

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

ONE HUNDRED SEVENTH DAY

St. Paul, Minnesota, Wednesday, March 27, 1996

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. Gordon Minehart.

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

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

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 22, 1996

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. Nos. 1775 and 2196.

Warmest regards,  
Arne H. Carlson, Governor

March 22, 1996

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 1996 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 1996	Date Filed 1996
	2513	349	2:03 p.m. March 21	March 21
	2630	352	2:06 p.m. March 21	March 21
	2783	353	2:08 p.m. March 21	March 21
	2205	354	2:10 p.m. March 21	March 21
	3070	355	1:58 p.m. March 21	March 21
	2672	357	1:55 p.m. March 21	March 21
	2532	358	1:50 p.m. March 21	March 21
	3013	359	1:58 p.m. March 21	March 21
	3217	360	1:32 p.m. March 21	March 21
	1704	361	2:15 p.m. March 21	March 21
	2415	362	2:18 p.m. March 21	March 21
	2340	363	2:25 p.m. March 21	March 21
1775		364	10:52 a.m. March 22	March 22
	2778	365	10:45 a.m. March 22	March 22
	2565	366	10:50 a.m. March 22	March 22
2196		367	10:56 a.m. March 22	March 22

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1980:** A bill for an act relating to insurance; regulating coverages; modifying agent cancellations or terminations; providing certain filing requirements for domestic insurers; regulating disclosures and policy and contract provisions; providing for the operation and administration of the medical malpractice joint underwriting association and the Minnesota joint underwriting association; regulating policy cancellations or terminations and claims practices; modifying standards for participation in the assigned claims plan; regulating information handling practices; establishing solvency requirements; making technical changes; amending Minnesota Statutes 1994, sections 60A.07, subdivision 8; 60A.08, subdivision 14; 60A.09, subdivision 4a; 60A.11, subdivision 21; 60A.171, subdivision 7, and by adding a subdivision; 60A.36, subdivision

1; 60C.09, subdivision 2; 60C.11, by adding a subdivision; 61A.02, subdivision 2, and by adding a subdivision; 61A.072, subdivision 4; 61A.32; 61B.20, subdivision 15; 61B.28, subdivision 7; 62A.011, subdivision 3; 62A.02, by adding a subdivision; 62A.31, subdivisions 1p, 1r, 1s, and 3; 62A.315; 62A.318; 62A.36, subdivision 1; 62A.39; 62A.44, subdivision 2; 62A.60; 62F.03, subdivision 6; 62F.04, subdivision 1a; 62I.02, subdivisions 2, 5, and by adding a subdivision; 62I.07; 62L.02, subdivision 15; 62L.09, subdivision 3; 65A.01, subdivision 3; 65A.10, subdivision 1; 65A.295; 65B.14, by adding a subdivision; 65B.15, subdivision 1; 65B.51, subdivision 3; 65B.64, subdivision 3; 70A.07; and 72A.20, subdivisions 17, 23, 26, 30, and by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 60A.07, subdivision 10; 60A.67, subdivision 2; 60K.03, subdivision 7; 61A.09, subdivision 1; 62A.042; 62A.135, subdivision 1; 62A.31, subdivision 1h; 62C.14, subdivision 14; 62E.05, subdivision 1; 62F.02, subdivision 2; and 62L.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 62A; and 72A; repealing Minnesota Statutes 1994, sections 60A.13, subdivision 8; 60A.40; 60B.27; 62I.20; 65A.25; 72A.205; and Laws 1995, chapter 140, section 1.

There has been appointed as such committee on the part of the House:

Osthoff, Tomassoni and Worke.

Senate File No. 1980 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1996

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 637:

**H.F. No. 637:** A bill for an act relating to taxation; property; allowing for a market value exclusion for electric power generation facilities based on facility efficiency; providing for an analysis of utility taxation; proposing coding for new law in Minnesota Statutes, chapter 272.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Jennings, Milbert and Wolf have been appointed as such committee on the part of the House.

House File No. 637 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 1996

Mr. Moe, R.D., for Mr. Novak, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 637, 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 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 File, herewith transmitted: H.F. No. 343.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 1996

### FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

**H.F. No. 343:** A bill for an act proposing an amendment to the Minnesota Constitution, article VIII, by adding a section; providing for recall of elected state officers; amending Minnesota Statutes 1994, section 200.01; proposing coding for new law as Minnesota Statutes, chapter 211C.

Referred to the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS

**Ms. Lesewski, Messrs. Johnson, D.E. and Pogemiller introduced--**

**Senate Resolution No. 127:** A Senate resolution commemorating the centennial of the Armory building at the University of Minnesota.

Referred to the Committee on Rules and Administration.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

**Ms. Wiener, Messrs. Kleis, Hottinger and Solon introduced--**

**S.F. No. 2885:** A bill for an act relating to commerce; providing a remedy and prescribing criminal penalties for damage to certain machines resulting from a theft from those machines; amending Minnesota Statutes 1994, section 609.902, subdivision 4; proposing coding for new law in chapters 325E; and 609.

Referred to the Committee on Judiciary.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1902 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1902

A bill for an act relating to the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the Indian affairs council; changing the name of the council on affairs of Spanish-speaking people; changing the composition and certain powers of the councils on affairs of Spanish-speaking people and Asian-Pacific Minnesotans; providing for appointments; changing statutory references; eliminating an expiration date; amending Minnesota Statutes 1994, sections 3.922, subdivisions 3 and 8; 3.9223; 3.9225, subdivision 1; and 3.9226, subdivisions 1, 2, 3, and 5.

March 25, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1902, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1902 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 3.922, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION; EXPENSES; ~~EXPIRATION.~~] Compensation of nonlegislator members is as provided in section 15.059, but, because the council performs functions that are not purely advisory, the expiration dates provided in that section do not apply. Expenses of the council ~~shall~~ must be approved by two of any three members of the council designated by the council and then be paid in the same manner as other state expenses. The executive secretary shall inform the commissioner of finance in writing of the names of the persons authorized to approve expenses.

Sec. 2. Minnesota Statutes 1994, section 3.922, subdivision 8, is amended to read:

Subd. 8. [ADVISORY COUNCIL.] An advisory council on urban Indians ~~is created to~~ shall advise the board on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The council ~~shall~~ must be appointed by the board and consist of five Indians residing in the vicinity of Minneapolis, St. Paul, and Duluth. At least one member of the council ~~shall~~ must be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059, but the expiration dates provided in that section do not apply.

Sec. 3. Minnesota Statutes 1994, section 3.9223, is amended to read:

3.9223 [COUNCIL ON AFFAIRS OF SPANISH-SPEAKING CHICANO/LATINO PEOPLE.]

Subdivision 1. [MEMBERSHIP.] ~~A~~ The state council on affairs of Spanish-speaking Chicano/Latino people ~~is created to consist~~ consists of seven 11 members appointed by the governor, including eight members representing each of the state's congressional districts and three members appointed at large. The demographic composition of the council members shall must accurately reflect the demographic composition of Minnesota's Spanish-speaking Chicano/Latino community, including migrant workers, as determined by the state demographer. Membership, terms, compensation, removal of members, and filling of vacancies are as provided in section 15.0575. ~~Compensation of members is as provided in section 15.059, subdivision 3.~~ Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the subcommittee on committees of the committee on rules and administration shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

Subd. 2. [SPANISH-SPEAKING CHICANO/LATINO PEOPLE.] For purposes of subdivisions 3 to 7, the term "Spanish-speaking Chicano/Latino person" means a person who uses Spanish as a primary method of communication or who is a spouse of a person who does was born in, or whose ancestors are from, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Panama, Paraguay, Puerto Rico, Uruguay, or Venezuela.

Subd. 3. [DUTIES.] The council shall:

(a) (1) advise the governor and the legislature on the nature of the issues ~~and disabilities~~ confronting Spanish-speaking Chicano/Latino people in this state, including the unique problems encountered by Spanish-speaking Chicano/Latino migrant agricultural workers;

(b) (2) advise the governor and the legislature on statutes or rules necessary to ensure Spanish-speaking Chicano/Latino people access to benefits and services provided to people in this state;

(c) (3) recommend to the governor and the legislature legislation to improve the economic and social condition of Spanish-speaking Chicano/Latino people in this state;

(d) (4) serve as a conduit to state government for organizations of Spanish-speaking Chicano/Latino people in the state;

(e) (5) serve as a referral agency to assist ~~Spanish-speaking~~ Chicano/Latino people to secure access to state agencies and programs;

(f) (6) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the ~~Spanish-speaking~~ Chicano/Latino people of this state;

(g) (7) perform or contract for the performance of studies designed to suggest solutions to problems of ~~Spanish-speaking~~ Chicano/Latino people in the areas of education, employment, human rights, health, housing, social welfare, and other related programs;

(h) (8) implement programs designed to solve problems of ~~Spanish-speaking~~ Chicano/Latino people when authorized by other statute, rule, or order; and

~~(i) review data provided by the commissioner of human services under section 257.072, subdivision 5, and present recommendations on the out-of-home placement of children of Hispanic people. Recommendations must be presented to the commissioner and the legislature by February 1, 1990; November 1, 1990; and November 1 of each year thereafter; and~~

(j) (9) publicize the accomplishments of ~~Spanish-speaking~~ Chicano/Latino people and their contributions to this state.

Subd. 4. [REVIEW AND RECOMMENDATION AUTHORITY.] All applications for the receipt of federal money and proposed rules of a state agency ~~which~~ that will have their primary effect on ~~Spanish-speaking~~ Chicano/Latino people ~~shall~~ must be submitted to the council for review and recommendation at least 15 days before submission to a federal agency or initial publication in the State Register.

Subd. 5. [POWERS.] The council may contract in its own name. Contracts ~~shall~~ must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in this section.

