 33, section 1341.

(c) "Nationwide permit" or "permit" means a nationwide general permit issued by the United States Army Corps of Engineers and listed in Code of Federal Regulations, title 40, part 330, appendix A.

Subd. 2. [WAIVER OF CERTIFICATION FOR CERTAIN PERMITS.] If, as of the effective date of this section, the pollution control agency has not issued a section 401 certification for a nationwide permit, the certification is waived for that nationwide permit. As soon as possible after the effective date of this section, the commissioner of the pollution control agency shall give notice of this waiver to the district engineer of the St. Paul District of the United States Army Corps of Engineers.

Subd. 3. [REMOVAL OF CONDITIONS ON CERTAIN NATIONWIDE PERMITS.] As soon as possible after the effective date of this section, the pollution control agency shall modify the existing water quality certifications for the nationwide permits to remove any conditions that are more restrictive than the conditions listed in Code of Federal Regulations, title 33, part 330, appendix A.

Sec. 21. [CALCAREOUS FENS; EXEMPTION.]

Minnesota Statutes, section 103G.223, does not apply to the construction, operation,

maintenance, or repair of the Lincoln-Pipestone rural water district established pursuant to Minnesota Statutes, chapter 116A.

Sec. 22. [REPEALER.]

Minnesota Statutes 1994, sections 103G.2242, subdivision 13; and 103G.2372, subdivisions 2 and 3, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying provisions relating to wetlands; amending Minnesota Statutes 1994, sections 103G.005, by adding subdivisions; 103G.221, subdivision 1; 103G.222; 103G.2241; 103G.2242, subdivisions 1, 2, 4, 6, 7, 9, 12, and by adding a subdivision; 103G.237, subdivision 4, and by adding a subdivision; 103G.2372, subdivision 1; and 103G.245, subdivision 2; repealing Minnesota Statutes 1994, sections 103G.2242, subdivision 13; and 103G.2372, subdivisions 2 and 3."

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

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was re-referred

S.F. No. 1054: A bill for an act relating to juveniles; clarifying jurisdiction, procedures, and dispositions; directing that rules be adopted; providing for educational programs and studies; requiring the state to pay the costs of certain educational programs; establishing youth service centers and pilot projects; providing direction to courts for secure placement dispositions; restricting out-of-state placements of juveniles; authorizing secure treatment program administrators to make certain decisions regarding juveniles; requiring HIV testing of certain juveniles; appropriating money; amending Minnesota Statutes 1994, sections 120.17, subdivisions 5a, 6, and 7; 120.181; 124.18, by adding a subdivision; 124.32, subdivision 6; 242.31, subdivision 1; 260.115, subdivision 1; 260.125; 260.126, subdivision 5; 260.131, subdivision 4; 260.181, subdivision 4; 260.185, subdivision 6, and by adding subdivisions; 260.193, subdivision 4; 260.215, subdivision 1; 260.291, subdivision 1; 609.055, subdivision 2; 611A.19, subdivision 1; and 641.14; proposing coding for new law in Minnesota Statutes, chapters 120; and 260; repealing Minnesota Statutes 1994, section 121.166.

Report 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 120.17, subdivision 5a, is amended to read:

Subd. 5a. [SUMMER PROGRAMS.] A district may provide summer programs for children with a disability living within the district and nonresident children temporarily placed in the district pursuant to subdivision 6 or 7 who are not enrolled in a year-round educational program under section 120.1811. Prior to March 31 or 30 days after the child with a disability is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivision 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for special education aid for the summer program. The unreimbursed actual cost of providing the program for nonresident children with a disability, including the cost of board and lodging, may be billed to the district of the child's residence and shall be paid by the resident district. Transportation costs shall be paid by the district responsible for providing transportation pursuant to subdivision 6 or 7 and transportation aid shall be paid to that district.

Sec. 2. Minnesota Statutes 1994, section 120.17, subdivision 6, is amended to read:

Subd. 6. [PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.] The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation and an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

(c) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child according to section 120.1811, and necessary transportation within the district while the child is attending the educational program; and shall bill the district of the child's residence for the actual cost of providing the program, as outlined in subdivision 4, except that the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than for making provision for the child's special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence. The nonresident district shall be reimbursed for the actual cost of providing the program in the following manner:

(1) if the child is placed in the residential program pursuant to a court order, the nonresident district shall bill the state as outlined in section 124.32, subdivision 6; or

(2) if the child is placed in the residential program by the district of residence for the purpose of meeting the child's educational needs, or is placed in a foster home or a foster group home, the nonresident district shall bill the district of residence as outlined in subdivision 4.

