

**Senate Counsel, Research,  
and Fiscal Analysis**

G-17 STATE CAPITOL  
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JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 1437 - Recodifying the Motor Vehicle Retail  
Installment Sales Act**

**Author:** Senator Julianne E. Ortman

**Prepared by:** Matthew S. Grosser, Senate Research (651/296-1890) *MB*

**Date:** March 14, 2005

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The bill is entirely technical; recodifying the statutes dealing with the retail installment sales of motor vehicles, moving those statutes into a new chapter among those chapters involving lending that is regulated by the Department of Commerce.

MSG:cs

Senators Ortman and Murphy introduced--  
S.F. No. 1437: Referred to the Committee on Commerce

1 A bill for an act  
2 relating to motor vehicles; recodifying the Motor  
3 Vehicle Retail Installment Sales Act.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

5 Section 1. [REVISOR INSTRUCTION.]

6 The revisor of statutes shall renumber each section of  
7 Minnesota Statutes listed in column A with the number listed in  
8 column B. The revisor shall make necessary cross-reference  
9 changes consistent with the renumbering and shall change the  
10 term "administrator" or similar term to "commissioner" or  
11 similar term wherever it appears in the sections listed in  
12 column B.

	<u>Column A</u>	<u>Column B</u>
13		
14	<u>168.66</u>	<u>53C.01</u>
15	<u>168.67</u>	<u>53C.02</u>
16	<u>168.68</u>	<u>53C.03</u>
17	<u>168.69</u>	<u>53C.04</u>
18	<u>168.70</u>	<u>53C.05</u>
19	<u>168.705</u>	<u>53C.06</u>
20	<u>168.706</u>	<u>53C.07</u>
21	<u>168.71</u>	<u>53C.08</u>
22	<u>168.72</u>	<u>53C.09</u>
23	<u>168.73</u>	<u>53C.10</u>
24	<u>168.74</u>	<u>53C.11</u>

10/28/04

[REVISOR ] EB/JC 05-0213

1	<u>168.75</u>	<u>53C.12</u>
2	<u>168.76</u>	<u>53C.13</u>
3	<u>168.77</u>	<u>53C.14</u>

Sen. Ortman

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**Senate**  
**State of Minnesota**

**REVIEW OF STATE AGENCY BILL**

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JOAN E. WHITE  
THOMAS S. BOTTERN  
ANN MARIE BUTLER

**Department:** Public Safety

**Revisor's Number:** 05-0213

**Date Received:** December 14, 2004.

**Title:** Renumber Motor Vehicle Retail Installment Sales Law

**Reviewing Attorney:** Christopher B. Stang

LEGISLATIVE  
ANALYSTS

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ANDREW A. VENNEWITZ  
MAJA WEIDMANN

**Significance**

**Controversial**

Major

Probably Controversial

Ordinary

Potentially Controversial

Inconsequential

Probably Noncontroversial

See Comment Below

See Comment Below

**Amendments**

**Summary**

None Currently Needed

State Agency Summary is Adequate

Attached

Revised Summary is Attached

Need to be Done

See Comment Below

See Comment Below

**Comments:**

1 Senator Scheid from the Committee on Commerce, to which was  
2 referred

3 S.F. No. 1437: A bill for an act relating to motor  
4 vehicles; recodifying the Motor Vehicle Retail Installment Sales  
5 Act.

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

8

9

*Arda Scheid*  
.....  
(Committee Chair)

10

11

12

13

14

March 16, 2005.....  
(Date of Committee recommendation)

**Senate Counsel, Research,  
and Fiscal Analysis**

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# Senate

State of Minnesota

## S.F. No. 1039 - Farm Tractor Meters

**Author:** Senator Gary W. Kubly  
**Prepared by:** Christopher B. Stang, <sup>CB</sup> Senate Counsel (651/296-0539)  
**Date:** March 10, 2005

---

**Section 1** provides definitions for purposes of the bill.

**Section 2** specifies prohibited acts relating to farm tractor clock-hour meters.

**Subdivision 1** prohibits a person with intent to defraud from knowingly tampering with, adjusting, altering, changing, or failing to connect the clock-hour meter of a farm tractor so as to reflect fewer hours of operation.

**Subdivision 2** prohibits a person with intent to defraud from operating a farm tractor knowing the clock-hour meter has been disconnected or is nonfunctional.

**Subdivision 3** prohibits a person from advertising for sale or installing on any part of a farm tractor or clock-hour meter a device that causes the meter to register other than true hours of operation.

**Subdivision 4** prohibits a person from selling a farm tractor with knowledge that the hours registered have been altered so as to reflect fewer hours of operation, without disclosing that fact to prospective purchasers.

**Subdivision 5** prohibits a person from conspiring with another person to violate this section.

**Section 3** provides for enforcement of the bill.

**Subdivision 1** provides that violations of the law are subject to the penalties of Minnesota Statutes, section 8.31.

**Subdivision 2** provides for a private right of action and allows a person injured by a violation to recover actual damages, including reasonable attorney fees. The court is allowed to increase the award of damages to an amount not to exceed three times actual damages or \$1,500, whichever is greater.

CBS: cs



1        Subd. 2. [OPERATION WITH DISCONNECTED OR NONFUNCTIONAL  
2 METER.] No person shall, with intent to defraud, operate a farm  
3 tractor knowing that the clock-hour meter of the farm tractor is  
4 disconnected or nonfunctional.

5        Subd. 3. [TAMPERING DEVICE.] No person shall advertise for  
6 sale, sell, use, or install on any part of a farm tractor or on  
7 a clock-hour meter in a farm tractor a device that causes the  
8 clock-hour meter to register any hours of operation other than  
9 the true hours of operation that the clock-hour meter was  
10 designed to measure.

11        Subd. 4. [DISCLOSURE.] No person shall sell or offer for  
12 sale a farm tractor with knowledge that the hours registered on  
13 the clock-hour meter have been altered so as to reflect fewer  
14 hours than the farm tractor has actually been in operation,  
15 without disclosing the fact to prospective purchasers.

16        Subd. 5. [CONSPIRACY.] No person shall conspire with  
17 another person to violate this section.

18        Sec. 3. [325E.167] [PENALTY; RIGHT OF ACTION.]

19        Subdivision 1. [CIVIL PENALTY.] A person who is found to  
20 have violated sections 325E.165 and 325E.166 is subject to the  
21 penalties in section 8.31.

22        Subd. 2. [PRIVATE RIGHT OF ACTION.] A person injured by a  
23 violation of sections 325E.165 and 325E.166 may recover the  
24 actual damages sustained together with costs and disbursements,  
25 including reasonable attorney fees. The court, in its  
26 discretion, may increase the award of damages to an amount not  
27 to exceed three times the actual damages sustained or \$1,500,  
28 whichever is greater.

Sen. Kubly  
H02

FROM : R SKALBECK

PHONE NO. : 3207652542

Mar. 16 2005 11:14AM P1

To Senator Gary W. Kubly:

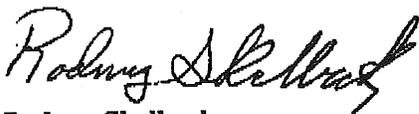
In December, my son was looking for a used tractor. A dealer said he had one with less than 3,000 hours on the clock. As Todd was looking over the tractor, he happened to see a filter that had been written on saying it had been installed at 4,000 hours. When confronted, the salesman said the farmer must have made a mistake. Our son did not buy the tractor. This is just the latest story about a practice which is not illegal in Minnesota: hour clock tampering.

In September, 1994, my son and I purchased used combined from dealer. The clock on the combine showed just under 1800 hours. We traded in our old combine that had 3800 hours on the clock. The purchase price was \$45,000...our trade-in plus \$26,000 to "boot".

When we began using the combine, it became obvious the clock was off...way off. The straw walker simply broke apart from metal fatigue. Shafts would crystalize and break. I had never had that happen before, even the year I rented a combine with 6000 hours on it. Waxing and polisheng can make a combine look pretty good, and if the clock says 1800 hours there should be a lot of useful life in it. The combine we traded in was better than the one we purchased. In the three years we tried to use it, we were never able to finish our 750 acres without borrowing a combine or hiring a custom operator to finish, because our combine had broken down.

One man told me about his brother's experience. His brother, Tom, a real good farmer who took good care of his machinery, traded in his combine with 1600 hours on the clock. The dealer sold it to another farmer who used it for two years and then traded it back to the dealer. The dealer called Tom and asked if he could say it was Tom's machine because it would be easier to sell. Tom asked how many hours were on it. The dealer said, "1400," 200 less than when Tom traded it in. When challenged, the dealer said, "Everyone does it."

We have a law against turning back odometers on cars, even those selling for \$2,000 or less, but no law concerning farm tractors or combines which can cost as much as \$100,000. A bill preventing the practice of tampering with hour clocks has passed in all the committees it has been brought up to over the past several years. Then the bill disappears from view. Isn't it time to get serious about this swindle, and give farmers some protection against a practice that is so costly financially, but also costly in time which is critical to the farmer.



Rodney Skalbeck  
80903 160<sup>th</sup> Street  
Sacred Heart, MN 56285  
1-320-765-2542

March 16,2005

1 Senator Scheid from the Committee on Commerce, to which was  
2 referred

3 S.F. No. 1039: A bill for an act relating to commerce;  
4 prohibiting tampering with clock-hour meters on farm tractors;  
5 prescribing a civil penalty and a private right of action;  
6 proposing coding for new law in Minnesota Statutes, chapter 325E.

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

9 Page 2, line 12, after "sale" insert "or trade in"

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

12  
13   
14 (Committee Chair)

15  
16 March 16, 2005.....  
17 (Date of Committee recommendation)

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**Senate**

**State of Minnesota**

**S.F. No. 909 - Medicare Supplement Insurance**

**Author:** Senator Sharon Marko

**Prepared by:** Christopher B. Stang, <sup>CBS</sup> Senate Counsel (651/296-0539)

**Date:** March 10, 2005

---

**Section 1** deals with the "six month open window" open enrollment period for Medicare supplement insurance available after a person enrolls in Medicare Part B. Open enrollment means the person cannot be turned down for Medicare supplement insurance for health reasons during that six-month period. Under current law, if a person who is enrolled in Medicare Part B drops that enrollment because the person has returned to work and has employee health coverage through the person's employer, the person gets another "six-month open window" when the person later retires again (or loses the job) and reenrolls in Medicare Part B. This section extends that to also apply to people who drop Medicare Part B because they obtain health coverage through an employer other than through becoming an employee. The typical example of this would be a person who gets that employer health coverage as a spouse or other dependent of an employee.