The council shall appoint, ~~subject to the approval of the governor,~~ an executive director who is experienced in administrative activities and familiar with the problems and needs of ~~Spanish-speaking~~ Chicano/Latino people. The council may delegate to the executive director powers and duties under this section ~~which~~ that do not require council approval. The executive director and council staff serve in the unclassified service. The executive director may be removed at any time by a majority vote of the entire council. The executive director shall recommend to the council the appropriate staffing necessary to carry out its duties. The commissioner of administration shall provide the council with necessary administrative services.

Subd. 6. [STATE AGENCY ASSISTANCE.] Other state agencies shall supply the council upon request with advisory staff services on matters relating to the jurisdiction of the council. The council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. [REPORT.] The council shall prepare and distribute a report to the governor and legislature by November 15 of each even-numbered year. The report shall summarize the activities of the council since its last report, list receipts and expenditures, identify the major problems and issues confronting ~~Spanish-speaking~~ Chicano/Latino people, and list the specific objectives ~~which~~ that the council seeks to attain during the next biennium.

Sec. 4. Minnesota Statutes 1994, section 3.9225, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A state council on Black Minnesotans consists of 11 members appointed by the governor. The members of the council must be broadly representative of the Black community of the state and include at least five males and at least five females. Membership terms, compensation, removal of members, and filling of vacancies for nonlegislative members are as provided in section ~~15.059~~ 15.0575. Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the

subcommittee on committees of the committee on rules and administration shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

Sec. 5. Minnesota Statutes 1994, section 3.9226, subdivision 1, is amended to read:

Subdivision 1. [~~CREATION MEMBERSHIP.~~] The state council on Asian-Pacific Minnesotans consists of ~~15~~ 23 members. ~~Eleven~~ ~~Nineteen~~ members are appointed by the governor and must be broadly representative of the Asian-Pacific community of the state. ~~The governor shall appoint two additional members in 1992, one each representing the communities of people from Malaysia and Sri Lanka, and six more additional members in 1993, one each representing the communities of people from Afghanistan, Bangladesh, Myanmar, Pakistan, Singapore, and Tibet, so that after 1993 the council consists of 23 members with 19 appointed by the governor.~~ Each Asian-Pacific ethnic community from the area described in subdivision 2 may be represented by no more than one council member. In making appointments, the governor shall consider an appointee's proven dedication and commitment to the Asian-Pacific community and any special skills possessed by the appointee that might be beneficial to the council, including at a minimum experience in public policy, legal affairs, social work, business, management, or economics. Terms, compensation, removal, and filling of vacancies for appointed members are as provided in section ~~15.059~~ 15.0575. ~~Because the council performs functions that are not purely advisory, the council is not subject to the expiration date in section 15.059.~~ Two members of the house of representatives appointed under the rules of the house of representatives and two members of the senate appointed under the rules of the senate shall serve as nonvoting members of the council. ~~In making legislative appointments, the speaker of the house of representatives and the subcommittee on committees of the committee on rules and administration of the senate shall consult with the council in an effort to select appointees knowledgeable and interested in the affairs of the Asian-Pacific community.~~ The council shall annually elect from its membership a chair and other officers it deems necessary. The council shall encourage Asian-Pacific ethnic communities and organizations to designate persons to serve as liaisons with the council. ~~Liaisons may participate in council meetings, but may not vote, and may serve on council committees.~~

The council shall adopt rules to implement designation of Asian-Pacific ethnic communities to be represented with seats on the council.

Sec. 6. Minnesota Statutes 1994, section 3.9226, subdivision 2, is amended to read:

Subd. 2. [DEFINITION.] For the purpose of this section, the term Asian-Pacific means a person whose ethnic heritage is from any of the countries in Asia east of, and including, Afghanistan, or the Pacific Islands.

Sec. 7. Minnesota Statutes 1994, section 3.9226, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The council shall:

(1) advise the governor and the legislature on issues confronting Asian-Pacific people in this state, including the unique problems of non-English-speaking immigrants and refugees;

(2) advise the governor and the legislature of administrative and legislative changes necessary to ensure that Asian-Pacific people have access to benefits and services provided to people in this state;

(3) recommend to the governor and the legislature any revisions in the state's affirmative action program and other steps that are necessary to eliminate underutilization of Asian-Pacific people in the state's work force;

(4) recommend to the governor and the legislature legislation to improve the economic and social condition of Asian-Pacific people in this state;

(5) serve as a conduit to state government for organizations of Asian-Pacific people in the state;

(6) serve as a referral agency to assist Asian-Pacific people to secure access to state agencies and programs;

(7) serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Asian-Pacific people of this state;

(8) perform or contract for the performance of studies designed to suggest solutions to the problems of Asian-Pacific people in the areas of education, employment, human rights, health, housing, social welfare, and other related areas;

(9) implement programs designed to solve the problems of Asian-Pacific people when authorized by other law;

(10) publicize the accomplishments of Asian-Pacific people and their contributions to this state;

(11) work with other state and federal agencies and organizations to develop small business opportunities and promote economic development for Asian-Pacific Minnesotans;

(12) supervise development of an Asian-Pacific trade primer, outlining Asian and Pacific customs, cultural traditions, and business practices, including language usage, for use by Minnesota's export community;

(13) cooperate with other state and federal agencies and organizations to develop improved state trade relations with Asian and Pacific countries; and

~~(14) review data provided by the commissioner of human services under section 257.072, subdivision 5, and present recommendations on the out-of-home placement of Asian-Pacific children. Recommendations must be presented to the commissioner and the legislature by February 1, 1990; November 1, 1990; and November 1 of each year thereafter assist recent immigrants in adaptation into the culture and promote the study of English as a second language.~~

Sec. 8. Minnesota Statutes 1994, section 3.9226, subdivision 5, is amended to read:

Subd. 5. [POWERS.] (a) The council may contract in its own name but may not accept or receive a loan or incur indebtedness except as otherwise provided by law. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

(b) The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Asian-Pacific people. The council may delegate to the executive director powers and duties under this section that do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. ~~The executive director shall recommend to the council, and the council may~~ appoint the appropriate staff necessary to carry out the duties of the council. All staff members serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Sandra L. Pappas, Roy W. Terwilliger, Deanna Wiener

House Conferees: (Signed) Matt Entenza, Kevin Goodno, Carlos Mariani

Ms. Pappas moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1902 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1902 was read the third time, as amended by the Conference Committee, and placed on its repassage.



The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1885 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1885

A bill for an act relating to human services; clarifying foster care payment and placement; clarifying adoption assistance; defining egregious harm in the juvenile code; amending the parental rights termination statute; amending Minnesota Statutes 1994, sections 256E.08, by adding a subdivision; 257.071, subdivision 1a, and by adding subdivisions; 257.072, subdivisions 1, 5, and 8; 257.0725; 259.67, subdivisions 4 and 6; 259.77; 260.015, by adding a subdivision; and 260.181, subdivision 3; Minnesota Statutes 1995 Supplement, sections 256.045, subdivision 3; and 260.221, subdivision 1; Laws 1995, chapter 207, article 1, section 2, subdivision 4.

March 26, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1885, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1885 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] (a) State agency hearings are available for the following: (1) 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; (2) any patient or relative aggrieved by an order of the commissioner under section 252.27; (3) a party aggrieved by a ruling of a prepaid health plan; or (4) 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; (5) any person whose claim for foster care payment pursuant to a placement of the child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness, regardless of funding source; or (6) any person to whom a right of appeal pursuant to this section is given by other provision of law. Individuals and organizations specified in this section may contest the specified action, 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, 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 clause (4) 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.

The scope of hearings involving claims to foster care payments under clause (5) shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(b) 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, except if assisting a recipient as provided in subdivision 4.

(c) 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. 2. Minnesota Statutes 1994, section 256E.08, is amended by adding a subdivision to read:

Subd. 11. [USE OF COMMUNITY SOCIAL SERVICES FUNDS FOR FOSTER CARE.] If foster care services are described in a county's community social services plan, the county may use funds from its community social services fund to provide foster care benefits on behalf of children for whom the county has legal placement responsibility pursuant to court order or voluntary placement agreement.

Sec. 3. Minnesota Statutes 1994, section 257.071, subdivision 1a, is amended to read:

Subd. 1a. [PROTECTION OF HERITAGE OR BACKGROUND.] The authorized child-placing agency shall ensure that the child's best interests are met by giving due, not sole, consideration of the child's race or ethnic heritage in making a family foster care placement. The authorized child-placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a family foster home selected by following the preferences described in section 260.181, subdivision 3.

In instances where a child from a family of color is placed in a family foster home of a different racial or ethnic background, the local social service agency shall review the placement after 30 days and each 30 days thereafter for the first six months to determine if there is another available placement that would better satisfy the requirements of this subdivision. When there is not a family foster home of the same race or ethnic heritage available that can meet the needs of the child, the agency must place the child in a home of a foster family that is of different racial or ethnic heritage that can meet the needs of the child. Placement of a child cannot be delayed or denied based solely on race.

Sec. 4. Minnesota Statutes 1994, section 257.071, is amended by adding a subdivision to read:

Subd. 9. [FAIR HEARING REVIEW.] Any person whose claim for foster care payment pursuant to the placement of a child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness may appeal the decision under section 256.045, subdivision 3. The application and fair hearing procedures set forth in the administration of community social services rule, Minnesota Rules, parts 9550.0070 to 9550.0092, do not apply to foster care payment issues appealable under this subdivision.

Sec. 5. Minnesota Statutes 1994, section 257.071, is amended by adding a subdivision to read:

Subd. 10. [RULES; FOSTER CARE FAIR HEARINGS.] The commissioner shall review and, where necessary, revise foster care rules to ensure that the rules provide adequate guidance for implementation of foster care fair hearings, pursuant to section 256.045, subdivision 3, clause (5), that comply with all applicable federal requirements and the requirements of section 256.045.