~~(d)~~ The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs shall be paid by the district responsible for providing the transportation and the state shall pay transportation aid to that district.

Sec. 3. Minnesota Statutes 1994, section 120.17, is amended by adding a subdivision to read:

Subd. 6a. [COURT-ORDERED PLACEMENT WITHIN RESIDENT DISTRICT.] When a child is temporarily placed in a residential program located within the district of residence pursuant to a court order, the resident district shall be reimbursed for the excess cost of providing an appropriate educational program. The resident district shall bill the state for any unreimbursed costs according to section 124.32, subdivision 6.

Sec. 4. Minnesota Statutes 1994, section 120.17, subdivision 7, is amended to read:

Subd. 7. [PLACEMENT IN STATE INSTITUTION; RESPONSIBILITY.] Responsibility for special instruction and services for a child with a disability placed in a state institution on a temporary basis shall be determined in the following manner:

(a) The legal residence of such child shall be the school district in which the child's parent resides, if living, or the child's guardian.

(b) When The educational needs of such child can be met through the institutional program, the costs for such instruction shall be paid by the department to which the institution is assigned.

(c) When it is determined that such child can benefit from public school enrollment, provision for such instruction shall be made in the following manner:

(1) determination of eligibility for special instruction and services shall be made by the commissioner of education and the commissioner of the department responsible for the institution;

(2) the school district where the institution is located shall be responsible for providing

transportation and an appropriate educational program for the child and shall make a tuition charge to the ~~child's district of residence~~ state according to section 124.32, subdivision 6, for the actual cost of providing the program; and

~~(3) the district of the child's residence shall pay the tuition and other program costs excluding transportation costs and may claim general education aid for the child. transportation costs shall be paid by the district where the institution is located and the state shall pay transportation aid to that district.~~

Sec. 5. Minnesota Statutes 1994, section 120.181, is amended to read:

120.181 [PLACEMENT OF NONHANDICAPPED; EDUCATION AND TRANSPORTATION.]

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the state board, and who is temporarily placed for care and treatment for that illness or disability, shall be determined as provided in this section.

(a) The school district of residence of the pupil shall be the district in which the pupil's parent or guardian resides or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) Prior to the placement of a pupil for care and treatment, the district of residence shall be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, shall notify the district of residence of the emergency placement within 15 days of the placement.

(c) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence shall provide instruction and necessary transportation for the pupil. The district may provide the instruction at a school within the district of residence, at the pupil's residence, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the state board of teaching.

(d) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed shall provide instruction for the pupil and necessary transportation within that district while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district shall bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. When a pupil is placed in a residential program pursuant to a court order, the district in which the pupil is placed shall bill the state according to section 124.18, subdivision 4, for the unreimbursed cost of providing instruction. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil shall send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the state board of teaching.

(e) The district of residence shall include the pupil in its residence count of pupil units and pay tuition as provided in section 124.18 to the district providing the instruction unless the pupil is placed pursuant to a court order. When a pupil is placed pursuant to a court order, the nonresident district shall include the pupil in its count of resident pupil units and claim general education aid for the pupil. Transportation costs shall be paid by the district providing the transportation and the state shall pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision shall be included in the handicapped transportation category.

Sec. 6. [120.1811] [EDUCATION PROGRAMS FOR STUDENTS IN RESIDENTIAL TREATMENT FACILITIES.]

Subdivision 1. [YEAR-ROUND SCHOOL REQUIRED.] Secure and nonsecure residential treatment facilities licensed by the department of human services or the department of corrections shall provide year-round education programs for a minimum of 250 days during a calendar year to juveniles in their care who are subject to section 120.101, subdivision 5. Each facility shall provide instruction for at least six hours per day throughout the year, including during the summer months, for all students, including students with disabilities. Each facility shall provide elementary, secondary, or vocational programs that are consistent with state board of education standards and also shall provide instruction designed to prepare students to pass the GED test. Special education services shall be provided as required by a student's individual education plan.

Subd. 2. [EDUCATIONAL SCREENING.] Each facility identified in subdivision 1 shall screen each juvenile who is held in a facility for at least 72 hours, excluding weekends or holidays, using an educational screening tool identified by the department of education, unless the facility determines that the juvenile has a current individual education plan and obtains a copy of the IEP. The department of education shall develop or identify an education screening tool for use in residential facilities. The tool must include a life skills development component.