CBS:cs

Senators Marko and Scheid introduced--

S.F. No. 909: Referred to the Committee on Health and Family Security.

1 A bill for an act  
2 relating to insurance; broadening an existing right to  
3 purchase Medicare supplement coverage under certain  
4 circumstances; amending Minnesota Statutes 2004,  
5 section 62A.31, subdivision 1h.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 2004, section 62A.31,  
8 subdivision 1h, is amended to read:

9 Subd. 1h. [LIMITATIONS ON DENIALS, CONDITIONS, AND PRICING  
10 OF COVERAGE.] No health carrier issuing Medicare-related  
11 coverage in this state may impose preexisting condition  
12 limitations or otherwise deny or condition the issuance or  
13 effectiveness of any such coverage available for sale in this  
14 state, nor may it discriminate in the pricing of such coverage,  
15 because of the health status, claims experience, receipt of  
16 health care, medical condition, or age of an applicant where an  
17 application for such coverage is submitted prior to or during  
18 the six-month period beginning with the first day of the month  
19 in which an individual first enrolled for benefits under  
20 Medicare Part B. This subdivision applies to each  
21 Medicare-related coverage offered by a health carrier regardless  
22 of whether the individual has attained the age of 65 years. If  
23 an individual who is enrolled in Medicare Part B due to  
24 disability status is involuntarily disenrolled due to loss of  
25 disability status, the individual is eligible for another

1 six-month enrollment period provided under this subdivision  
2 beginning the first day of the month in which the individual  
3 later becomes eligible for and enrolls again in Medicare Part  
4 B. An individual who is or was previously enrolled in Medicare  
5 Part B due to disability status is eligible for another  
6 six-month enrollment period under this subdivision beginning the  
7 first day of the month in which the individual has attained the  
8 age of 65 years and either maintains enrollment in, or enrolls  
9 again in, Medicare Part B. If an individual enrolled in  
10 Medicare Part B voluntarily disenrolls from Medicare Part B  
11 because the individual becomes ~~reemployed-and-is~~ enrolled under  
12 an employee welfare benefit plan, the individual is eligible for  
13 another six-month enrollment period, as provided in this  
14 subdivision, beginning the first day of the month in which the  
15 individual later becomes eligible for and enrolls again in  
16 Medicare Part B.

17 Sec. 2. [EFFECTIVE DATE.]

18 Section 1 is effective the day following final enactment.

1 Senator Scheid from the Committee on Commerce, to which was  
2 re-referred

3 S.F. No. 909: A bill for an act relating to insurance;  
4 broadening an existing right to purchase Medicare supplement  
5 coverage under certain circumstances; amending Minnesota  
6 Statutes 2004, section 62A.31, subdivision 1h.

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

9

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.....  
(Committee Chair)

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March 16, 2005.....  
(Date of Committee recommendation)

Senators Dibble and Pappas introduced--  
S.F. No. 1535: Referred to the Committee on Commerce.

A bill for an act

relating to liquor; authorizing the city of  
Minneapolis to issue an on-sale license; amending  
Minnesota Statutes 2004, section 340A.404, subdivision  
2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 340A.404,  
subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The  
city of Minneapolis may issue an on-sale intoxicating liquor  
license to the Guthrie Theater, the Cricket Theatre, the Orpheum  
Theatre, the State Theatre, and the Historic Pantages Theatre,  
notwithstanding the limitations of law, or local ordinance, or  
charter provision relating to zoning or school or church  
distances. The licenses authorize sales on all days of the week  
to holders of tickets for performances presented by the theaters  
and to members of the nonprofit corporations holding the  
licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating  
liquor license to 510 Groveland Associates, a Minnesota  
cooperative, for use by a restaurant on the premises owned by  
510 Groveland Associates, notwithstanding limitations of law, or  
local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale  
intoxicating liquor license to Zuhrah Shrine Temple for use on

1 the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue  
2 South in Minneapolis, and to the American Swedish Institute for  
3 use on the premises owned by the American Swedish Institute at  
4 2600 Park Avenue South, notwithstanding limitations of law, or  
5 local ordinances, or charter provision relating to zoning or  
6 school or church distances.

7 (d) The city of Minneapolis may issue an on-sale  
8 intoxicating liquor license to the American Association of  
9 University Women, Minneapolis branch, for use on the premises  
10 owned by the American Association of University Women,  
11 Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis,  
12 notwithstanding limitations of law, or local ordinances, or  
13 charter provisions relating to zoning or school or church  
14 distances.

15 (e) The city of Minneapolis may issue an on-sale wine  
16 license and an on-sale 3.2 percent malt liquor license to a  
17 restaurant located at 5000 Penn Avenue South, and an on-sale  
18 wine license and an on-sale malt liquor license to a restaurant  
19 located at 1931 Nicollet Avenue South, notwithstanding any law  
20 or local ordinance or charter provision.

21 (f) The city of Minneapolis may issue an on-sale wine  
22 license and an on-sale malt liquor license to the Brave New  
23 Workshop Theatre located at 3001 Hennepin Avenue South, the  
24 Theatre de la Jeune Lune, the Illusion Theatre located at 528  
25 Hennepin Avenue South, the Hollywood Theatre located at 2815  
26 Johnson Street Northeast, the Loring Playhouse located at 1633  
27 Hennepin Avenue South, the Jungle Theater located at 2951  
28 Lyndale Avenue South, Brave New Institute located at 2605  
29 Hennepin Avenue South, the Guthrie Lab located at 700 North  
30 First Street, and the Southern Theatre located at 1420  
31 Washington Avenue South, notwithstanding any law or local  
32 ordinance or charter provision. The license authorizes sales on  
33 all days of the week.

34 (g) The city of Minneapolis may issue an on-sale  
35 intoxicating liquor license to University Gateway Corporation, a  
36 Minnesota nonprofit corporation, for use by a restaurant or

1 catering operator at the building owned and operated by the  
2 University Gateway Corporation on the University of Minnesota  
3 campus, notwithstanding limitations of law, or local ordinance  
4 or charter provision. The license authorizes sales on all days  
5 of the week.

6 (h) The city of Minneapolis may issue an on-sale  
7 intoxicating liquor license to the Walker Art Center's  
8 concessionaire or operator, for a restaurant and catering  
9 operator on the premises of the Walker Art Center,  
10 notwithstanding limitations of law, or local ordinance or  
11 charter provisions. The license authorizes sales on all days of  
12 the week.

13 Sec. 2. [EFFECTIVE DATE.]

14 Section 1 is effective the day following final enactment.  
15 Under Minnesota Statutes, section 645.023, subdivision 1, clause  
16 (a), section 1 takes effect without local approval.

1 To: Senator Scheid, Chair  
 2 Committee on Commerce  
 3 Senator Pappas,  
 4 Chair of the Subcommittee on Liquor, to which was referred

5 S.F. No. 1535: A bill for an act relating to liquor;  
 6 authorizing the city of Minneapolis to issue an on-sale license;  
 7 amending Minnesota Statutes 2004, section 340A.404, subdivision  
 8 2.

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

11 Page 3, delete section 2 and insert:

12 "[EFFECTIVE DATE.] This section is effective upon approval  
 13 by the Minneapolis City Council in the manner provided by  
 14 Minnesota Statutes, section 645.021, notwithstanding Minnesota  
 15 Statutes, section 645.023, subdivision 1, clause (a)."

16 And when so amended that the bill be recommended to pass  
 17 and be referred to the full committee.

18   
 19 (Subcommittee Chair)

20  
 21 March 14, 2005.....  
 22 (Date of Subcommittee action)