Sec. 6. Minnesota Statutes 1994, section 257.072, subdivision 1, is amended to read:

Subdivision 1. [RECRUITMENT OF FOSTER FAMILIES.] Each authorized child-placing agency shall make special efforts to recruit a foster family from among the child's relatives, except as authorized in section 260.181, subdivision 3, and among families of the same racial or ethnic heritage. Each agency shall provide for diligent recruitment of potential foster families that reflect the ethnic and racial diversity of the children in the state for whom foster homes are needed. Special efforts include contacting and working with community organizations and religious organizations and may include contracting with these organizations, utilizing local media and other local resources, conducting outreach activities, and increasing the number of minority recruitment staff employed by the agency. The requirement of special efforts to locate relatives in this section is satisfied if the responsible child-placing agency has made appropriate efforts for six months following the child's placement in a residential facility and the court approves the agency's efforts pursuant to section 260.191, subdivision 3a. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 7. Minnesota Statutes 1994, section 257.072, subdivision 5, is amended to read:

Subd. 5. [MINORITY PLACEMENTS.] Beginning December 1, 1989 1996, the commissioner shall provide to the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans the semiannual reports annual report required under section 257.0725.

Sec. 8. Minnesota Statutes 1994, section 257.072, subdivision 8, is amended to read:

Subd. 8. [REPORTING REQUIREMENTS.] Each authorized child-placing agency shall provide to the commissioner of human services all data needed by the commissioner for the report required by section 257.0725. The agency shall provide the data within 60 15 days of the end of the six-month period for which the data is applicable.

Sec. 9. Minnesota Statutes 1994, section 257.0725, is amended to read:

257.0725 [SEMIANNUAL ANNUAL REPORT.]

The commissioner of human services shall publish a semiannual an annual report on children in out-of-home placement. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in placement, reason for most recent placement, race of family with whom placed, number of families from the child's own culture in the placement pool during the period for which data is provided, and other demographic information deemed appropriate on all children in out-of-home placement. The commissioner shall provide the required data for children who entered placement during the previous quarter and for children who are in placement at the end of the quarter. Out-of-home placement includes placement in any facility by an authorized child-placing agency. By December 1, 1989, and by December 1 of each successive year, the commissioner shall publish a report covering the first six months of the calendar year. By June 1, 1990, and by June 1 of each successive year, the commissioner shall publish a report covering the last six months of the calendar year.

Sec. 10. Minnesota Statutes 1994, section 259.29, is amended to read:

259.29 [PROTECTION OF HERITAGE OR BACKGROUND.]

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due, not sole, consideration of the child's race or ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

The authorized child-placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) an important friend with whom the child has resided or had significant contact, or if that is not possible, (c) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, ~~(e)~~ (d) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage. In implementing the order of preference, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable adoptive home. The agency shall disclose only data that is necessary to facilitate implementing the preference.

If the child's birth parent or parents explicitly request that the preference described in clause (a) ~~or clauses (a) and~~, (b), or (c) not be followed, the authorized child-placing agency shall honor that request consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the birth parent or parents, in following the preferences in clause (a) ~~or~~, (b), or (c), the agency shall place the child with a family that also meets the birth parent's religious preference. Only if no family is available that is described in clause (a) ~~or~~, (b), or (c) may the agency give preference to a family described in clause ~~(e)~~ (d) that meets the parent's religious preference.

Sec. 11. Minnesota Statutes 1994, section 259.67, subdivision 4, is amended to read:

Subd. 4. [ELIGIBILITY CONDITIONS.] (a) The placing agency shall determine the child's eligibility for adoption assistance under title IV-E of the Social Security Act. If the child does not qualify, the placing agency shall certify a child as eligible for state funded adoption assistance only if the following criteria are met:

~~(a)~~ (1) Due to the child's characteristics or circumstances it would be difficult to provide the child ~~and~~ an adoptive home without adoption assistance.

~~(b)~~(1) (2)(i) A placement agency has made reasonable efforts to place the child for adoption without ~~subsidy~~ adoption assistance, but has been unsuccessful; or

(2) (ii) the child's licensed foster parents desire to adopt the child and it is determined by the placing agency that the adoption is in the best interest of the child.

~~(e)~~ (3) The child has been a ward of the commissioner or a Minnesota-licensed child-placing agency.

(b) For purposes of this subdivision, the characteristics or circumstances that may be considered in determining whether a child is a child with special needs under United States Code, title 42, chapter 7, subchapter IV, part E, or meets the requirements of paragraph (a), clause (1), are the following:

(1) The child is a member of a sibling group to be placed as one unit in which at least one sibling is older than 15 months of age or is described in clause (2) or (3).

(2) The child has documented physical, mental, emotional, or behavioral disabilities.

(3) The child has a high risk of developing physical, mental, emotional, or behavioral disabilities.

(c) When a child's eligibility for adoption assistance is based upon the high risk of developing physical, mental, emotional, or behavioral disabilities, payments shall not be made under the adoption assistance agreement unless and until the potential disability manifests itself as documented by an appropriate health care professional.

Sec. 12. Minnesota Statutes 1994, section 259.67, subdivision 6, is amended to read:

Subd. 6. [RIGHT OF APPEAL.] (a) The adoptive parents have the right to appeal to the commissioner pursuant to section 256.045, when the commissioner denies, discontinues, or modifies the agreement.

(b) Adoptive parents who believe that their adopted child was incorrectly denied adoption assistance, or who did not seek adoption assistance on the child's behalf because of being provided with inaccurate or insufficient information about the child or the adoption assistance program, may request a hearing under section 256.045. Notwithstanding subdivision 2, the purpose of the hearing shall be to determine whether, under standards established by the federal Department of Health and Human Services, the circumstances surrounding the child's adoption warrant making an adoption assistance agreement on behalf of the child after the final decree of adoption has been issued. The commissioner shall enter into an adoption assistance agreement on the child's behalf if it is determined that the child was eligible for adoption assistance under United States Code, title 42, chapter 7, subchapter IV, part E, sections 670 to 679a, at the time of the adoption and at the time the request for a hearing was submitted but, because of extenuating circumstances, did not receive adoption assistance. An adoption assistance agreement made under this paragraph shall be effective the date the request for a hearing was received by the commissioner or the local agency.

Sec. 13. Minnesota Statutes 1994, section 259.77, is amended to read:

259.77 [FAMILY RECRUITMENT.]

Each authorized child-placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.57, subdivision 2, ~~and among families of the same racial or ethnic heritage.~~ Each agency shall provide for the diligent recruitment of potential adoptive families that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed. Special efforts include contacting and working with community organizations and religious organizations and may include contracting with these organizations, utilizing local media and other local resources, and conducting outreach activities. The requirement of special efforts to locate relatives in this section is satisfied if the efforts have continued for six months after the child becomes available for adoption or if special efforts have been satisfied and approved by the court pursuant to section 260.191, subdivision 3a. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 14. Minnesota Statutes 1994, section 260.015, is amended by adding a subdivision to read:

Subd. 29. [EGREGIOUS HARM.] "Egregious harm" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county where a termination of parental rights action is otherwise properly venued. Egregious harm includes, but is not limited to:

(1) conduct towards a child that constitutes a violation of section 609.185 to 609.21, or any other similar law of the United States or any other state;

(2) the infliction of "substantial bodily harm" to a child, as defined in section 609.02, subdivision 8;

(3) conduct towards a child that constitutes felony malicious punishment of a child under section 609.377;

(4) conduct towards a child that constitutes felony unreasonable restraint of a child under section 609.255, subdivision 3;

(5) conduct towards a child that constitutes felony neglect or endangerment of a child under section 609.378;

(6) conduct towards a child that constitutes assault under sections 609.221, 609.222, or 609.223;

(7) conduct towards a child that constitutes solicitation, inducement or promotion of prostitution under section 609.322; or

(8) conduct towards a child that constitutes receiving profit derived from prostitution under section 609.323.

Sec. 15. Minnesota Statutes 1994, section 260.181, subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF HERITAGE OR BACKGROUND.] The policy of the state is to ensure that the best interests of children are met by requiring due, not sole, consideration of the child's race or ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who (a) is ~~the child's relative related to the child by blood, marriage, or adoption, or if that would be detrimental to the child or a relative is not available, who (b) is an important friend with whom the child has resided or had significant contact, or if that is not possible, who (c) is of the same racial or ethnic heritage as the child, or if that is not possible, who (e) (d) is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of the child's racial or ethnic heritage when such a guardian is not immediately available. For purposes of this subdivision, "relative" includes members of a child's extended family and important friends with whom the child has resided or had significant contact.~~

If the child's birth parent or parents explicitly request that the preference described in clause (a) ~~or in clauses (a) and (b), or (c)~~ not be followed, the court shall honor that request if it is consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, in following the preferences in clause (a) ~~or (b), or (c)~~, the court shall order placement of the child with an individual who meets the birth parent's religious preference. Only if no individual is available who is described in clause (a) ~~or (b), or (c)~~ may the court give preference to an individual described in clause ~~(e) (d)~~ who meets the parent's religious preference.