Subd. 3. [RULEMAKING.] The state board of education may make or amend rules relating to education programs in residential treatment facilities, if necessary, to implement this section. Rules under this section shall be adopted jointly with the commissioners of corrections and human services.

Sec. 7. Minnesota Statutes 1994, section 124.18, is amended by adding a subdivision to read:

Subd. 4. [STATE PAYMENT.] (a) The state shall reimburse a nonresident district for the actual cost of providing instruction required under section 120.181, excluding the cost of transportation, to a nonresident pupil placed in a residential treatment program pursuant to a court order. The state shall also pay to the nonresident district for capital expenditures and debt service the greater of \$10 or the average expenditure for capital expenditures and debt service per pupil unit in average daily membership in the district times the number of nonresident pupil units. The nonresident district may claim general education aid for the pupil for the period the nonresident district provides instruction. The amount of general education aid and any other aid earned on behalf of the child shall be subtracted from the amount of the reimbursement.

(b) The state shall reimburse a resident district providing services to a pupil placed in a residential program according to section 120.181, pursuant to a court order. The amount of the state reimbursement shall equal the actual cost of providing instruction minus the amount of general education revenue and any other revenue received on behalf of the pupil.

(c) This subdivision does not apply to a child placed in a foster home or a foster group home.

Sec. 8. Minnesota Statutes 1994, section 124.32, subdivision 6, is amended to read:

Subd. 6. [FULL STATE PAYMENT.] (a) The state shall pay each district the actual cost incurred in providing instruction and services for a child with a disability ~~whose district of residence has been determined by section 120.17, subdivision 8a,~~ and who is temporarily placed in a state institution or a licensed residential facility for care and treatment when the child's district of residence has been determined by section 120.17, subdivision 8a, or where the state is required to reimburse the district of placement under section 120.17, subdivisions 6, 6a, and 7. This section does not apply to a child placed in a foster home or a foster group home.

(b) Upon following the procedure specified by the commissioner of education, the district may bill the state the actual cost incurred in providing the services including ~~transportation costs and~~ a proportionate amount of capital expenditures and debt service, minus the amount of the basic revenue, as defined in section 124A.22, subdivision 2, of the district for the child and the special education aid, ~~transportation aid,~~ and any other aid earned on behalf of the child. The nonresident district providing instruction to a child under section 120.17, subdivisions 6 and 7, may claim general education aid for the child. When a child's district of residence has been determined by section 120.17, subdivision 8a, the providing district may also bill the state for transportation costs less any transportation aid earned on behalf of the child. The limit set forth in subdivision 4 shall apply to aid paid pursuant to this subdivision.

(c) A resident district serving a child under section 120.17, subdivision 6a, may bill the state for the actual cost of providing services, minus the amount of general education revenue, special education revenue, transportation revenue, or any other revenue earned on behalf of the child.

(d) To the extent possible, the commissioner shall obtain reimbursement from another state for the cost of serving any child whose parent or guardian resides in that state. The commissioner may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasury and placed in the general fund.

Sec. 9. Minnesota Statutes 1994, section 242.31, subdivision 1, is amended to read:

Subdivision 1. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following certification to ~~district court~~ under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside. An order setting aside a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Sec. 10. [260.042] [ORIENTATION AND EDUCATIONAL PROGRAM.]

The juvenile court shall make an orientation and educational program available for juveniles and their families in accordance with the program established, if any, by the supreme court.

Sec. 11. Minnesota Statutes 1994, section 260.115, subdivision 1, is amended to read:

Subdivision 1. [TRANSFERS REQUIRED.] Except where a juvenile court has certified an alleged violation to ~~district court~~ in accordance with the provisions of section 260.125, the child is alleged to have committed murder in the first degree after becoming 16 years of age, or a court has original jurisdiction of a child who has committed an adult court traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 12. Minnesota Statutes 1994, section 260.125, is amended to read:

260.125 [CERTIFICATION TO ~~DISTRICT COURT~~.]

Subdivision 1. When a child is alleged to have committed, after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order certifying the proceeding to ~~the district court for action under the criminal laws~~ under the laws and court procedures controlling adult criminal violations.