# Minnesota Monthly



## THE PUCK STOPS HERE

MEET  
THE FOLKER  
Spider John  
Koerner:  
The Original  
Dylan

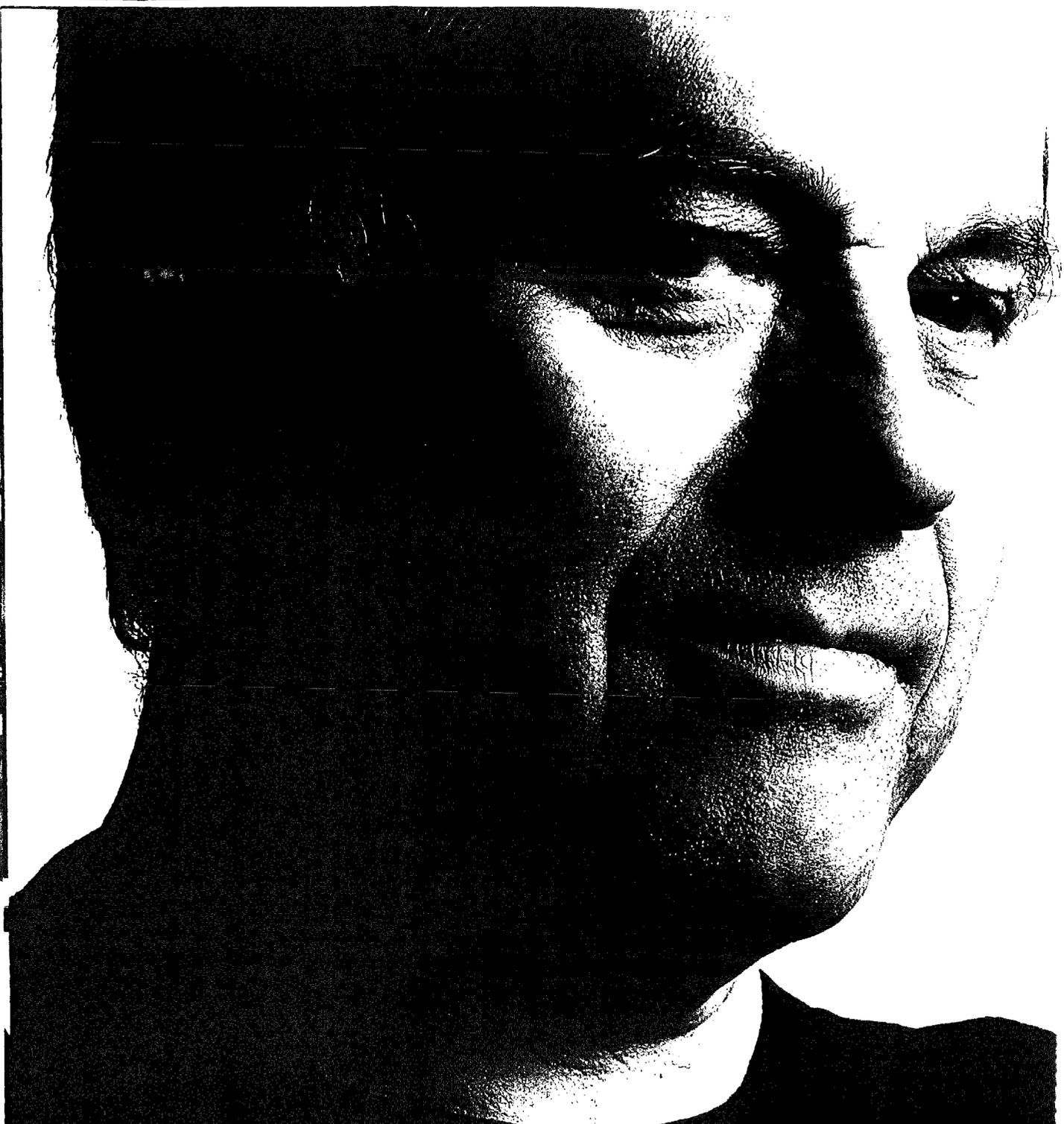
Wolfgang Puck  
Puts the Walker on  
the Culinary Map

SMASH-MOUTH  
SPRING  
A Lake Superior  
Icebreaking  
Ride-Along

MARCH 2005 \$3.99



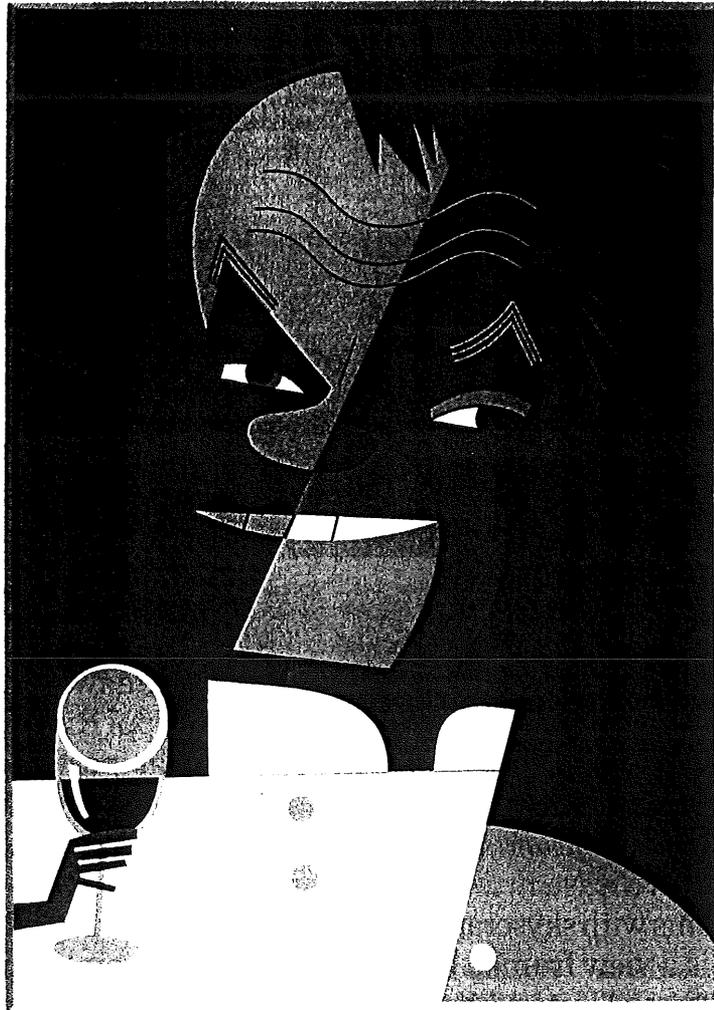
SMOKING BANS? BIG WHOOP.  
When Are They Gonna  
Outlaw Secondhand  
Kids? Page 29



# puckasso

Illustration by PABLO

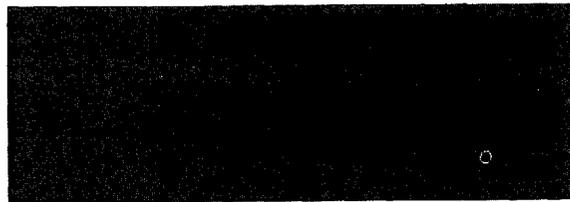
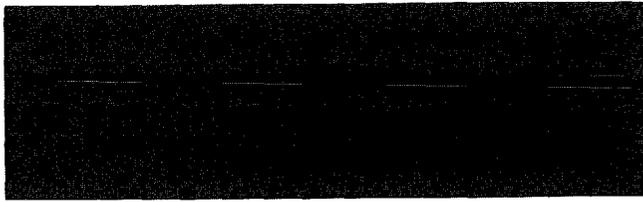
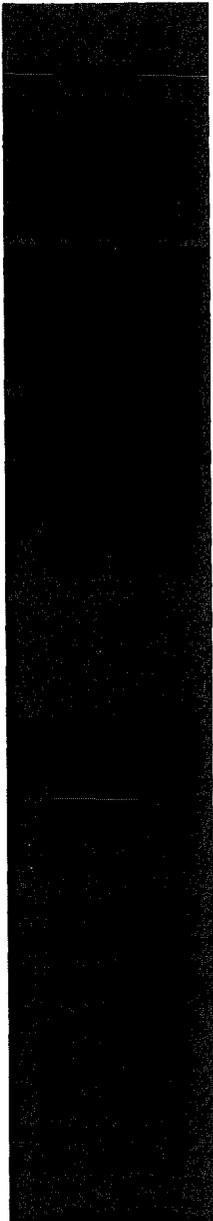
Photographs by STEVE PETERSON



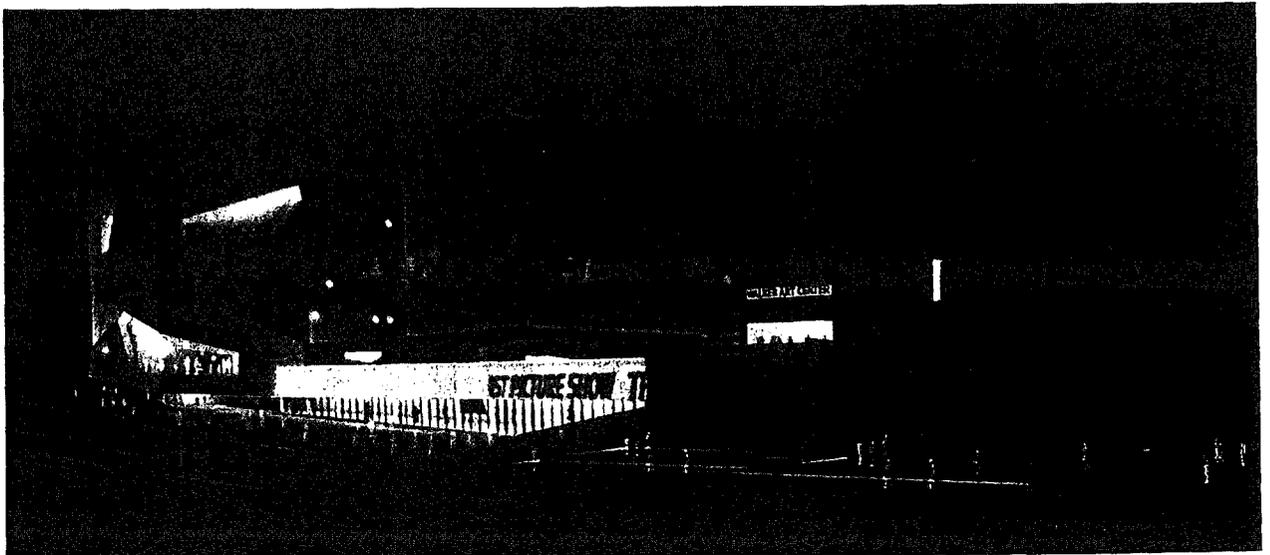
***Portrait of the Artist as a  
Celebrity Chef, 2005***

When planning the dining component of its new expansion, the Walker Art Center didn't settle for bouillon cubism—it struck a deal with Wolfgang Puck, America's haute-est culinary superstar.

**By Ann M. Bauer**



FROM INSIDE THE RESTAURANT SPACE at the almost-completed Walker Art Center expansion, you can see a sweep of Hennepin Avenue from Uptown all the way to the Mississippi River. Laid out before you are pieces of the city: Loring Park a near-perfect square of greenery and water and trees, the Minneapolis Sculpture Garden with its iconic *Spoonbridge and Cherry*, a craggy expanse of brick warehouses to the far northeast. Framed in the asymmetric bank of windows, downtown looms with skyscrapers and steep highway ramps that break up the sky. It is a view framed by spires—the sheer, pointed needle of Hennepin Avenue United Methodist Church on your right and the rounded copper dome of the Basilica of Saint Mary on your left.



(puckasso)

THIS PAGE Views of and from the Walker's dramatic new restaurant space. OPPOSITE PAGE Will the expanded museum become the hub of Twin Cities dining?