Sec. 16. Minnesota Statutes 1995 Supplement, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact with the child on a regular basis and no demonstrated, consistent interest in the child's well-being for six months; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under

chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7), or under clause (5) if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); or

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (3), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future. It is presumed that conditions leading to a child's out-of-home placement will not be corrected in the reasonably foreseeable future upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan, and the conditions which led to the out-of-home placement have not been corrected; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; or

(6) That the parent has been convicted of causing the death of another of the parent's children a child has experienced egregious harm in the parent's care which is of a nature, duration, or chronicity that indicates a lack of regard for the child's well-being, such that a reasonable person would believe it contrary to the best interest of the child or of any child to be in the parent's care;  
or

(7) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.49 and either the person has not filed a notice of intent to retain parental rights under section 259.51 or that the notice has been successfully challenged; or

(8) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 17. Laws 1995, chapter 207, article 1, section 2, subdivision 4, is amended to read:

Subd. 4. Children's Program	19,860,000	21,453,000
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The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Children's Trust Fund Grants

247,000	247,000
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(b) Families With Children

Services Grants and Administration

1,718,000	1,710,000
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(c) Family Service Collaborative Grants

1,000,000	1,500,000
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(d) Family Preservation, Family Support,  
and Child Protection Grants

8,573,000	8,573,000
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(e) Subsidized Adoption Grants

5,587,000	6,688,000
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(f) Other Families with Children

Services Grants

2,735,000	2,735,000
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[FAMILY SERVICES COLLABORATIVE.]

Plans for the expenditure of funds for family services collaboratives must be approved by the children's cabinet according to criteria in



Minnesota Statutes, section 121.8355. Money appropriated for these purposes may be expended in either year of the biennium. Money appropriated for family services collaboratives is also available for start-up funds under Minnesota Statutes, section 245.492, subdivision 19, for children's mental health collaboratives.

[HOME CHOICE PROGRAM.] Of this appropriation, \$75,000 each year must be used as a grant to the metropolitan council to support the housing and related counseling component of the home choice program.

~~[FOSTER CARE.] Foster care, as defined in Minnesota Statutes, section 260.015, subdivision 7, is not a community social service as defined in Minnesota Statutes, section 256E.03, subdivision 2, paragraph (a). This paragraph is effective the day following final enactment.~~

[NEW CHANCE.] Of this appropriation, \$100,000 each year is for a grant to the New Chance demonstration project that provides comprehensive services to young AFDC recipients who became pregnant as teenagers and dropped out of high school. The commissioner shall provide an annual report on the progress of the demonstration project, including specific data on participant outcomes in comparison to a control group that received no services. The commissioner shall also include recommendations on whether strategies or methods that have proven successful in the demonstration project should be incorporated into the STRIDE employment program for AFDC recipients.

[HIPPIY CARRY FORWARD.] \$50,000 in unexpended money appropriated in fiscal year 1995 for the Home Instruction Program for Preschool Youngsters (HIPPIY) in Laws 1994, chapter 636, article 1, section 11, does not cancel but is available for the same purposes for fiscal year 1996.

[COMMUNITY COLLABORATIVE MATCHING GRANT.] Of the funds appropriated for family services collaboratives, \$75,000 in fiscal year 1996 shall be used for the commissioner of human services to provide a matching grant for community collaborative projects for children and youth developed by a regional organization established under Minnesota Statutes, section 116N.08, to receive rural development challenge grants. The regional organization must include a broad cross-section

of public and private sector community representatives to develop programs, services or facilities to address specific community needs of children and youth. The regional organization must also provide a two-to-one match of nonstate dollars for this grant.

[INDIAN CHILD WELFARE GRANTS.] \$100,000 is appropriated from the general fund to the commissioner of human services for the purposes of providing compliance grants to an Indian child welfare defense corporation, pursuant to Minnesota Statutes, section 257.3571, subdivision 2a, to be available until June 30, 1997.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; clarifying foster care payment and placement; clarifying adoption assistance; defining egregious harm in the juvenile code; amending the parental rights termination statute; amending Minnesota Statutes 1994, sections 256E.08, by adding a subdivision; 257.071, subdivision 1a, and by adding subdivisions; 257.072, subdivisions 1, 5, and 8; 257.0725; 259.29; 259.67, subdivisions 4 and 6; 259.77; 260.015, by adding a subdivision; and 260.181, subdivision 3; Minnesota Statutes 1995 Supplement, sections 256.045, subdivision 3; and 260.221, subdivision 1; Laws 1995, chapter 207, article 1, section 2, subdivision 4."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) David L. Knutson, Linda Berglin, Richard J. Cohen

House Conferees: (Signed) Barbara Sykora, Linda Wejcman, Matt Entenza

Mr. Knutson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1885 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1885 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1872 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1872

A bill for an act relating to peace officer training; requiring peace officers to undergo training in community policing techniques; proposing coding for new law in Minnesota Statutes, chapter 626.

March 20, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1872, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1872 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [626.8455] [TRAINING IN COMMUNITY POLICING.]

Subdivision 1. [TRAINING COURSE.] The board, in consultation with the Minnesota institute of community policing, shall prepare a training course to instruct peace officers in the techniques of community policing. The course must include instruction on at least the following matters:

- (1) techniques for expanding the training of peace officers to include problem-solving;
- (2) techniques for organizing community members so that they are involved and trained in community policing activities;
- (3) techniques for relating to diverse communities; and
- (4) techniques for relating to physically or mentally impaired individuals.

The course also must include training on child development issues to enable officers to respond appropriately to perceived child protection situations. The board shall update the training course periodically as it deems appropriate.

Subd. 2. [PRESERVICE TRAINING REQUIREMENT.] An individual is not eligible to take the peace officer licensing examination after August 1, 1997, unless the individual has received the training described in subdivision 1.

Subd. 3. [INSTRUCTIONAL MATERIALS.] The board shall provide to chief law enforcement officers instructional materials patterned after the materials developed by the board under subdivision 1. These materials must meet board requirements for continuing education credit.

Sec. 2. [IN-SERVICE TRAINING PLAN.]

The board shall develop a plan for providing the training described in section 1, subdivision 1. The board shall develop this plan in conjunction with the Minnesota institute of community policing, the Minnesota chiefs of police association, the Minnesota sheriffs association, and the

Minnesota police and peace officers association. The plan must recommend a schedule for implementing the training which takes into account the size and resources of the employing law enforcement agencies, an estimate of the costs associated with the training, and recommendations for funding the training. An individual who is licensed before August 1, 1997, shall receive training in accordance with the plan beginning January 1, 1998. The board shall report its plan to the house and senate committees with jurisdiction over criminal justice matters.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Section 1, subdivision 2, applies to peace officer licensing examinations administered after July 31, 1997."

Delete the title and insert:

"A bill for an act relating to peace officer training; requiring peace officers to undergo training in community policing techniques; proposing coding for new law in Minnesota Statutes, chapter 626."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Linda Berglin, Randy C. Kelly, Warren Limmer

House Conferees: (Signed) Linda Wejcman, Karen Clark, Rich Stanek

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1872 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1872 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Lesewski voted in the negative.

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 2457 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 2457**

A bill for an act relating to public employees; regulating the salaries of certain higher education

officers; prescribing the form and use of uniform collective bargaining settlement forms; allowing certain students to work for department of transportation for 48 months; ratifying certain labor agreements and compensation plans; appropriating money; amending Minnesota Statutes 1994, sections 3.855, subdivision 4; 43A.08, subdivision 4; 43A.17, subdivision 1; 179A.03, subdivision 4; and 179A.07, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 15A.081, subdivision 7b; 43A.18, subdivision 2; and 179A.04, subdivision 3.

March 25, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2457, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2457 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 3.855, subdivision 4, is amended to read:

Subd. 4. [OTHER DUTIES.] The commission shall:

(1) continually monitor the state's civil service system provided for in chapter 43A, rules of the commissioner of employee relations, and the collective bargaining process provided for in chapter 179A, as applied to state employees;

(2) research and analyze the need for improvements in those statutory sections;

(3) adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(4) perform other related functions delegated to it by the legislature; and

(5) adopt changes, as necessary, to the uniform collective bargaining agreement settlement document developed under section 179A.07, subdivision 7. Any modifications to the form approved by the commission must be submitted to the legislature in the same manner as compensation plans under subdivision 3.

Sec. 2. Minnesota Statutes 1995 Supplement, section 15A.081, subdivision 7b, is amended to read:

Subd. 7b. [HIGHER EDUCATION OFFICERS.] The board of trustees of the Minnesota state colleges and universities, ~~state university board, the state board for community colleges, the state board of technical colleges,~~ and the higher education services office council shall set the salary rates for, respectively, the chancellor of the higher education system, ~~the chancellor of the state universities, the chancellor of the community colleges, the chancellor of vocational technical education,~~ Minnesota state colleges and universities and the executive director of the higher education services office. The respective board or the council shall submit the proposed salary increase change to the legislative coordinating commission for approval, modification, or rejection in the manner provided in section 3.855. The salary rates rate for the positions specified in this subdivision chancellor of the Minnesota state colleges and universities may not exceed 95 percent of the salary of the governor under section 15A.082, subdivision 3. For purposes of this subdivision, "the salary rate of the chancellor" does not include:

(1) employee benefits that are also provided for the majority of all other full-time state employees, vacation and sick leave allowances, health and dental insurance, disability insurance, term life insurance, and pension benefits or like benefits the cost of which is borne by the employee or which is not subject to tax as income under the Internal Revenue Code of 1986;

(2) dues paid to organizations that are of a civic, professional, educational, or governmental nature;

(3) reimbursement for actual expenses incurred by the employee that the appointing authority determines to be directly related to the performance of job responsibilities, including any relocation expenses paid during the initial year of employment; or

(4) a housing allowance that is comparable to housing allowances provided to chancellors and university presidents in similar higher education systems nationwide.

The salary of the director of the higher education services office may not exceed the maximum of the salary range for the commissioner of administration. In deciding whether to recommend a salary increase, the governing board or council shall consider the performance of the chancellor or director, including the chancellor's or director's progress toward attaining affirmative action goals.

Sec. 3. Minnesota Statutes 1994, section 43A.08, subdivision 4, is amended to read:

Subd. 4. [LENGTH OF SERVICE FOR STUDENT WORKERS.] A person may not be employed as a student worker in the unclassified service under subdivision 1 for more than 36 months. Employment at a school that a student attends is not counted for purposes of this 36-month limit. Student workers in the Minnesota department of transportation SEEDS program who are actively involved in a four-year degree program preparing for a professional career job in the Minnesota department of transportation may be employed as a student worker for up to 48 months.