Subd. 2. [ORDER OF CERTIFICATION; REQUIREMENTS.] Except as provided in subdivision 3a or 3b, the juvenile court may order a certification to ~~district court~~ only if:

- (1) a petition has been filed in accordance with the provisions of section 260.131;
- (2) a motion for certification has been filed by the prosecuting authority;
- (3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;
- (4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion;

(5) the court finds that there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and

(6) the court finds either:

(i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or

(ii) that the presumption of certification does not apply and the prosecuting authority has demonstrated by clear and convincing evidence that retaining the proceeding in the juvenile court does not serve public safety. If the court finds that the prosecutor has not demonstrated by clear and convincing evidence that retaining the proceeding in juvenile court does not serve public safety, the court shall retain the proceeding in juvenile court.

Subd. 2a. [PRESUMPTION OF CERTIFICATION.] It is presumed that a proceeding involving an offense committed by a child will be certified ~~to district court~~ if:

(1) the child was 16 or 17 years old at the time of the offense; and

(2) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, or that the child committed any felony offense while using, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the ~~child to district court~~ proceeding.

Subd. 2b. [PUBLIC SAFETY.] In determining whether the public safety is served by certifying ~~a child to district court~~ the matter, the court shall consider the following factors:

(1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;

(2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;

(3) the child's prior record of delinquency;

(4) the child's programming history, including the child's past willingness to participate meaningfully in available programming;

(5) the adequacy of the punishment or programming available in the juvenile justice system; and

(6) the dispositional options available for the child.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the child's prior record of delinquency than to the other factors listed in this subdivision.

Subd. 3a. [PRIOR CERTIFICATION; EXCEPTION.] Notwithstanding the provisions of subdivisions 2, 2a, and 2b, the court shall order a certification in any felony case if the prosecutor shows that the child has been previously prosecuted on a felony charge by an order of certification issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing, other than a prior certification in the same case.

This subdivision only applies if the child is convicted of the offense or offenses for which the

child was prosecuted pursuant to the order of certification or of a lesser-included offense which is a felony.

This subdivision does not apply to juvenile offenders who are subject to criminal court jurisdiction under section 609.055.

Subd. 3b. [ADULT CHARGED WITH JUVENILE OFFENSE.] The juvenile court has jurisdiction to hold a certification hearing on motion of the prosecuting authority to certify the matter ~~to district court~~ if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26.

The court may not certify the matter ~~to district court~~ under this subdivision if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Subd. 4. [EFFECT OF ORDER.] When the juvenile court enters an order certifying an alleged violation ~~to district court~~, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. [WRITTEN FINDINGS; OPTIONS.] The court shall decide whether to order certification ~~to district court~~ within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders certification, and the presumption described in subdivision 2a does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why public safety is not served by retaining the proceeding in the juvenile court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order certification ~~to district court~~, the decision shall contain, in writing, findings of fact and conclusions of law as to why certification is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 2a applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 2b. If the court decides not to order certification in a case in which the presumption described in subdivision 2a does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution, pursuant to the hearing process described in section 260.126, subdivision 2.

Subd. 6. [FIRST-DEGREE MURDER.] When a motion for certification has been filed in a case in which the petition alleges that the child committed murder in the first degree, the prosecuting authority shall present the case to the grand jury for consideration of indictment under chapter 628 within 14 days after the petition was filed.

Subd. 7. [INAPPLICABILITY TO CERTAIN OFFENDERS.] This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 13. Minnesota Statutes 1994, section 260.126, subdivision 5, is amended to read:

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously

imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay. Upon revocation, the offender's extended jurisdiction status is terminated and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than commitment to the commissioner of corrections, is with the adult court.

Sec. 14. Minnesota Statutes 1994, section 260.131, subdivision 4, is amended to read:

Subd. 4. [DELINQUENCY PETITION; EXTENDED JURISDICTION JUVENILE.] When a prosecutor files a delinquency petition alleging that a child committed a felony offense for which there is a presumptive commitment to prison according to the sentencing guidelines and applicable statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

Sec. 15. Minnesota Statutes 1994, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

(b) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the individual was convicted as an extended jurisdiction juvenile, extends until the offender becomes 21 years of age, unless the court terminates jurisdiction before that date.

(c) The juvenile court has jurisdiction to designate the proceeding an extended jurisdiction juvenile prosecution, to hold a certification hearing, or to conduct a trial, receive a plea, or impose a disposition under section 260.126, subdivision 4, if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.