Stand here and you are aloft, literally suspended in the treetops. The restaurant—its “working title” was Bronze; at press time, the actual name had not been announced—occupies a cantilevered section of the newly doubled Walker that juts out over the brick walkway leading to the museum’s main entrance. From the street, passersby will glimpse a flicker of the warmth and activity inside the space: people seated, eating and drinking, framed inside the crystalline structure as if engaged in improvisational performance art.

Today, it is a blank canvas: angular yet curved, like a crescent sliced from an octagon. There is a bank of blond countertops lining what will soon be an open kitchen and a 12-seat bar. But imagine what this space will become between now and April 17, when the Walker officially reopens its doors: a rich pocket of fine dining inside one of the world’s premier contemporary art museums. Plush maroon carpet dotted with white-clothed tables. Walls painted a soft, pearly shade of pink. Then a striking contrast on the back wall, where the kitchen will emerge all in black, with shining tile and dark appliances. The counter surfaces will, by opening night, be treated with patina until they glow a muted, chocolaty bronze.

This upscale eatery will also be the 12th major work in world-famous chef Wolfgang Puck’s oeuvre, and the only one east of Las Vegas. Puck has installed dining facilities at museums in Chicago and St. Louis, but they are far more casual: the cookie-cutter concept known simply as Puck’s. The Walker restaurant is very different. It will join Chinois, Granita, Postrio, Trattoria del Lupo, Vert, and the legendary Spago as one of Puck’s signature creations, each of which is designed to be organically right for its unique location.

In addition, Puck will take over Gallery 8 Café, the Walker’s original lunch spot (still housed in the older section of the building), where he’ll serve a lighter, less expensive menu of sandwiches, pastas, and soups. And on the fifth floor of the new Walker building—the uppermost level—there will be a 3,000-square-foot, 200-

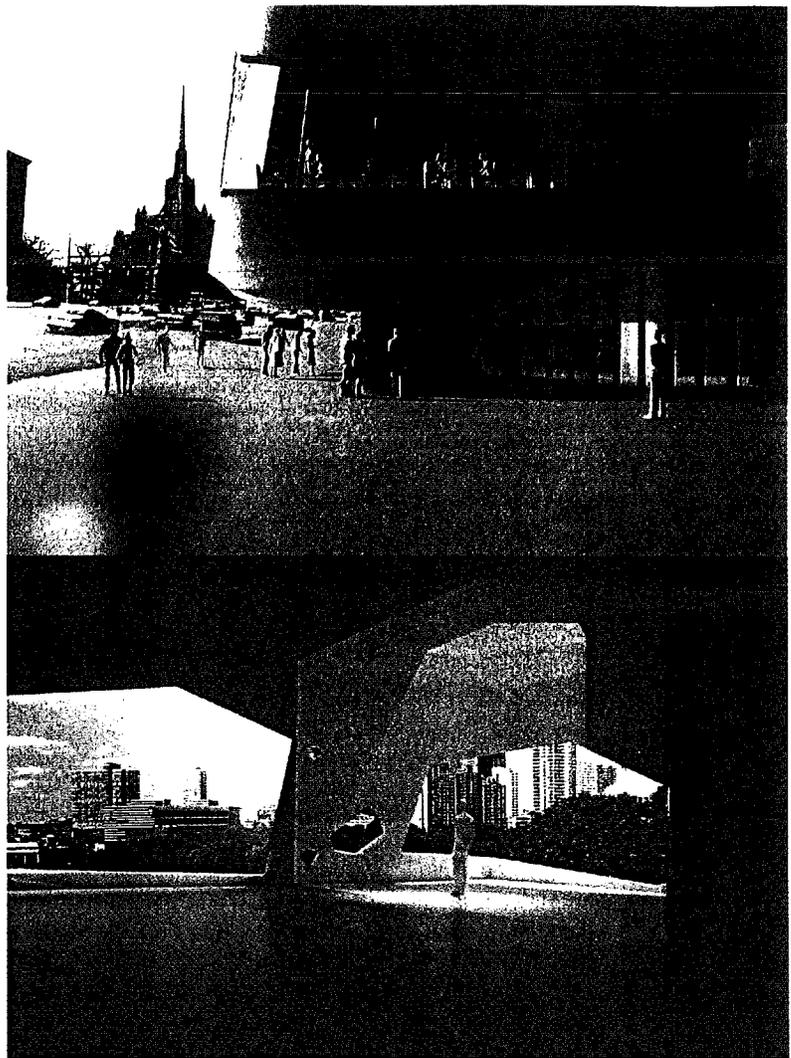
seat special event space with a dedicated kitchen for the Minneapolis branch of Wolfgang Puck Catering and Events. Carl Schuster, CEO of the catering division, says he intends to make Wolfgang Puck the premier caterer for the Twin Cities—and eventually for the entire Midwest.

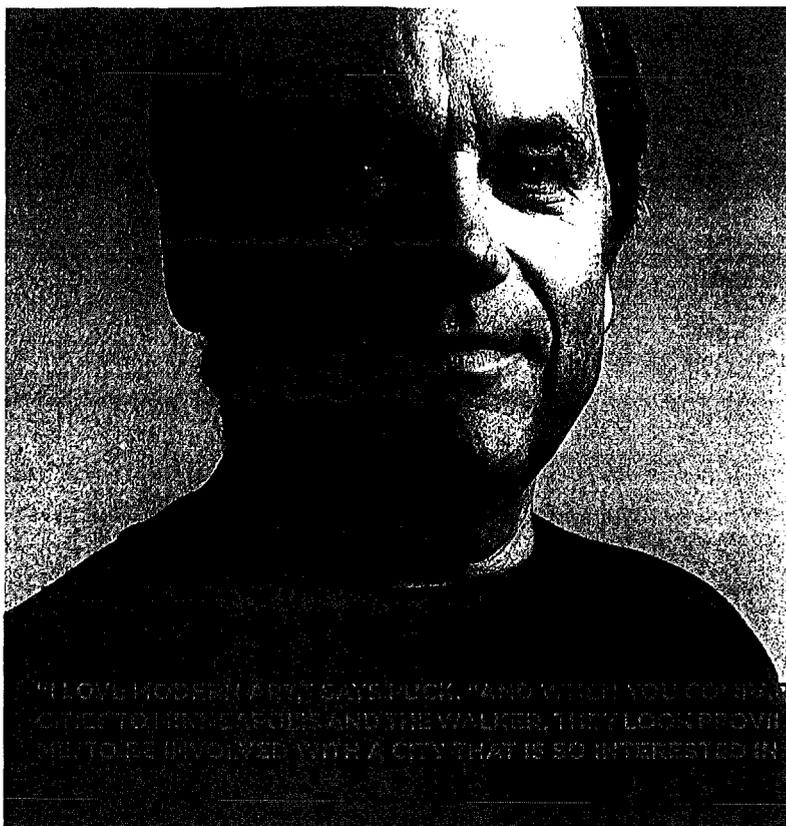
“Since opening my restaurants and catering business in California, this is really the most exciting thing I’ve ever done,” Puck said during an extended interview at Spago Beverly Hills. “I love modern art. And when you compare the art museums in other bigger cities to Minneapolis and the Walker, they look provincial. It is the reputation that drew me. To be involved with a city that is so interested in the arts is very important to me.”

**TODAY, PUCK HAILS** from Hollywood, California. But before that he came from St. Veit, Austria, a town with a population of 50, where he was born in 1949 to the couple in house No. 11. “It was such a

small town,” he says, shaking his head, “we did not even have street addresses, only numbers.”

His childhood was unhappy. He left home at 14, an unusually small boy carrying a single suitcase. He took a train to a larger town, where he found a position as a cook’s apprentice. Postwar Austria was a meeting place for many different European influences. Bordered by countries with distinctly different cuisines—Switzerland to the west, Italy to the south, and Hungary to the east—the area had become a true melting pot. Puck was enthralled by Italian food, so at the age of 17 he set his sights on Rome. But he quickly realized that France was the hub of culinary quality, so he found a job at a one-star bistro in Dijon. From there, he wrote letters to all the famous French chefs he’d ever heard of, begging for a job, offering to work for free in return for their tutelage. And it worked. Within a few years, Puck had gained experience cooking at a series





"I LOVE MODERN ART," SAYS PUCK. "AND WHEN YOU COME TO THE ART MUSEUMS IN OTHER BIGGER CITIES TO HIM, LA FINE AND THE WALKER, THEY LOOK PROVINCIAL. IT IS THE REPUTATION THAT DREW ME TO BE INVOLVED WITH A CITY THAT IS SO INTERESTED IN THE ARTS IS VERY IMPORTANT TO ME."

of three-star restaurants. He wrote to a girl back in Austria who was waiting to marry him, saying he would never return.

In 1973, Puck came to the United States, stopping first in New York City. "I'd heard great things about New York," he says, swirling his glass and taking a swig of red wine. "But I didn't like it. I found the city interesting, but not beautiful. So I moved on."

He worked his way across the country, literally, finally landing in Los Angeles at Ma Maison, a highly rated restaurant with a celebrity clientele. There, the affable young chef with the thick Austrian accent and inventive French fare became a darling of actors, directors, and studio heads. Hollywood is rife with stories about movie-star regulars at Ma Maison, such as Sidney Poitier, who first ran across Puck while shooting on location in France, then later spotted him at their favorite hangout back home in L.A.

In the early 1980s, Puck met a young artist and designer named Barbara Lazaroff. Together, they opened a restaurant called Spago—Italian slang for "spaghetti"—on the Sunset Strip. The building was nothing special: a two-story house on a slightly scrubby corner. But Lazaroff transformed the interior into an oasis of soft, lustrous colors, flowers,

and candles, and Puck introduced the culinary world to what was, at the time, a breakthrough concept. Spago featured the first-ever open kitchen in a fine-dining establishment, modeled on the old-style pizzerias where children could watch the dough being twirled by mustachioed cooks. This was entertainment for adults. Cooking as theater.

When Spago Hollywood opened in 1982, its success was monumental, despite skepticism about both the name and the concept from then—*Los Angeles Times* restaurant critic Ruth Reichl. From day one, people lined up outside, waiting for hours, waving to the white-clad cooks behind the line. Puck had invented a brand-new sort of fusion: California cuisine, latticed with Asian influences, prepared with European style, and touched with whimsy.