Sec. 4. Minnesota Statutes 1994, section 43A.17, subdivision 1, is amended to read:

Subdivision 1. [SALARY LIMITS.] As used in subdivisions 1 to 9, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established under section 43A.18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned. For presidents of state universities, "salary" does not include a housing allowance provided through a compensation plan approved under section 43A.18, subdivision 3a.

The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of ~~compensation~~ on the salaries of individual employees in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation salaries of employees in the bureau of mediation services. However, if an agency head is assigned a salary that is lower than the current salary of another agency employee, the employee retains the salary, but may not receive an increase in salary as long as the salary is above that of the agency head. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Sec. 5. Minnesota Statutes 1995 Supplement, section 43A.18, subdivision 2, is amended to read:

Subd. 2. [~~UNREPRESENTED NONMANAGERIAL EMPLOYEE COMMISSIONER'S PLAN.~~] Except as provided in section 43A.01, the compensation, terms and conditions of employment for all classified and unclassified employees, except unclassified employees in the legislative and judicial branches, who are not covered by a collective bargaining agreement and not otherwise provided for in chapter 43A or other law are governed solely by a plan developed by the commissioner. The legislative coordinating commission shall review and approve, reject, or modify the plan under section 3.855, subdivision 2. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14.

Sec. 6. [43A.1815] [VACATION DONATION TO SICK LEAVE ACCOUNT.]

In addition to donations under section 43A.181, a state employee may donate a total of up to 12 hours of accrued vacation leave each fiscal year to the sick leave account of one or more state

employees. A state employee may not be paid for more than 80 hours in a payroll period during which the employee uses sick leave credited to the employee's account as a result of a transfer from another state employee's vacation account. The commissioner shall establish procedures under section 43A.04, subdivision 4, for eligibility, duration of need based on individual cases, monitoring and evaluation of individual eligibility status, and other topics related to administration of this program.

Sec. 7. Minnesota Statutes 1994, section 179A.03, subdivision 4, is amended to read:

Subd. 4. [CONFIDENTIAL EMPLOYEE.] "Confidential employee" means ~~any~~ an employee who as part of the employee's job duties:

(1) ~~has access to labor relations information subject to use by the public employer in meeting and negotiating as that term is defined in section 13.37, subdivision 1, paragraph (c); or~~

(2) actively participates in the meeting and negotiating on behalf of the public employer.

~~However, for executive branch employees of the state or employees of the regents of the University of Minnesota, "confidential employee" means any employee who:~~

~~(a) has access to information subject to use by the public employer in collective bargaining; or~~

~~(b) actively participates in collective bargaining on behalf of the public employer.~~

Sec. 8. Minnesota Statutes 1995 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] (a) The commissioner shall:

(1) provide mediation services as requested by the parties until the parties reach agreement, and may continue to assist parties after they have submitted their final positions for interest arbitration;

(2) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(3) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner;

(4) conduct elections;

(5) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(6) adopt rules relating to the administration of this chapter and the conduct of hearings and elections;

(7) receive, catalogue, file, and make available to the public all decisions of arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions;

(8) adopt, subject to chapter 14, a grievance procedure that fulfills the purposes of section 179A.20, subdivision 4, does not provide for the services of the bureau of mediation services and is available to any employee in a unit not covered by a contractual grievance procedure;

(9) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(10) collect fees established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(11) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner;

(12) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4; and

(13) maintain a list of up to 60 arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes. Each person on the list must be knowledgeable about collective bargaining and labor relations in the public sector, well versed in state and federal labor law, and experienced in and knowledgeable about labor arbitration. To the extent practicable, the commissioner shall appoint members to the list so that the list is gender and racially diverse.

~~(b) The commissioner shall make available uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. The commissioner shall, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage schedule; the costs of employees moving through the wage schedule; costs of medical insurance; costs of dental insurance; costs of life insurance; lump sum payments; shift differentials; extracurricular activities; longevity; employer contributions to social security; employer contributions to state or local retirement plans; and contributions to a deferred compensation account. The calculation of the base year must be based on an annualization of the costs provided in the base year contract. The documents must be in the same form as presented by the commissioner to the legislative commission on employee relations on February 17, 1994. A completed uniform collective bargaining agreement settlement document must be presented to the public employer at the time it ratifies a collective bargaining agreement and must be available afterward for inspection during normal business hours at the principal administrative offices of the public employer. The commissioner shall provide training and technical assistance to public employers who request it in completing the uniform baseline determination documents and uniform collective bargaining agreement settlement documents. The commissioner shall at least annually inform public employers of their obligations to complete and post these forms and to submit copies of the completed forms to the legislative commission on employee relations.~~

(e) From the names provided by representative organizations, the commissioner shall maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list must meet at least one of the following requirements:

- (1) be a former or retired judge;
- (2) be a qualified arbitrator on the list maintained by the bureau;
- (3) be a present, former, or retired administrative law judge; or
- (4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list.

Sec. 9. Minnesota Statutes 1994, section 179A.07, is amended by adding a subdivision to read:

Subd. 7. [UNIFORM SETTLEMENT FORM.] (a) A public employer, other than a township, shall complete a uniform collective bargaining agreement settlement document for each collective bargaining agreement or arbitration award. The public employer shall:

- (1) present the settlement document to the governing body at the time it ratifies a collective bargaining agreement or arbitration award;
- (2) make the settlement document available afterward for inspection during normal business hours at the principal administrative offices of the public employer; and



(3) submit a copy of each settlement document to the department of finance within ten days of the approval by the governing body of the collective bargaining agreement or arbitration award.

(b) The commissioner of finance shall make available uniform baseline determination documents and uniform collective bargaining agreement settlement documents applicable to all negotiations between exclusive representatives of appropriate units of public employees and public employers other than townships and prescribe procedures and instructions for completion of the documents. The commissioner of finance shall, at a minimum, include these individual elements in the uniform baseline determination document: the costs of any increases to the wage schedule; the costs of employees moving through the wage schedule; the costs of medical insurance; the costs of dental insurance; the costs of life insurance; lump-sum payments; shift differentials; extracurricular activities; longevity; employer contributions to social security; employer contributions to state or local retirement plans; and contributions to a deferred compensation account. The calculation of the base year must be based on an annualization of the costs provided in the base year contract. The documents must be in the same form as presented by the commissioner of the bureau of mediation services to the legislative commission on employee relations on February 17, 1994; however, the legislative coordinating commission may modify the form as provided in section 3.855, subdivision 4.

(c) The commissioner of finance shall provide training and technical assistance to public employers who request it in completing the uniform baseline determination documents and uniform collective bargaining agreement settlement documents. The commissioner of finance, at least annually, shall inform public employers of their obligations to complete and post these forms and to submit copies of the completed forms to the department of finance.

#### Sec. 10. [RATIFICATIONS.]

Subdivision 1. [COUNCIL 6.] The labor agreement between the state of Minnesota and state bargaining units 2, 3, 4, 6, 7, and 8 represented by the American federation of state, county, and municipal employees, Council 6, approved by the legislative coordinating commission joint subcommittee on employee relations on October 23, 1995, is ratified.

Subd. 2. [ADMINISTRATIVE LAW JUDGES; OFFICE OF ADMINISTRATIVE HEARINGS.] The compensation plan for administrative law judges in the office of administrative hearings, as modified and approved by the legislative coordinating commission joint subcommittee on employee relations on October 23, 1995, is ratified.

Subd. 3. [UNREPRESENTED MANAGERS AND CHANCELLOR; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The compensation plan for excluded administrators of the Minnesota state colleges and universities, as amended and approved by the legislative commission on employee relations on June 7, 1995, is ratified. The salary proposed by the board of trustees of the Minnesota state colleges and universities for the chancellor, approved by the legislative commission on employee relations on June 7, 1995, is ratified. However, the housing allowance included in the compensation plan for presidents of state universities is not ratified.

Subd. 4. [SUPERVISORS.] The labor agreement between the state of Minnesota and the middle management association, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 5. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 6. [COMMUNITY COLLEGE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota community college faculty association, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 7. [NURSES.] The labor agreement between the state of Minnesota and the Minnesota nurses association, approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 8. [HIGHER EDUCATION SERVICES OFFICE DIRECTOR.] The proposed salary of the director of the higher education services office, as modified and approved by the legislative coordinating commission joint subcommittee on employee relations on December 11, 1995, is ratified.

Subd. 9. [SPECIAL TEACHERS.] The labor agreement between the state of Minnesota and the state residential schools education association, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Subd. 10. [LAW ENFORCEMENT.] The labor agreement between the state of Minnesota and the Minnesota law enforcement association, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Subd. 11. [STATE UNIVERSITY ADMINISTRATIVE AND SERVICE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Subd. 12. [PROFESSIONAL EMPLOYEES.] The labor agreement between the state of Minnesota and the Minnesota association of professional employees, approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Subd. 13. [MANAGERIAL PLAN.] The plan for managerial employees, as amended and approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Subd. 14. [UNREPRESENTED, UNCLASSIFIED EMPLOYEES; HIGHER EDUCATION SERVICES OFFICE.] The plan for unrepresented, unclassified employees of the higher education services office, as approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Subd. 15. [COMMISSIONER'S PLAN.] The commissioner's plan, as amended and approved by the legislative coordinating commission joint subcommittee on employee relations on January 12, 1996, is ratified.

Sec. 11. [LEGISLATIVE COMMISSIONS CEASING OPERATIONS ON JULY 1, 1996; EMPLOYEE ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMS.]

An employee of a legislative commission that ceases operations on July 1, 1996, pursuant to Laws 1995, chapter 248, article 2, section 6, is eligible until January 1, 1997, for participation in competitive promotional examinations under Minnesota Statutes, section 43A.10, subdivision 6.

Sec. 12. [APPROPRIATION.]

\$50,000 is appropriated to the commissioner of finance for the purpose of carrying out section 9.

Sec. 13. [EFFECTIVE DATE.]

Sections 2 to 7 and 10 are effective the day following final enactment. Sections 1, 8, 9, 11, and 12 are effective July 1, 1996."

Delete the title and insert:

"A bill for an act relating to public employees; regulating the salaries of certain higher education officers; establishing a vacation donation sick leave account; prescribing the form and use of uniform collective bargaining settlement forms; allowing certain students to work for department of transportation for 48 months; ratifying certain labor agreements and compensation plans; appropriating money; amending Minnesota Statutes 1994, sections 3.855, subdivision 4; 43A.08, subdivision 4; 43A.17, subdivision 1; 179A.03, subdivision 4; and 179A.07, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 15A.081, subdivision 7b; 43A.18,

subdivision 2; and 179A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Carol Flynn, Roger D. Moe, Roy W. Terwilliger

House Conferees: (Signed) Loren A. Solberg, Mary Murphy, Harry Mares

Ms. Flynn moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2457 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2457 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 2720 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 2720**

A bill for an act relating to elections; permitting simultaneous candidacy for nomination by major and minor parties with their consent under certain conditions; amending Minnesota Statutes 1994, sections 200.02, subdivision 7, and by adding a subdivision; 204B.04, subdivision 2, and by adding a subdivision; 204D.12; and 204D.13, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 204B.06, subdivision 1; repealing Minnesota Statutes 1994, section 204D.10, subdivision 2.

March 26, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2720, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2720 be further amended as follows:

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1994, section 200.02, is amended by adding a subdivision to read:

Subd. 22. [MINOR POLITICAL PARTY.] (a) "Minor political party" means a political party that is not a major political party as defined by subdivision 7 and that has adopted a state constitution, designated a state party chair, and met the requirements of paragraph (b) or (c), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for a partisan office voted on statewide at the preceding state general election who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election.

(c) To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office.

(d) Votes cast for a candidate who was the nominee of more than one political party in a state general election are not counted in determining whether a minor political party should remain a minor political party under this subdivision."

Page 5, after line 15, insert:

"The amendments made by this act are suspended during any time that the decision of the eighth circuit court of appeals in Twin Cities Area New Party v. McKenna, No. 94-3417MN, is stayed or the mandate of the court is recalled. If the McKenna decision is reversed, the amendments made by this act expire and the prior law is revived. The purpose of this paragraph is to provide an orderly procedure for complying with the McKenna decision while retaining the prior law prohibiting simultaneous nominations to the extent permitted by the United States Constitution."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) John Marty, Richard J. Cohen, Gary W. Laidig

House Conferees: (Signed) Gene Pelowski, Jr., Richard H. Jefferson, Tim Pawlenty

Mr. Marty moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2720 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2720 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Dille	Hanson	Johnson, D.J.
Beckman	Betzold	Fischbach	Hottinger	Johnson, J.B.
Belanger	Cohen	Flynn	Janezich	Johnston
Berg	Day	Frederickson	Johnson, D.E.	Kelly

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

Ms. Pappas voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2012 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2012

A bill for an act relating to highways; designating a portion of marked trunk highway No. 22 as Victory Drive; designating a portion of marked trunk highway No. 15 as Veterans Memorial Highway; providing for reimbursement of costs; amending Minnesota Statutes 1994, section 161.14, by adding subdivisions.

March 25, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2012, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Tracy L. Beckman, James P. Metzen, William V. Belanger, Jr.

House Conferees: (Signed) Henry J. Kalis, John Dorn, Bob Gunther

Mr. Beckman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2012 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2012 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Day	Johnson, D.E.	Knutson	Limmer
Beckman	Dille	Johnson, D.J.	Kramer	Marty
Belanger	Fischbach	Johnson, J.B.	Krentz	Merriam
Berg	Flynn	Johnston	Laidig	Metzen
Berglin	Hanson	Kelly	Langseth	Moe, R.D.
Betzold	Hottinger	Kiscaden	Larson	Mondale
Cohen	Janezich	Kleis	Lessard	Morse

Murphy  
Neuville  
Novak  
Olson  
Ourada

Pappas  
Pariseau  
Piper  
Pogemiller  
Price

Ranum  
Riveness  
Robertson  
Runbeck  
Sams

Samuelson  
Scheevel  
Solon  
Stevens  
Stumpf

Terwilliger  
Vickerman  
Wiener

Mr. Oliver voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2116 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2116

A bill for an act relating to liquor; allowing persons holding either the proper license or permit to charge for possession; exempting certain types of wine tastings from authorized tastings; regulating malt liquor furnished for sampling; providing for authority of the cities of Wadena, Eagan, and West St. Paul to issue on-sale licenses; authorizing certain cities to issue a temporary license for a certain wine auction; amending Minnesota Statutes 1994, sections 340A.418, subdivision 2; and 340A.510; Minnesota Statutes 1995 Supplement, sections 340A.401; and 340A.404, subdivision 10; Laws 1994, chapter 611, section 32; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Laws 1974, chapter 452.

March 22, 1996

The Honorable Allan H. Spear  
President of the Senate

The Honorable Irv Anderson  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2116, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2116 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 340A.301, subdivision 2, is amended to read:

Subd. 2. [PERSONS ELIGIBLE.] Licenses under this section may be issued only to a person who:

- (1) ~~is a citizen of the United States or a resident alien;~~
- (2) is of good moral character and repute;
- (3) (2) is 21 years of age or older;

(4) (3) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and

(5) (4) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages.

Sec. 2. Minnesota Statutes 1994, section 340A.316, is amended to read:

340A.316 [SACRAMENTAL WINE.]

~~The commissioner may issue licenses for the importation and sale of wine exclusively for sacramental purposes. The holder of a sacramental wine license may sell wine only to a rabbi, priest, or minister of a church, or other established religious organization, or individual members of a religious organization who conduct ceremonies in their homes, if the purchaser certifies in writing that the wine will be used exclusively for sacramental purposes in religious ceremonies. The annual fee for a sacramental wine license is \$50.~~

A rabbi, priest, or minister of a church or other established religious organization may import wine exclusively for sacramental purposes without a license.

Sec. 3. Minnesota Statutes 1995 Supplement, section 340A.401, is amended to read:

340A.401 [LICENSE REQUIRED.]

Except as provided in this chapter, no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained a the required license or permit.

Sec. 4. [340A.401] [BED AND BREAKFAST FACILITIES; WHEN LICENSE NOT REQUIRED.]

Subdivision 1. [DEFINITION.] For purposes of this section "bed and breakfast facility" means a place of lodging that (1) provides not more than eight rooms for rent to no more than 20 guests at a time, (2) is located on the same property as the owner's personal residence, (3) provides no meals, other than breakfast served to persons who rent rooms, and (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

Subd. 2. [LICENSE NOT REQUIRED.] (a) Notwithstanding section 340A.401, no license under this chapter is required for a bed and breakfast facility to provide at no additional charge to a person renting a room at the facility not more than two glasses per day each containing not more than four fluid ounces of wine. Wine so furnished may be consumed only on the premises of the bed and breakfast facility.

(b) A bed and breakfast facility may furnish wine under paragraph (a) only if the facility is registered with the commissioner. Application for such registration must be on a form the commissioner provides. The commissioner may revoke registration under this paragraph for any violation of this chapter or a rule adopted under this chapter.

Sec. 5. Minnesota Statutes 1994, section 340A.404, subdivision 8, is amended to read:

Subd. 8. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI RIVER TOUR BOATS.] (a) The commissioner may issue an on-sale intoxicating liquor license to a person regularly engaged, on an annual or seasonal basis, in the business of offering tours by boat on Lake Superior and adjacent bays, the St. Croix river, and the Mississippi river. The license shall authorize the sale of intoxicating liquor between May 1 and October 1 for consumption on the boat while underway or attached to a dock or other mooring. No license may be issued unless each boat used in the tour business regularly sells meals in the place where intoxicating liquor is sold.

(b) All sales of intoxicating liquor made on a boat while it is attached to a dock or other mooring are subject to any restrictions on the sale of liquor prescribed by the governing body of the city where the boat is attached, or of a county when it is attached outside a city. A governing body may prohibit liquor sales within its jurisdiction but may not require an additional license, or require a fee or occupation tax, for the sales.

(c) If a boat is moored for a period of at least three consecutive months, the city may require the boat to obtain an on-sale intoxicating liquor license from the city, and the fee charged for the

~~license must not exceed one-half the fee charged for a comparable annual on-sale intoxicating liquor license.~~

Sec. 6. Minnesota Statutes 1995 Supplement, section 340A.404, subdivision 10, is amended to read:

Subd. 10. [TEMPORARY ON-SALE LICENSES.] The governing body of a municipality may issue to a club or charitable, religious, or other nonprofit organization in existence for at least three years, or to a political committee registered under section 10A.14, a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except ~~section~~ sections 340A.409 and 340A.504, subdivision 3, paragraph (d), and those laws and ordinances which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

A county under this section may issue a temporary license only to a premises located in the unincorporated or unorganized territory of the county.

Sec. 7. Minnesota Statutes 1994, section 340A.408, subdivision 4, is amended to read:

Subd. 4. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI RIVER TOUR BOATS; COMMON CARRIERS.] (a) The annual license fee for licensing of Lake Superior, St. Croix river, and Mississippi river tour boats under section 340A.404, subdivision 8, shall be \$1,000. The commissioner shall transmit one-half of this fee to the governing body of the city that is the home port of the tour boat, or to the county in which the home port is located if the home port is outside a city.

(b) The annual license fee for common carriers licensed under section 340A.407 is:

- (1) \$50 for 3.2 percent malt liquor, and \$20 for a duplicate license; and
- (2) \$200 for intoxicating liquor, and \$20 for a duplicate license.

Sec. 8. Minnesota Statutes 1994, section 340A.410, is amended by adding a subdivision to read:

Subd. 4b. [NOTICE POSTING.] (a) A premises licensed for the retail sale of alcoholic beverages and a municipal liquor store must post and maintain in a conspicuous place within the licensed premises clearly visible to consumers: one sign 14-1/2 inches wide by 8 inches high as designed by the commissioners of health and public safety, which incorporates the following information: (1) the penalties of driving while under the influence of alcohol; (2) penalties for serving alcoholic beverages to a person who is obviously intoxicated or under 21 years of age; and (3) a warning statement regarding drinking alcohol while pregnant.

(b) The commissioners of health and public safety shall design a sign that complies with this subdivision and shall make the sign available for reproduction. A retail licensee or municipal liquor store may not modify the sign design, but may modify the color.

Sec. 9. Minnesota Statutes 1994, section 340A.413, subdivision 4, is amended to read:

Subd. 4. [EXCLUSIONS FROM LICENSE LIMITS.] On-sale intoxicating liquor licenses may be issued to the following entities by a city, in addition to the number authorized by this section:

- (1) clubs, or congressionally chartered veterans organizations;
- (2) restaurants located at a racetrack licensed under chapter 240;



(3) establishments that are issued licenses to sell wine under section 340A.404, subdivision 5; and

(4) ~~Lake Superior tour boats that are issued licenses under section 340A.404, subdivision 8; and~~

(5) theaters that are issued licenses under section 340A.404, subdivision 2.

Sec. 10. Minnesota Statutes 1994, section 340A.418, subdivision 2, is amended to read:

Subd. 2. [TASTINGS AUTHORIZED.] (a) A charitable, religious, or other nonprofit organization may conduct a wine tasting on premises the organization owns or leases or has use donated to it, or on the licensed premises of a holder of an on-sale intoxicating liquor license that is not a temporary license, if the organization holds a temporary on-sale intoxicating liquor license under section 340A.404, subdivision 10, and complies with this section. An organization holding a temporary license may be assisted in conducting the wine tasting by another nonprofit organization.

(b) An organization that conducts a wine tasting under this section may use the net proceeds from the wine tasting only for:

(1) the organization's primary nonprofit purpose; or

(2) donation to another nonprofit organization assisting in the wine tasting, if the other nonprofit organization uses the donation only for that organization's primary nonprofit purpose.

(c) No wine at a wine tasting under this section may be sold, or orders taken, for ~~off-premise~~ off-premises consumption.

(d) Notwithstanding any other law, an organization may purchase or otherwise obtain wine for a wine tasting conducted under this section from a wholesaler licensed to sell wine, and the wholesaler may sell or give wine to an organization for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting. A wholesaler who sells or gives wine to an organization for a wine tasting under this section must deliver the wine directly to the location where the wine tasting is conducted.

(e) This section does not prohibit or restrict a wine tasting that is:

(1) located on on-sale premises where no charitable organization is participating; or

(2) located on on-sale premises where the proceeds are for a designated charity but where the tasting is primarily for educational purposes.

Sec. 11. Minnesota Statutes 1994, section 340A.510, is amended to read:

340A.510 [SAMPLES.]

Subdivision 1. [SAMPLES AUTHORIZED.] Off-sale licenses and municipal liquor stores may provide samples of malt liquor, wine, liqueurs, and cordials, and distilled spirits which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, and cordial, and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer and, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.

Subd. 2. [MALT LIQUOR FURNISHED FOR SAMPLING.] (a) Notwithstanding section 340A.308, with respect only to sampling authorized under subdivision 1, a brewer may furnish at no cost to an off-sale retailer malt liquor the brewer manufactures if:

(1) the malt liquor is dispensed by the retailer only for tastings authorized under subdivision 1;

(2) the retailer makes available for return to the brewer any unused malt liquor and empty containers;

(3) the samples are dispensed by an employee of the retailer, or by a sampling service retained by the retailer and not affiliated directly or indirectly with a brewer or malt liquor wholesaler;

(4) the brewer furnishes not more than three cases of malt liquor to the retailer for each sampling;

(5) each sampling continues for not more than eight hours;

(6) the brewer has furnished malt liquor for not more than five samplings for any retailer in any calendar year;

(7) the brewer delivers the malt liquor for the sampling to its exclusive wholesaler for that malt liquor;

(8) the brewer has at least seven days before the sampling filed with the commissioner, on a form the commissioner prescribes, written notice of intent to furnish malt liquor for the sampling, which contains (i) the name and address of the retailer conducting the sampling, (ii) the amount of malt liquor being furnished by the brewer, (iii) the number of times the brewer has furnished malt liquor to the retailer in the calendar year in which the notice is filed, (iv) the date and time of the sampling, (v) the exclusive wholesaler to whom the brewer will deliver the malt liquor, and (vi) a statement by the brewer to the effect that to the brewer's knowledge all requirements of this section have been or will be complied with; and

(9) the commissioner has not notified the brewer filing the notice under clause (8) that the commissioner disapproves the notice.

(b) For purposes of this subdivision "retailer" means a licensed off-sale retailer of alcoholic beverages and a municipal liquor store that sells at off-sale.

Sec. 12. [340A.511] [CERTAIN SIZES MAY BE SOLD.]

An off-sale retailer of intoxicating liquor may sell distilled spirits in bottles of 50 milliliters.

Sec. 13. [340A.512] [CONTAINERS BROUGHT INTO PREMISES.]

A licensed retailer of alcoholic beverages may prohibit any person from bringing into the licensed premises any container of alcoholic beverages, or from consuming from such a container on the licensed premises, without the licensee's permission.

Sec. 14. Minnesota Statutes 1994, section 340A.601, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] A city having a population of not more than 10,000 may establish, own, and operate a municipal liquor store which may sell at retail intoxicating liquor, 3.2 percent malt liquor, tobacco products, ice, soft drinks, beverages for mixing intoxicating liquor, and food for consumption on the premises alcoholic beverages and (1) in the case of a municipal liquor store that sells at off-sale only, all items that may lawfully be sold in an exclusive liquor store under section 340A.412, subdivision 14, or (2) in the case of a municipal liquor store that sells at on-sale only, or at on- and off-sale, any item that may lawfully be sold in an establishment with an on-sale intoxicating liquor license. A municipal liquor store may also offer recorded or live entertainment and make available coin-operated amusement devices.

Sec. 15. Laws 1994, chapter 611, section 32, is amended to read:

Sec. 32. [EAGAN; LICENSES AUTHORIZED.]

The city of Eagan may issue not more than three eight on-sale intoxicating liquor licenses in addition to the number authorized by Minnesota Statutes, section 340A.413. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 16. [WEST ST. PAUL; LICENSES AUTHORIZED.]

Notwithstanding any other law, the city of West St. Paul may issue not more than 18 on-sale

intoxicating liquor licenses. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 17. [WADENA; SEASONAL LICENSES.]

Notwithstanding any other law, the city of Wadena may issue one seasonal on-sale intoxicating liquor license in addition to the number of on-sale intoxicating liquor licenses authorized by law. The license authorized by this section is valid for a period to be determined by the city, not to exceed nine months. Not more than one license may be issued under this section for any one premise during any consecutive 12-month period. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized by this section.

Sec. 18. [REPEALER.]

Minnesota Statutes 1994, sections 144.3871; and 340A.410, subdivision 4a, are repealed. Laws 1974, chapter 452, is repealed.

Sec. 19. [EFFECTIVE DATE.]

Sections 4 to 7, 9, and 11 to 14 are effective the day following final enactment. Section 15 is effective on approval by the Eagan city council and compliance with Minnesota Statutes, section 645.021. Section 16 is effective on approval by the West St. Paul city council and compliance with Minnesota Statutes, section 645.021. Section 17 is effective on approval by the Wadena city council and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; modifying eligibility for manufacturer and wholesaler licenses; clarifying requirements for selling or furnishing alcoholic beverages; allowing bed and breakfast facilities to furnish wine to guests without a license under certain circumstances; abolishing state licenses for importation of sacramental wine; exempting certain types of wine tastings from statutory restrictions; allowing off-sale retailers to offer samples of distilled spirits; allowing brewers to furnish beer directly to retailers for tastings; allowing off-sale retailers to sell distilled spirits in 50 milliliter bottles; allowing on-sale retailers to prohibit the carrying of alcoholic beverages onto the licensed premises; specifying items that may be sold in municipal liquor stores; removing references to nonintoxicating malt liquor from statute, rules, and local licenses; authorizing on-sale licenses for tour boats on the St. Croix and Mississippi rivers; requiring establishments selling alcoholic beverages to post certain signs; directing commissioners of public safety and health to design the signs; providing for division of tour boat license fees; authorizing additional on-sale licenses in West St. Paul and Eagan; authorizing seasonal on-sale license in Wadena; repealing special law restricting on-sale licenses in Thief River Falls; amending Minnesota Statutes 1994, sections 340A.301, subdivision 2; 340A.316; 340A.404, subdivision 8; 340A.408, subdivision 4; 340A.410, by adding a subdivision; 340A.413, subdivision 4; 340A.418, subdivision 2; 340A.510; and 340A.601, subdivision 1; Minnesota Statutes 1995 Supplement, sections 340A.401; and 340A.404, subdivision 10; Laws 1994, chapter 611, section 32; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1994, sections 144.3871; and 340A.410, subdivision 4a; Laws 1974, chapter 452."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Sam G. Solon, Deanna Wiener, Cal Larson

House Conferees: (Signed) Jeff Bertram, Walter E. Perlt, Mark Holsten

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2116 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2116 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Kelly moved that S.F. No. 302 be taken from the table. The motion prevailed.

**S.F. No. 302:** A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 1994, section 177.24, subdivision 1.

Mr. Kelly moved that the Senate do not concur in the amendments by the House to S.F. No. 302, 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.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2816 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2816:** A bill for an act relating to consumer privacy; regulating the use and dissemination of personally identifiable information on consumers of computer information services; amending Minnesota Statutes 1994, section 13.99, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 13D.

Mr. Mondale moved to amend H.F. No. 2816, as amended pursuant to Rule 49, adopted by the Senate March 12, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2454.)

Delete everything after the enacting clause and insert:

"Section 1. [COMMITTEE ON NATIONAL STANDARDS.]

The Minnesota government information access council shall form a committee to study and promote a national standard for data privacy and information services. The committee shall work in cooperation with the Minnesota high tech council, the national conference of state legislatures, the national governors association, the national attorneys general association, the great lake information network, the council of state governments, and other affected organizations and industry representatives. The committee shall report any recommendations it might develop to the legislature by January 15, 1997."

Delete the title and insert:

"A bill for an act relating to data practices; requiring the appointment of a committee to study and promote a national standard for data privacy and information services."

Mr. Limmer moved to amend the Mondale amendment to H.F. No. 2816 as follows:

Page 1, line 9, delete "promote a national standard" and insert "recommend uniform standards"

Amend the title amendment accordingly

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

Mr. Merriam moved to amend the Mondale amendment to H.F. No. 2816 as follows:

Page 1, line 8, delete "Minnesota government information access council" and insert "information policy office"

Page 1, line 11, after "with" insert "the Minnesota government information access council,"

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

The question recurred on the adoption of the Mondale amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

H.F. No. 2816 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 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Langseth	Neuville	Samuelson
Beckman	Hottinger	Larson	Novak	Scheevel
Belanger	Johnson, D.J.	Lesewski	Oliver	Solon
Berg	Johnson, J.B.	Lessard	Pappas	Stevens
Berglin	Johnston	Limmer	Pariseau	Stumpf
Chandler	Kelly	Marty	Price	Terwilliger
Cohen	Kiscaden	Merriam	Ranum	Vickerman
Day	Kleis	Metzen	Reichgott Junge	Wiener
Dille	Kramer	Mondale	Riveness	
Flynn	Krentz	Morse	Robertson	
Frederickson	Laidig	Murphy	Sams	

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. 2061 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 2061:** A resolution making a public apology to all persons with developmental disabilities who have been involuntarily committed to state institutions.

Ms. Berglin moved to amend S.F. No. 2061 as follows:

Page 1, delete lines 6 to 25

Page 2, delete lines 1 to 36

Page 3, delete lines 1 to 7 and insert:

"WHEREAS, past policies of the state of Minnesota resulted in Minnesotans with developmental disabilities receiving services which:

(1) did not fully demonstrate respect for the dignity and autonomy of Minnesotans with developmental disabilities and mental illness;

(2) fostered institutionalization and isolation of Minnesotans with developmental disabilities rather than facilitate independent living and community inclusion; and

(3) increased the likelihood that families would place or commit children and adult family members with developmental disabilities to state-sponsored institutions; and

WHEREAS, past policies of the state resulted in many residents of these state institutions being buried in unmarked graves or graves that bore only a number; and

WHEREAS, past policies of the state resulted in residents of these state institutions being forced to labor without compensation in systems that have since been ruled unconstitutional or were allowed lives lacking purposeful activity; and

WHEREAS, past policies of the state resulted in residents of these state institutions being subjected to medical experiments and procedures without their consent, including the routine subjection of women residents to involuntary sterilizations; and

WHEREAS, past policies of the state resulted in residents of these state institutions being subjected to shock treatments, frontal lobotomies, aversive drug therapies, isolation, and pain-based treatment programs; and

WHEREAS, past policies of the state resulted in thousands of children growing up in these state institutions enjoying none of the comforts, joys, and cultural ways that are learned in family life; and

WHEREAS, current policies seek to respect the dignity and promote inclusion within the community of Minnesotans with developmental disabilities; NOW, THEREFORE,

BE IT RESOLVED that the state of Minnesota acknowledges and regrets its past policies regarding Minnesotans with developmental disabilities.

This resolution is not an admission of liability and does not restrict or expand any liability of the state under law. The representations contained in this resolution shall not be subject to discovery or admitted into evidence, nor shall they constitute an admission, in any judicial or administrative proceeding of any kind, for damages, injunctive relief or any other purpose."

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved that S.F. No. 2061, on Special Orders, be stricken and re-referred to the Committee on Rules and Administration.

### CALL OF THE SENATE

Ms. Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 2061. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Samuelson.

The roll was called, and there were yeas 46 and nays 18, as follows:

Those who voted in the affirmative were:

Beckman	Johnston	Lessard	Olson	Scheevel
Belanger	Kelly	Merriam	Ourada	Stevens
Berg	Kiscaden	Metzen	Pariseau	Stumpf
Day	Kleis	Moe, R.D.	Price	Terwilliger
Dille	Krentz	Mondale	Ranum	Vickerman
Fischbach	Kroening	Morse	Reichgott Junge	Wiener
Frederickson	Laidig	Murphy	Robertson	
Hanson	Langseth	Neuville	Runbeck	
Hottinger	Larson	Novak	Sams	
Johnson, D.E.	Lesewski	Oliver	Samuelson	

Those who voted in the negative were:

Anderson	Cohen	Johnson, J.B.	Marty	Riveness
Berglin	Flynn	Knutson	Pappas	Solon
Betzold	Janezich	Kramer	Piper	
Chandler	Johnson, D.J.	Limmer	Pogemiller	

The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2042 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2042:** A bill for an act relating to the human rights act; providing that making certain equal opportunities in athletic programs available on the basis of sex is not an unfair discriminatory practice; amending Minnesota Statutes 1994, section 363.02, subdivision 4.

Ms. Anderson moved to amend H.F. No. 2042, the unofficial engrossment, as follows:

Page 1, line 24, before the period, insert "if the restriction is necessary to preserve the unique character of the team, program, or event and it would not substantially reduce comparable athletic opportunities for the other sex"

Mr. Lessard moved to amend the Anderson amendment to H.F. No. 2042 as follows:

Page 1, line 5, delete everything after "event"

Page 1, delete line 6

The question was taken on the adoption of the Lessard amendment to the Anderson amendment.

The roll was called, and there were yeas 31 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Langseth	Oliver	Solon
Berg	Johnston	Larson	Olson	Stevens
Day	Kiscaden	Lesewski	Ourada	Terwilliger
Dille	Kleis	Lessard	Pariseau	
Fischbach	Knutson	Limmer	Runbeck	
Frederickson	Kramer	Murphy	Samuelson	
Hanson	Laidig	Neuville	Scheevel	

Those who voted in the negative were:

Anderson	Hottinger	Marty	Piper	Stumpf
Beckman	Janezich	Merriam	Pogemiller	Vickerman
Berglin	Johnson, D.J.	Metzen	Price	Wiener
Betzold	Johnson, J.B.	Moe, R.D.	Ranum	
Chandler	Kelly	Mondale	Reichgott Junge	
Cohen	Krentz	Morse	Robertson	
Flynn	Kroening	Pappas	Sams	

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

The question recurred on the adoption of the Anderson amendment. The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H.F. No. 2042. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 2042 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 47 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Oliver	Sams
Beckman	Frederickson	Langseth	Olson	Samuelson
Belanger	Hottinger	Lesewski	Ourada	Solon
Berg	Johnson, D.E.	Limmer	Pappas	Stumpf
Berglin	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	Merriam	Pogemiller	Vickerman
Chandler	Kelly	Metzen	Price	Wiener
Cohen	Kiscaden	Moe, R.D.	Ranum	
Day	Krentz	Morse	Reichgott Junge	
Dille	Kroening	Murphy	Robertson	

Those who voted in the negative were:

Fischbach	Knutson	Mondale	Pariseau	Scheevel
Johnston	Kramer	Neuville	Runbeck	Stevens
Kleis	Larson			

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

### RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby H.F. No. 2042 was passed by the Senate on March 26, 1996, be now reconsidered. The motion prevailed.

H.F. No. 2042 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 50 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Morse	Reichgott Junge
Beckman	Frederickson	Laidig	Murphy	Robertson
Belanger	Hanson	Langseth	Novak	Runbeck
Berg	Hottinger	Lesewski	Oliver	Sams
Berglin	Janezich	Limmer	Olson	Samuelson
Betzold	Johnson, D.E.	Marty	Ourada	Solon
Chandler	Johnson, D.J.	Merriam	Pappas	Stumpf
Cohen	Kelly	Metzen	Pogemiller	Terwilliger
Day	Kiscaden	Moe, R.D.	Price	Vickerman
Dille	Krentz	Mondale	Ranum	Wiener

Those who voted in the negative were:

Fischbach	Kleis	Kramer	Neuville	Scheevel
Johnston	Knutson	Larson	Pariseau	Stevens

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

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.



**APPOINTMENTS**

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 637: Messrs. Novak, Price and Mrs. Pariseau.

S.F. No. 302: Messrs. Kelly, Marty and Ms. Johnston.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

**MEMBERS EXCUSED**

Messrs. Chmielewski and Finn were excused from the Session of today. Mr. Larson was excused from the Session of today from 10:00 to 11:15 a.m. Mr. Limmer was excused from the Session of today from 10:00 to 10:50 a.m. Ms. Ranum was excused from the Session of today from 10:30 to 10:45 a.m. Mr. Pogemiller was excused from the Session of today from 10:45 to 11:15 a.m. Mr. Spear was excused from the Session of today from 10:00 a.m. to 12:40 p.m. Mr. Chandler was excused from the Session of today from 10:00 to 11:30 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 28, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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