The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

(d) The district court has original and exclusive jurisdiction over a proceeding:

(1) that involves an adult who is alleged to have committed an offense before the adult's 18th birthday; and

(2) in which a criminal complaint is filed before expiration of the time for filing under section 628.26 and after the adult's 21st birthday.

The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage.

(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 260.126, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Sec. 16. Minnesota Statutes 1994, section 260.185, is amended by adding a subdivision to read:

Subd. 1b. [COMMITMENT TO SECURE FACILITY; LENGTH OF STAY; TRANSFERS.]

An adjudicated juvenile may not be placed in a licensed juvenile secure treatment facility unless the placement is approved by the juvenile court. However, the program administrator may determine the juvenile's length of stay in the secure portion of the facility. The administrator shall notify the court of any movement of juveniles from secure portions of facilities. However, the court may, in its discretion, order that the juveniles be moved back to secure portions of the facility.

Sec. 17. Minnesota Statutes 1994, section 260.185, is amended by adding a subdivision to read:

Subd. 1c. [PLACEMENT OF JUVENILES IN SECURE FACILITIES; REQUIREMENTS.] Prior to a postadjudication placement of a juvenile in a secure treatment facility either inside or outside the state, the court may:

(1) consider whether the juvenile has been adjudicated for a felony offense against the person or that in addition to the current adjudication, the juvenile has failed to appear in court on one or more occasions or has run away from home on one or more occasions;

(2) conduct a subjective assessment to determine whether the child is a danger to self or others or would abscond from a nonsecure facility or if the child's health or welfare would be endangered if not placed in a secure facility;

(3) conduct a culturally appropriate psychological evaluation which includes a functional assessment of anger and abuse issues; and

(4) conduct an educational and physical assessment of the juvenile.

In determining whether to order secure placement, the court shall consider the necessity of:

(1) protecting the public;

(2) protecting program residents and staff; and

(3) preventing juveniles with histories of absconding from leaving treatment programs.

Sec. 18. Minnesota Statutes 1994, section 260.185, subdivision 6, is amended to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] (a) Prior to August 1, 1997, a court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted extended jurisdiction juvenile in a residential or detention facility outside Minnesota unless the commissioner of corrections has certified that the facility:

(1) meets or exceeds the standards for Minnesota residential treatment programs set forth in rules adopted by the commissioner of human services and the standards for juvenile residential facilities set forth in rules adopted by the commissioner of corrections or the standards for juvenile detention facilities set forth in rules adopted by the commissioner of corrections; and

(2) provides education, health, dental, and other necessary care equivalent to that which the child would receive if placed in a Minnesota facility licensed by the commissioner of corrections or commissioner of human services.

(b) After August 1, 1997, a court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted extended jurisdiction juvenile in a residential or detention facility outside Minnesota unless the court determines that the specialized programmatic needs of the juvenile are not available in a facility within Minnesota and the out-of-state facility has been certified by the commissioner of corrections under paragraph (a), clauses (1) and (2). For purposes of this subdivision, "specialized programmatic needs" does not include concerns about security.

(c) The interagency licensing agreement between the commissioners of corrections and human services shall be used to determine which rule shall be used for certification purposes under this subdivision.

(e) (d) The commissioner of corrections may charge each facility evaluated a reasonable amount. Money received is annually appropriated to the commissioner of corrections to defray the costs of the certification program.

Sec. 19. Minnesota Statutes 1994, section 260.193, subdivision 4, is amended to read:

Subd. 4. [ORIGINAL JURISDICTION; JUVENILE COURT.] The juvenile court shall have original jurisdiction if the child is alleged to have committed both major and adult court traffic offenses in the same behavioral incident over:

- (1) all juveniles age 15 and under alleged to have committed any traffic offense; and
- (2) 16- and 17-year-olds alleged to have committed any major traffic offense, except that the adult court has original jurisdiction over:
 - (i) petty traffic misdemeanors not a part of the same behavioral incident of a misdemeanor being handled in juvenile court; and
 - (ii) violations of sections 169.121 (drivers under the influence of alcohol or controlled substance) and 169.129 (aggravated driving while intoxicated), and any other misdemeanor or gross misdemeanor level traffic violations committed as part of the same behavioral incident of a violation of section 169.121 or 169.129.