Puck was the first to merge the prosaic with the sublime—he dreamed up the gourmet pizza and the Chinese chicken salad, both now ubiquitous—and serve it to an upper-crust clientele. A master at the delicate art of contrast, he knew that he could grate black truffles onto an omelet or a plate of macaroni and cheese and set off sparks. He was a student of pop culture and a change agent, the Andy Warhol of haute cuisine.

In 1983, Puck and Lazaroff opened

Chinois, a French-Asian bistro, in the oceanfront L.A. suburb of Santa Monica. Puck wooed Bella Lantsman, a young Russian émigré who was working at the restaurant supply company that equipped Spago, to manage his second restaurant; 22 years later, she is still there, the grande dame of service in southern California and the hostess for many of the film industry's most exclusive parties. In 1984, Puck and Lazaroff married (they have two sons, ages 15 and 10, and though they have since divorced, they remain business partners). It was also in the mid-'80s that Puck became, in essence, a national brand. He launched a line of frozen foods in '87 and opened Postrio, featuring a multicultural mix of Italian, French, Mediterranean, and

Asian influences that he labeled simply "American" cuisine, in San Francisco two years later. From there, he opened a series of chic upscale restaurants in Las Vegas, Malibu, and Maui.

In the late 1990s, St. Louis Park native Carl Schuster—a restaurant man who cut his teeth at the Radisson Hotels in Minneapolis and St. Paul, then moved out to L.A. as a senior vice president for Restaurant Associates—met Puck and proposed a partnership. Together, they launched Wolfgang Puck Catering and Events, which now handles hundreds of high-profile events each year, from the ESPY Awards to the National Urban League Convention and Gala. The catering division is perhaps best known for entertaining Hollywood's crème de la crème at the annual Governors Ball following the Academy Awards.

Puck's only fine-dining foray into the Midwest thus far—a Chicago version of Spago that opened in '96 but failed to become a well-defined, regional destination—closed in late 2003. In Minneapolis, he is doing several things for the first time. Along with executive chef Lee Hefter, he is developing a concept specifically for this area. The menu will use locally produced, seasonal ingredients as well as the imported "staples" Puck has always loved (truffles, foie gras, and the full range of caviar, from Baltic black to pale Atlantic red). Cuisine at the

(puckasso)

Walker restaurant will be strongly Asian-influenced but adapted so that the eastern flavors accent familiar dishes—Peking duck, Indian-spiced salmon, Hunan-style lamb chops, lobster in coconut curry. Hefter promises a unique fusion of fine Asian spice, fresh seafood, European delicacies, and the wholesome products of America's heartland.

"My experience was that not enough restaurants in the Twin Cities put themselves out to make Asian cuisine interesting and fine," Hefter says. "I love the area and can't say enough nice things about it, but we saw a gap in that particular cuisine. I did go to Azia and thought it was very good, which was proof to me that Minnesotans are ready for something new: gourmet Asian food that's approachable."

Hefter and Puck have been involved with the Walker's planning committee for nearly two years. As early as 2003, they were visiting the Twin Cities, conducting research, eating at many of our area's top restaurants. They agreed on the theme for their Walker project nearly from the beginning. But they kept quiet. Then, in November of last year, developers of the luxury Chambers Hotel roughly a mile north on Hennepin Avenue announced that they had partnered with renowned chef Jean-Georges Vongerichten to open a restaurant on the property. The day after their announcement—even though the Chambers is not due to be completed until mid-2006—the local media was full of news about Vongerichten's innovative concept: contemporary Asian dining tailored to the Midwest.

Was Puck intimidated by all the hype? Not at all.

"Jean-Georges has some very good restaurants and some okay restaurants," he says matter-of-factly. Puck flew in from Hawaii just hours ago, but all night he has been working the dining room at Spago, wearing a spotless chef's coat, carrying a glass of wine, stopping at every other table to put a small, square hand on someone's shoulder or toast a special occasion.

Now, he leans back in his chair, speaking without malice but also, clearly, without inhibition. "Spice Market [Vongerichten's New York-based Asian fusion hot spot] is a fun place to go. The drinks are great, and it has a wonderful atmosphere, but the quality of the food is not so good. It's more a hip bar scene than fine dining. Believe me, I'm not scared."

**THE ORIGINAL SPAGO** closed in 2001. Today, Puck's flagship restaurant lies on a quiet thoroughfare in Beverly Hills, about a 15-minute drive from the Sunset Strip. Construction of the new Spago allowed Puck to update and enlarge his original concept, creating a lush, glittery alcove that combines jewel tones of amethyst, amber, and emerald with accents in natural wood and Italian marble. The open kitchen and eclectic menu remained. And the movie industry's elite followed him without a word of complaint.

During the day, this is a neighborhood of sun and glitz—taxicabs darting through traffic, retail stores with three-story theater-style marquees, people wearing expensive clothing held together with sequined strings. Then dusk lowers, soft and rose-hued. White adobe houses glow like cubes of moonlight. Tall, tufted palm trees line the horizon, in relief against the quickly darkening sky. Suddenly, Raymond Chandler's Los Angeles emerges: damp, gleaming streets, long shadows, a slight wind bending the rows of slender-trunked trees.

You walk from twilight through the brick archway of Spago. It is a Wednesday at 7 o'clock and every table is full, people talking in a low rush, laughing, touching one another's sleeves, tipping wine bottles, using their forks to taste and then gesture, like diners in any other city. Spago may have a reputation everywhere else as the place to see and be seen, but here, on a typical L.A. weeknight, there is no evidence of this. It is, simply, a wonderful place to eat.

Follow the gentleman in the gray suit through the main dining room to a table in the square courtyard. Though it's January and the temperature in Beverly Hills is an uncharacteristic 47 degrees, you sit under a velvet sky that bleeds from gray to purple to black. The table is next to a stone fountain hung with hundreds of tiny white lights, under a heater shaped like a thick metal umbrella that showers you and your companion with warmth.

You order a glass of wine and glance at a menu briefly, then put it away. The purpose is not to experience Spago itself, but rather to sample the dishes Puck and company are creating and adapting for the new restaurant at the Walker.

First, there is a satiny slice of spicy tuna tartare, served in a nutty miso tuille cone and topped with microgreens. The marinated fish is so tender it melts on the tongue like chocolate, leaving only the bite of red chiles in its wake. A tartlet of

stone fruit with foie gras mousse tastes as plummy as a Christmas pie, until the topping, a spritz of pâté-infused cream, balances the sweetness with a hint of succulent duck. Smoked salmon (a Puck trademark) arrives on a tiny pumpnickel rye blini with a schmear of dill crème fraîche and a scattering of salmon roe—large, transparent eggs that pop gently when you bite them, salting the delicatessen flavors with a scent of the sea. A filament of foie gras on a rye crisp is served as finger food; the uncomplicated, compatible flavors are nearly cleansing in their combined ability to please.

The bay scallops require a divided serving platter, because they are prepared in two very different ways: as a ceviche, a cool soup of beets, chives, and ponzu studded with marbles of the shellfish; and sautéed, in a happy yellow sauce of ginger with a side of cabbage slaw. This complex offering is followed by a simple circlet of agnolotti; the light pillows of handmade pasta are stuffed with shredded pumpkin and covered with clef-shaped curls of grated Italian white truffle.

The entrées begin to arrive, creating a tabletop tour of the Orient. A juicy French prawn, at least four inches long, reclines on its side in a Thai curry made of fiery red and yellow spices, basil, and crushed peanuts, with a tangled nest of pad thai alongside. The black sea bass is served Hong Kong-style with chili, soy, ginger, garlic, and light, perfectly cooked rice laced with jasmine and lemongrass. Hefter's pan-roasted duck is, without a doubt, one of the most decadent dishes you will ever encounter; fattened and crisp around the edges, the meat is rare and butter-soft, adorned with dates, shards of chewy bacon, and bits of black truffle.

There are two desserts to sample tonight. First, the Kaiserschmarren that is Puck's personal favorite: drapery, delicate crème fraîche pancakes wrapped around fresh sautéed strawberries and drizzled with raspberry sauce. Then, a salute to the Academy Awards: the Opera Torte. Pastry chef Sherry Yard will prepare more than 1,500 of them for this year's Governors Ball. Each is a tiered structure made of chocolate chantilly cream, coffee crème brûlée, and chicory cream, roofed with a torched crust and a golden cutout of the Oscar. Known for producing sweets and sculpture in equal parts, Yard is already working on a special item for Puck's Walker restaurant.

"I don't know what I'll do for the Walker

CONTINUED ON PAGE 81

## PUCKASSO

CONTINUED FROM PAGE 55

yet, except the spoon with the freaking cherry. Is that not totally awesome?" Yard grins. She is a young woman with glinting red hair and candy-pink chef's togs. "As soon as I knew we had the gig in Minneapolis, I thought, 'I've just gotta do something with that!'"

**PUCK INSPIRES** intense loyalty; he seems to be a sort of kinder, law-abiding Don Corleone. He believes in finding talent, grooming it, and holding onto it at all costs.

"They don't come to me like this," he says, pointing to Hefter, then to Yard. "I need to hammer them and change them. Of course, they have to be great. But they also have to come young enough that they can see my vision and work with me."

When Puck discovered Hefter, the burly New Jersey boy was just 23 years old, fresh from a couple years of work in New York City and cooking happily at a San Francisco restaurant called the China Moon Café. He turned down Puck's first two offers, but was finally wooed to Spago Hollywood, where he spent two years. Then, wanderlust struck. Puck gave the young chef a personal check for \$5,000 and told him to explore Europe and come back when he was ready. Hefter did exactly that, and today, at 37, he is executive chef, partner, and lead restaurant developer for Wolfgang Puck.

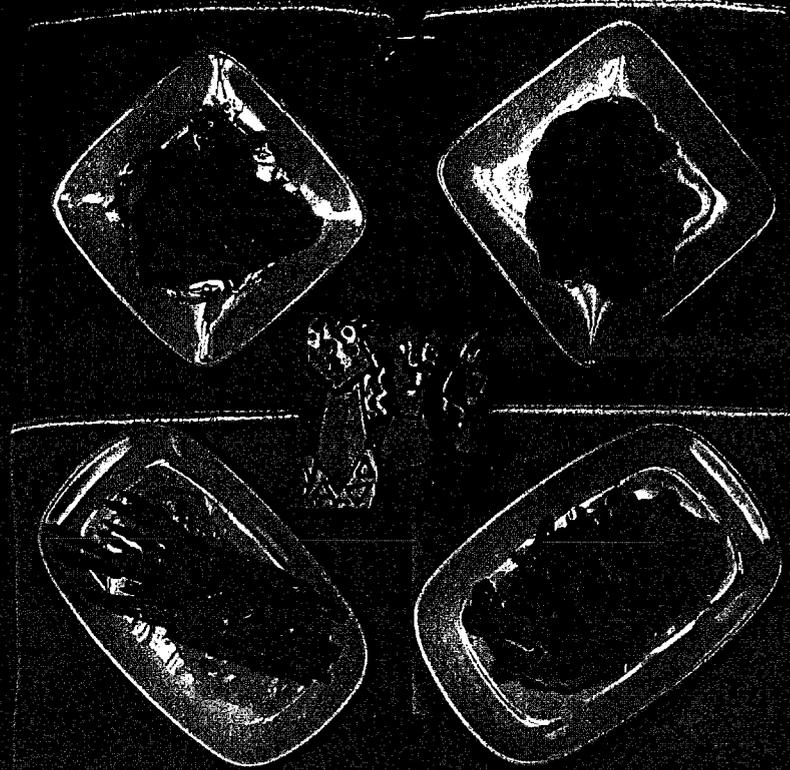
In April, Hefter will come to Minneapolis to open the Walker's new restaurant and ensure that its staff is trained to Puck's standards. Come June, he will leave Puck's mid-American venture in the hands of chef de cuisine Scott Irestone, a native of Hudson, Wisconsin. Irestone joined Wolfgang Puck early, too. He began an internship at Spago Las Vegas shortly after completing a one-year program at the Western Culinary Institute in Oregon, and he's been with the company ever since.

"I can't think of anything better than doing this," says Irestone, who arrived in town recently after a short stint managing the Puck's in Chicago. "I get to come back home and be with my family and friends. People are going to love [this restaurant], and I know it's going to be huge. I have absolutely no doubt we are going to be the best restaurant the Twin Cities has ever seen." ■■

**Ann M. Bauer** is food and travel editor of *Minnesota Monthly*.

## "World's Top Ten New Restaurants."

FOOD & WINE  
2003



## "Where To Eat Right Now."

GOURMET  
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1 Senator Scheid from the Committee on Commerce, to which was  
2 referred

3 S.F. No. 1535: A bill for an act relating to liquor;  
4 authorizing the city of Minneapolis to issue an on-sale license;  
5 amending Minnesota Statutes 2004, section 340A.404, subdivision  
6 2.

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

9 Page 3, delete section 2 and insert:

10 "[EFFECTIVE DATE.] This section is effective upon approval  
11 by the Minneapolis City Council in the manner provided by  
12 Minnesota Statutes, section 645.021, notwithstanding Minnesota  
13 Statutes, section 645.023, subdivision 1, clause (a)."

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

16 .....  
17 *Linda Scheid*.....  
18 (Committee Chair)

19 March 16, 2005.....  
20 (Date of Committee recommendation)

Senators Skoe, Pappas, Kierlin and Ruud introduced--  
S.F. No. 1280: Referred to the Committee on Commerce.

1                   A bill for an act  
2           relating to liquor; increasing restrictions on the use  
3           of alcohol by a person under the age of 21 years;  
4           amending Minnesota Statutes 2004, section 340A.503, by  
5           adding a subdivision.  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
7           Section 1. Minnesota Statutes 2004, section 340A.503, is  
8           amended by adding a subdivision to read:  
9           Subd. 5a. [ATTAINMENT OF AGE.] With respect to purchasing,  
10          possessing, consuming, selling, furnishing, and serving  
11          alcoholic beverages, a person is not 21 years of age until 8:00  
12          a.m. on the day of that person's 21st birthday.

1 To: Senator Scheid, Chair  
2 Committee on Commerce  
3 Senator Pappas,  
4 Chair of the Subcommittee on Liquor, to which was referred

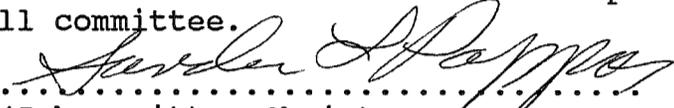
5 S.F. No. 1280: A bill for an act relating to liquor;  
6 increasing restrictions on the use of alcohol by a person under  
7 the age of 21 years; amending Minnesota Statutes 2004, section  
8 340A.503, by adding a subdivision.

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

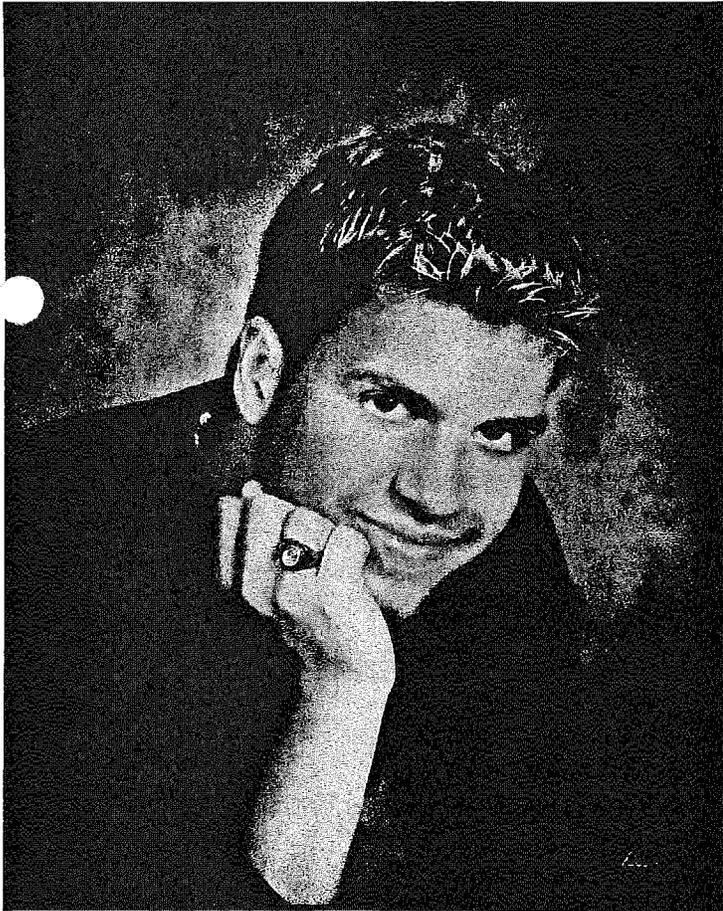
11 Page 1, after line 12, insert:

12 "[EFFECTIVE DATE.] This section is effective the day  
13 following final enactment."

14 And when so amended that the bill be recommended to pass  
15 and be referred to the full committee.

16   
17 .....  
18 (Subcommittee Chair)

19 March 14, 2005.....  
20 (Date of Subcommittee action)



Jason Reinhardt  
1983-2004

Anne Buchanan  
*Senate File 1380*

Jason Reinhardt died on his 21<sup>st</sup> birthday after participating in "Power Hour". I support the 8:00am as the established time when a 21 year old may enter the bar. I would prefer that 12 noon would be the established time, but will support the 8:00am.

Jason was home the night before his birthday, washed his clothes and had dinner with the family. We talked about "Power Hour" and that he needed to be careful. He told me that his friends would watch out for him and make sure nothing bad would happen. We gave each other a hug and a kiss and said "I love you". That was the last time that I saw Jason. Jason did not drink before he went into the bar and did not drink after he left the bar.

He went back to the Fraternity house, played with the dog and went to bed. His friends checked on him at 4:30am He responded and they didn't check on him again until about 12:30pm. He and some of the guys had made plans to go out for lunch so they were trying to wake him and realized that he was dead.

Jason died from alcohol poisoning. He appeared sober when he left the bar (the alcohol was consumed so quickly that he didn't have time to show signs of being drunk). Jason's system slowly shut down, his breathing became shallow and his heart stopped.

We need to stop "Power Hour" and need to educate society on responsible drinking, alcohol poisoning and make bars responsible...

I would be happy to answer any questions. Thank you for your time.

Anne Buchanan  
2409 9<sup>th</sup> Street North  
Fargo, ND 58102

701-237-4948

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# Senate

State of Minnesota

## S.F. No. 899 - Crib Safety

**Author:** Senator Ellen R. Anderson

**Prepared by:** Christopher B. Stang, <sup>1036</sup> Senate Counsel (651/296-0539)

**Date:** February 16, 2005

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**Section 1** provides regulations for crib use in licensed child care settings.

**Subdivision 1** requires the Commissioner of Human Services to maintain a link from the licensing division Web site to the U.S. Consumer Product Safety Commission Web site that addresses crib safety information.

**Subdivision 2** requires that effective January 1, 2006, licensed child care providers must maintain documentation as to a crib's brand name and model number. Any crib for which the license holder does not have the documentation required cannot be used by or accessible to children in care.

**Subdivision 3** requires license holders to annually check their cribs' brand names and model numbers against the Consumer Product Safety Commission Web site listing of unsafe cribs. The license holder is required to maintain written documentation for each crib showing that this review has been completed and which of certain specified conditions applies.

**Subdivision 4** requires a license holder, on a monthly basis, to perform safety inspections of cribs using specified standards.

**Subdivision 5** requires the Commissioner to review the provider's documentation under subdivisions 3 and 4 during routine inspections and when investigating complaints.

**Subdivision 6** allows the Commissioner to issue a licensing action if a license holder fails to comply with this section.