Sec. 20. Minnesota Statutes 1994, section 260.215, subdivision 1, is amended to read:

Subdivision 1. [CERTAIN VIOLATIONS NOT CRIMES.] A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:

- (1) certifies the matter to the district court in accordance with the provisions of section 260.125;
- (2) transfers the matter to a court in accordance with the provisions of section 260.193; or
- (3) convicts the child as an extended jurisdiction juvenile and subsequently executes the adult sentence under section 260.126, subdivision 5.

Sec. 21. Minnesota Statutes 1994, section 260.291, subdivision 1, is amended to read:

Subdivision 1. [PERSONS ENTITLED TO APPEAL; PROCEDURE.] (a) An appeal may be taken by the aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

(b) An appeal may be taken by an aggrieved person from an order of the juvenile court on the issue of certification of a child to district court matter for prosecution under the laws and court procedures controlling adult criminal violations. Certification appeals shall be expedited as provided by applicable rules.

Sec. 22. Minnesota Statutes 1994, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] (a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense if the alleged violation is duly certified to the district court for prosecution under the laws and court procedures controlling adult criminal violations or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

- (1) the child has been previously certified to the district court on a felony charge pursuant to a hearing under section 260.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and
- (2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

Sec. 23. Minnesota Statutes 1994, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) The sentencing court ~~may~~ shall issue an order requiring a person, including adjudicated juveniles, convicted of a violent crime, as defined in section 609.152, or a juvenile adjudicated delinquent for violating section 609.342, 609.343, 609.344, or 609.345, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

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

(2) the victim requests the test; and or

(3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime in a manner which has been demonstrated epidemiologically to transmit the HIV virus.

(b) If the court grants the prosecutor's motion, the court shall order that the test be performed by an appropriate health professional who is trained to provide the counseling described in section 144.763, and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

Sec. 24. Minnesota Statutes 1994, section 641.14, is amended to read:

641.14 [JAILS; SEPARATION OF PRISONERS.]

The sheriff of each county is responsible for the operation and condition of the jail. If construction of the jail permits, the sheriff shall maintain strict separation of prisoners to the extent that separation is consistent with prisoners' security, safety, health, and welfare. The sheriff shall not keep in the same room or section of the jail:

(1) a minor under 18 years old and a prisoner who is 18 years old or older, unless:

(i) the minor has been committed to the commissioner of corrections under section 609.105 or;

(ii) the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260.125; or

(iii) the minor is 16 or 17 years old and has been indicted for murder in the first degree; and

(2) a female prisoner and a male prisoner; and

(3) a minor under 18 years old and an extended jurisdiction juvenile 18 years old or older who is alleged to have violated the conditions of the stay of execution.

Sec. 25. [AMENDMENTS TO RULES DIRECTED.]

The commissioners of corrections and human services shall jointly amend their licensing rules to:

(1) allow residential facilities to admit 18- and 19-year-old extended jurisdiction juveniles;

(2) require licensed facilities to develop policies and procedures for appropriate programming and housing separation of residents according to age; and

(3) allow the commissioners the authority to approve the policies and procedures authorized by clause (2) for the facilities over which they have licensing authority.

Sec. 26. [COMMISSIONERS TO ADOPT RULES REGARDING SECURE TREATMENT FACILITIES.]

The commissioners of corrections and human services shall jointly adopt licensing rules requiring all facilities to develop operating policies and procedures for the continued use of secure treatment placement. These policies and procedures must include timelines for the review of individual cases to determine the continuing need for secure placement and criteria for movement of juveniles to less restrictive parts of the facilities.

Sec. 27. [EDUCATIONAL PROGRAM FOR JUVENILE COURT PROCESS.]

The supreme court is requested to establish, by January 1, 1997, an educational program explaining the juvenile court system for use in juvenile courts under Minnesota Statutes, section 260.042.

Sec. 28. [JUVENILE FEMALE OFFENDERS.]

The commissioner of corrections shall collaborate with the commissioners of human services, health, economic security, planning, education, and public safety and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.

Sec. 29. [SECURE AND NONSECURE RESIDENTIAL TREATMENT FACILITIES.]

Subdivision 1. [RULES REQUIRED; COMMITTEE ESTABLISHED.] The commissioners of corrections and human services shall jointly adopt licensing and programming rules for the secure and nonsecure residential treatment facilities that they license and shall establish an advisory committee to develop these rules. The committee shall develop consistent general licensing requirements for juvenile residential care, enabling facilities to provide appropriate services to juveniles with single or multiple problems. The rules shall establish program standards with an independent auditing process by July 1997.