**Section 2** provides for commercial crib safety regulations.

**Subdivision 1** provides definitions for the purposes of this section.

**Subdivision 2** prohibits commercial users from selling or putting into the stream of commerce any unsafe crib after January 1, 2006. After January 1, 2006, no person operating a motel or lodging establishment shall provide an unsafe crib to any guest. A crib is presumed unsafe if it does not conform to specified standards. An exemption is provided if the crib is not intended for use by an infant and a written notice is attached to the crib declaring it is not intended to be used for an infant.

**Subdivision 3** allows an unsafe crib to be retrofitted and sold if the retrofit has been approved by the Consumer Product Safety Commission and, at the time of sale, a notice is given stating that it is safe to use for a child under three years of age. Notice requirements are specified. A retrofit is exempt if it is for a crib that requires assembly by the consumer, the approved retrofit is provided with the product by the commercial user, and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit, or the seller of a previously unsold product accomplishes the retrofit prior to the sale.

**Subdivision 4** provides that a commercial user does not violate this section if the crib placed in the stream of commerce was not included on the Consumer Product Safety Commission's list on the day before placement.

**Subdivision 5** provides a misdemeanor penalty for a person who knowingly and willfully violates this section.

**Subdivision 6** provides that remedies available under this section are in addition to other remedies available at law.

**Section 3** establishes effective dates.

CBS:cs

1 Senator Scheid from the Committee on Commerce, to which was  
2 referred

3 S.F. No. 1280: A bill for an act relating to liquor;  
4 increasing restrictions on the use of alcohol by a person under  
5 the age of 21 years; amending Minnesota Statutes 2004, section  
6 340A.503, by adding a subdivision.

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

9 Page 1, after line 12, insert:

10 "[EFFECTIVE DATE.] This section is effective the day  
11 following final enactment."

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

14 *Linda Scheid*.....  
15 (Committee Chair)  
16

17 March 16, 2005.....  
18 (Date of Committee recommendation)

Senators Anderson, Scheid, Belanger and Berglin introduced--  
S.F. No. 899: Referred to the Committee on Commerce.

1 A bill for an act

2 relating to child safety; prohibiting the sale and  
3 commercial use of certain cribs; providing  
4 enforcement; proposing coding for new law in Minnesota  
5 Statutes, chapters 245A; 325F.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. [245A.146] [CRIB USE IN LICENSED CHILD CARE  
8 SETTINGS.]

9 Subdivision 1. [CONSUMER PRODUCT SAFETY WEB LINK.] The  
10 commissioner shall maintain a link from the licensing division  
11 Web site to the United States Consumer Product Safety Commission  
12 Web site that addresses crib safety information.

13 Subd. 2. [DOCUMENTATION REQUIREMENT FOR LICENSE  
14 HOLDERS.] (a) Effective January 1, 2006, all licensed child care  
15 providers must maintain the following documentation for every  
16 crib used by or that is accessible to any child in care:

17 (1) the crib's brand name; and

18 (2) the crib's model number.

19 (b) Any crib for which the license holder does not have the  
20 documentation required under paragraph (a) must not be used by  
21 or be accessible to children in care.

22 Subd. 3. [LICENSE HOLDER CERTIFICATION OF CRIBS.] (a)  
23 Annually, from the date printed on the license, all license  
24 holders shall check all their cribs' brand names and model  
25 numbers against the United States Consumer Product Safety

1 Commission Web site listing of unsafe cribs.

2 (b) The license holder shall maintain written documentation  
3 to be reviewed on site for each crib showing that the review  
4 required in paragraph (a) has been completed, and which of the  
5 following conditions applies:

6 (1) the crib was not identified as unsafe on the United  
7 States Consumer Product Safety Commission Web site;

8 (2) the crib was identified as unsafe on the United States  
9 Consumer Product Safety Commission Web site, but the license  
10 holder has taken the action directed by the United States  
11 Consumer Product Safety Commission to make the crib safe; or

12 (3) the crib was identified as unsafe on the United States  
13 Consumer Product Safety Commission Web site, and the license  
14 holder has removed the crib so that it is no longer used by or  
15 accessible to children in care.

16 (c) Documentation of the review completed under this  
17 subdivision shall be maintained by the license holder on site  
18 and made available to parents of children in care and the  
19 commissioner.

20 Subd. 4. [CRIB SAFETY STANDARDS AND INSPECTION.] (a) On at  
21 least a monthly basis, the license holder shall perform safety  
22 inspections of every crib used by or that is accessible to any  
23 child in care, and must document the following:

24 (1) no corner posts extend more than 1/16 of an inch;

25 (2) no spaces between side slats exceed 2.375 inches;

26 (3) no mattress supports can be easily dislodged from any  
27 point of the crib;

28 (4) no cutout designs are present on end panels;

29 (5) no heights of the rail and end panel are less than 26  
30 inches when measured from the top of the rail or panel in the  
31 highest position to the top of the mattress support in its  
32 lowest position;

33 (6) no heights of the rail and end panel are less than nine  
34 inches when measured from the top of the rail or panel in its  
35 lowest position to the top of the mattress support in its  
36 highest position;

1 (7) no screws, bolts, or hardware are loose or not secured,  
2 and there is no use of woodscrews in components that are  
3 designed to be assembled and disassembled by the crib owner;

4 (8) no sharp edges, points, or rough surfaces are present;

5 (9) no wood surfaces are rough, splintered, split, or  
6 cracked;

7 (10) there are no tears in mesh of fabric sides in  
8 non-full-size cribs;

9 (11) no mattress pads in non-full-size mesh or fabric cribs  
10 exceed one inch; and

11 (12) no gaps between the mattress and any sides of the crib  
12 are present.

13 (b) Upon discovery of any unsafe condition identified by  
14 the license holder during the safety inspection required under  
15 paragraph (a), the license holder shall immediately remove the  
16 crib so that it is no longer used by or accessible to children  
17 in care until necessary repairs are completed or the crib is  
18 destroyed.

19 (c) Documentation of the inspections and actions taken with  
20 unsafe cribs required in paragraphs (a) and (b) shall be  
21 maintained on site by the license holder and made available to  
22 parents of children in care and the commissioner.

23 Subd. 5. [COMMISSIONER INSPECTION.] During routine  
24 licensing inspections, and when investigating complaints  
25 regarding alleged violations of this section, the commissioner  
26 shall review the provider's documentation required under  
27 subdivisions 3 and 4.

28 Subd. 6. [FAILURE TO COMPLY.] The commissioner may issue a  
29 licensing action under section 245A.06 or 245A.07 if a license  
30 holder fails to comply with the requirements of this section.

31 Sec. 2. [325F.171] [CRIB SAFETY.]

32 Subdivision 1. [DEFINITIONS.] (a) "Commercial user" means  
33 any person who deals in cribs or who otherwise by one's  
34 occupation holds oneself out as having knowledge or skill  
35 peculiar to cribs, or any person who is in the business of  
36 remanufacturing, retrofitting, selling, leasing, subletting, or

1 otherwise placing cribs in the stream of commerce.

2 (b) "Infant" means any person less than 35 inches tall and  
3 less than three years of age.

4 (c) "Crib" means a bed or containment designed to  
5 accommodate an infant.

6 (d) "Full-size crib" means a full-size crib as defined in  
7 the Code of Federal Regulations, title 16, section 1508.3,  
8 regarding the requirements for full-size cribs.

9 (e) "Non-full-size crib" means a non-full-size crib as  
10 defined in the Code of Federal Regulations, title 16, section  
11 1509.2, regarding the requirements for non-full-size cribs.

12 (f) "Place in the stream of commerce" means to sell, offer  
13 for sale, give away, offer to give away, or allow to use.

14 Subd. 2. [UNSAFE CRIBS PROHIBITED.] (a) No commercial user  
15 may remanufacture, retrofit, sell, contract to sell or resell,  
16 lease, sublet, or otherwise place any unsafe crib in the stream  
17 of commerce on or after January 1, 2006.

18 (b) On or after January 1, 2006, no person operating a  
19 hotel, motel, or lodging establishment shall provide any unsafe  
20 crib to any guest, either with or without charge, for use during  
21 the guest's stay. For the purposes of this paragraph, "hotel,"  
22 "motel," and "lodging establishment" have the meanings given  
23 them in section 157.15.

24 (c) A crib is presumed to be unsafe for purposes of this  
25 section if it does not conform to the standards endorsed or  
26 established by the United States Consumer Product Safety  
27 Commission, including but not limited to the Code of Federal  
28 Regulations, title 16, and ASTM International, as follows:

29 (1) Code of Federal Regulations, title 16, part 1508, and  
30 any regulations adopted to amend or supplement the regulations;

31 (2) Code of Federal Regulations, title 16, part 1509, and  
32 any regulations adopted to amend or supplement the regulations;

33 (3) Code of Federal Regulations, title 16, part 1303, and  
34 any regulations adopted to amend or supplement the regulations;

35 (4) the following standards and specifications of ASTM  
36 International for corner posts of baby cribs and structural

1 integrity of baby cribs:

2 (i) ASTM F 966 (corner post standard);

3 (ii) ASTM F 1169 (structural integrity of full-size baby  
4 cribs);

5 (iii) ASTM F 1822 (non-full-size cribs).

6 (d) Cribs that are unsafe include, but are not limited to,  
7 cribs that have any of the following dangerous features or  
8 characteristics:

9 (1) corner posts that extend more than 1/16 of an inch;

10 (2) spaces between side slats more than 2.375 inches;

11 (3) mattress support that can be easily dislodged from any  
12 point of the crib. A mattress segment can be easily dislodged  
13 if it cannot withstand at least a 25-pound upward force from  
14 underneath the crib;

15 (4) cutout designs on the end panels;

16 (5) rail height dimensions that do not conform to both of  
17 the following:

18 (i) the height of the rail and end panel as measured from  
19 the top of the rail or panel in its lowest position to the top  
20 of the mattress support in its highest position is at least nine  
21 inches;

22 (ii) the height of the rail and end panel as measured from  
23 the top of the rail or panel in its highest position to the top  
24 of the mattress support in its lowest position is at least 26  
25 inches;

26 (6) any screws, bolts, or hardware that are loose and not  
27 secured;

28 (7) sharp edges, points, or rough surfaces, or any wood  
29 surfaces that are not smooth and free from splinters, splits, or  
30 cracks;

31 (8) tears in mesh or fabric sides in a non-full-size crib;

32 (9) the mattress pad in a non-full-size mesh/fabric crib  
33 exceeds one inch.