Subd. 2. [STANDARDS.] The standards to be developed in the rules must require:

(1) standards for the management of the program including:

(i) a board of directors or advisory committee for each facility which represents the interests, concerns, and needs of the clients and community being served;

(ii) appropriate grievance and appeal procedures for clients and families; and

(iii) use of an ongoing internal program evaluation and quality assurance effort at each facility to monitor program effectiveness and guide the improvement of services provided, evaluate client and family satisfaction with each facilities' services, and collect demographic information on clients served and outcome measures relative to the success of services; and

(2) standards for programming including:

(i) specific identifiable criteria for admission and discharge;

(ii) written measurable goals for each client;

(iii) development of a no-eject policy by which youths are discharged based on successful completion of individual goals and not automatically discharged for behavioral transgressions;

(iv) individual plans for transitional services that involve youths, their families, and community resources to accomplish community integration and family reunification where appropriate;

(v) cultural sensitivity, including the provision of interpreters and English language skill development to meet the needs of the facilities' population;

(vi) use of staff who reflect the ethnicity of the clients served, wherever possible;

(vii) provision of staff training in cultural sensitivity and disability awareness;

(viii) capability to respond to persons with disabilities; and

(ix) uniform education programs consistent with Minnesota Statutes, section 120.1811; and

(3) a program audit procedure which requires regular unbiased program audits and reviews to determine if the facilities continue to meet the standards established in statute and rule and the needs of the clients and community.

Subd. 3. [MEMBERSHIP.] The commissioners of corrections and human services or their designee shall serve as co-chairs of the rulemaking committee. The co-chairs shall invite individuals who have demonstrated experience in the juvenile justice field to serve on the committee; including, but not limited to, representatives or designees of the departments of corrections, human services, and education, the private sector, and other juvenile facility stakeholders. The commissioners shall ensure that family members of juveniles, representatives of communities of color, and members of advocacy groups serve on the rulemaking committee and shall schedule committee meetings at times and places that ensure representation by these individuals.

Subd. 4. [TIME LINES.] By December 1, 1996, the rulemaking committee shall submit draft rule parts which address the program standards, evaluation, and auditing standards and procedures to the legislative audit commission. The commission is requested to direct the legislative auditor to review the draft rule parts to determine whether the parts are consistent with sound policy.

By February 15, 1997, the legislative auditor is requested to report on its review to both the legislature and the rulemaking committee. By April 1, 1997, the rulemaking committee shall provide a report to the legislature on the status of the rulemaking process including steps it will take to address any concerns raised in the legislative auditor's review. By July 31, 1997, the licensing and programming rulemaking process shall be completed.

Subd. 5. [LICENSING.] The commissioners of corrections and human services may not license facilities that fail to meet programming standards after they are adopted.

Sec. 30. [STUDY OF SECURE TREATMENT FACILITIES.]

The commissioner of corrections, in consultation with the commissioner of human services, shall conduct a study on the use of secure treatment facilities for juveniles in the state and shall submit a written report to the governor and the legislature by January 1, 1997. The report must contain the commissioners' findings, along with demographic data and recommendations concerning the use of admission criteria.

Sec. 31. [COMMISSIONER OF CORRECTIONS; GRANTS TO COUNTIES FOR JUVENILE PROGRAMMING.]

The commissioner of corrections shall provide grants to counties to provide a comprehensive continuum of care to juveniles convicted as extended jurisdiction juveniles and under the county's jurisdiction.

Counties may apply to the commissioner for grants in a manner specified by the commissioner but must identify the following in writing:

- (1) the amount of money currently being spent by the county for juvenile programming;
- (2) what gaps currently exist in providing a comprehensive continuum of care to juveniles within the county;
- (3) what specific steps will be taken and what specific changes will be made to existing programming to reduce the juvenile reoffense rate; and
- (4) what new programming will be provided to fill the gaps identified in clause (2) and how it will lower the juvenile reoffense rate.

For purposes of this section, a comprehensive continuum of care may include:

- (1) primary prevention programs or services that promote health and social well-being and the development of nurturing support systems;
- (2) secondary prevention programs or services that minimize the effect of characteristics which identify individuals as members of high-risk groups;

(3) tertiary prevention programs or services that are provided after violence or antisocial conduct has occurred and which are designed to prevent its recurrence;

(4) programs or services that are treatment focused and offer an opportunity for rehabilitation;

(5) punishment of juveniles, as provided by applicable law; and

(6) transition programs or services designed to reintegrate juveniles discharged from residential programs into the community.