34 (e) A crib is exempt from the provisions of this section if  
35 it is not intended for use by an infant; and at the time of  
36 selling, contracting to resell, leasing, subletting or otherwise

1 placing the crib in the stream of commerce, the commercial user  
2 attaches a written notice to the crib declaring that it is not  
3 intended to be used for an infant and is unsafe for use by an  
4 infant. A commercial user who complies with this paragraph is  
5 not liable for use of the crib contrary to the notice provided.

6 Subd. 3. [RETROFITS.] (a) An unsafe crib, as determined  
7 under subdivision 2, may be retrofitted if the retrofit has been  
8 approved by the United States Consumer Product Safety  
9 Commission. A retrofitted crib may be sold if it is accompanied  
10 at the time of sale by a notice stating that it is safe to use  
11 for a child under three years of age. The commercial user is  
12 responsible for ensuring that the notice is present with the  
13 retrofitted crib at the time of sale. The notice must include:

14 (1) a description of the original problem that made the  
15 crib unsafe;

16 (2) a description of the retrofit that explains how the  
17 original problem was eliminated and declares that the crib is  
18 now safe to use for a child under three years of age; and

19 (3) the name and address of the commercial user who  
20 accomplished the retrofit certifying that the work was done  
21 along with the name and model number of the crib.

22 (b) A retrofit is exempt from this section if:

23 (1) the retrofit is for a crib that requires assembly by  
24 the consumer, the approved retrofit is provided with the product  
25 by the commercial user, and the retrofit is accompanied at the  
26 time of sale by instructions explaining how to apply the  
27 retrofit; or

28 (2) the seller of a previously unsold product accomplishes  
29 the retrofit prior to sale.

30 Subd. 4. [EXCEPTION.] A commercial user does not violate  
31 this section if the crib placed in the stream of commerce by the  
32 commercial user was not included on the consumer product safety  
33 commission's list on the day before this placement.

34 Subd. 5. [PENALTY.] A person who knowingly and willfully  
35 violates this section is guilty of a misdemeanor.

36 Subd. 6. [CUMULATIVE REMEDIES.] Remedies available under

1 this section are in addition to any other remedies or procedures  
2 under any other provision of law that may be available to an  
3 aggrieved party.

4       Sec. 3. [EFFECTIVE DATE.]

5       Section 1 is effective January 1, 2006. Section 2 is  
6 effective January 1, 2006, and applies to crimes committed on or  
7 after this date.

TRANSCRIBED TESTIMONY OF RICK TORGERSON, PARENT  
FROM 2003 SESSIONSF 899  
Anderson

I'm here to try and convince you to pass this Bill, On crib safety because, An old crib in a daycare took the life of my son, And changed our life forever.

It's been three year since that terrible day, Somethings my wife and I will never forget.

I can't explain what it is like and how it feels, to lose a child.

Children are what this bill is trying to protect. Are your children or grandchildren in a safe crib? Or in a daycare, This law can and will enable you to feel more comfortable leaving them there.

For me its to try an stop this from happenius to another family.

To save the life of one child, and the pain from one family is worth it.

The way the laws are daycare's  
can use old and or Used cribs,

that may be unsafe.

Parents of children should be protected

from daycare using very old and out

dated equipment. It may look just fine  
but is simply worn out.

It's Hand to explain what its  
Like to loose your baby.

For me it's just as hard

Not trying to prevent it from happening  
again. That would be to Hard to take

These are children, they can't  
protect themselves. Laws can and  
must protect them.

It's hard to talk to people about  
my son. My wife and I could not  
live without holding another baby.  
But with that she could not leave  
our new baby in a daycare. So she  
quit working.

## MINNESOTA CRIB SAFETY ACT FACT SHEET

- According to the U.S. Consumer Product Safety Commission (CPSC), the use of older, used cribs poses a serious safety hazard to infants and young children. More babies die from injuries associated with cribs than from any other piece of nursery equipment.
- The CPSC estimates that each year 240 Minnesota infants sustain injuries that require hospital treatment as a result of being placed in an unsafe crib. In the last year, four infants in the state died as a result of injuries sustained in cribs. Most injuries and deaths are associated with older, used cribs.
- Older cribs have numerous characteristics that pose safety hazards:
  - Widely spaced crib slats can cause strangulation if a child's body slips through openings between slats.
  - Loose fitting mattresses can cause suffocation if a child's nose or face becomes wedged between the crib and the mattress.
  - Corner posts that extend above the crib rail pose entanglement hazards.
  - Ornamental cut out designs on crib panels can result in strangulation.
  - Mattress supports that are easily dislodged from a crib can result in serious injuries.
- Federal safety standards for cribs have been in place since 1974 under the federal Consumer Product Safety Act. In addition, the CPSC has endorsed voluntary industry crib standards developed by the American Society for Testing and Materials (ASTM). The two sets of safety standards have effectively addressed many of the hazards associated with older cribs. However, while federal and ASTM standards regulate the sale of new cribs, they generally do not apply to the sale or commercial use of second-hand cribs.
- Most used cribs are safe to use. However, a study by the CPSC found that there are thousands of cribs sold in thrift shops and secondhand furniture stores throughout the U.S. that meet neither the federal nor the ASTM standards. The study estimated that 12% of the thrift shops and secondhand furniture stores in Minnesota sell unsafe cribs. Many parents are not even aware of the potential dangers associated with using secondhand cribs.
- The purpose of the Minnesota Crib Safety Act is to prevent the occurrence of injuries to and deaths of infants resulting from the use of unsafe cribs. The Act will remove unsafe cribs from the secondhand market, ensure that child care facilities and hotels use cribs that meet safety standards, and educate families about how to identify a crib that is safety hazard.
- The Minnesota Crib Safety Act is partially based on model crib safety legislation developed by the CPSC. Currently eleven states Arizona, Arkansas, California, Colorado, Illinois, Louisiana, Michigan, Oregon, Pennsylvania, Vermont, Washington have passed laws making it illegal to manufacture or sell new or used baby cribs that do not meet current federal or ASTM safety standards.

HF 374/SF 377 requires cribs used by licensed child care providers to comply with mandatory standards established in the Code of Federal Regulations (CFR) and voluntary standards established by the American Society for Testing and Materials (ASTM). Licensed child care providers are currently required to comply only with the C.F.R. standards. Below is a table that identifies the source for each of the standards listed in the bill.

<b>Standards for Cribs Used By Child Care Providers in HF 374/SF 377</b>		
<b>Standard</b>	<b>C.F.R.</b>	<b>ASTM</b>
Corner posts must not extend more than 1/16 inch above the crib's end panels.		ASTM F 966-00
Spaces between crib slats must not be more than 2-3/8 inches	16 C.F.R. Part 1508.4 16 C.F.R. Part 1509.4	
Mattress supports must be firmly attached to corner posts.		ASTM F 1169-99, 7.4 ASTM F 1822-97, 6.3
No cutout designs on the end panels	16 C.F.R. Part 1508.11 16 C.F.R. Part 1509.13	
Appropriate rail height dimensions	16 C.F.R. Part 1508.3	
No loose screws, bolts or hardware*	16 C.F.R. Part 1508.8 16 C.F.R. Part 1509.10	ASTM F 1169-99, 11.1.2 ASTM F 1822-97, 9.2.11.1
No sharp edges, points, rough surfaces or wood surfaces that are not smooth and free from splinters, splits or cracks*	16 C.F.R. Part 1508.7 16 C.F.R. Part 1509.8	ASTM F 1169-99, 11.1.2 ASTM F 1822-97, 5
No tears in mesh or fabric material on a non-full-size crib		ASTM F 1822-97, 7.6-7.7
The mattress pad on a non-full-size mesh/fabric crib must not exceed one inch		ASTM F 1822-97, 5.13.2

Sources: 16 CFR Parts 1508 and 1509; ASTM F966-00, F1169-99, and F1822-97

\* C.F.R. and ASTM standards are essentially identical.

**Table 1. Laws Prohibiting the Sale and Use of Unsafe Cribs**

State	Year Enacted	Applies to Cribs Only	Applies to Children's Products	Applies to Garage Sales	Penalty for Selling an Unsafe Crib	Prohibits Use by Child Care Centers	Prohibits Use by Hotels	Entity Responsible for Public Education
Arizona	?	X			Up to \$2,500	X	X	None
Arkansas	2001		X		Up to \$1,000	X		Attorney General
California	1994	X			Up to \$1,000	X	X	None
Colorado	1998	X			Injunction			Dept. of Public Health and Environment
Illinois	1994		X		?	X		Dept. of Public Health
Louisiana	2001		X		?	X		Dept. of Human Services
Michigan	2000		X		?	X		Dept. of Consumer and Industry Services
Oregon	2001	X		X	Up to \$1,000 for commercial seller and \$200 for individuals	X		None
Pennsylvania	2000	X			Up to \$1,000		X	Dept. of Health
Vermont	2001		X		Up to \$1,000			Dept. of Health
Washington	1996	X				X		None
<b>TOTALS</b>		6	5	1		8	3	

1 Senator Scheid from the Committee on Commerce, to which was  
2 referred

3 S.F. No. 899: A bill for an act relating to child safety;  
4 prohibiting the sale and commercial use of certain cribs;  
5 providing enforcement; proposing coding for new law in Minnesota  
6 Statutes, chapters 245A; 325F.

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

9 Page 5, delete lines 6 to 33

10 Page 5, line 34, delete "(e)" and insert "(d)"

11 And when so amended the bill do pass and be re-referred to  
12 the Committee on Health and Family Security. Amendments adopted.  
13 Report adopted.

14

.....  
*Linda Scheid*.....  
(Committee Chair)

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March 16, 2005.....  
(Date of Committee recommendation)