Sec. 32. [PLAN FOR TRACKING JUVENILE REOFFENSE RATE; REPORT.]

The criminal and juvenile justice information policy group, in cooperation with the supreme court, the commissioner of corrections, and the superintendent of the bureau of criminal apprehension, shall develop a plan for obtaining and compiling the names of juvenile offenders and for tracking and reporting juvenile reoffense rates. This plan must examine the initial analysis and design work done by the supreme court under Laws 1994, chapter 576, section 67, subdivision 8, to determine a timetable for implementing the plan and whether additional technology will be necessary. By January 1, 1996, the criminal and juvenile justice information policy group shall report to the legislature on the plan.

Sec. 33. [APPROPRIATIONS.]

Subdivision 1. [GENERAL.] The appropriations contained in this section are from the general fund and are for the fiscal biennium ending June 30, 1997.

Subd. 2. [SUPREME COURT.] \$..... is appropriated to the supreme court to develop the educational program under sections 10 and 27.

Subd. 3. [CORRECTIONS.] \$..... is appropriated to the commissioner of corrections to implement section 28.

\$..... is appropriated to the commissioner of corrections to implement section 31.

Subd. 4. [CORRECTIONS AND HUMAN SERVICES.] \$..... is appropriated to the commissioners of corrections and human services to adopt the rules and administer the advisory committee described in section 28.

\$..... is appropriated to the commissioners of corrections and human services to conduct the study on the use of secure treatment facilities for juveniles directed in section 30.

Subd. 5. [EDUCATION AND HUMAN SERVICES.] \$..... is appropriated to the commissioners of education and human services for grants to family services collaboratives and mental health collaboratives to establish youth service center pilot projects for juveniles under the jurisdiction of the juvenile court. The centers may provide medical, educational, job-related, mental health, social services, and programs. Six pilot projects shall be developed with at least four located in the metropolitan area. A written report, detailing the impact of the projects, shall be presented to the legislature by January 1, 1997.

Subd. 6. [EDUCATION.] \$..... is appropriated to the commissioner of education for reimbursements to school districts for the cost of instruction and services according to sections 7 and 8.

Subd. 7. [ECONOMIC SECURITY.] \$..... is appropriated to the commissioner of economic security for the establishment of additional pilot projects pursuant to Laws 1994, chapter 576, section 65. The commissioner shall fund projects.

Sec. 34. [REPEALER.]

Minnesota Statutes 1994, section 121.166, is repealed.

Sec. 35. [EFFECTIVE DATE.]

Sections 1 to 9, 11 to 24, 31, 33, and 34 are effective July 1, 1995. Sections 19, 25 to 30, and 32 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to juveniles; clarifying jurisdiction, procedures, and dispositions; directing that rules be adopted; providing for educational programs and studies; requiring the state to pay the costs of certain educational programs; establishing youth service centers and pilot projects; providing direction to courts for secure placement dispositions; restricting out-of-state placements of juveniles; authorizing secure treatment program administrators to make certain decisions regarding juveniles; requiring HIV testing of certain juveniles; appropriating money; amending Minnesota Statutes 1994, sections 120.17, subdivisions 5a, 6, and 7, and by adding a subdivision; 120.181; 124.18, by adding a subdivision; 124.32, subdivision 6; 242.31, subdivision 1; 260.115, subdivision 1; 260.125; 260.126, subdivision 5; 260.131, subdivision 4; 260.181, subdivision 4; 260.185, subdivision 6, and by adding subdivisions; 260.193, subdivision 4; 260.215, subdivision 1; 260.291, subdivision 1; 609.055, subdivision 2; 611A.19, subdivision 1; and 641.14; proposing coding for new law in Minnesota Statutes, chapters 120; and 260; repealing Minnesota Statutes 1994, section 121.166."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1421, 1207 and 483 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Vickerman moved that S.F. No. 1207, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mr. Pogemiller was excused from the Session of today from 10:00 to 10:45 a.m. Mr. Kelly was excused from the Session of today from 4:00 to 7:00 p.m. Mr. Lessard was excused from the Session of today from 5:00 to 5:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:45 a.m., Wednesday, April 5, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate