

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

SEVENTY-THIRD DAY

St. Paul, Minnesota, Monday, February 5, 1996

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

## CALL OF THE SENATE

Mr. Kelly imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Sister Margaret Belanger.

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

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

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

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2008, 2308, 2340, 2079, 2116, 2532, 2149, 2332, 2391 and 2413.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 1, 1996

## FIRST READING OF HOUSE BILLS

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

**H.F. No. 2008:** A bill for an act relating to insurance; health; regulating childbirth and postpartum care benefits; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Health Care.

**H.F. No. 2308:** A bill for an act relating to state government; providing a condition on participation in the state employee combined charitable campaign; amending Minnesota Statutes 1994, section 309.501, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1962, now on the Calendar.

**H.F. No. 2340:** A bill for an act relating to health professions; providing for the registration of speech-language pathologists and audiologists by the department of health; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4750.0010; 4750.0020; 4750.0030; 4750.0040; 4750.0050; 4750.0060; 4750.0070; 4750.0080; 4750.0090; 4750.0100; 4750.0200; 4750.0300; 4750.0400; 4750.0500; 4750.0600; and 4750.0700.

Referred to the Committee on Health Care.

**H.F. No. 2079:** A bill for an act relating to the city of New Market; permitting the city to incur debt not subject to the general debt limit.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1912, now on the Calendar.

**H.F. No. 2116:** A bill for an act relating to agriculture; changing provisions of plant pests, fertilizer, and lime; changing licensing requirements for aquatic pest control applicators; amending Minnesota Statutes 1994, sections 18.52, subdivisions 2 and 5; 18.53; 18B.32; 18B.33, subdivision 1; 18B.34, subdivision 1; 18C.005, subdivisions 6, 13, 20, 22, 33, 34, and by adding a subdivision; 18C.115, subdivision 2; 18C.215, subdivisions 1 and 2; 18C.415, subdivision 1; 18C.531, subdivision 8, and by adding a subdivision; 18C.545, subdivision 2; and 18E.03, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 18B; repealing Minnesota Statutes 1994, section 18C.531, subdivision 26.

Referred to the Committee on Finance.

**H.F. No. 2532:** A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, section 1, as amended.

Referred to the Committee on Metropolitan and Local Government.

**H.F. No. 2149:** A bill for an act relating to state government; providing for a representative of organized labor on the pollution control agency board; amending Minnesota Statutes 1995 Supplement, section 116.02, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

**H.F. No. 2332:** A bill for an act relating to water; modifying permit requirements; approving a consumptive use of water; amending Minnesota Statutes 1995 Supplement, sections 103G.245, subdivisions 3 and 5.

Referred to the Committee on Environment and Natural Resources.

**H.F. No. 2391:** A bill for an act relating to commerce; petroleum tank release cleanup; regulating reimbursement; providing enforcement authority to the commissioner of commerce; making various technical changes; amending Minnesota Statutes 1994, sections 115C.02, by adding a subdivision; 115C.03, subdivision 8; 115C.06; and 115C.09, as amended; Minnesota Statutes 1995 Supplement, sections 115C.02, subdivision 11a; 115C.092, subdivision 1; 115C.10, subdivision 1; 115C.11, subdivision 1; and 115C.12; proposing coding for new law in Minnesota

Statutes, chapter 115C; repealing Minnesota Statutes 1994, section 115C.11, subdivisions 3 and 4; Minnesota Statutes 1995 Supplement, section 115C.11, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**H.F. No. 2413:** A bill for an act relating to cemeteries; clarifying procedures for examination of certain accounts and records by the state auditor; providing for transfer of cemeteries to and from local units of government; amending Minnesota Statutes 1994, sections 149.13, subdivision 5; 306.02, subdivision 2; 306.025; 306.243, by adding a subdivision; and 306.97.

Referred to the Committee on Commerce and Consumer Protection.

## REPORTS OF COMMITTEES

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

### **Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred**

**S.F. No. 1789:** A bill for an act relating to elections; providing a process for recall of mayors; proposing coding for new law in Minnesota Statutes, chapter 205.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 351.14, is amended by adding a subdivision to read:

Subd. 6. [ELECTED CITY OFFICIAL.] "Elected city official" means the mayor of a statutory city, including a person who was appointed to the office.

Sec. 2. Minnesota Statutes 1994, section 351.15, is amended to read:

351.15 [REMOVAL OF ELECTED COUNTY OR CITY OFFICIAL.]

An elected county or city official may be removed from office in accordance with the procedures established in sections 351.14 to 351.23.

Sec. 3. Minnesota Statutes 1994, section 351.16, subdivision 1, is amended to read:

Subdivision 1. [FORM OF PETITION.] Any registered voter may petition the county auditor requesting a removal election and setting forth facts which allege with specificity that an elected county or city official committed malfeasance or nonfeasance in the performance of official duties during the current or any previous term in the office held by the elected county or city official, except that a petition may not be submitted during the 180 days immediately preceding a general election for the office which is held by the county or city official named in the petition. The petitioner must attach to the petition documents which contain the signatures of supporters who are registered voters totaling at least 25 percent of the number of persons who voted in the preceding election for the office which is held by the county or city official named in the petition. Each page on which signatures are included must clearly identify the purpose of the petition. The registered voters must be residents of the county or city from which the county or city official was elected. In a removal election involving a county commissioner, the registered voters must be residents of the commissioner district which elected the named county commissioner. The signatures of supporters must be on forms provided by the county auditor.

Sec. 4. Minnesota Statutes 1994, section 351.16, subdivision 4, is amended to read:

Subd. 4. [LIMITATION.] An elected county or city official is not subject to a removal election on the ground that misfeasance in the performance of official duties was committed, or on the

ground of disagreement with actions taken that were within the lawful discretion of the elected county or city official.

Sec. 5. Minnesota Statutes 1994, section 351.18, is amended to read:

351.18 [WAIVER.]

An elected county or city official who is the subject of a petition under section 351.16 may waive in writing the right to a public hearing. If the hearing is waived, the case must be certified by order of the chief justice to the county auditor for a removal election to be held within 30 days of the receipt of the order.

Sec. 6. Minnesota Statutes 1994, section 351.19, subdivision 4, is amended to read:

Subd. 4. [LEGAL COUNSEL.] The petitioners and the elected county or city official shall be represented by legal counsel at their own expense, and shall pay their costs associated with the hearing except that the county or city, respectively, may assume the legal costs incurred by the elected county or city official. The county or city shall pay all other costs of the hearing.

Sec. 7. Minnesota Statutes 1994, section 351.20, is amended to read:

351.20 [DECISION; CERTIFICATION.]

If the special master determines that the elected county or city official committed malfeasance or nonfeasance in the performance of official duties, the case must be certified to the county auditor for a removal election on a date to be fixed by the county auditor and held within 30 days of the order of the special master.

Sec. 8. Minnesota Statutes 1994, section 351.21, is amended to read:

351.21 [APPEAL.]

An elected county or city official may appeal the decision of a special master under section 351.20 to the supreme court within ten days. The removal election is stayed until 20 days after the supreme court issues a decision on the appeal. The supreme court shall grant an expedited appeal.

Sec. 9. Minnesota Statutes 1994, section 351.22, is amended to read:

351.22 [REMOVAL ELECTION; DISQUALIFICATION.]

Subdivision 1. [MAJORITY VOTE; FORM OF QUESTION.] An elected county or city official may be removed pursuant to sections 351.14 to 351.23 by majority vote. The removal election is a special election conducted under applicable provisions of section 375.20. The question submitted to the voters must be:

"Should....., elected (appointed) to the office of.....  
(Name) (title)  
be removed from that office?

Yes.....  
No....."

Any resulting vacancy must be filled as provided by law.

Subd. 2. [DISQUALIFICATION.] A removed county or city official may not thereafter hold the same office for the remainder of the term to which the official was elected."

Delete the title and insert:

"A bill for an act relating to elections; providing a process for recall of mayors; amending Minnesota Statutes 1994, sections 351.14, by adding a subdivision; 351.15; 351.16, subdivisions 1 and 4; 351.18; 351.19, subdivision 4; 351.20; 351.21; and 351.22."

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**

**S.F. No. 1813:** A bill for an act relating to the state building code; prescribing location requirements for accessible parking spaces; amending Minnesota Statutes 1995 Supplement, section 16B.61, subdivision 5.

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

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

**S.F. No. 1929:** A bill for an act relating to health; modifying the requirements for health care provider identification numbers; establishing procedures for disclosing certain nonpublic data related to group purchasers; requiring the office of mental health practice to establish procedures for the exchange of information; permitting the commissioner of health to obtain certain arrest and investigative information; providing penalties; amending Minnesota Statutes 1994, sections 144.225, by adding a subdivision; 148B.66, by adding a subdivision; 148B.69, subdivision 2; and 148B.70, subdivision 3; Minnesota Statutes 1995 Supplement, sections 62J.54, subdivisions 1 and 2; and 144.225, subdivision 2a.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;
- (9) to the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for reemployment insurance, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering

any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance, work readiness, or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient, and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c);

(18) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575;

(19) data on child support payments made by a child support obligor may be disclosed to the obligee; or

(20) data in the work reporting system may be disclosed under section 256.998, subdivision 7; or

(21) the current address and phone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that the client is a program recipient in order to locate a disease case, carrier, or suspect case, to locate persons at risk of illness, to conduct an epidemiologic investigation, or to conduct an investigation pursuant to sections 144.4172 to 144.4186.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed in accordance with the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), or (17),

or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 2. Minnesota Statutes 1995 Supplement, section 62J.451, subdivision 7, is amended to read:

Subd. 7. [DISSEMINATION OF REPORTS; OTHER INFORMATION.] (a) The health data institute shall establish a mechanism for the dissemination of reports and other information to consumers, group purchasers, health plan companies, providers, and the state. When applicable, the health data institute shall coordinate its dissemination of information responsibilities with those of the commissioner, to the extent administratively efficient and effective.

(b) The health data institute may require those requesting data from its databases to contribute toward the cost of data collection through the payments of fees.

(c) The health data institute shall not allow a group purchaser or health care provider ~~to use or have access to the electronic data interchange system or~~ to access data under section 62J.452, subdivision 6 or 7, unless the group purchaser or health care provider cooperates with the data collection efforts of the health data institute by submitting or making available through the EDI system or other means all data requested by the health data institute. The health data institute shall prohibit group purchasers and health care providers from transferring, providing, or sharing data obtained from the health data institute under section 62J.452, subdivision 6 or 7, with a group purchaser or health care provider that does not cooperate with the data collection efforts of the health data institute.

Sec. 3. Minnesota Statutes 1995 Supplement, section 62J.451, subdivision 9, is amended to read:

Subd. 9. [BOARD OF DIRECTORS.] The health data institute is governed by a 20-member board of directors consisting of the following members:

(1) two representatives of hospitals, ~~one appointed by the Minnesota Hospital Association and one appointed by the Metropolitan HealthCare Council and Health Care Partnership~~, to reflect a mix of urban and rural institutions;

(2) four representatives of health carriers, two appointed by the Minnesota council of health maintenance organizations, one appointed by Blue Cross and Blue Shield of Minnesota, and one appointed by the Insurance Federation of Minnesota;

(3) two consumer members, one appointed by the commissioner, and one appointed by the AFL-CIO as a labor union representative;

(4) five group purchaser representatives appointed by the Minnesota consortium of health care purchasers to reflect a mix of urban and rural, large and small, and self-insured purchasers;

(5) two physicians appointed by the Minnesota Medical Association, to reflect a mix of urban and rural practitioners;

(6) one representative of teaching and research institutions, appointed jointly by the Mayo Foundation and the Minnesota Association of Public Teaching Hospitals;

(7) one nursing representative appointed by the Minnesota Nurses Association; and

(8) three representatives of state agencies, one member representing the department of employee relations, one member representing the department of human services, and one member representing the department of health.

Sec. 4. Minnesota Statutes 1995 Supplement, section 62J.451, subdivision 12, is amended to read:

Subd. 12. [STAFF.] The board may hire an executive director. The executive director and other health data institute staff are not state employees but are covered by section 3.736. ~~The executive director and other health data institute staff may participate in the following plans for employees in the unclassified service until January 1, 1996: the state retirement plan, the state deferred compensation plan, and the health, dental, and life insurance plans.~~ The attorney general shall provide legal services to the board.

Sec. 5. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 3a. [CARD ISSUER.] "Card issuer" means the group purchaser who is responsible for printing and distributing identification cards to members or insureds.

Sec. 6. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 6a. [CLAIM STATUS TRANSACTION SET (ANSI ASC X12 276/277).] "Claim status transaction set (ANSI ASC X12 276/277)" means the transaction format developed and approved for implementation in December 1993 and used by providers to request and receive information on the status of a health care claim or encounter that has been submitted to a group purchaser.

Sec. 7. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 6b. [CLAIM SUBMISSION ADDRESS.] "Claim submission address" means the address to which the group purchaser requires health care providers, members, or insureds to send health care claims for processing.

Sec. 8. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 6c. [CLAIM SUBMISSION NUMBER.] "Claim submission number" means the unique identification number to identify group purchasers as described in section 62J.54, with its suffix identifying the claim submission address.

Sec. 9. Minnesota Statutes 1995 Supplement, section 62J.54, subdivision 1, is amended to read:

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

(b) ~~Following the recommendation of the workgroup for electronic data interchange, the federal tax identification number assigned to each health care provider organization by the Internal Revenue Service of the Department of the Treasury~~ The first eight digits of the national provider identifier maintained by the federal Health Care Financing Administration shall be used as the unique identification number for health care provider organizations.

(c) Provider organizations required to have a national provider identifier are:

- (1) hospitals licensed under chapter 144;
- (2) nursing homes and hospices licensed under chapter 144A;
- (3) subacute care facilities;
- (4) individual providers organized as a clinic or group practice;
- (5) independent laboratory, pharmacy, surgery, radiology, or outpatient facilities;
- (6) ambulance services licensed under chapter 144; and
- (7) special transportation services certified under chapter 174.

Provider organizations shall obtain a national provider identifier from the federal Health Care Financing Administration using the federal Health Care Financing Administration's prescribed process.



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

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

(f) The commissioner of health may become a subscriber to the federal Health Care Financing Administration's national provider system to implement this subdivision.

Sec. 10. Minnesota Statutes 1995 Supplement, section 62J.54, subdivision 2, is amended to read:

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

(b) The uniform provider identification number (UPIN) assigned by the Health Care Financing Administration The first eight digits of the national provider identifier maintained by the federal Health Care Financing Administration's national provider system shall be used as the unique identification number for individual health care providers. Providers who do not currently have a UPIN number shall request one from the health care financing administration.

(c) Individual providers required to have a national provider identifier are:

(1) physicians licensed under chapter 147;

(2) dentists licensed under chapter 150A;

(3) chiropractors licensed under chapter 148;

(4) podiatrists licensed under chapter 153;

(5) physician assistants as defined under chapter 147A;

(6) advanced practice nurses as defined under section 62A.15;

(7) doctors of optometry licensed under section 148.57;

(8) individual providers who may bill for medical and other health-related services, as defined in United States Code, title 42, section 1395x, paragraph (s); and

(9) individual providers who are providers for the state and federal health care programs administered by the department of human services.

Providers shall obtain a national provider identifier from the federal Health Care Financing Administration using the Health Care Financing Administration's prescribed process.

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

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

(f) The commissioner of health may become a subscriber to the federal Health Care Financing Administration's national provider system to implement this subdivision.

Sec. 11. Minnesota Statutes 1995 Supplement, section 62J.54, subdivision 3, is amended to read:

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

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

~~(c) A two-part code, consisting of 11 characters and modeled after the National Association of Insurance Commissioners company code shall be assigned to each group purchaser and used as the unique identification number for group purchasers. The first six characters, or prefix, shall contain the numeric code, or company code, assigned by the National Association of Insurance Commissioners. The last five characters, or suffix, which is optional, shall contain further codes that will enable group purchasers to further route electronic transaction in their internal systems. Group purchasers shall obtain a payer identifier number from the federal Health Care Financing Administration using the Health Care Financing Administration's prescribed process.~~

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

(e) The commissioner of health may become a registry user to the federal Health Care Financing Administration's PAYERID system to implement this subdivision.

Sec. 12. Minnesota Statutes 1994, section 62J.56, subdivision 2, is amended to read:

Subd. 2. [IDENTIFICATION OF CORE TRANSACTION SETS.] (a) All category I and II industry participants in Minnesota shall comply with the standards developed by the ANSI ASC X12 for the following core transaction sets, according to the implementation plan outlined for each transaction set.

- (1) ANSI ASC X12 835 health care claim payment/advice transaction set.
- (2) ANSI ASC X12 837 health care claim transaction set.
- (3) ANSI ASC X12 834 health care enrollment transaction set.
- (4) ANSI ASC X12 270/271 health care eligibility transaction set.
- (5) ANSI ASC X12 276/277 health care claims status request/notification transaction set.

(b) The commissioner, with the advice of the Minnesota health data institute and the Minnesota administrative uniformity committee, and in coordination with federal efforts, may approve the use of new ASC X12 standards, or new versions of existing standards, as they become available, or other nationally recognized standards, where appropriate ASC X12 standards are not available for use. These alternative standards may be used during a transition period while ASC X12 standards are developed.

Sec. 13. Minnesota Statutes 1995 Supplement, section 62J.58, is amended to read:

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

Subdivision 1. [CLAIMS PAYMENT.] Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I industry participants and all category II industry participants, except pharmacists, shall be able to submit or accept, as appropriate, the ANSI ASC X12 835 health care claim payment/advice transaction set (draft standard for trial use version 3030/release 3051) for electronic submission of payment information to health care providers.

Subd. 2. [CLAIMS SUBMISSION.] Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 837 health care claim transaction set (draft standard for trial use version 3030/release 3051) for the electronic transfer of health care claim information.

Subd. 2a. [CLAIM STATUS INFORMATION.] Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets under section 62J.56, subdivision 3, all category I and II industry participants, excluding pharmacists, may accept or submit the ANSI ASC X12 276/277 health care claim status transaction set (draft standard for trial use version/release 3051) for the electronic transfer of health care claim status information.

Subd. 3. [ENROLLMENT INFORMATION.] Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, excluding pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 834 health care enrollment transaction set (draft standard for trial use version 3030/release 3051) for the electronic transfer of enrollment and health benefit information.

Subd. 4. [ELIGIBILITY INFORMATION.] Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 270/271 health care eligibility transaction set (draft standard for trial use version 3030/release 3051) for the electronic transfer of health benefit eligibility information.

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

Sec. 14. Minnesota Statutes 1994, section 62J.60, subdivision 2, is amended to read:

Subd. 2. [GENERAL CHARACTERISTICS.] (a) The Minnesota health care identification card must be a preprinted card constructed of plastic, paper, or any other medium that conforms with ANSI and ISO 7810 physical characteristics standards. The card dimensions must also conform to ANSI and ISO 7810 physical characteristics standard. The use of a signature panel is optional.

(b) The Minnesota health care identification card must have an essential information window in the front side with the following data elements left justified in the following top to bottom sequence: card issuer name, issuer claim submission number, identification number, identification name. No optional data may be interspersed between these data elements. The window must be left justified.

(c) Standardized labels are required next to human readable data elements. The card issuer may decide the location of the standardized label relative to the data element.

Sec. 15. Minnesota Statutes 1994, section 62J.60, subdivision 3, is amended to read:

Subd. 3. [HUMAN READABLE DATA ELEMENTS.] (a) The following are the minimum human readable data elements that must be present on the front side of the Minnesota health care identification card:

(1) card issuer name or logo, which is the name or logo that identifies the card issuer. The card issuer name or logo may be the card's front background. No standard label is required for this data element;

(2) issuer claim submission number, which is the unique card issuer number consisting of a base number assigned by a registry process followed by a suffix number assigned by the card issuer. The use of this element is mandatory within one year of the establishment of a process for this identifier. The standardized label for this element is "Issuer Clm Subm #";

(3) identification number, which is the unique identification number of the individual card holder established and defined under this section. The standardized label for the data element is "ID";

(4) identification name, which is the name of the individual card holder. The identification name must be formatted as follows: first name, space, optional middle initial, space, last name, optional space and name suffix. The standardized label for this data element is "Name";

(5) account number(s), which is any other number, such as a group number, if required for part of the identification or claims process. The standardized label for this data element is "Account";

(6) care type, which is the description of the group purchaser's plan product under which the beneficiary is covered. The description shall include the health plan company name and the plan or product name. The standardized label for this data element is "Care Type";

(7) service type, which is the description of coverage provided such as hospital, dental, vision, prescription, or mental health. The standard label for this data element is "Svc Type"; and

(8) provider/clinic name, which is the name of the primary care clinic the cardholder is assigned to by the health plan company. The standard label for this field is "PCP." This information is mandatory only if the health plan company assigns a specific primary care provider to the cardholder.

(b) The following human readable data elements shall be present on the back side of the Minnesota health identification card. These elements must be left justified, and no optional data elements may be interspersed between them:

(1) claims submission name(s) and address(es), which are the name(s) and address(es) of the entity or entities to which claims should be submitted. If different destinations are required for different types of claims, this must be labeled;

(2) telephone number(s) and name(s); which are the telephone number(s) and name(s) of the following contact(s) with a standardized label describing the service function as applicable:

- (i) eligibility and benefit information;
- (ii) utilization review;
- (iii) precertification; or
- (iv) customer services.

(c) The following human readable data elements are mandatory on the back side of the card for health maintenance organizations and integrated service networks:

(1) emergency care authorization telephone number or instruction on how to receive authorization for emergency care. There is no standard label required for this information; and

(2) telephone number to call to appeal to the commissioner of health. There is no standard label required for this information.

(d) All human readable data elements not required under paragraphs (a) to (c) are optional and may be used at the issuer's discretion.

Sec. 16. Minnesota Statutes 1994, section 144.225, is amended by adding a subdivision to read:

Subd. 6. [GROUP PURCHASER IDENTITY; NONPUBLIC DATA; DISCLOSURE.] (a) Except as otherwise provided in this subdivision, the named identity of a group purchaser as defined in section 62J.03, subdivision 6, collected in association with birth registration is nonpublic data as defined in section 13.02.

(b) The commissioner may publish, or by other means release to the public, the named identity of a group purchaser as part of an analysis of information collected from the birth registration

process. Analysis means the identification of trends in prenatal care and birth outcomes associated with group purchasers. The commissioner shall not reveal the named identity of the group purchaser until the group purchaser has had 21 days after receipt of the analysis to review the analysis and comment on it. The commissioner shall, in releasing data under this subdivision, include comments received from the group purchaser related to the scientific soundness and statistical validity of the methods used in the analysis. This subdivision does not authorize the commissioner to make public any individual identifying data except as permitted by law.

(c) A group purchaser may contest whether an analysis made public under paragraph (b) is based on scientifically sound and statistically valid methods in a contested case proceeding under sections 14.57 to 14.62, subject to appeal under sections 14.63 to 14.68. To obtain a contested case hearing, the group purchaser must present a written request to the commissioner before the end of the time period for review and comment. Within ten days of the assignment of an administrative law judge, the group purchaser must demonstrate by clear and convincing evidence the group purchaser's likelihood of succeeding on the merits. If the judge determines that the group purchaser has made such a demonstration, the data shall not be released during the contested case proceeding and through appeal. If the judge finds that the group purchaser has not made such a demonstration, the commissioner may immediately publish, or otherwise make public, the nonpublic group purchaser data, with comments received as set forth in paragraph (b).

(d) The contested case proceeding and subsequent appeal is not an exclusive remedy and any person may seek a remedy pursuant to section 13.08, subdivisions 1 to 4, or as otherwise authorized by law. The commissioner shall be immune from any liability arising from the release of nonpublic group purchaser data in accordance with this subdivision.

Sec. 17. Minnesota Statutes 1994, section 144.572, is amended to read:

144.572 [INSTITUTIONS EXCEPTED.]

No rule nor requirement shall be made, nor standard established under sections 144.50 to 144.56 for any sanitarium, conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist by and for the adherents of any recognized church or religious denomination for the purpose of providing care and treatment for those who select and depend upon spiritual means through prayer alone, in lieu of medical care, for healing, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.

Sec. 18. Minnesota Statutes 1994, section 144A.09, subdivision 1, is amended to read:

Subdivision 1. [CHURCH OF CHRIST, SCIENTIST SPIRITUAL MEANS FOR HEALING.] No rule established under sections 144A.01 to 144A.16 other than a rule relating to sanitation and safety of premises, to cleanliness of operation or to physical equipment, shall apply to a nursing home conducted in accordance with the teachings of the body known as the Church of Christ, Scientist by and for the adherents of any recognized church or religious denomination for the purpose of providing care and treatment for those who select and depend upon spiritual means through prayer alone in lieu of medical care for healing.

Sec. 19. Minnesota Statutes 1994, section 144A.20, subdivision 2, is amended to read:

Subd. 2. [EXCEPTION.] Notwithstanding any law to the contrary, no person desiring to be licensed to administer a nursing home operated exclusively in accordance with the teachings of the body known as the Church of Christ, Scientist by and for the adherents of any recognized church or religious denomination for the purpose of providing care and treatment for those who select and depend upon spiritual means through prayer alone, in lieu of medical care, for healing, shall be required to demonstrate proficiency in any medical technique or meet any medical educational qualification or medical standard which is not in accord with the type of remedial care and treatment provided in a nursing home operated exclusively in accordance with the teachings of that body.

Sec. 20. Minnesota Statutes 1994, section 148B.66, is amended by adding a subdivision to read:

Subd. 3. [EXCHANGING INFORMATION.] (a) The office of mental health practice shall establish internal operating procedures for:

(1) exchanging information with:

(i) state boards,

(ii) agencies, including the office of ombudsman for mental health and mental retardation,

(iii) health related and law enforcement facilities,

(iv) departments responsible for licensing health related occupations, facilities, and programs,  
and

(v) law enforcement personnel, in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

Establishment of the operating procedures shall not be subject to rulemaking under chapter 14.

(b) The procedures for exchanging information must provide for the forwarding to:

(1) state boards;

(2) agencies, including the office of the ombudsman for mental health and mental retardation;

(3) health related and law enforcement facilities;

(4) departments responsible for licensing health related occupations, facilities, and programs;  
and

(5) law enforcement personnel of all information and evidence, including the results of investigations, that are relevant to matters within those organizations' regulatory jurisdiction. The data shall have the same classification under sections 13.01 to 13.88, the government data practices act, in the hands of the agency receiving the data as it had in the hands of the agency providing the data.

(c) The office of mental health practice shall establish procedures for exchanging information with other states regarding disciplinary action against licensed and unlicensed mental health practitioners.

(d) The office of mental health practice shall forward to another governmental agency any complaints received by the office which do not relate to the office's jurisdiction but which relate to matters within the jurisdiction of the other governmental agency. The agency shall advise the office of mental health practice of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule which the office of mental health practice is empowered to enforce must be forwarded to the office to be processed in accordance with this section.

(e) The office of mental health practice shall furnish to a person who made a complaint a description of the actions of the office relating to the complaint.

Sec. 21. Minnesota Statutes 1994, section 148B.69, subdivision 2, is amended to read:

Subd. 2. [DISCOVERY; SUBPOENAS.] In all matters relating to the lawful activities of the office of mental health practice, the commissioner of health may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or failing to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the commissioner or by a subpoena of the commissioner to do so may, upon application to the district court in any district, be ordered to comply with the order or subpoena.

The commissioner of health may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon a person it names anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, in the same manner as prescribed by law for service of process issued out of the district court of this state. The commissioner may review and copy arrest and investigative information from:

- (1) the bureau of criminal apprehension;
- (2) a county attorney, county sheriff, or county agency;
- (3) a local chief of police;
- (4) another state;
- (5) a court; or
- (6) a national criminal record repository.

Sec. 22. Minnesota Statutes 1994, section 148B.70, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL POWERS; CRIMINAL PENALTY.] The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a practitioner from criminal prosecution by a competent authority or from disciplinary action by the commissioner. A violation of an order of the commissioner is a gross misdemeanor."

Amend the title as follows:

Page 1, delete lines 10 to 15 and insert "amending Minnesota Statutes 1994, sections 62.51, by adding subdivisions; 62J.56, subdivision 2; 62J.60, subdivisions 2 and 3; 144.225, by adding a subdivision; 144.572; 144A.09, subdivision 1; 144A.20, subdivision 2; 148B.66, by adding a subdivision; 148B.69, subdivision 2; 148B.70, subdivision 3; Minnesota Statutes 1995 Supplement, sections 13.46, subdivision 2; 62J.451, subdivisions 7, 9, and 12; 62J.54, subdivisions 1, 2, and 3; and 62J.58."

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

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

**S.F. No. 842:** A bill for an act relating to occupations and professions; board of psychology; modifying board duties; changing types of licensure; changing licensure provisions; providing for discipline; providing penalties; amending Minnesota Statutes 1994, sections 147.09; 148.88; 148.881; 148.89, subdivisions 2a, 5, and by adding a subdivision; 148.90, subdivisions 1 and 2; 148.905, subdivision 1; 148.911; 148.925; 148.941, subdivisions 2, 4, and by adding subdivisions; 148.96; 148.975; 148.98; 253B.02, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1994, sections 148.89, subdivisions 6, 7, and 8; 148.91; 148.921; 148.93; 148.951; and 148.97.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 147.09, is amended to read:

147.09 [EXEMPTIONS.]

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

- (1) A person who is a commissioned medical officer of, a member of, or employed by, the

armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board, provided the student has a residency permit issued by the board under section 147.0391.

(6) A person employed in a scientific, sanitary, or teaching capacity by the state university, the department of children, families, and learning, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including psychological practitioners with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A person who practices ritual circumcision pursuant to the requirements or tenets of any established religion.

(11) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.

(12) A physician licensed to practice medicine in another state who is in this state for the sole purpose of providing medical services at a competitive athletic event. The physician may practice medicine only on participants in the athletic event. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to adopt the contents of the form by rule. The physician shall provide evidence satisfactory to the board of a current unrestricted license in another state. The board shall charge a fee of \$50 for the registration.

(13) A psychologist licensed under section ~~148.91~~ 148.907 or a social worker licensed under section 148B.21 who uses or supervises the use of a penile or vaginal plethysmograph in assessing and treating individuals suspected of engaging in aberrant sexual behavior and sex offenders.

Sec. 2. Minnesota Statutes 1994, section 148.88, is amended to read:

148.88 [CITATION.]

Sections 148.88 to 148.98 and the rules adopted under them, shall be cited as the Minnesota ~~licensing law for psychologists~~ psychology practice act.



Sec. 3. Minnesota Statutes 1994, section 148.881, is amended to read:

148.881 [DECLARATION OF POLICY.]

The practice of psychology in Minnesota affects the public health, safety, and welfare. The regulations in sections 148.88 to 148.98 protect the public from the practice of psychology by unqualified persons and from unethical or unprofessional conduct by persons licensed to practice psychology.

Sec. 4. Minnesota Statutes 1994, section 148.89, subdivision 2a, is amended to read:

Subd. 2a. [CLIENT.] "Client" means a each person or legal, religious, academic, organizational, business, governmental, or other entity that receives, received, or should have received, or arranged for another entity to receive services from a person regulated under sections 148.88 to 148.98. For the purposes of sections 148.88 to 148.98, "client" includes may include patient and, resident, counselee, evaluatee, and, as limited in the rules of conduct, student, supervisee, or research subject. In the case of dual clients, the psychologist must be aware of the responsibilities to each client, and of the potential for divergent interests of each client.

Sec. 5. Minnesota Statutes 1994, section 148.89, subdivision 5, is amended to read:

Subd. 5. [PRACTICE OF PSYCHOLOGY.] "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, to prevent or eliminate symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work and life adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(1) psychological research, psychological testing, teaching of psychology, and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(2) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and diagnosis and treatment of:

(i) mental and emotional disorder or disability;

(ii) alcoholism and substance abuse;

(iii) disorders of habit or conduct; and

(iv) the psychological aspects of physical illness or condition, accident, injury, or disability; and

(v) bereavement issues;

(vi) family or relationship issues; and

(vii) work-related issues; and

(3) psychoeducational evaluation, therapy, remediation, and consultation. Recipients of psychological services include individuals, families, groups, organizations, and the public.

Sec. 6. Minnesota Statutes 1994, section 148.89, is amended by adding a subdivision to read:

Subd. 6a. [SENIOR PRACTITIONER.] "Senior practitioner" means a person who:

(1) has been issued a license, certificate, or registration at the doctoral level for at least 15 years to practice psychology in another jurisdiction; and

(2) has had no disciplinary action taken against the license, certificate, or registration during the person's entire period of licensure, certification, or registration.

Sec. 7. Minnesota Statutes 1994, section 148.90, subdivision 1, is amended to read:

Subdivision 1. [BOARD OF PSYCHOLOGY.] (a) The board of psychology is created with the powers and duties described in this section. The board has 11 members who consist of:

- (1) three persons licensed as licensed psychologists who have a doctoral degree in psychology;
- (2) two persons licensed as licensed psychologists who have a master's degree in psychology;
- (3) two psychologists, not necessarily licensed, one with a doctoral degree in psychology who represents a doctoral training program in psychology, and one who represents a master's degree training program in psychology;
- (4) one person licensed or qualified to be licensed as a psychological practitioner; and
- (5) three public members.

(b) After the date on which fewer than 30 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section ~~148.921, subdivision 2~~ 148.907, subdivision 3, paragraph (b), the first vacancy filled under paragraph (a), clause (2), ~~must shall~~ be filled by a person licensed or qualified to be licensed as a licensed psychological practitioner. From this date on, this position when vacant ~~must shall~~ be filled by a person licensed or qualified to be licensed as a licensed psychological practitioner.

(c) After the date on which fewer than 15 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section ~~148.921, subdivision 2~~ 148.907, subdivision 3, paragraph (b), the first vacancy under paragraph (a), clause (2), ~~for a person licensed as a licensed psychologist with a master's degree in psychology must shall be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology.~~ From this date on, this position when vacant ~~must shall~~ be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology.

(d) ~~Following the filling of the first vacancy under paragraph (c), no further appointments shall be made pursuant to paragraph (a), clause (2).~~

Sec. 8. Minnesota Statutes 1994, section 148.90, subdivision 2, is amended to read:

Subd. 2. [MEMBERS.] (a) The members of the board shall:

- (1) be appointed by the governor;
  - (2) be residents of the state;
  - (3) serve for not more than two consecutive terms;
  - (4) designate the officers of the board; and
  - (5) administer oaths pertaining to the business of the board.
- (b) A public member of the board shall ~~broadly~~ represent the public interest and shall not:
- (1) be a psychologist, psychological practitioner, or ~~engage~~ have engaged in the practice of psychology ~~before retirement~~;
  - (2) be an applicant or former applicant for licensure;
  - (3) be a member of another health profession;
  - (4) be a member of a household that includes a psychologist or psychological practitioner; or
  - (5) have conflicts of interest or the appearance of conflicts with duties as a board member.

Sec. 9. Minnesota Statutes 1994, section 148.905, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The board shall:

(1) adopt and enforce rules for licensing psychologists and psychological practitioners and for regulating their professional conduct. ~~The rules must include, but are not limited to, standards for training, supervision, the practice of psychology, and any other areas covered by sections 148.88 to 148.98;~~

(2) ~~adopt rules that provide for examinations and establish a code of professional ethics and requirements for continuing education and enforce rules of conduct governing the practice of psychology;~~

(3) ~~hold examinations~~ adopt and implement rules for examinations which shall be held at least once a year to assess applicants' knowledge and skills. The examinations may be written or oral or both, and may be administered by the board or by institutions or individuals designated by the board;

(4) issue licenses to individuals qualified under ~~section 148.91~~ sections 148.907 and 148.908, according to the procedures for licensing in Minnesota Rules;

(5) issue copies of the rules for licensing to all applicants;

(6) establish and maintain annually a register of current licenses;

(7) establish reasonable and collect fees for the issuance and renewal of licenses and other services by the board. Fees ~~must shall~~ be set to defray the cost of administering the provisions of sections 148.88 to 148.98 including costs for applications, examinations, enforcement, materials, and the cost of maintaining the operations of the board;

(8) educate the public about the requirements for licensing of psychologists and of psychological practitioners and about the ~~code of professional ethics rules of conduct, to allow consumers enable the public to file complaints against applicants or licensees who may have violated licensing requirements or professional ethics~~ the psychology practice act; and

(9) ~~adopt and implement requirements for continuing education and~~ establish or approve programs that qualify for professional psychology continuing educational credit. The board may hire consultants, agencies, or professional psychological associations to establish and approve continuing education courses.

Sec. 10. [148.906] [LEVELS OF PRACTICE.]

The board may grant licenses for levels of psychological practice to be known as (1) licensed psychologist and (2) licensed psychological practitioner.

Sec. 11. [148.907] [LICENSED PSYCHOLOGIST.]

Subdivision 1. [EFFECTIVE DATE.] After August 1, 1991, no person shall engage in the independent practice of psychology unless that person is licensed as a licensed psychologist.

Subd. 2. [REQUIREMENTS FOR LICENSURE AS A LICENSED PSYCHOLOGIST.] To become licensed by the board as a licensed psychologist, an applicant shall comply with the following requirements:

(1) pass an examination in psychology;

(2) pass a professional responsibility examination on the practice of psychology;

(3) pass any other examinations as required by board rules;

(4) pay nonrefundable fees to the board for applications, processing, testing, renewals, and materials;

(5) have attained the age of majority, be of good moral character, and have no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction;

(6) have a doctoral degree with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule; and

(7) have completed at least two full years or the equivalent of postdoctoral supervised psychological employment.

Subd. 3. [MASTER'S LEVEL LICENSURE AS A LICENSED PSYCHOLOGIST AFTER AUGUST 1, 1991.] (a) A person licensed in this state as a licensed consulting psychologist or a licensed psychologist before August 1, 1991, qualifies for licensure as a licensed psychologist, as described in subdivision 2, at the time of license renewal.

(b) Providing all other licensure requirements have been satisfactorily met, the board shall grant licensure as a licensed psychologist to a person who:

(1) before November 1, 1991, entered a graduate program at a regionally accredited educational institution granting a master's or doctoral degree with a major in psychology which meets the standards the board has established by rule;

(2) before December 31, 1997, earned a master's degree or a master's equivalent in a doctoral program at a regionally accredited educational institution and complied with requirements of subdivision 2, clauses (1) to (5), except that the nonrefundable fees for licensure are payable at the time an application for licensure is submitted; and

(3) before December 31, 1998, completed at least two full years or the equivalent of post-master's supervised psychological employment, which may include a predoctoral internship.

(c) Notwithstanding paragraph (b), the board shall not grant licensure as a licensed psychologist under this subdivision unless the applicant demonstrates that the applicant was a resident of Minnesota on October 31, 1992, and meets all the requirements for licensure under this subdivision.

Subd. 4. [CONVERTING FROM MASTER'S TO DOCTORAL LEVEL LICENSURE.] To convert from licensure as a licensed psychologist at the master's or master's equivalent level to licensure at the doctoral level, a licensed psychologist shall have:

(1) completed an application provided by the board;

(2) had an official transcript documenting the conferral of the doctoral degree sent directly from the educational institution to the board;

(3) paid a nonrefundable fee;

(4) successfully completed two full years or the equivalent of supervised psychological employment, which shall not include a predoctoral internship, after earning a master's degree or a master's equivalent in a doctoral program;

(5) successfully completed a predoctoral internship meeting the standards the board has established by rule; and

(6) received a doctoral degree with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule.

Sec. 12. [148.908] [LICENSED PSYCHOLOGICAL PRACTITIONER.]

Subdivision 1. [SCOPE OF PRACTICE.] A licensed psychological practitioner shall practice only under supervision that satisfies the requirements of section 148.925 and while employed by either a licensed psychologist or a health care or social service agency which employs or contracts with a supervising licensed psychologist who shares clinical responsibility for the care provided by the licensed psychological practitioner.

Subd. 2. [REQUIREMENTS FOR LICENSURE AS A LICENSED PSYCHOLOGICAL PRACTITIONER.] To become licensed by the board as a licensed psychological practitioner, an applicant shall comply with the following requirements:

- (1) pass an examination in psychology;
- (2) pass a professional responsibility examination on the practice of psychology;
- (3) pass any other examinations as required by board rules;
- (4) pay nonrefundable fees to the board for applications, processing, testing, renewals, and materials;
- (5) attained the age of majority, be of good moral character, and have no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction; and
- (6) have received a doctoral or master's degree or the equivalent of a master's degree in a doctoral program with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule.

Sec. 13. Minnesota Statutes 1994, section 148.911, is amended to read:

148.911 [CONTINUING EDUCATION.]

~~When the licensee renews the license, the licensee must provide the board with satisfactory evidence that the licensee has completed continuing education requirements established by the board. Continuing education programs must be approved under section 148.905, subdivision 1, clause (9). The board shall establish by rule the number of continuing education training hours required each year and may specify subject or skills areas that the licensee must address. In specifying subject or skills areas, the board shall consider the need for continuing education requirements in the areas of ethics, forensic practice, and supervision.~~

Upon application for license renewal, a licensee shall provide the board with satisfactory evidence that the licensee has completed continuing education requirements established by the board. Continuing education programs shall be approved under section 148.905, subdivision 1, clause (9). The board shall establish by rule the number of continuing education training hours required each year and may specify subject or skills areas that the licensee shall address.

Sec. 14. [148.915] [RECIPROCITY.]

Subdivision 1. [GENERALLY.] The board may grant a license to a diplomate of the American Board of Professional Psychology or to any person who at the time of application is licensed, certified, or registered to practice psychology by a board of another state and who meets the licensure requirements under section 148.907, subdivision 2. The board, at its discretion, may elect not to require the examination in psychology under section 148.907, subdivision 2, clause (1), if the person was licensed in another state before the examination was required for licensure in that state. An applicant seeking licensure under this section shall pass a professional responsibility examination on the practice of psychology and any other examinations as required by the board.

Subd. 2. [SENIOR PRACTITIONER.] The board, at its discretion, may grant a license as a licensed psychologist to a senior practitioner who has completed less than two years of postdegree supervised employment. An applicant seeking licensure under this section shall pass a professional responsibility examination and pass any other examinations as required by the board, pertaining to the practice of psychology.

Sec. 15. [148.916] [GUEST LICENSURE.]

Subdivision 1. [GENERALLY.] If a nonresident of the state of Minnesota, who is not seeking licensure in this state, and who has been issued a license, certificate, or registration by another jurisdiction to practice psychology at the doctoral level, wishes to practice in Minnesota for more than seven calendar days, the person shall apply to the board for guest licensure, provided that the psychologist's practice in Minnesota is limited to no more than 30 days per calendar year. Application under this section shall be made no less than 30 days prior to the expected date of practice in Minnesota and shall be subject to approval by the board or its designee. The board shall charge a nonrefundable fee for guest licensure. The board shall adopt rules to implement this section.

Subd. 2. [PSYCHOLOGICAL CONSULTATIONS.] Notwithstanding subdivision 1, a nonresident of the state of Minnesota, who is not seeking licensure in this state, may serve as an expert witness, presenter, or educator without obtaining guest licensure, provided the person is appropriately trained, educated, or has been issued a license, certificate, or registration by another jurisdiction.

Subd. 3. [DISASTER OR EMERGENCY RELIEF WORKERS.] The requirements of subdivision 1 do not apply to psychologists sent to this state for the sole purpose of responding to a disaster or emergency relief effort of this state government, the federal government, the American Red Cross, or other disaster or emergency relief organization as long as the psychologist is not practicing in Minnesota for longer than 30 days and the American Red Cross, disaster or emergency relief organization, or government can certify the psychologist's assignment in this state. The board or its designee, at its discretion, may grant an extension to the 30-day time limitation of this subdivision.

Subd. 4. [PROHIBITIONS AND SANCTIONS.] A person's privilege to practice under this section is subject to the prohibitions and sanctions for unprofessional or unethical conduct contained in Minnesota laws and rules.

Sec. 16. [148.917] [EMERITUS REGISTRATION.]

Subdivision 1. [GENERALLY.] The board, at its discretion, may issue an emeritus registration to a licensee who:

- (1) has completely retired from the practice of psychology;
- (2) has had no disciplinary action in any jurisdiction against a license, certificate, or registration to practice psychology or any other profession during the entire period the person held a license, certificate, or registration; and
- (3) has attained the age of 55 and has held a license, certificate, or registration to practice psychology for at least 15 years.

Subd. 2. [REQUIREMENTS.] The board shall establish by rule the qualifications for emeritus registration, a nonrefundable fee for registration under this section, continuing education requirements, and criteria for relicensure. A person registered under this section shall not engage in the practice of psychology.

Sec. 17. Minnesota Statutes 1994, section 148.925, is amended to read:

148.925 [SUPERVISION.]

Subdivision 1. [SUPERVISION.] For the purpose of meeting the requirements of this section, supervision means documented in-person consultation between either: (1) a supervising licensed psychologist and a licensed psychological practitioner; or (2) a supervising licensed psychologist or a mental health professional designated by the supervising licensed psychologist and an applicant for licensure as a licensed psychologist. The supervision shall be adequate to assure the quality and competence of the activities supervised. Supervisory consultation shall include discussions on the nature and content of the practice of the supervisee, including, but not limited to, a review of a representative sample of psychological services in the supervisee's practice.

Subd. 2. [SUPERVISED PSYCHOLOGICAL EMPLOYMENT.] Supervised psychological employment means paid or volunteer work experience and postdegree training of a person seeking to be licensed as a licensed psychologist that involves the professional oversight by a licensed psychologist and satisfies the supervision requirements in subdivision 5.

Subd. 3. [PERSONS QUALIFIED TO PROVIDE SUPERVISION.] (a) Only the following persons are qualified to provide supervision for master's degree level applicants for licensure as a licensed psychologist: Supervision of a master's level applicant for licensure as a licensed psychologist shall be provided by a person:

- (1) who is a licensed psychologist with a competency competencies both in supervision in professional the practice of psychology and in the area of practice activities being supervised; and

~~(2) a person who either is eligible for licensure as a licensed psychologist under section 148.91 or is eligible for licensure by reciprocity, and who, in the judgment of the board, is competent or experienced in supervising professional psychology and in the area of practice being supervised. who has a doctoral degree with a major in psychology, who is employed by a regionally accredited educational institution or employed by a federal, state, county, or local government institution, agency, or research facility, and who has competencies both in supervision in the practice of psychology and in the activities being supervised, provided the supervision is being provided and the activities being supervised occur within that regionally accredited educational institution or federal, state, county, or local government institution, agency, or research facility; or~~

~~(3) who is eligible for licensure as a licensed psychologist by reciprocity with competencies both in supervision in the practice of psychology and in the activities being supervised.~~

(b) Professional Supervision of a doctoral level applicant for licensure as a licensed psychologist ~~must shall~~ be provided by a person:

~~(1) who meets the requirements of paragraph (a), clause (1) or (2), and is a licensed psychologist with a doctoral degree and with competencies both in supervision in the practice of psychology and in the activities being supervised;~~

~~(2)(i) who has a doctorate degree with a major in psychology, or~~

~~(ii) who has a doctoral degree with a major in psychology, who is employed by a regionally accredited educational institution or is employed by a federal, state, county, or local government institution, agency, or research facility, and who has competencies both in supervision in the practice of psychology and in the activities being supervised, provided the supervision is being provided and the activities being supervised occur within that regionally accredited educational institution or federal, state, county, or local government institution, agency, or research facility;~~

~~(3) who is eligible for licensure by reciprocity with competencies both in supervision in the practice of psychology and in the activities being supervised; or~~

~~(4) who is a licensed psychologist who was licensed by the board as a psychologist before August 1, 1991, and is certified by the board as competent in with competencies both in supervision of applicants for licensure in the practice of psychology and in the activities being supervised.~~

Subd. 2. 4. [SUPERVISORY CONSULTATION FOR A LICENSED PSYCHOLOGICAL PRACTITIONER.] ~~(a) Supervisory consultation between a supervising licensed psychologist and a supervised licensed psychological practitioner must shall be at least one hour in duration and shall occur on a one-to-one individual, in-person basis at a ratio of at least. A minimum of one hour of supervision per month is required for the initial 20 or fewer hours of psychological services delivered per month and no less than one hour a month. The consultation must be at least one hour in duration. For each additional 20 hours of psychological services delivered per month, an additional hour of supervision must occur per month is required. However, if When more than 20 hours of psychological services are provided in a week, no time period more than one hour of supervision beyond one hour is required per week is required, but supervision must be adequate to assure the quality and competence of the services. Supervisory consultation must include discussions on the nature and content of the practice of the psychological practitioner, including but not limited to a review of a representative sample of psychological services in the supervisee's practice.~~

~~(b) Subd. 5. [SUPERVISORY CONSULTATION FOR AN APPLICANT FOR LICENSURE AS A LICENSED PSYCHOLOGIST.] Supervision of an applicant for licensure as a licensed psychologist must shall include at least two hours of regularly scheduled face-to-face in-person consultations a per week for full-time employment, one hour of which must shall be with the supervisor on a one-to-one an individual basis. The remaining hour may be with other master's or doctoral prepared mental health professionals designated by the supervisor. The board may approve an exception to the weekly supervision requirement for a week when the supervisor was ill or otherwise unable to provide supervision. The board may prorate the two hours per week of~~

supervision for persons preparing for licensure on a part-time basis. Supervised psychological employment does not qualify for licensure when the supervisory consultation is not adequate as described in subdivision 1, or in the board rules.

Subd. 6. [SUPERVISEE DUTIES.] Persons preparing for licensure as a licensed psychologist during their postdegree supervised employment may perform as part of their training any functions specified in section 148.89, but only under qualified supervision.

Subd. 3. 7. [WAIVER OF SUPERVISION REQUIREMENTS.] (a) An applicant for licensure as a licensed psychologist who entered supervised employment before August 1, 1991, may request a waiver from the board of the supervision requirements in this section in order to continue supervision under the board rules in effect before August 1, 1991.

(b) The board shall grant a waiver from the supervision requirements of subdivision 4 to a licensed psychological practitioner who presents evidence of:

(1) completion of two full years or the equivalent of supervised post-master's degree employment, meeting the requirements of subdivision 5 as it relates to preparation for licensure as a licensed psychologist;

(2) endorsement for specific areas of competency by the licensed psychologist who provided the two years of supervision;

(3) employment by a hospital or by a community mental health center or nonprofit mental health clinic or social service agency providing services as a part of the mental health service plan required by the comprehensive mental health act;

(4) the employer's acceptance of clinical responsibility for the care provided by the licensed psychological practitioner; and

(5) a plan which is satisfactory to the board for supervising the work of the licensed psychological practitioner.

(c) After December 31, 1993, the supervision requirements must be deemed waived for a person who previously received a waiver under paragraph (b) and is seeking a new waiver because of a change of employment to a different employer or employment setting. The deemed waiver continues until the board either grants or denies the waiver. A person who has been denied a waiver is entitled to appeal the decision using a contested case hearing. The person must request a hearing within 30 days after receiving notice from the board that the request for a waiver has been denied. A deemed waiver under this paragraph continues until the appeal has been resolved.

Sec. 18. Minnesota Statutes 1994, section 148.941, subdivision 2, is amended to read:

Subd. 2. [GROUNDS FOR DISCIPLINARY ACTION; FORMS OF DISCIPLINARY ACTION.] (a) The board may impose disciplinary action as described in paragraph (b) against an applicant or licensee whom the board, by a preponderance of the evidence, determines:

(1) has violated a statute, rule, or order that the board issued or is empowered to enforce;

(2) has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of psychology, that adversely affects the person's ability or fitness to practice psychology;

(3) has engaged in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;

(4) has been convicted of or has pled guilty or nolo contendere to a felony or other crime, an element of which is dishonesty or fraud, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the applicant's or licensee's ability or fitness to engage in the practice of psychology;



(5) has employed fraud or deception in obtaining or renewing a license, or in passing ~~the~~ an examination;

(6) has had a psychology license, certificate, ~~right~~ registration, privilege to ~~examine~~ take an examination, or other similar authority denied, revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, the District of Columbia, or any foreign country jurisdiction;

(7) has failed to meet any requirement for the issuance or renewal of the person's license. The burden of proof is on the applicant or licensee to demonstrate the qualifications or satisfy the requirements for a license under the psychology practice act;

(8) has failed to cooperate with an investigation of the board as required under subdivision 4; ~~or~~

(9) ~~has violated the code of ethics adopted by the board.~~

~~For the purposes of clause (7), the burden of proof is on the applicant to demonstrate the qualifications or satisfy the requirements for a license under sections 148.88 to 148.98.~~

has demonstrated an inability to practice psychology with reasonable skill and safety to clients due to any mental or physical illness or condition; or

(10) has engaged in fee splitting. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the licensee or under a licensee's administrative authority. Fee splitting includes, but is not limited to:

(i) paying, offering to pay, receiving, or agreeing to receive a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of clients;

(ii) dividing fees with another person or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional;

(iii) referring a client to any health care provider as defined in section 144.335 in which the referring licensee has a significant financial interest unless the licensee has disclosed in advance to the client the licensee's own financial interest; and

(iv) dispensing for profit any instrument, test, procedure, or device, unless the licensee has disclosed in advance to the client the licensee's own profit interest.

(b) If grounds for disciplinary action exist under paragraph (a), the board may take one or more of the following actions:

(1) refuse to grant or renew a license;

(2) revoke a license;

(3) suspend a license;

(4) impose limitations or conditions on a licensee's practice of psychology, including, but not limited to, limiting the scope of practice to designated competencies, imposing retraining or rehabilitation requirements, requiring the licensee to practice under supervision, or conditioning continued practice on the demonstration of knowledge or skill by appropriate examination or other review of skill and competence;

(5) censure or reprimand the licensee; ~~or~~

(6) refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination grade if the board finds that it is in the public interest; or

(7) impose a disciplinary fee not exceeding \$10,000 for each separate violation. The amount of the disciplinary fee shall be fixed so as (1) to deprive the applicant or licensee of any economic

advantage gained by reason of the violation charged and (2) to reimburse the board for the cost of the investigation and proceeding, including but not limited to, the costs of legal and investigative services provided by the office of the attorney general and the costs of legal services provided by the office of administrative hearings.

(c) In lieu of or in addition to paragraph (b), the board may require, as a condition of continued licensure, termination of suspension, reinstatement of license, examination, or release of examination grades, that the applicant or licensee:

(1) submit to a quality review, as specified by the board, of the applicant's or licensee's ability, skills, or quality of work; and

(2) complete to the satisfaction of the board educational courses specified by the board.

(d) Service of the order is effective if the order is served on the applicant, licensee, or counsel of record personally or by mail to the most recent address provided to the board for the licensee, applicant, or counsel of record. The order shall state the reasons for the entry of the order.

Sec. 19. Minnesota Statutes 1994, section 148.941, subdivision 4, is amended to read:

Subd. 4. [COOPERATION OF APPLICANT APPLICANTS OR LICENSEE FOR LICENSEES WITH INVESTIGATIONS.] (a) An applicant or licensee of the board who is the subject of an investigation or who is questioned in connection with an investigation by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation, executing all releases requested by the board, providing copies of client records, as reasonably requested by the board to assist it in its investigation, and appearing at conferences or hearings scheduled by the board or its staff. ~~The board shall pay reasonable costs for copies requested.~~

(b) If the board does not have a written consent from a client permitting access to the client's records, the licensee may delete any data in the record which ~~identifies~~ identify the client before providing it to the board. The board shall maintain any records obtained pursuant to this section as investigative data pursuant to chapter 13.

Sec. 20. Minnesota Statutes 1994, section 148.941, is amended by adding a subdivision to read:

Subd. 5. [EVIDENCE OF PAST SEXUAL CONDUCT.] In a proceeding for the suspension or revocation of a license or other disciplinary action for unethical or unprofessional conduct involving sexual contact with a client or former client, the board or administrative law judge shall not consider evidence of the client's previous sexual conduct nor shall any reference to this conduct be made during the proceedings or in the findings, except by motion of the client, unless the evidence would be admissible under applicable provisions of section 609.347, subdivision 3.

Sec. 21. Minnesota Statutes 1994, section 148.941, is amended by adding a subdivision to read:

Subd. 6. [ACCESS TO COURT RECORDS.] The board shall have access to all court records resulting from criminal investigations and adjudications, civil commitment proceedings and malpractice litigations, including but not limited to reports, evaluations, criminal complaints, and presentence investigations pertaining to the professional conduct of an applicant or a licensee under investigation. For the purpose of this subdivision, a licensee or applicant is deemed to have waived all objections to board access to such records or to the admissibility of such records in any board hearing, committee meeting, or general meeting.

Sec. 22. Minnesota Statutes 1994, section 148.941, is amended by adding a subdivision to read:

Subd. 7. [VIOLATION.] Persons who engage in the unlicensed practice of psychology or who misrepresent themselves as psychologists or psychological practitioners are guilty of a misdemeanor.

Sec. 23. Minnesota Statutes 1994, section 148.96, is amended to read:

## 148.96 [PRESENTATION TO PUBLIC.]

Subdivision 1. [REQUIREMENTS FOR ADVERTISING PROFESSIONAL IDENTIFICATION.] ~~All psychologists and psychological practitioners licensees, when representing themselves to the public through in activities relating to the practice of psychology, including in written materials or advertising, must use their shall identify the academic degree upon which their licensure is based, as well as their license status in the advertising or written materials level of licensure.~~

Subd. 2. [DISCLOSURE OF EDUCATION.] At the initial meeting, a psychologist licensee shall display or make available to each new client accurate information about the qualifications and competencies of the psychologist licensee, in accordance with regulations of the board.

Subd. 3. [REQUIREMENTS FOR REPRESENTATIONS TO THE PUBLIC.] ~~Individuals (a) Unless licensed under sections 148.88 to 148.98, except as provided in paragraphs (b) through (d), persons shall not present themselves or permit themselves to be presented to the public as psychologists unless they are licensed under sections 148.88 to 148.98, except as provided in paragraphs (a) to (e) by:~~

(1) using any title or description of services incorporating the words "psychology," "psychological," or "psychologist;" or

(2) representing that the person has expert qualifications in an area of psychology.

~~(a) (b) Psychologically trained individuals who are employed by an educational institution recognized by a regional accrediting organization, by a federal, state, county, or local government institution, agencies, or research facilities, may represent themselves by the title designated by that organization.~~

~~(b) (c) A psychologically trained individual from an institution described in paragraph (a) (b) may offer lecture services and be is exempt from the provisions of this section.~~

~~(c) (d) A person who is preparing for the profession practice of psychologist psychology under qualified supervision in recognized training institutions or facilities in accordance with board statutes and rules may be designated as a "psychological intern," "psychological trainee," or by other terms clearly describing the person's training status.~~

~~(d) (e) Nothing in this section shall be construed to prohibit the practice of school psychology by a person licensed in accordance with chapter 125.~~

Subd. 4. [PERSONS OR TECHNIQUES NOT REGULATED BY THIS BOARD.] (a) Nothing in sections 148.88 to 148.98 shall be construed to limit the occupational pursuits consistent with their training and codes of ethics of professionals such as teachers in recognized public and private schools, members of the clergy, physicians, social workers, school psychologists, alcohol or drug counselors, optometrists, or attorneys. However, in such performance any title used shall be in accordance with section 148.96.

(b) Use of psychological techniques by business and industrial organizations for their own personnel purposes or by employment agencies or state vocational rehabilitation agencies for the evaluation of their own clients prior to recommendation for employment is also specifically allowed. However, no representative of an industrial or business firm or corporation may sell, offer, or provide any psychological services as specified in section 148.89 unless such services are performed or supervised by individuals licensed under sections 148.88 to 148.98.

Subd. 5. [OTHER PROFESSIONS NOT AUTHORIZED.] Nothing in sections 148.88 to 148.98 shall be construed to authorize a person licensed under sections 148.88 to 148.98 to engage in the practice of any profession regulated under Minnesota law unless the person is duly licensed or registered in that profession.

Sec. 24. Minnesota Statutes 1994, section 148.975, is amended to read:

148.975 [DUTY TO WARN; LIMITATION ON LIABILITY; VIOLENT BEHAVIOR OF PATIENT.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section ~~and section 148.976.~~

(b) "Other person" means an immediate family member or someone who personally knows the patient client and has reason to believe the patient client is capable of and will carry out the serious, specific threat of harm to a specific, clearly identified or identifiable victim.

(c) "Practitioner" means ~~a psychologist, school psychologist, nurse, chemical dependency counselor, or social worker who is licensed by the state or who performs psychotherapy within a program or facility licensed by the state or established pursuant to rules adopted under section 245.69, subdivision 2.~~

(d) "Psychotherapy" means ~~the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.~~

(e) "Reasonable efforts" means communicating the serious, specific threat to the potential victim and if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim or the patient client.

~~Subd. 2. [LIABILITY STANDARD.] No monetary liability and no cause of action may arise against a practitioner for failure to predict, warn of, or take reasonable precautions to provide protection from, a patient's violent behavior, unless the patient or other person has communicated to the practitioner a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim.~~

~~Subd. 3. [DUTY TO WARN.] The duty to predict, warn of, or take reasonable precautions to provide protection from, violent behavior arises only under the limited circumstances specified in subdivision 2 when a client or other person has communicated to the licensee a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty is discharged by the practitioner licensee if reasonable efforts, as defined in subdivision 1, paragraph (c), are made to communicate the threat to the potential victim.~~

~~Subd. 3. [LIABILITY STANDARD.] If no duty to warn exists under subdivision 2, then no monetary liability and no cause of action may arise against a licensee for failure to predict, warn of, or take reasonable precautions to provide protection from, a client's violent behavior.~~

~~Subd. 4. [DISCLOSURE OF CONFIDENCES.] No monetary liability and no cause of action, or disciplinary action by the state board of psychology or board of nursing may arise against a practitioner for disclosing confidences to third parties in a good-faith effort to discharge a duty arising under this section. Good faith compliance with the duty to warn shall not constitute a breach of confidence and shall not result in monetary liability or a cause of action against the licensee.~~

~~Subd. 5. [CONTINUITY OF CARE.] Nothing in subdivision 3 2 shall be construed to authorize a practitioner licensee to terminate treatment of a patient client as a direct result of a patient's client's violent behavior or threat of physical violence unless the patient client is referred to another practitioner or appropriate health care facility.~~

~~Subd. 6. [EXCEPTION.] This section does not apply to a threat to commit suicide or other threats by a patient client to harm the patient client, or to a threat by a patient client who is adjudicated mentally ill and dangerous under chapter 253B.~~

~~Subd. 7. [OPTIONAL DISCLOSURE.] Nothing in section 148.975 shall be construed to prohibit a licensee from disclosing confidences to third parties in a good-faith effort to warn against or take precautions against a client's violent behavior or threat to commit suicide for which a duty to warn does not arise.~~

~~Subd. 8. [LIMITATION ON LIABILITY.] No monetary liability and no cause of action, or disciplinary action by the board may arise against a licensee for disclosure of confidences to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good-faith effort to warn against or take precautions against a client's violent behavior or threat of suicide for which a duty to warn does not arise.~~

Sec. 25. Minnesota Statutes 1994, section 148.98, is amended to read:

148.98 [~~CODE OF ETHICS~~ RULES OF CONDUCT.]

The board shall adopt a ~~code of ethics~~ rules of conduct to govern an applicant's or licensee's practices or behavior. The board shall publish the ~~code~~ rules in the State Register and file the ~~code~~ rules with the secretary of state at least 30 days prior to the effective date of the ~~code~~ rules. The ~~code of ethics~~ rules of conduct shall include, but is not limited to, the principles in paragraphs (a) to through (c).

(a) ~~The psychologist~~ Applicants or licensees shall recognize the boundaries of the ~~psychologist's~~ their competence and the ~~limitation~~ limitations of the ~~psychologist's~~ their techniques and shall not offer services or use techniques that fail to meet usual and customary professional standards.

(b) ~~The psychologist~~ An applicant or licensee who engages in practice shall assist clients in obtaining professional help for all important aspects of ~~their~~ the client's problems that fall outside the boundaries of the ~~psychologist's~~ applicant's or licensee's competence.

(c) ~~A psychologist~~ Applicants or licensees shall not claim either directly or by implication professional qualifications that differ from the ~~psychologist's~~ their actual qualifications, nor shall the ~~psychologist~~ they misrepresent the ~~psychologist's~~ affiliation their affiliations with any institution, organization, or individual, nor lead others to assume an ~~affiliation~~ affiliations that ~~does~~ do not exist.

Sec. 26. Minnesota Statutes 1994, section 253B.02, subdivision 11, is amended to read:

Subd. 11. [LICENSED PSYCHOLOGIST.] "Licensed psychologist" means a person as ~~defined by section 148.91, subdivision 4~~ licensed by the board of psychology and possessing the qualifications for licensure provided in section 148.907.

Sec. 27. [REPEALER.]

Minnesota Statutes 1994, sections 148.89, subdivisions 6, 7, and 8; 148.91; 148.93; 148.951; and 148.97; and Minnesota Statutes 1995 Supplement, section 148.921, are repealed."

Delete the title and insert:

"A bill for an act relating to occupations and professions; board of psychology; modifying board duties; changing types of licensure; changing licensure provisions; providing for discipline; providing penalties; amending Minnesota Statutes 1994, sections 148.88; 148.881; 148.89, subdivisions 2a, 5, and by adding a subdivision; 148.90, subdivisions 1 and 2; 148.905, subdivision 1; 148.911; 148.925; 148.941, subdivisions 2, 4, and by adding subdivisions; 148.96; 148.975; 148.98; 253B.02, subdivision 11; Minnesota Statutes 1995 Supplement, section 147.09; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1994, sections 148.89, subdivisions 6, 7, and 8; 148.91; 148.93; 148.951; and 148.97; Minnesota Statutes 1995 Supplement, section 148.921."

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**

**S.F. No. 2012:** A bill for an act relating to highways; designating a portion of marked trunk highway No. 22 as Victory Drive; amending Minnesota Statutes 1994, section 161.14, by adding a subdivision.

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

Page 1, line 17, after the period, insert "The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway."

Sec. 2. Minnesota Statutes 1994, section 161.14, is amended by adding a subdivision to read:

Subd. 33. [VETERANS MEMORIAL HIGHWAY.] Trunk highway 15, from its intersection with trunk highway 60 to its intersection with the Iowa border is designated "Veterans Memorial Highway." The commissioner of transportation shall adopt a suitable design for marking this highway and shall erect appropriate signs at each intersection of the highway with another trunk highway or with a county highway or county state-aid highway. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway."

Page 1, line 19, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Delete the title and insert:

"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."

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 1996:** A bill for an act relating to family law; requiring specificity in visitation orders; providing for the establishment of visitation dispute resolution programs; imposing penalties; appropriating money; amending Minnesota Statutes 1994, section 518.175, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

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

Pages 2 to 4, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 1994, section 518.1751, is amended to read:

518.1751 [VISITATION DISPUTE RESOLUTION.]

Subdivision 1. [VISITATION EXPEDITOR.] (a) Upon agreement of all parties, the court may appoint a visitation expeditor to resolve visitation disputes that occur under a visitation order while a matter is pending under this chapter, chapter 257 or 518A, or after a decree is entered. Prior to appointing the visitation expeditor, the court shall give the parties notice that the costs of the visitation expeditor will be apportioned among the parties and that if the parties do not reach an agreement, the visitation expeditor will make a nonbinding decision resolving the dispute.

(b) For purposes of this section, "visitation dispute" means a disagreement among parties about visitation with a child. "Visitation dispute" includes a claim by a custodial parent that a noncustodial parent is not visiting a child as well as a claim by a noncustodial parent that a custodial parent is denying or interfering with visitation. "Visitation dispute" does not include a dispute involving a modification of visitation rights ordered by the court.

Subd. 2. [APPOINTMENT; COSTS.] The court shall appoint the visitation expeditor. If the parties cannot agree on a visitation expeditor, the court shall present a list of candidates with one more candidate than there are parties to the dispute. In developing the list of candidates, the court must give preference to persons who agree to volunteer their services. Each party shall strike one name and the court shall appoint the remaining individual as the visitation expeditor. In its order appointing the visitation expeditor, the court shall apportion the costs of the visitation expeditor among the parties, with each party bearing the portion of costs that the court determines is just and equitable under the circumstances. If a visitation expeditor is assigned by the court administrator under subdivision 5, the costs must be apportioned equally between the parties unless otherwise ordered by the court.

Subd. 3. [AGREEMENT OR DECISION.] (a) If a visitation dispute arises, the visitation expeditor shall meet with the parties within five days and make a diligent effort to facilitate an agreement to resolve the visitation dispute. If a visitation dispute requires immediate resolution, the visitation expeditor may confer with the parties through a telephone conference or similar means.

(b) If the parties do not reach an agreement, the expeditor shall make a decision resolving the dispute as soon as possible. Resolution of a dispute may include compensatory visitation under section 518.175, subdivision 6. The visitation expeditor may not make a decision that modifies visitation rights ordered by the court. If a party does not comply with an agreement of the parties or a decision of the expeditor, any party may bring a motion with the court to resolve the dispute. The court may consider the agreement of the parties or the decision of the expeditor, but neither is binding on the court.

Subd. 4. [OTHER AGREEMENTS.] This section does not preclude the parties from voluntarily agreeing to submit their visitation dispute to a neutral third party or from otherwise resolving visitation disputes on a voluntary basis.

Subd. 5. [MANDATORY VISITATION DISPUTE RESOLUTION; PENALTY.] (a) Notwithstanding subdivision 1, a district court may establish a mandatory visitation dispute resolution program as provided in this subdivision. In a district where a program has been established, parties may be required to submit visitation disputes to a visitation expeditor as a prerequisite to a motion on the dispute being heard by the court or either party may submit the dispute to a visitation expeditor. A party may file a motion with the court for purposes of obtaining a court date, if necessary, but a hearing may not be held until resolution of the dispute with the visitation expeditor.

(b) If a visitation expeditor has not been previously appointed for the parties under subdivision 1 and the parties cannot agree on a visitation expeditor, upon request the court may appoint a visitation expeditor or the court administrator may assign a visitation expeditor from a list of candidates approved by the district court.

(c) If there are allegations or indications of domestic abuse, as defined in section 518B.01, involving the parties or a child of the parties, if the court or the expeditor finds that resolution of a dispute with the expeditor would not be in the best interests of the child, a party may not be required to participate in the program under this subdivision.

(d) An agreement of the parties or decision of the visitation expeditor is binding on the parties unless vacated or modified by the court. The court shall impose a civil penalty of \$500 on a party who willfully fails to comply with an agreement or decision under this subdivision, unless the party files a motion to vacate or modify the agreement or decision.

(e) A notice describing the procedures, rights, and duties under this section, including the penalty under paragraph (d), must be included with any visitation order entered or modified in a district when a program under this subdivision is in effect and must be given to parties whose dispute is referred to a visitation expeditor under this subdivision. The court administrator shall provide administrative assistance to parties for purposes of participating in the program."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying provisions for visitation expeditors;"

Page 1, line 4, before "visitation" insert "mandatory"

Page 1, line 5, delete "appropriating money;"

Page 1, line 6, delete "section" and insert "sections" and after the semicolon, insert "and 518.1751."

Page 1, delete lines 7 and 8

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

**Mr. Moe, R.D. from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 2224:** A bill for an act relating to agriculture; appropriating money for the passing on the farm center.

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

**Mr. Moe, R.D. from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 1799:** A bill for an act relating to agricultural chemicals; expanding immunity from liability for certain uses; amending Minnesota Statutes 1994, section 18D.101.

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

**Mr. Moe, R.D. from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 2417:** A bill for an act relating to agriculture; increasing general obligation bond authority of the rural finance authority; amending Minnesota Statutes 1994, section 41B.19, subdivision 1.

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

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

**S.F. No. 2020:** A bill for an act relating to human services; requesting the commissioners of health and human services to seek a federal waiver.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1994, section 144A.04, is amended by adding a subdivision to read:

Subd. 10. [ASSESSMENTS FOR SHORT-STAY RESIDENTS.] Upon federal approval, a nursing home is not required to perform a resident assessment on a resident expected to remain in the facility for 30 days or less. A short-stay resident transferring from a hospital to a nursing home must have a plan of care developed at the hospital before admission to the nursing home. If a short-stay resident remains in the nursing home longer than 30 days, the nursing home must perform the resident assessment in accordance with sections 144.072 to 144.0722 within 40 days of the resident's admission."

Page 1, line 6, delete "Section 1" and insert "Sec. 2"

Page 1, line 16, delete "and"

Page 1, line 18, before the period, insert ";

(5) allow the state to commingle Medicare and alternative care grant funds for individuals eligible for both programs; and

(6) permit a nursing home to satisfy the financial requirement under Code of Federal Regulations, title 42, section 483.10 (c)(7)(1994), through self-insurance mechanisms, including a savings account listing the commissioner on the account or a letter of credit"



Amend the title as follows:

Page 1, line 4, before the period, insert "; amending Minnesota Statutes 1994, section 144A.04, by adding a subdivision"

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

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

**S.F. No. 2317:** A bill for an act relating to group residential housing; clarifying a rate exception; amending Minnesota Statutes 1994, section 256I.05, subdivision 2.

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**

**S.F. No. 2146:** A bill for an act relating to traffic regulations; allowing use of safety cables on trailers and semitrailers; amending Minnesota Statutes 1994, sections 169.797, subdivision 3; 169.82, subdivision 3; 169.851, subdivision 5; and 169.872, subdivision 1; Minnesota Statutes 1995 Supplement, section 171.02, subdivision 2a.

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

Pages 2 and 3, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the second "3;" insert "and" and after "5;" delete "and"

Page 1, line 6, delete "169.872, subdivision 1;"

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**

**S.F. No. 1793:** A bill for an act relating to motor vehicles; allowing display of single original plate from 1944, 1945, or 1946; amending Minnesota Statutes 1994, section 168.10, subdivision 1g.

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

Page 1, line 17, after "in" insert "1911,"

Amend the title as follows:

Page 1, line 3, after "from" insert "1911,"

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**

**S.F. No. 2147:** A bill for an act relating to motor carriers; modifying and reorganizing provisions relating to allowable truck lengths and combinations; amending Minnesota Statutes 1994, sections 168.011, subdivisions 13 and 14; 168.013, subdivision 1e; 169.81, subdivision 2, and by adding a subdivision; and 169.86, subdivision 1; Minnesota Statutes 1995 Supplement, section 169.81, subdivision 3.

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

Page 6, line 13, after "may" insert "only"

Page 6, line 24, strike "as provided" and insert "on the highways identified under provisions"

Page 6, line 25, strike ", including truck-tractor and"

Page 6, line 26, strike "semitrailer,"

Page 8, lines 14, 25, and 33, strike "65" and insert "75"

Page 8, lines 16 and 17, strike "with an overall length exceeding 55 feet and"

Page 8, lines 20 and 21, strike "with an overall length exceeding 55 feet and"

Page 8, line 26, strike "except as restricted by applicable federal law"

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

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

**S.F. No. 2135:** A bill for an act relating to landlords and tenants; changing the interest rate on security deposits; providing for a legislative review; amending Minnesota Statutes 1994, section 504.20, subdivision 2; repealing Laws 1992, chapter 555, article 2, section 2.

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

Page 1, line 15, delete "2001" and insert "1999"

Page 1, line 26, delete "2000" and insert "1998"

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**

**S.F. No. 1947:** A bill for an act relating to transportation; abolishing specific highway service sign program and directing commissioner of transportation to adopt rules to administer highway service signs; eliminating limitation on funding advances for completing county state-aid highways in cities; clarifying when left and right turns are allowed at intersections with red arrow traffic signals; providing for turnbacks to local governments of legislative routes Nos. 232, 261, 300, 326, and 385; amending Minnesota Statutes 1994, sections 162.08, subdivision 5; 169.06, subdivision 5; and 169.59, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 160; repealing Minnesota Statutes 1994, sections 160.292, subdivisions 1, 2, 3, 4, 5, 8, 9, and 10; 160.293; 160.294; 160.295; 160.296; and 160.297; Minnesota Statutes 1995 Supplement, section 160.292, subdivisions 6, 7, and 7a.

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

Page 1, line 23, delete "adopt rules to"

Page 1, line 26, delete ", adopted by rule,"

Page 1, line 27, after the period, insert "The program is exempt from the rulemaking provisions of chapter 14."

Pages 2 to 5, delete section 3

Page 6, line 16, after "transportation" insert ", Anoka county,"

Page 6, line 17, after "commissioner" insert ", the chair of the Anoka county board,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8

Page 1, line 9, delete everything before "providing"

Page 1, line 12, delete "169.06, subdivision 5;"

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

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

**S.F. No. 1874:** A bill for an act relating to health; requiring a utilization review organization to provide patients with notification of its determination; amending Minnesota Statutes 1994, sections 62M.05, subdivision 3; and 72A.201, subdivision 4a.

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

Page 1, line 18, delete the new language

Page 2, after line 20, insert:

"(c) When an initial determination is made to certify and the claims administrator disagrees with the determination, the claims administrator shall send written notification to the enrollee within ten business days of the determination or shall maintain an audit trail of the determination and telephone notification in accordance with section 72A.201, subdivision 4b."

Page 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1994, section 72A.201, is amended by adding a subdivision to read:

Subd. 4b. [NOTIFICATION.] If a policy of accident and sickness insurance or a subscriber contract requires preauthorization approval for any nonemergency services or benefits:

(1) the utilization review organization makes an initial determination to certify; and

(2) the claims administrator disagrees with the determination, the claims administrator shall send written notification to the enrollee within ten business days of the determination or shall maintain an audit trail of the determination and telephone notification."

Amend the title as follows:

Page 1, line 6, delete "subdivision 4a" and insert "by adding a subdivision"

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

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

**S.F. No. 1939:** A bill for an act relating to human services; requiring an itemized billing statement for medical assistance recipients; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Delete everything after the enacting clause and insert:

"Section 1. [REVIEW OF THE ADEQUACY OF ITEMIZED PAYMENT STATEMENTS.]

The commissioner of human services shall conduct a review of the adequacy of the department of human service's system for providing medical assistance recipients with information regarding payment for medical assistance services to ensure that payments are made only for those services that have actually been provided, and, in instances in which private insurance or other third-party payment is applicable, to ensure that duplicative medical assistance payments are not being made. The commissioner shall convene a panel to assist in the review which must include medical assistance recipients or their representatives and medical assistance vendors or their representatives.

The commissioner shall submit a report to the legislature by January 15, 1997, on the results of the review. The report must include recommendations for any additions or modifications to current requirements to enable recipients to monitor billings."

Delete the title and insert:

"A bill for an act relating to human services; requiring the commissioner of human services to review the adequacy of payment information provided to medical assistance recipient's billing statement for medical assistance recipients."

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

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

**S.F. No. 2189:** A bill for an act relating to the Minnesota municipal board; clarifying authority and procedures; amending Minnesota Statutes 1994, sections 414.01, subdivisions 1, 2, 6a, 7a, 8, 12, and 16; 414.02, subdivision 3; 414.031, subdivision 4; 414.0325, subdivisions 1, 1a, and 3; 414.033, subdivision 5, and by adding a subdivision; 414.041, subdivisions 3 and 5; and 414.061, subdivisions 4 and 5; repealing Minnesota Statutes 1994, sections 414.01, subdivisions 3, 3a, and 4; and 414.061, subdivision 4a.

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

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

**S.F. No. 2168:** A bill for an act relating to the city of Mankato; providing for use of revenues from the sales tax; amending Laws 1991, chapter 291, article 8, section 27, by adding a subdivision.

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

Page 1, line 25, after "expenses" insert "authorized in paragraph (a)"

Page 2, line 15, after "DATE" insert "; LOCAL APPROVAL"

Page 2, delete lines 16 to 18 and insert:

"Section 1 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Mankato."

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

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

**S.F. No. 1843:** A bill for an act relating to local government; allowing the city of Morristown to maintain and pay for certain electrical power outside the city.

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

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

**S.F. No. 2214:** A bill for an act relating to the city of Baxter; allowing the city of Baxter to expand its public utilities commission to five members.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 412.341, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The commission shall consist of from three to five members appointed by the council. No more than one member may be chosen from the council membership. Each member shall serve for a term of three years and until a successor is appointed and qualified except that of the members initially appointed in any city, one shall serve for a term of one year, one for a term of two years, and one for a term of three years, and any additional members shall serve initial terms so that the terms of no more than two members expire in any one year. Residence shall not be a qualification for membership on the commission unless the council so provides. A vacancy shall be filled by the council for the unexpired term."

Delete the title and insert:

"A bill for an act relating to statutory cities; allowing statutory cities to increase the membership of their public utility commissioners; providing for staggered terms of any additional members; amending Minnesota Statutes 1994, section 412.341, subdivision 1."

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

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

**S.F. No. 1844:** A bill for an act relating to the reorganization, administration, and operation of a hospital district in Rice county; amending Laws 1963, chapter 118, sections 1, subdivision 3; 2; 4; and 6.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 1963, chapter 118, section 1, subdivision 3, is amended to read:

Subd. 3. For the purpose of this act, the term "municipality" shall include cities, villages, and towns of the hospital district, which are as follows: the cities of Faribault, Nerstrand, and Morristown; and the townships of Wheeling, Cannon City, Wells, Shieldsville, Morristown, Warsaw, Walcott, and Richland.

Sec. 2. Laws 1963, chapter 118, section 2, is amended to read:

Sec. 2. [HOSPITAL BOARD; APPOINTMENT; TERMS.]

Subdivision 1. The hospital district shall be governed by a board of directors of nine voting members, hereinafter called "hospital board", who shall be residents of the district, appointed by the county board committee described under subdivision 4. The members of the hospital board shall be selected from the several municipalities forming a part of the district, on the basis of

population, so that, as nearly as practicable, the most populous municipality shall have numerical representation in proportion to its share of the total district population.

~~Subd. 2. One third of the members of the first hospital board shall be appointed for a term to expire one year from May 1 next following such appointment, one third for a term to expire two years from such date, and one third for a term to expire three years from such date. Successors to the original board members shall each be appointed for terms of three years. All members shall hold office until their successors are appointed and qualify. Terms of all members shall expire on May 1. Members of the hospital board shall be appointed to a three-year term, expiring on May 1. Terms of office must be staggered so that one-third of the positions are up for appointment each year. In case of a vacancy on the hospital board, whether due to death, removal from the district nonresidency, inability to serve, resignation, or other removal for cause the county board, at its next regular or special meeting, shall make an appointment to fill such vacancy shall be made at a special meeting of the appointment committee for the then unexpired term. Tenure of each board member is limited to three successive three-year terms, or a total of nine successive years, but a member may be reappointed after one year without board membership. The hospital administrative staff shall facilitate the appointment process, including an open advertisement for hospital board vacancies.~~

~~Subd. 3. In addition to voting members, the hospital board may add ex officio members to the board, but without voting privilege. The hospital board shall adopt bylaws to provide grounds and a procedure for removal of board members for cause and may remove board members in accordance with the bylaws.~~

~~Subd. 4. All members of the hospital board at the time the hospital district is reorganized shall continue in office until the members of the first board of the reorganized district are appointed and qualify. A five-member appointment committee of elected officials representing the municipalities of the hospital district shall be established each year. Two members of the appointing committee shall be selected by the Faribault city council. Two members of the appointing committee shall be selected by the representatives of the other municipalities at the hospital annual meeting. One county commissioner member, whose constituency is made up of at least one-third of the city of Faribault, shall be selected by the Rice county board.~~

Sec. 3. Laws 1963, chapter 118, section 4, is amended to read:

Sec. 4. [MEETINGS OF THE BOARD.]

Subdivision 1. Regular meetings of the hospital board shall be held at least once a month, at such time and place as the board shall by resolution determine. Special meetings may be held at any time upon the call of the chairman or of any two other members, upon written notice mailed to each member three days prior to the meeting, or upon such other notice as the board, by resolution, may provide, or without notice, if each member is present or files with the secretary a written consent to the holding of the meeting, which consent may be filed before or after the meeting. Any action within the authority of the board may be taken by the vote of a majority of the members present at a regular or adjourned meeting or at a duly called special meeting if a quorum is present. A majority of all the members of the board shall constitute a quorum, but a lesser number may meet and adjourn from time to time.

~~Subd. 2. During the second half of each year, the hospital board will convene an annual meeting to report to the citizens of the hospital district on the state of the hospital. The agenda will include a report by the chief executive officer on the status of the hospital, future plans for the hospital, and the hospital's financial condition, including the need for revenues derived from the property tax levy. Each of the municipalities shall send one official representative.~~

Sec. 4. Laws 1963, chapter 118, section 6, is amended to read:

Sec. 6. [PAYMENT OF EXPENSES; TAXATION.]

Subdivision 1. Expenses of acquisition, betterment, administration, operation, and maintenance of any hospital, including nursing home facilities, operated by the hospital district, shall be paid from the revenue derived therefrom and, to the extent necessary, from ad valorem taxes levied by

~~the hospital board upon all taxable property situated within the district, and, to the extent determined from time to time by the county board of Rice county, from appropriations made by said board in accordance with the provisions of Minnesota Statutes 1961, Section 376.08, or any future laws authorizing such appropriations. Any moneys so appropriated by such county board for the acquisition or betterment of facilities of the hospital district may be transferred, in the discretion of the hospital board, to a sinking fund for bonds issued for that purpose. The hospital board may agree to repay to the county any sums so appropriated, out of the net revenues to be derived from operation of its facilities, subject to such terms as may be agreed upon. No taxes levied by the hospital district in any year, other than taxes levied for payment of bonded indebtedness, shall exceed a total of five mills, provided that such limitation may be exceeded if the amount proposed to be levied in excess of such millage against property in any municipality within the district added to the levy of such municipality would not cause such municipal levy to exceed the limitations of Minnesota Statutes 1961, Section 275.10 or 275.11.~~

~~Subd. 2. On or before October 10 September 15 of each year the hospital board shall determine certify to the county auditor the total amount required to be raised from ad valorem tax levy in order to meet estimated expenses during the ensuing year and shall cause such amount to be certified to the county auditor to be extended upon the tax rolls.~~

~~Subd. 3. The county auditor shall determine the millage levy net tax capacity required and certify the same to the county treasurer for collection with other taxes. The county treasurer shall make settlement of such taxes with the treasurer of the hospital district in the same manner as other taxes are distributed to political subdivisions. The levies authorized by this section shall be in addition to any other taxes authorized by law.~~

~~Subd. 4. Only an increase in the amount of taxes levied by the hospital board over three percent of the hospital district's net tax capacity shall require ratification by a majority vote of the Faribault city council and a majority of the governing bodies of the other municipalities in the hospital district. At the option of the hospital board, the vote may occur at a specially scheduled joint meeting of all the municipalities of the hospital district, or at the hospital's annual meeting.~~

Sec. 5. [EFFECTIVE DATE.]

~~Pursuant to Minnesota Statutes, section 645.023, subdivision 1, sections 1 to 4 are effective without local approval on the day following final enactment."~~

Delete the title and insert:

"A bill for an act relating to the reorganization, administration, and operation of a hospital district in Rice county; amending Laws 1963, chapter 118, sections 1, subdivision 3; 2; 4; and 6."

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

**Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred**

**S.F. No. 247:** A bill for an act relating to elections; requiring certain special primaries and elections to be conducted by mail; amending Minnesota Statutes 1994, sections 204D.19, subdivisions 2 and 3; 204D.20, subdivision 1; 204D.21, subdivisions 2 and 3; 204D.22, subdivision 3; and 204D.23, subdivision 2.

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

**Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred**

**S.F. No. 2283:** A bill for an act relating to elections; allowing mail balloting in certain elections in additional cities and towns; amending Minnesota Statutes 1994, section 204B.45, subdivision 1.

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 2450:** A bill for an act relating to human services; providing for the selection of representatives of nongovernmental entities to take part in operating a family services collaborative; permitting the inclusion of representatives of nongovernmental entities in a joint board established under the joint powers act to operate a family services collaborative; amending Minnesota Statutes 1994, sections 121.8355, subdivision 1, and by adding a subdivision; 466.01, subdivision 1; and 471.59, subdivision 11.

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

**Mr. Moe, R.D. from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 2447:** A bill for an act relating to agriculture; providing a grant for expanded research on potato blight; appropriating money.

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

Page 1, line 10, after "available" insert "to the extent matched by non-state sources"

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

**Mr. Moe, R.D. from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 2205:** A bill for an act relating to agriculture; changing provisions of the consolidated food licensing law; amending Minnesota Statutes 1994, sections 28A.04, subdivision 1; 28A.09, subdivision 1; 28A.15, subdivisions 7 and 8; 28A.16; and 28A.17; Minnesota Statutes 1995 Supplement, sections 28A.03; and 28A.08, subdivision 1.

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

Page 4, line 5, delete everything before "and"

Page 4, line 6, delete the period

Page 4, delete lines 7 to 9

Page 4, line 10, delete the new language

Page 6, line 24, delete "for retail state and county fair licenses"

Page 6, line 26, delete ", effective on April 1, 1997"

Page 6, after line 26, insert:

"Sec. 9. [EFFECTIVE DATE; APPLICATION.]

Section 2 is effective April 1, 1997, and applies to licenses issued for mobile food concession and retail mobile units beginning with the April 1, 1997, to March 31, 1997, period. License fees for the nine-month period July 1, 1996, to March 31, 1997, for mobile food concession and retail mobile units will be prorated at 75 percent of the fee schedule in effect on July 1, 1996, rounded to the nearest dollar."

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

**Ms. Flynn from the Committee on Transportation and Public Transit, to which was referred**



**S.F. No. 2053:** A bill for an act relating to motor carriers; prescribing conditions for granting medical waivers to truck drivers; allowing electronic filing of financial responsibility forms; amending Minnesota Statutes 1994, sections 221.0314, by adding a subdivision; and 221.141, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 221.0314, subdivision 3.

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

Page 5, after line 8, insert:

"Sec. 3. Minnesota Statutes 1994, section 221.0314, is amended by adding a subdivision to read:

Subd. 9a. [HOURS OF SERVICE EXEMPTION.] The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies.

Sec. 4. Minnesota Statutes 1994, section 221.033, subdivision 2a, is amended to read:

Subd. 2a. [AGRICULTURALLY RELATED EXEMPTION.] (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Fertilizer and agricultural chemical retailers or their employees are exempt from the rule in section 221.0314, subdivision 4, requiring that drivers must be at least 21 years of age when:

(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and

(2) the driver employed by the retailer is at least 18 years of age.

~~(c) A fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the rule in Code of Federal Regulations, title 49, section 395.3, paragraph (b), relating to hours of service of drivers, and section 395.8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals between April 1 and July 1 of each year when:~~

~~(1) the transportation is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business;~~

~~(2) the fertilizer or agricultural chemicals are for use on the farm to which they are transported; and~~

~~(3) the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty."~~

Page 5, after line 18, insert:

"Sec. 6. Minnesota Statutes 1994, section 326.338, subdivision 4, is amended to read:

Subd. 4. [PROTECTIVE AGENT.] A person who for a fee, reward, or other valuable consideration undertakes any of the following acts is considered to be engaged in the business of protective agent:

(1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things;

(2) physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures;

- (3) providing armored car services for the protection of persons or property;
- (4) controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads; or
- (5) providing management and control of crowds for the purpose of safety and protection.

A person covered by this subdivision may perform the traffic control duties in clause (4) in place of a police officer when a special permit is required, provided that the protective agent is first-aid qualified."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "exempting from federal hours of service regulation drivers transporting agricultural items during harvesting season;"

Page 1, line 4, after the semicolon, insert "allowing protective agent to escort overweight vehicles;"

Page 1, line 6, delete "a subdivision" and insert "subdivisions" and delete "and" and insert "221.033, subdivision 2a;"

Page 1, line 7, after the semicolon, insert "and 326.338, subdivision 4;"

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

**Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred**

**S.F. No. 1895:** A bill for an act relating to elections; requiring return of public subsidy by candidates who violate the fair campaign practices act; requiring candidates to agree to conduct truthful and issue-oriented campaigns as a condition of receiving a public subsidy; amending Minnesota Statutes 1994, sections 10A.322, subdivision 1; and 10A.324, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Pages 1 and 2, delete section 1

Page 2, delete sections 3 and 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete from "requiring" to line 6 to "subsidy;"

Page 1, delete lines 7 to 9 and insert "Minnesota Statutes 1994, section 10A.324, by adding a subdivision."

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

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

**S.F. No. 1147:** A bill for an act relating to taxation; property; allowing for a market value exclusion for electric power generation facilities based on facility efficiency; proposing coding for new law in Minnesota Statutes, chapter 272.

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

Page 1, line 21, delete "For the"

Page 1, delete lines 22 to 25

Page 2, delete line 1

Page 2, line 2, delete "a percentage." and insert "In calculating the efficiency of a facility, the commissioner of public service shall use a definition of efficiency which calculates efficiency as the sum of:

(1) the useful electrical power output; plus

(2) the useful thermal energy output; plus

(3) the fuel energy of the useful chemical products; plus

(4) the useful mechanical energy output, all divided by the total energy input to the facility, expressed as a percentage. The commissioner shall use the high heating value for all substances in the commissioner's efficiency calculations."

Page 2, line 18, delete "33" and insert "35"

Page 2, after line 25, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxes levied in 1996 and thereafter for taxes payable in 1997, and thereafter."

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

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

**S.F. No. 2066:** A bill for an act relating to criminal justice; requiring mandatory minimum penalties for repeat domestic assault offenders; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 1, line 13, delete "consecutively" and insert "continuously"

Page 1, delete lines 14 to 25

Page 2, delete lines 1 and 2 and insert:

"Subd. 2. [FELONY.] In determining an appropriate disposition for felony domestic assault under section 609.2242, subdivision 4, the court shall presume that a stay of execution with a 45-day period of incarceration as a condition of probation shall be imposed. At least 15 of the 45 days must be served continuously. If the defendant's criminal history score, determined according to the sentencing guidelines, indicates a presumptive executed sentence, that sentence shall be imposed unless the court departs from the sentencing guidelines pursuant to section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it."

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

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

**S.F. No. 2332:** A bill for an act relating to health professions; modifying provisions relating to sexual misconduct; amending Minnesota Statutes 1994, sections 13.99, subdivision 44; 147.01, subdivision 4; and 147.091, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147.

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

Page 1, line 15, delete "is" and insert "are"

Page 1, line 16, delete "section" and insert "sections" and before the period, insert "and 147.01"

Page 1, line 24, delete "privilege" and insert "license"

Page 2, line 1, before "In" insert "(a)"

Page 2, line 5, after "made" insert "to the office of administrative hearings"

Page 2, line 6, after "case" insert "and served upon the board upon filing" and delete everything after the period

Page 2, line 7, delete everything before "Any"

Page 2, line 10, after the period, insert "If there is no request for a hearing, the portion of the notice of and order for hearing relating to allegations of sexual misconduct automatically becomes public."

Page 2, line 11, before "The" insert "(b)"

Page 2, line 12, delete "committee" and insert "complaint review committee of the board"

Page 2, lines 13 and 14, delete "this chapter" and insert "section 147.091, subdivision 1, paragraph (t),"

Page 2, line 23, before "Upon" insert "(c)" and delete "the entire" and insert "that portion of the"

Page 2, line 24, after "board" insert "that pertains to the allegations of sexual misconduct, including the factual allegations that support the charge,"

Page 3, line 22, delete "either"

Page 3, line 23, before "the" insert "or"

Page 3, line 31, delete "that the following"

Page 3, delete line 32 and insert "for the"

Page 3, line 33, delete everything before "notices"

Page 3, line 34, delete the semicolon and insert a period

Page 3, line 35, delete "(2) findings" and insert "(f) Findings"

Page 4, line 3, delete "; and" and insert ", are public data."

Page 4, delete line 4

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

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

**S.F. No. 2219:** A bill for an act relating to state government; modifying performance report requirements; requiring that interagency bills be paid promptly; prohibiting state agencies from undertaking capital improvements without legislative authority; conforming certain leased space requirements to existing law; requiring that state agencies comply with certain information policy office requirements regarding information systems equipment and data collection; modifying revolving fund authority; increasing resource recovery goals; modifying collection requirements;

amending Minnesota Statutes 1994, sections 16A.055, subdivision 1; 16A.124, subdivision 7, and by adding a subdivision; 16B.30; 16B.31, subdivision 6; 16B.41, by adding a subdivision; 16B.48, subdivision 2; and 115A.151; Minnesota Statutes 1995 Supplement, sections 15.91, subdivision 2; and 115A.15, subdivision 9.

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

Page 5, line 29, delete "50" and insert "60"

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

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

**S.F. No. 2419:** A bill for an act relating to veterans affairs; authorizing the placement of a plaque on the capitol grounds recognizing the service of women veterans from all wars.

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

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

**H.F. No. 1926** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1926	1719				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2150** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2150	1823				

and that the above Senate File be indefinitely postponed.

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

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

**S.F. No. 2324:** A bill for an act relating to local government; providing for one additional chief deputy sheriff in the unclassified service in Hennepin county; amending Minnesota Statutes 1994, section 383B.32, subdivision 2.

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

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

**S.F. No. 2049:** A bill for an act relating to local government; providing for self executing special service district procedures in cities; amending Minnesota Statutes 1994, sections 428A.01, subdivisions 2 and 3; and 428A.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 428A.

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

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

**S.F. No. 2128:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds for metropolitan council regional parks; appropriating money.

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

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

**S.F. No. 1663:** A bill for an act relating to taxation; authorizing a study of the state and local fiscal system; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC EDUCATION AND RESEARCH ON STATE AND LOCAL FISCAL SYSTEM.]

Subdivision 1. [HUMPHREY INSTITUTE AND MINNESOTA EXTENSION SERVICE.]  
The Humphrey Institute of Public Affairs and the Minnesota extension service at the University of Minnesota will conduct public education and research on the state and local fiscal system in Minnesota.

Subd. 2. [PUBLIC EDUCATION AND RESEARCH OBJECTIVES.] The objectives of the public education and research program include:

(1) to use advanced telecommunications to conduct fiscal policy discussions with local elected officials and citizens statewide;

(2) to conduct research and develop fiscal policy options related to issues raised in those discussions;

(3) to identify, evaluate, and increase understanding of major state and local fiscal policy options;

(4) to explore the advantages and disadvantages of alternative fiscal policy proposals; and

(5) to provide feedback and recommendations on these issues to the legislature and governor.

The Humphrey Institute of Public Affairs and the Minnesota extension service will cooperate with other local and regional entities and the board of government innovation and cooperation in implementing this project.

Subd. 3. [CONFERENCE FOR LEGISLATORS; REPORT.] The Humphrey Institute of Public Affairs and the Minnesota extension service will present a conference for legislators by January

15, 1997. The conference will present findings from the project, including the information gathered at local and regional forums, and seek legislators' assessment of the issues and proposals.

The initial report under this section will be presented to the legislature by February 15, 1997.

Subd. 4. [APPROPRIATION.] \$60,000 is appropriated from the general fund to the Humphrey Institute of Public Affairs at the University of Minnesota to pay for the project described in this section for the biennium ending June 30, 1997."

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 1810:** A bill for an act relating to civil commitment; clarifying the authority of a peace or health officer to transport intoxicated persons to a treatment facility; amending Minnesota Statutes 1995 Supplement, section 253B.05, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [COMMUNITY ORIENTED CHEMICAL DEPENDENCY PILOT PROJECT ESTABLISHED.]

Hennepin county, in conjunction with local neighborhoods, shall establish a community oriented chemical dependency pilot project. The project shall take a comprehensive public health approach to the problem of chemical dependency, including the problems associated with crack cocaine, as it impacts certain neighborhoods.

Sec. 2. [COMPONENTS OF PILOT PROJECT.]

Subdivision 1. [OUTREACH AND ASSESSMENT.] The pilot project shall contain a street outreach and assessment program. The outreach and assessment shall be coordinated with the health worker, the community policing team, and neighborhood crime prevention units. The assessments shall be conducted under Minnesota Rules, parts 9530.6600 to 9530.6655, except that the requirements under Minnesota Rules, part 9530.6610, subpart 3, relating to the shared financial interest shall not apply. The assessor shall make a recommendation as to the duration and method of treatment.

Subd. 2. [CHEMICAL DEPENDENCY TREATMENT.] The pilot project shall contain efforts to direct persons into appropriate chemical dependency treatment using the criteria under Minnesota Rules, parts 9530.6600 to 9530.6655, except that the requirements under Minnesota Rules, part 9530.6610, subpart 3, relating to the shared financial interest shall not apply. The project shall specify that all participating third-party payors, including medical assistance, shall accept the assessment conducted under subdivision 1 and shall accept the duration and method of treatment recommended by the assessor. The pilot project shall include all measures to ensure that culturally appropriate treatment programs are utilized. The pilot project shall include efforts to address the other needs of persons undergoing treatment that may interfere with their ability to receive effective treatment, including housing, child care, and referrals to the maternal child substance abuse project as appropriate.

Subd. 3. [AFTER-CARE PROGRAM.] The pilot project shall contain an after-care program, including home-based services and assistance with education, jobs, child care, transportation, and housing.

Subd. 4. [COORDINATION WITH DRUG COURT.] The pilot project shall seek to coordinate efforts with the drug court initiatives being undertaken in Hennepin county.

Subd. 5. [EXPEDITED PROCESS.] The pilot project shall work with appropriate law enforcement officials to expedite the process of getting persons into appropriate chemical dependency treatment.

Sec. 3. [CRITERIA FOR PARTICIPATION.]

Hennepin county shall establish the criteria for determining the neighborhoods eligible to participate in the pilot project. Hennepin county shall consider factors in the neighborhood including crime reports, the number of repeat arrests, the number of arrests for narcotics laws violations, the number of drug-related homicides and violent crimes, the presence of community crime prevention block clubs, and the ability to work with the county.

Sec. 4. [FUNDING FOR TREATMENT.]

Persons participating in the pilot project under this section who require chemical dependency treatment shall utilize reimbursement from any health coverage the person has. If the person does not have health coverage, the person shall be eligible for funding under Minnesota Statutes, chapter 254B.

Sec. 5. [REPORT.]

By July 1, 1997, Hennepin county shall report to the legislature on the status of the pilot project. The report shall be compiled of information submitted by the neighborhoods participating in the pilot project. The report shall include recommendations on whether some of the appropriations for the pilot project should be directed to the drug court being developed in Hennepin or other counties.

Sec. 6. [APPROPRIATION.]

\$...... is appropriated from the general fund to Hennepin county to administer sections 1 to 5.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective upon approval by the governing body of Hennepin county under Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to health; establishing a chemical dependency pilot project in Hennepin county; appropriating money."

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

**Mr. Kelly from the Committee on Judiciary, to which was re-referred**

**S.F. No. 2148:** A bill for an act relating to utilities; holding members of a team of science advisors to study the effects of stray voltage in the earth immune from suit based on its report; indemnifying members for court costs.

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

Page 2, line 1, delete "January 1, 1996" and insert "the day following final enactment"

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 1888:** A bill for an act relating to human services; requiring notification of placement or adoption of a child to the other birth parent; requiring background checks for adoption; requiring affidavits for an emergency order requiring updates to adoption study; defining content of postplacement assessment and report; permitting court-ordered grandparent visitation with an adopted child; recognition of adoption which occurred in a foreign country; defining when adoption records shall become public records; amending Minnesota Statutes 1994, sections 245A.04, subdivision 10; 259.20, subdivision 2; 259.22, subdivision 4; 259.24, subdivision 2a;



259.41; 259.47, subdivisions 3, 6, 7, 8, and 10; 259.53, subdivision 2; 259.55, subdivision 1; 259.59, subdivision 1, and by adding a subdivision; 259.67, subdivision 7; 259.79, subdivision 3; 259.83, subdivision 3; and 259.89, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 259; repealing Minnesota Statutes 1994, section 259.47, subdivision 9.

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

Page 6, line 29, delete "are" and insert "is"

Page 6, line 31, delete "abuse" and insert "maltreatment"

Page 10, line 35, delete "(b)" and insert "(c)"

Page 13, line 6, delete "5a" and insert "2a"

Page 17, line 16, before the period, insert "and would not interfere with the parent and child relationship"

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 2067:** A bill for an act relating to marriage dissolution; eliminating a requirement that certain documents be acknowledged; amending Minnesota Statutes 1994, section 518.13, subdivision 5.

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 1798:** A bill for an act relating to statutes; limiting the scope of an instruction to the revisor; amending Laws 1995, chapter 189, section 8.

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 2435:** A bill for an act relating to courts; authorizing a judge who has resigned in good standing to be appointed to serve as a judge of any court; providing that the fee for the examination to be admitted to practice law be set by the supreme court; amending Minnesota Statutes 1994, section 2.724, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 481.01.

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

Page 1, line 15, delete "recalled" and insert "former"

Page 1, line 16, delete "shall" and insert "will"

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

**Mr. Kelly from the Committee on Judiciary, to which was referred**

**S.F. No. 2084:** A bill for an act relating to civil actions; establishing an evidentiary privilege for persons who preside at alternative dispute resolution; amending Minnesota Statutes 1994, section 595.02, by adding a subdivision.

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

Page 1, line 12, delete "shall be" and insert "is"

Page 1, line 19, delete "Civil Procedure" and insert "Professional Conduct"

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

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

**S.F. No. 2418:** A bill for an act relating to the legislative auditor; requiring procedures for the appointment process; clarifying audit jurisdiction; protecting privacy of certain audit data; clarifying responsible officers to prosecute violations of law and recover public money; granting rights to witnesses in audit investigations; amending Minnesota Statutes 1994, sections 3.97, subdivisions 4, 5, 9, and 11; 3.971; 3.972; 3.974; 3.975; 3.978; 10.48; 37.06; 37.07; 85A.02, subdivision 5c; 192.551; 256E.05, subdivision 3a; 268.12, subdivision 8; 352.03, subdivision 6; 353.03, subdivision 3a; 353A.05, subdivision 1; 354.06, subdivision 2a; 360.015, subdivision 19; 574.03; and 609.456; Minnesota Statutes 1995 Supplement, section 16B.42, subdivision 1; repealing Minnesota Statutes 1994, sections 3.973; 136A.29, subdivision 19; 256B.04, subdivision 11; 469.207, subdivision 1; and 574.02.

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

Page 5, after line 19, insert:

"Subd. 1c. If the head of an agency reports to the legislative auditor evidence of possible misconduct within the agency and requests an audit or investigation and the legislative auditor decides not to conduct an audit or investigation, the legislative auditor shall inform the legislative audit commission of the decision."

Page 8, line 35, after "organization" insert "or individual"

Page 27, delete section 23

Page 28, line 23, delete "and 574.02" and insert "574.02; and 574.03"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 14, delete "574.03;"

Page 1, line 18, delete "and"

Page 1, line 19, after "574.02" insert "; and 574.03"

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

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

**S.F. No. 1945:** A bill for an act relating to elevators; regulating persons who may do elevator work; amending Minnesota Statutes 1995 Supplement, sections 16B.747, subdivisions 1 and 2; and 16B.748; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Page 1, delete section 2

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

Page 3, line 15, delete "shall" and insert "may"

Page 3, line 24, delete "3" and insert "2"

Page 3, line 25, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "subdivisions" and insert "subdivision" and delete "and 2"

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

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

**S.F. No. 2088:** A bill for an act relating to the environment; authorizing the use of certain incinerators; expanding the eligible installation dates; amending Laws 1995, chapter 87, section 1.

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

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

**S.F. No. 2194:** A bill for an act relating to metropolitan government; modifying the metropolitan council cost allocation system for wastewater services; amending Minnesota Statutes 1994, sections 473.511, subdivision 4; and 473.517, subdivisions 1 and 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 473.511, subdivision 4, is amended to read:

Subd. 4. [CURRENT VALUE OF EXISTING FACILITIES.] When the council assumes the ownership of any existing interceptors or treatment works as provided in subdivision 2 or 3, the local government unit or units which paid part or all of the cost of such facility, directly or pursuant to contracts for reimbursement of costs, shall be entitled to receive a credit against amounts to be allocated to them under section 473.517, which may be spread over such period not exceeding 30 years as the council shall determine, and an additional credit equal to interest on the unused credit balance from time to time at the rate of four percent per annum. The amount of such credit shall equal the current value of the facility computed by the council in the manner provided in this subdivision at the time the council acquires it. The original cost of a facility shall be computed as the total actual costs of constructing it, including engineering, legal, and administrative costs, less any part of it paid from federal or state funds and less the principal amount of any then outstanding bonds which were issued to finance its construction. The original cost shall be multiplied by a factor equal to a current cost index divided by the same cost index at the time of construction, to determine replacement cost. The cost indices used shall be the Engineering News Record Construction Cost Indices for facilities or parts thereof completed before 1930, and the United States Public Health Service Federal Water Pollution Control Values for Sewer and Treatment Plant Construction, as applied to facilities or parts thereof completed in or after 1930. The current value of the facility shall be the replacement cost depreciated by 2.50 percent per annum from the date of construction of treatment works and 1.25 percent per annum from the date of construction of interceptors; and decreased further by a reasonable allowance for obsolescence if the council determines that the facility or any part thereof will not be useful for council purposes for at least the remaining period required to depreciate it fully, assuming no salvage value. The current value of each such facility shall be credited to each local government unit in proportion to the amount of the construction cost paid by that unit, as determined by the council, taking into account reimbursements previously made under contracts between any of the

local government units. The council shall prepare an itemized statement of the amount of credit each local government unit is entitled to receive under this subdivision, and the years and amounts of installments of principal and interest thereon, and shall cause it to be mailed or delivered to the governing body of each local government unit concerned. All credits allowed under this subdivision shall be used to finance ~~current~~ costs allocated to the local government unit by the council or for other sewer costs, and the credits shall not be considered as proceeds from the sale of municipal property so as to permit their use for other purposes. At its option, the council may make a periodic payment to each local government unit in the amount of the credits provided pursuant to this subdivision, in lieu of a credit against amounts to be allocated to such local government units under section 473.517.

Sec. 2. Minnesota Statutes 1994, section 473.517, is amended to read:

473.517 [ALLOCATION OF CURRENT COSTS.]

Subdivision 1. [~~CURRENT COSTS DEFINED ALLOCATION METHOD.~~] The estimated costs of operation, maintenance, and debt service of the metropolitan disposal system to be paid by the council in each fiscal year, and the costs of acquisition and betterment of the system which are to be paid during the year from funds other than bond proceeds, including all expenses incurred by the council pursuant to sections 473.501 to 473.545, ~~are referred to in this section as current costs, and shall be allocated in the budget for that year to the respective local government units in the metropolitan area as provided in subdivisions 2 to 6. The amount budgeted by the council for any year for a reserve or contingency fund must be treated as a current cost and allocated as a cost of operation and maintenance in accordance with this section. The reserve or contingency fund so established may not exceed an amount equal to 7.5 percent of the council's waste control operating budget in total shall be allocated among and paid by all local government units which will discharge sewage, directly or indirectly, into the metropolitan disposal system during the budget year according to an allocation method determined by the council. The allocated costs may include an amount for a reserve or contingency fund and an amount for cash flow management.~~

Subd. 2. [~~ALLOCATION OF METROPOLITAN TREATMENT WORKS AND INTERCEPTOR COSTS; ADJUSTED VOLUME.~~] Except as provided in subdivision 3, the current costs of all treatment works and interceptors in the metropolitan disposal system shall be allocated among and paid by all local government units which will discharge sewage, directly or indirectly, into the metropolitan disposal system during the budget year, in proportion to the total volume estimated to be so discharged by each local government unit, adjusted as follows:

(a) increased or decreased, as the case may be, to the extent the council determines, on the basis of such historical and reasonably projected data as may be available, that the sewage discharged by one unit will require more or less treatment to produce a suitable effluent than that discharged by others;

(b) decreased by any amount of surface water estimated by the council to be discharged by a local government unit from a combined storm and sanitary sewer system;

(c) increased by that volume of normal sanitary sewage which is equivalent for treatment purposes to the volume of surface water referred to in clause (b), as determined by the council from available engineering data; and

(d) increased or decreased, as the case may be, by the amount of any substantial and demonstrable error in a previous estimate.

Subd. 3. [~~ALLOCATION OF METROPOLITAN TREATMENT WORKS AND INTERCEPTOR COSTS; RESERVED CAPACITY.~~] In preparing each budget the council shall estimate the current costs of acquisition, betterment, and debt service, only, of the treatment works in the metropolitan disposal system which will not be used to total capacity during the budget year, and the percentage of such capacity which will not be used, and shall deduct the same percentage of such treatment works costs from the current costs allocated under subdivision 2. The council shall also estimate the current costs of acquisition, betterment, and debt service, only, of the interceptors in the metropolitan disposal system that will not be used to total capacity during the

~~budget year, shall estimate the percentage of the total capacity that will not be used, and shall deduct the same percentage of interceptor costs from the current costs allocated under subdivision 2. The total amount so deducted with respect to all treatment works and interceptors in the system shall be allocated among and paid by the respective local government units in the metropolitan area for which system capacity unused each year is reserved for future use, in proportion to the amounts of such capacity reserved for each of them.~~

~~Subd. 6. [DEFERMENT OF PAYMENTS.] The council may by resolution provide for the deferment of payment of all or part of the current allocated costs of acquisition, betterment, and debt service of estimated unused capacity which are allocated by the council to a local government unit in any year pursuant to subdivision 3, 1 repayable at such time or times as the council shall specify in the resolution, with interest at the approximate average annual rate borne by council bonds outstanding at the time of the deferment, as determined by the council. Such costs may be deferred only when the council determines that a substantial portion of the territory of a local government unit has not been connected to the metropolitan disposal system, and that the amount of such costs or some portion thereof is disproportionate to the available economic resources of the unit at the time. Such deferred costs shall be allocated to and paid by all local government units in the metropolitan area which will discharge sewage, directly or indirectly, into the metropolitan disposal system in the budget year for which the deferment is granted, in the same manner and proportions as current costs are allocated under subdivision 2 1. When such deferred costs are repaid they shall be applied in reduction of the total amount of costs thereafter allocated to each of the local government units to which such deferred costs were allocated in the year of deferment, in proportion to their allocations thereof that year.~~

~~Subd. 9. [ADVISORY COMMITTEES.] The council may establish and appoint persons to advisory committees to assist the council in the performance of its wastewater control duties. If established, the advisory committees shall meet with the council to consult with such members concerning the acquisition, betterment, operation and maintenance of interceptors and treatment works in the metropolitan disposal system, and the allocation of costs therefor. Members of the advisory committee serve without compensation but must be reimbursed for their reasonable expenses as determined by the council.~~

~~Sec. 3. Minnesota Statutes 1994, section 473.519, is amended to read:~~

~~473.519 [FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972; SYSTEM OF CHARGES.]~~

~~Each local government unit shall adopt a system of charges for the use and availability of the metropolitan disposal system which will assure that each recipient of waste treatment services within or served by the unit will pay its proportionate share of the current costs allocated to the unit by the council under section 473.517, as required by the federal Water Pollution Control Act amendments of 1972, and any regulations issued pursuant thereto. Each system of charges shall be adopted as soon as possible and shall be submitted to the council. The council shall review each system of charges to determine whether it complies with the federal law and regulations. If it determines that a system of charges does not comply, the adopting unit shall be notified and shall change its system to comply, and shall submit the changes to the council for review. All subsequent changes in a system of charges proposed by a local government unit shall also be submitted to the council for review.~~

~~Sec. 4. [APPLICATION.]~~

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

~~Sec. 5. [EFFECTIVE DATE.]~~

~~Section 1 is effective the day following final enactment. Sections 2 and 3 are effective January 1, 1997, for allocation of costs on and after that date."~~

~~Delete the title and insert:~~

"A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1994, sections 473.511, subdivision 4; 473.517; and 473.519."

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

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

**S.F. No. 1968:** A bill for an act relating to crime; increasing penalties for assaulting a firefighter or a provider of emergency medical services; amending Minnesota Statutes 1994, section 609.2231, subdivision 2, and by adding a subdivision.

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

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

**S.F. No. 2322:** A bill for an act relating to crime prevention; limiting the right to possess a pistol for persons convicted of violating an order for protection; limiting the right to possess a pistol for persons convicted of a stalking or harassment crime; requiring domestic abuse assessments; increasing the penalty for committing domestic assault in the presence of a minor; appropriating money; amending Minnesota Statutes 1994, sections 609.5316, subdivision 3; 609.749, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 518B.01, subdivision 14; 609.2242, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518B.

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

Pages 6 and 7, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1995 Supplement, section 609.224, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous conviction under this section, sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence for that conviction, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous conviction under this section or sections 609.221 to 609.2231, 609.2242, or 609.713 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

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

Sec. 4. Minnesota Statutes 1994, section 609.224, subdivision 4, is amended to read:

Subd. 4. [FELONY.] (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of two or more previous convictions under this section or sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, or 609.713, and the end of the five years following discharge from sentence for that conviction is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of two or more previous convictions under this section or sections 609.221 to 609.2231, 609.2242, or

609.713 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both."

Page 8, delete section 6

Page 9, line 1, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "appropriating money;"

Page 1, line 10, after "sections" insert "609.224, subdivision 4;"

Page 1, lines 12 and 13, delete "609.2242, subdivision 2" and insert "609.224, subdivision 2"

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

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

**S.F. No. 2365:** A bill for an act relating to metropolitan government; modifying a certain levy limitation for the metropolitan council; changing the contents of comprehensive plans; providing for distribution of funds from the livable communities demonstration account; authorizing the metropolitan council to issue bonds or notes for acquisition of property; amending Minnesota Statutes 1994, sections 473.859, subdivision 4, and by adding a subdivision; and 473.862, subdivision 1; Minnesota Statutes 1995 Supplement, sections 473.167, subdivision 3; 473.25; 473.253, subdivision 2; and 473.859, subdivision 1; Laws 1989, chapter 279, section 7, subdivision 6; repealing Minnesota Statutes 1995 Supplement, section 473.167, subdivision 3a.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 462.357, subdivision 2, is amended to read:

Subd. 2. [GENERAL REQUIREMENTS.] At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members. Except for local governments in the metropolitan area as provided in section 473.858, subdivision 1, if the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan.

Sec. 2. Minnesota Statutes 1995 Supplement, section 469.1782, subdivision 1, is amended to read:

Subdivision 1. [ELECTION.] (a) If a special law allows an extension of the duration limit of an existing tax increment financing district under section 469.176 or allows establishment of a new district with a longer duration limit than permitted by general law, the municipality must elect, by resolution, that the district is subject to either:

(1) the adjustment to adjusted net tax capacity for the school district under section 124.2131, subdivision 3a; or

(2) the reduction in state tax increment financing aid under section 273.1399, subdivision 8.

This election is irrevocable, except for districts for which the municipality receives a loan or grant under section 473.252 or 473.253 for use within the district, and must be made before the extension is submitted by the municipality to the school district for approval under subdivision 2.

If the municipality fails to make an election before submitting the matter to the school district, the municipality is deemed to have elected clause (2).

(b) If the municipality receives a loan or grant under section 473.252 or 473.253 for use within a district subject to the provisions of this section, the municipality may amend the election resolution to subject the district to the provisions of section 273.1399, subdivision 6, paragraph (d). The official action to modify the resolution must be held within 45 days of the award of the loan or grant. The municipality must notify the school district and county in which the district is located in writing at least ten days prior to the meeting to adopt the modified resolution.

Sec. 3. Minnesota Statutes 1995 Supplement, section 473.167, subdivision 2, is amended to read:

Subd. 2. [LOANS FOR ACQUISITION.] (a) The council may make loans to counties, towns, and statutory and home rule charter cities within the metropolitan area for the purchase of property within the right-of-way of a state trunk highway shown on an official map adopted pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed right-of-way of a principal or intermediate arterial highway designated by the council as a part of the metropolitan highway system plan and approved by the council pursuant to subdivision 1. The loans shall be made by the council, from the fund established pursuant to this subdivision, for purchases approved by the council. The loans shall bear no interest.

(b) The council shall make loans only:

(1) to accelerate the acquisition of primarily undeveloped property when there is a reasonable probability that the property will increase in value before highway construction, and to update an expired environmental impact statement on a project for which the right-of-way is being purchased;

(2) to avert the imminent conversion or the granting of approvals which would allow the conversion of property to uses which would jeopardize its availability for highway construction; ~~or~~

(3) to advance planning and environmental activities on highest priority major metropolitan river crossing projects, under the transportation development guide chapter/policy plan; or

(4) to take advantage of open market opportunities when properties become available for sale, provided all parties involved are agreeable to the sale and funds are available.

(c) The council shall not make loans for the purchase of property at a price which exceeds the fair market value of the property or which includes the costs of relocating or moving persons or property. The eminent domain process may be used to settle differences of opinion as to fair market value, provided all parties agree to the process.

(d) A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the council shall make the loan in installments corresponding to those in the purchase agreement. The recipient of an acquisition loan shall convey the property for the construction of the highway at the same price which the recipient paid for the property. The price may include the costs of preparing environmental documents that were required for the acquisition and that were paid for with money that the recipient received from the loan fund. Upon notification by the council that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the recipient shall sell the property at market value in accordance with the procedures required for the disposition of the property. All rents and other money received because of the recipient's ownership of the property and all proceeds from the conveyance or sale of the property shall be paid to the council. If a recipient is not permitted to include in the conveyance price the cost of preparing environmental documents that were required for the acquisition, then the recipient is not required to repay the council an amount equal to 40 percent of the money received from the loan fund and spent in preparing the environmental documents.

(e) The proceeds of the tax authorized by subdivision 3 and distributed to the right-of-way



acquisition loan fund pursuant to subdivision 3a, paragraph (a), all money paid to the council by recipients of loans, and all interest on the proceeds and payments shall be maintained as a separate fund. For administration of the loan program, the council may expend from the fund each year an amount no greater than three percent of the amount of the proceeds distributed to the right-of-way acquisition loan fund pursuant to subdivision 3a, paragraph (a), for that year.

Sec. 4. Minnesota Statutes 1994, section 473.167, subdivision 2a, is amended to read:

Subd. 2a. [HARDSHIP ACQUISITION AND RELOCATION.] (a) The council may make hardship loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway right-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the appraised fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The council may make hardship loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal or state financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway right-of-way or project as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359;

(4) the appraisal of council agrees to and approves the fair market value of the homestead property has been approved by the council. The council's, which approval shall not be unreasonably withheld; and

(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by the owner's employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.

(c) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.

(2) "Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres.

(3) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.

Sec. 5. Minnesota Statutes 1995 Supplement, section 473.167, subdivision 3, is amended to read:

Subd. 3. [TAX.] The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to subdivisions 2 and 2a and for the tax base revitalization account in the metropolitan livable communities fund, established under section 473.251. This tax for the right-of-way acquisition loan fund and the tax base revitalization account shall be certified by the council, levied, and collected in the manner provided by section 473.13. The tax shall be in addition to that authorized by section 473.249 and

any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, provided that

~~the property tax levied by the metropolitan council for the right-of-way acquisition loan fund and in 1996 and subsequent years for the tax base revitalization account shall not exceed the following amount for the years specified:~~

~~(a) for taxes payable in 1988, the product of 5/100 of one mill multiplied by the total assessed valuation of all taxable property located within the metropolitan area as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;~~

~~(b) for taxes payable in 1989, except as provided in section 473.249, subdivision 3, the product of (1) the metropolitan council's property tax levy limitation for the right-of-way acquisition loan fund for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan area divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan area;~~

~~(c) for taxes payable in 1990, an amount not to exceed \$2,700,000; and~~

~~(d) for taxes payable in 1991 and subsequent years, the product of (1) the metropolitan council's property tax levy limitation sum of the levies for the right-of-way acquisition loan fund and for the tax base revitalization account for the taxes payable in 1988 determined under clause (a) 1996 multiplied by (2) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan area for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan area for taxes payable in 1988 1996.~~

For the purpose of determining the metropolitan council's property tax levy limitation for the ~~right-of-way acquisition loan fund and tax base revitalization account in the metropolitan livable communities fund, under section 473.251, for the taxes payable year 1988 and subsequent years under this subdivision,~~ "total market valuation" means the total market valuation of all taxable property within the metropolitan area without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

Sec. 6. Minnesota Statutes 1994, section 473.167, subdivision 4, is amended to read:

Subd. 4. [STATE REVIEW.] The commissioner of revenue shall certify the council's levy limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for the ~~right-of-way acquisition loan fund tax base revitalization account~~ certified by the metropolitan council for levy following the adoption of its proposed budget is within the levy limitation imposed by this section. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculation.

Sec. 7. Minnesota Statutes 1995 Supplement, section 473.252, is amended to read:

473.252 [TAX BASE REVITALIZATION ACCOUNT.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "municipality" means a statutory or home rule charter city or town participating in the local housing incentives program under section 473.254, or a county in the metropolitan area.

Subd. 1a. [DEVELOPMENT AUTHORITY.] "Development authority" means a statutory or home rule charter city, housing and redevelopment authority, economic development authority, and a port authority.

Subd. 2. [SOURCES OF FUNDS.] The council shall credit to the tax base revitalization account within the fund the amount, if any, provided for under section 473.167, subdivision 3a, ~~paragraph (b) 3~~, and the amount, if any, distributed to the council under section 473F.08, subdivision 3b.

Subd. 3. [DISTRIBUTION OF FUNDS.] (a) The council must use the funds in the account to make grants to municipalities or development authorities for the cleanup of polluted land in the metropolitan area. A grant to a metropolitan county or a development authority must be used for a project in a participating municipality. The council shall prescribe and provide the grant application form to municipalities. The council must consider the probability of funding from other sources when making grants under this section.

(b)(1) The legislature expects that applications for grants will exceed the available funds and the council will be able to provide grants to only some of the applicant municipalities. If applications for grants for qualified sites exceed the available funds, the council shall make grants that provide the highest return in public benefits for the public costs incurred, that encourage commercial and industrial development that will lead to the preservation or growth of living-wage jobs and that enhance the tax base of the recipient municipality.

(2) In making grants, the council shall establish regular application deadlines in which grants will be awarded from the available money in the account. If the council provides for application cycles of less than six-month intervals, the council must reserve at least 40 percent of the receipts of the account for a year for application deadlines that occur in the second half of the year. If the applications for grants exceed the available funds for an application cycle, no more than one-half of the funds may be granted to projects in a statutory or home rule charter city and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

(c) A municipality may use the grant to provide a portion of the local match requirement for project costs that qualify for a grant under sections 116J.551 to 116J.557.

Sec. 8. Laws 1989, chapter 279, section 7, subdivision 6, is amended to read:

Subd. 6. [TERMINATION.] The advisory council ceases to exist when the actions required by ~~section 3, subdivision 3, and section 4~~ subdivision 2 are completed.

Sec. 9. [ISSUANCE OF BONDS OR NOTES FOR ACQUISITION OF PROPERTY.]

Subdivision 1. [BONDS; LOANS.] The council may borrow money or by resolution authorize the issuance of general obligation bonds or notes for the acquisition of any real property which the council determines is necessary for any proposed expansion of the Minneapolis-St. Paul International Airport.

Subd. 2. [PROCEDURE.] The bonds or notes shall be sold, issued, and secured in the manner provided in Minnesota Statutes, chapter 475, and the council shall have the same powers and duties as a municipality issuing bonds under that law, except that no election shall be required and the net debt limitations in Minnesota Statutes, chapter 475, shall not apply to such bonds or notes. The obligations are not a debt of the state or any other municipality or political subdivision within the meaning of any debt limitation or requirement pertaining to those entities. The bonds or notes may be sold at any price and at a public or private sale as determined by the council.

Subd. 3. [COST SHARING; DISPOSITION OF PROPERTY.] The council may enter into agreements with the metropolitan airports commission, any municipality in the metropolitan area, and any corporation, public or private, to share the costs of acquiring any real property which the council determines is necessary for any proposed expansion of the Minneapolis-St. Paul International Airport. If the council acquires real property pursuant to subdivision 2 and Minnesota Statutes, section 473.129, subdivision 7, which it subsequently determines is not needed for the expansion of the airport, the real property shall be sold in accordance with the council's procedures and the proceeds from the sale of the real property shall be used for debt service or retirement of any bonds or notes issued pursuant to subdivision 2.

Sec. 10. [BLOOMINGTON; TAX INCREMENT.]

Subdivision 1. [PUBLIC PURPOSE.] In 1985, the port authority of the city of Bloomington established a redevelopment tax increment financing district designated as tax increment financing district No. 1-G with boundaries consisting of a 31.9 acre parcel known as the Kelly property located at the northeast quadrant of 24th Avenue and East Old Shakopee Road in the city of Bloomington with the intention of financing certain redevelopment costs, including selected public improvements within the airport south industrial development district. The Kelly property was conveyed to the Mall of America Company by the port authority of the city of Bloomington, pursuant to the restated contract dated May 31, 1988, by and between the city of Bloomington, port authority of the city of Bloomington, and Mall of America Company, subject to the condition that the Mall of America Company commence construction of a subsequent phase of the Mall of America project on the site no later than 2002. If the Mall of America Company fails to commence construction of a subsequent phase of development on the Kelly property by 2002, ownership of the property reverts to the port authority of the city of Bloomington. The Minneapolis-St. Paul International Airport long-term comprehensive plan proposes construction of a north-south runway to guaranty future operation of the airport in a safe, efficient manner. Public acquisition of the Kelly property by the metropolitan airports commission will be required to facilitate construction of the north-south runway.

Subd. 2. [AUTHORIZATION.] The port authority of the city of Bloomington may amend the redevelopment tax increment financing district consisting of the Kelly property so that it shall, instead, consist of the met center property as identified in Minnesota Statutes, section 473.551, subdivision 12, upon satisfaction of the following conditions precedent:

(1) sale of the met center property from a metropolitan agency to the Mall of America Company or an entity comprising at least one partner of the Mall of America Company or an affiliate of such partner;

(2) approval by the city of Bloomington, port authority of the city of Bloomington, and Mall of America Company of amendments to the restated contract dated May 31, 1988, which transfer development rights and contract obligations from the Kelly property to the met center property;

(3) approval by the Minnesota environmental quality board of an environmental impact statement for the met center property and approval by the Minnesota pollution control agency of an indirect source permit for the met center property;

(4) approval by the city of Bloomington and port authority of the city of Bloomington of a final development plan for the met center property;

(5) an agreement by the owner-developer of the met center property, in a form satisfactory to the city of Bloomington and port authority of the city of Bloomington, to dedicate to the city of Bloomington land for rights-of-way and other public improvements required for a subsequent phase of the Mall of America project on the met center property;

(6) the metropolitan airports commission and the Mall of America Company have either:

(i) entered into a purchase agreement for the sale of the Kelly property; or

(ii) agreed, in writing, on development restrictions for use of the Kelly property which:

(A) limit the cost of acquisition or purchase of development restrictions by the metropolitan airports commission to the per acre cost of the met center property minus the value of any development rights which the Mall of America Company retains on the property; and

(B) permit the metropolitan airports commission to delay acquisition or purchase of development rights on the Kelly property until it has obtained all necessary state and federal environmental approvals for the proposed north-south runway and has authorized construction of the runway; and

(7) an agreement by the Mall of America Company not to sue or claim any damages against either the city of Bloomington or port authority of the city of Bloomington arising out of rezoning of the Kelly property pursuant to Minnesota Statutes, sections 360.061 to 360.074, or an amendment to the comprehensive plan of the city of Bloomington relating to the Kelly property.

The requirements of Minnesota Statutes, section 469.175, subdivision 4, do not apply to modification of the plan to provide for the substitution of legal descriptions authorized hereby. The original net tax capacity of the district shall be recertified in accordance with Minnesota Statutes, section 469.177, subdivision 1, upon amendment of the geographic boundaries of the district. The district shall continue in existence from its original date of creation and the amendment of the geographic boundaries of the district and recertification of original net tax capacity of the district shall not cause the application to the district of any provisions of law which would not otherwise be applicable to the district.

Subd. 3. [SPECIAL RULES.] (a) Tax increment may not be captured by the port authority from the tax increment financing district on the met center property after December 31, 2018, which is the date of termination of the tax increment financing district for the Kelly property.

(b) The provisions of Minnesota Statutes, section 273.1399, do not apply to the tax increment financing district on the met center property.

(c) The governing body of the city of Bloomington must elect the method of computation of tax increment specified in Minnesota Statutes, section 469.177, subdivision 3, paragraph (b), in the tax increment financing district on the met center property.

(d) Tax increments, assessments, and other revenues derived from the tax increment district on the met center property and any accumulated tax increments from the tax increment financing district on the Kelly property may be used to finance any expenditure in the airport south industrial development district authorized by Minnesota Statutes, section 469.176, subdivision 4, and identified in the tax increment plan for the tax increment financing district and the development plan for the airport south industrial development district.

Subd. 4. [ACQUISITION OF PROPERTY.] Notwithstanding any law to the contrary, the metropolitan airports commission is authorized to acquire or purchase the Kelly property consistent with the public purpose set forth in this law. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements, or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

Subd. 5. [LIMITATION ON USE OF TAX INCREMENT.] If the port authority of the city of Bloomington amends the redevelopment tax increment financing district from the Kelly property to the met center property, the owner of the met center property shall be bound by the limitations on public reimbursement for qualified public improvements as set forth in section 9.2(05) of the restated contract dated May 31, 1988, by and between the city of Bloomington, port authority of the city of Bloomington, and Mall of America Company.

#### Sec. 11. [TRANSFER.]

Subdivision 1. Notwithstanding Minnesota Statutes, section 473.167, the council may transfer a portion of the proceeds in the right-of-way acquisition loan fund to the planning assistance grant and loan program provided in Minnesota Statutes, section 473.867. By 2008, the council shall repay any amount transferred from the right-of-way acquisition loan fund using the proceeds of the tax authorized in Minnesota Statutes, section 473.249.

Subd. 2. In 1997, the council must use \$200,000 of any amount transferred in subdivision 1 to make grants of not more than \$20,000 each to municipalities for technical assistance to prepare a growth management strategy as part of the municipality's comprehensive plan. A growth management strategy may include principles such as: preservation of undeveloped open spaces for agricultural production, recreational use, and scenic enjoyment; creation of cohesive neighborhoods to establish local identity and community interaction; physical integration of natural open spaces, neighborhoods, and other districts in a manner that creates the highest and best value of all land in the community; and the establishment of a phasing plan to guide reasonable, incremental development of the community. Municipalities may apply for the grants in partnership with other municipalities or with a county. For the purposes of this subdivision "municipality" means any city or town in the metropolitan area as defined in Minnesota Statutes, section 473.121.

Sec. 12. [REPEALER.]

Minnesota Statutes 1994, section 473.167, subdivision 5, is repealed. Minnesota Statutes 1995 Supplement, section 473.167, subdivision 3a, is repealed.

Sec. 13. [APPLICATION.]

Sections 2 to 7, 9, and 11 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 9, 11, and 12 are effective the day following final enactment.

Section 10 is effective upon compliance by the governing body of the port authority of the city of Bloomington and the governing body of the city of Bloomington with Minnesota Statutes, section 645.021, subdivision 2."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for local zoning conformity in certain cases; modifying a certain levy limitation for the metropolitan council; allowing for distribution of funds from the tax base revitalization account to development authorities; providing for distribution of funds from the livable communities demonstration account; authorizing the metropolitan council to issue bonds; requiring a transfer between certain accounts of the council; amending Minnesota Statutes 1994, sections 462.357, subdivision 2; 473.167, subdivisions 2a and 4; Minnesota Statutes 1995 Supplement, sections 469.1782, subdivision 1; 473.167, subdivisions 2 and 3; and 473.252; Laws 1989, chapter 279, section 7, subdivision 6; repealing Minnesota Statutes 1994, section 473.167, subdivision 5; Minnesota Statutes 1995 Supplement, section 473.167, subdivision 3a."

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1789, 842, 2012, 1996, 2020, 2317, 2146, 1793, 2147, 2135, 1874, 1939, 1843, 2214, 1844, 247, 2283, 2053, 1895, 2066, 2332, 2219, 2419, 2324, 2148, 2067, 1798, 2435, 2084, 1945, 2088, 2194, 1968 and 2322 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1926 and 2150 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Beckman moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 1984. The motion prevailed.

Mr. Merriam moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 2019. The motion prevailed.

Mr. Spear moved that the name of Mr. Marty be added as a co-author to S.F. No. 2322. The motion prevailed.

Mr. Mondale moved that the name of Mr. Riveness be added as a co-author to S.F. No. 2365. The motion prevailed.

Ms. Pappas moved that the names of Messrs. Johnson, D.J. and Johnson, D.E. be added as co-authors to S.F. No. 2493. The motion prevailed.

Mr. Metzen moved that the names of Messrs. Solon and Johnson, D.J. be added as co-authors to S.F. No. 2534. The motion prevailed.

Ms. Anderson moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2538. The motion prevailed.

Ms. Anderson moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2539. The motion prevailed.

Mr. Scheevel moved that the name of Mr. Kramer be added as a co-author to S.F. No. 2543. The motion prevailed.

Mr. Sams moved that the name of Mr. Finn be added as a co-author to S.F. No. 2544. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Finn be added as a co-author to S.F. No. 2586. The motion prevailed.

Mr. Sams moved that the name of Mr. Dille be added as a co-author to S.F. No. 2612. The motion prevailed.

Mr. Scheevel moved that S.F. No. 2085 be withdrawn from the Committee on Health Care and returned to its author. The motion prevailed.

Ms. Wiener moved that S.F. No. 2344 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Metropolitan and Local Government. The motion prevailed.

Ms. Krentz moved that S.F. No. 2551 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

**Messrs. Stevens and Ourada introduced--**

**Senate Resolution No. 92:** A Senate resolution recognizing Ike Everson for outstanding efforts to save the life of his mother.

Referred to the Committee on Rules and Administration.

**Mr. Kleis introduced--**

**Senate Resolution No. 93:** A Senate resolution honoring Alcuin Ringsmuth for 38 years of public service as mayor of Waite Park.

Referred to the Committee on Rules and Administration.

Mr. Sams moved that S.F. No. 2310 be withdrawn from the Committee on Transportation and Public Transit and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Metzen moved that S.F. No. 2219, on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Mr. Kroening moved that his name be stricken as a co-author to S.F. No. 2389. The motion prevailed.

Mr. Solon moved that the name of Mr. Finn be added as a co-author to S.F. No. 2389. The motion prevailed.

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

### CALENDAR

**S.F. No. 1936:** A bill for an act relating to the state lottery; providing that the director may permit a lottery retailer to sell tickets at more than one location; eliminating the requirement that lottery retailers post a bond with the lottery; amending Minnesota Statutes 1994, section 349A.06, subdivisions 1, 3, and 11.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 1815:** A bill for an act relating to insurance; regulating the underwriting of life and health coverages for victims of domestic abuse; amending Minnesota Statutes 1994, section 72A.20, subdivision 8.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 1040:** A bill for an act relating to insurance; regulating the sale of long-term care insurance; amending Minnesota Statutes 1994, section 62A.49, subdivision 1; Minnesota Statutes 1995 Supplement, sections 62A.46, subdivision 2; and 62A.48, subdivision 1.

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

The question was taken on the passage of the bill.



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

Those who voted in the affirmative were:

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

Ms. Berglin voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 1909:** A bill for an act relating to highways; designating a portion of marked trunk highway No. 52 in Fillmore county as the "Amish Buggy Byway"; amending Minnesota Statutes 1994, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg and Oliver voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 1797:** A bill for an act relating to drivers' licenses; providing that certain license suspensions are not effective until 14 days after notice has been mailed to the licensee; restricting authority to suspend driver's license for petty misdemeanor traffic violations; amending Minnesota Statutes 1994, sections 169.797, by adding a subdivision; 169.92, subdivision 4; 170.24; 171.09; 171.16, by adding a subdivision; 171.18, subdivision 2; and 171.182, subdivision 3; Minnesota Statutes 1995 Supplement, section 171.18, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2166:** A bill for an act relating to capital improvements; permitting up to a 40-year term for certain bonds; amending Minnesota Statutes 1994, sections 429.091, subdivision 3; and 475.54, subdivisions 1 and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 1984:** A bill for an act relating to natural resources; modifying and adding to the list of canoe and boating routes; amending Minnesota Statutes 1995 Supplement, section 85.32, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Solon  
Spear

Stevens

Stumpf

Terwilliger

Wiener

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### CONSENT CALENDAR

**S.F. No. 2121:** A bill for an act relating to highways; designating the Czech Heritage Highway; amending Minnesota Statutes 1994, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Oliver and Ms. Wiener voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 1946:** A bill for an act relating to highways; designating POW/MIA Memorial Highway, Veterans Memorial Highway, and John Riley Memorial Drive; amending Minnesota Statutes 1994, section 161.14, by adding subdivisions.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Mr. Oliver voted in the negative.

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 153 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 153:** A bill for an act proposing an amendment to the Minnesota Constitution, article VIII, section 5; providing for recall of elected state officers.

Ms. Reichgott Junge moved to amend S.F. No. 153 as follows:

Page 1, line 12, before the period, insert "or for acts of serious ethical misconduct"

Page 1, line 22, before the comma, insert "or acts of serious ethical misconduct"

Page 2, line 10, before the question mark, insert "or for acts of serious ethical misconduct"

### CALL OF THE SENATE

Mr. Laidig imposed a call of the Senate for the balance of the proceedings on S.F. No. 153. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Laidig then moved that S.F. No. 153, on General Orders, be re-referred to the Committee on Ethics and Campaign Reform.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Kroening	Novak	Runbeck
Berg	Johnson, D.E.	Laidig	Oliver	Sams
Day	Johnston	Larson	Olson	Samuelson
Dille	Kiscaden	Lesewski	Ourada	Scheevel
Finn	Kleis	Lessard	Pariseau	Stevens
Frederickson	Knutson	Limmer	Pogemiller	Terwilliger
Hanson	Kramer	Neuville	Robertson	

Those who voted in the negative were:

Anderson	Flynn	Langseth	Pappas	Solon
Beckman	Hottinger	Marty	Piper	Spear
Berglin	Johnson, D.J.	Merriam	Price	Stumpf
Betzold	Johnson, J.B.	Metzen	Ranum	Vickerman
Chandler	Kelly	Moe, R.D.	Reichgott Junge	Wiener
Cohen	Krentz	Murphy	Riveness	

The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Messrs. Kleis, Frederickson, Scheevel and Ourada introduced--**

**S.F. No. 2652:** A bill for an act relating to metropolitan airports; limiting metropolitan council zoning approval authority; prohibiting construction by metropolitan airports commission of new major airport; requiring inclusion of noise mitigation plan in capital improvement plan; requiring metropolitan airports commission to report on development of existing airport; requiring legislative approval of proposed development; requiring soundproofing of buildings in 1996 65 Ldn contour; requiring design and construction of limited-access transitway along trunk highway No. 55; authorizing regional railroad authority to transfer funds for transitway; authorizing metropolitan council to purchase met center; appropriating money; amending Minnesota Statutes 1994, sections 473.155, by adding a subdivision; 473.608, subdivisions 2, 6 and 16; 473.614, subdivision 1; 473.616, subdivision 1; 473.618; 473.638, subdivision 1; and 473.661, subdivision 4; Laws 1989, chapter 279, section 7, subdivisions 2 and 6; repealing Minnesota Statutes 1994, sections 473.155, subdivisions 2, 3, and 4; 473.1551; 473.616, subdivisions 2, 3, and 4; 473.636; and 473.637.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Hottinger introduced--**

**S.F. No. 2653:** A bill for an act relating to human services; providing for anticipated reductions in federal money for various programs; permitting the conditions to be altered for disbursements under various programs; appropriating money.

Referred to the Committee on Health Care.

**Mr. Kramer and Ms. Reichgott Junge introduced--**

**S.F. No. 2654:** A bill for an act relating to education; establishing pupil units for basic skills summer school; amending Minnesota Statutes 1994, section 124.17, by adding a subdivision.

Referred to the Committee on Education.

**Mr. Hottinger introduced--**

**S.F. No. 2655:** A bill for an act relating to commerce; providing that state departments may not impose geographical limitations on issuance of licenses; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Samuelson introduced--**

**S.F. No. 2656:** A bill for an act relating to state lands; authorizing the conveyance of certain lots in Crow Wing and Morrison counties; amending Laws 1995, chapter 238, section 1, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**Mr. Solon introduced--**

**S.F. No. 2657:** A bill for an act relating to insurance; medicare supplement; providing eligibility without underwriting to certain disabled medicare enrollees; amending Minnesota Statutes 1995 Supplement, section 62A.31, subdivision 1h.

Referred to the Committee on Health Care.

**Mr. Stevens and Ms. Johnson, J.B. introduced--**

**S.F. No. 2658:** A bill for an act relating to capital improvements; appropriating money to restore the 1894 Kanabec county courthouse; authorizing the sale of state bonds.

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

**Mr. Beckman introduced--**

**S.F. No. 2659:** A bill for an act relating to the Minnesota historical society; appropriating money for a grant to Farmamerica.

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

**Messrs. Beckman and Metzen introduced--**

**S.F. No. 2660:** A bill for an act relating to veterans affairs; authorizing the placement of a plaque on the capitol grounds recognizing the service of veterans of the Persian Gulf war.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Piper introduced--**

**S.F. No. 2661:** A bill for an act relating to human services; establishing a kinship caregiver support program; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 256E.

Referred to the Committee on Family Services.

**Ms. Berglin introduced--**

**S.F. No. 2662:** A bill for an act relating to crime; clarifying the intent element of fraudulent transfers under the theft statute; amending Minnesota Statutes 1995 Supplement, section 609.52, subdivision 1.

Referred to the Committee on Crime Prevention.

**Messrs. Belanger; Johnson, D.J.; Ms. Olson, Mrs. Pariseau and Mr. Hottinger introduced--**

**S.F. No. 2663:** A bill for an act relating to taxation; property; providing for recovery of improperly claimed homestead benefits; amending Minnesota Statutes 1994, section 290A.25; Minnesota Statutes 1995 Supplement, section 273.124, subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Kramer, Kleis, Scheevel, Ourada and Laidig introduced--**

**S.F. No. 2664:** A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, article IV, sections 2 and 3, and by adding an article, to provide for congressional and legislative apportionments by a commission; implementing the proposed amendment by providing by law for the duties, powers, and operation of the commission; appropriating money; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 2A; repealing Minnesota Statutes 1994, sections 2.043; 2.053; 2.063; 2.073; 2.083; 2.093; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153; 2.163; 2.173; 2.183; 2.193; 2.203; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.303; 2.313; 2.323; 2.333; 2.343;

2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.423; 2.433; 2.443; 2.453; 2.463; 2.473; 2.483; 2.493; 2.503; 2.513; 2.523; 2.533; 2.543; 2.553; 2.563; 2.573; 2.583; 2.593; 2.603; 2.613; 2.623; 2.633; 2.643; 2.653; 2.663; 2.673; 2.683; 2.693; 2.703; 2.731; 2.742; 2.752; 2.762; 2.772; 2.782; 2.792; 2.802; and 2.812.

Referred to the Committee on Ethics and Campaign Reform.

**Messrs. Janezich; Johnson, D.J. and Lessard introduced--**

**S.F. No. 2665:** A bill for an act relating to economic development; allowing certain cities to turn over certain property taxes to their joint economic development association.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Sams, Samuelson, Solon, Ms. Hanson and Mr. Murphy introduced--**

**S.F. No. 2666:** A bill for an act relating to taxation; income; providing a credit for long-term care insurance premiums; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Metzen; Solon; Kleis; Johnson, D.E. and Terwilliger introduced--**

**S.F. No. 2667:** A bill for an act relating to crime; increasing penalties for certain drive-by shooting crimes; providing that a drive-by shooting resulting in death is first degree murder; increasing penalties for drive-by shootings that result in substantial or great bodily harm or that involve occupied buildings or motor vehicles; amending Minnesota Statutes 1994, section 609.66, subdivision 1e; Minnesota Statutes 1995 Supplement, section 609.185.

Referred to the Committee on Crime Prevention.

**Mses. Flynn, Ranum, Messrs. Kelly and Cohen introduced--**

**S.F. No. 2668:** A bill for an act relating to civil actions; creating a state court action for relief for damages caused by a federal court action that affects public participation by the plaintiff; proposing coding for new law in Minnesota Statutes, chapter 554.

Referred to the Committee on Judiciary.

**Ms. Runbeck introduced--**

**S.F. No. 2669:** A bill for an act relating to highways; mandating certain charges by road authorities for removing nonconforming mailbox installations and supports; amending Minnesota Statutes 1994, section 169.072, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

**Mr. Langseth introduced--**

**S.F. No. 2670:** A bill for an act relating to the city of Breckenridge; modifying tax increment financing requirements.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Cohen introduced--**

**S.F. No. 2671:** A bill for an act relating to retirement; allowing a purchase of service credit for certain members of the teachers retirement association who were on leave due to multiple sclerosis.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Cohen introduced--**

**S.F. No. 2672:** A bill for an act relating to courts; modifying the duties and powers of a referee for the duration of a family court block calendar pilot program.

Referred to the Committee on Judiciary.

**Mr. Cohen introduced--**

**S.F. No. 2673:** A bill for an act relating to courts; establishing the salary of the executive director of the board on judicial standards; amending Minnesota Statutes 1994, section 15A.083, subdivisions 4 and 6a.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Kelly introduced--**

**S.F. No. 2674:** A bill for an act relating to taxation; extending the St. Paul rental tax equity program; amending Laws 1994, chapter 587, article 5, section 27, subdivisions 1, 5, 6, 8, 9, and 10, as amended; and Laws 1995, chapter 264, article 3, section 45.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Sams and Stevens introduced--**

**S.F. No. 2675:** A bill for an act relating to agriculture; establishing the Minnesota dairy producers board; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

**Mses. Hanson, Krentz, Messrs. Metzen, Langseth and Larson introduced--**

**S.F. No. 2676:** A bill for an act relating to state government; providing for benefits and insurance for employees of entities established by the amateur sports commission; amending Minnesota Statutes 1994, section 240A.03, subdivision 13.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Merriam introduced--**

**S.F. No. 2677:** A bill for an act relating to crime; requiring the commencement of a criminal proceeding within seven days of the seizure of money or property under the administrative forfeiture law; amending Minnesota Statutes 1994, section 609.5314, subdivision 1.

Referred to the Committee on Crime Prevention.

**Mr. Janezich introduced--**

**S.F. No. 2678:** A bill for an act relating to economic security; modifying allocation of workforce investment funds; amending Minnesota Statutes 1994, section 268.022, subdivision 2.

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

**Ms. Berglin introduced--**



**S.F. No. 2679:** A bill for an act relating to medical assistance; establishing projects for recipients of services from intermediate care facilities for persons with mental retardation or related conditions.

Referred to the Committee on Health Care.

**Messrs. Hottinger and Metzen introduced--**

**S.F. No. 2680:** A bill for an act relating to state government; rulemaking; requiring the advice and comment from standing committees for certain agency rules.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Anderson introduced--**

**S.F. No. 2681:** A bill for an act relating to corrections; prohibiting the imprisonment of jail prisoners for failure to pay fines or other court costs; increasing the fine credits of jail prisoners who perform required labor; limiting the number of hours of required labor; reducing the penalty for insulting or otherwise interfering with a prisoner who is performing labor; amending Minnesota Statutes 1994, sections 641.07; and 641.10.

Referred to the Committee on Crime Prevention.

**Ms. Anderson and Mr. Marty introduced--**

**S.F. No. 2682:** A bill for an act relating to capital improvements; appropriating money for facilities for juveniles at risk of incarceration; authorizing the sale of state bonds.

Referred to the Committee on Crime Prevention.

**Mr. Murphy introduced--**

**S.F. No. 2683:** A bill for an act relating to gambling; authorizing certain expenditures of gambling funds for the acquisition of property to replace property under threat of acquisition by eminent domain; amending Minnesota Statutes 1995 Supplement, section 349.12, subdivision 25.

Referred to the Committee on Gaming Regulation.

**Mr. Murphy introduced--**

**S.F. No. 2684:** A bill for an act relating to drivers' licenses; providing conditions for validity of state contracts; requiring refund of license fee if a qualified applicant does not receive a license, duplicate license, permit, or identification card within six weeks of application; providing for issuance of license without regard to whether the fee has been refunded; requiring legislative audit commission to study driver's license and identification card program; amending Minnesota Statutes 1994, sections 16B.06, subdivision 2; 171.06, by adding a subdivision; and 171.07, subdivisions 1 and 3.

Referred to the Committee on Transportation and Public Transit.

**Ms. Berglin and Mr. Kroening introduced--**

**S.F. No. 2685:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds for metropolitan council regional parks; appropriating money.

Referred to the Committee on Environment and Natural Resources.

**Mr. Kelly introduced--**

**S.F. No. 2686:** A bill for an act relating to evidence; allowing the introduction of police reports as evidence in forcible entry and unlawful detentions actions to recover possession of premises; amending Minnesota Statutes 1994, section 566.07.

Referred to the Committee on Judiciary.

**Mr. Johnson, D.J. introduced--**

**S.F. No. 2687:** A bill for an act relating to county fee lands; ratifying certain sales of county fee lands in Lake county.

Referred to the Committee on Environment and Natural Resources.

**Mses. Anderson, Wiener, Messrs. Moe, R.D.; Murphy and Solon introduced--**

**S.F. No. 2688:** A bill for an act relating to education; appropriating money for a loan repayment assistance program.

Referred to the Committee on Education.

**Mses. Krentz; Johnson, J.B.; Mr. Betzold, Mses. Runbeck and Hanson introduced--**

**S.F. No. 2689:** A bill for an act relating to highways; requiring commissioner of transportation to provide incentives for use of I-394 parking ramp in Minneapolis by high-occupancy vehicles traveling on highways other than I-394; amending Minnesota Statutes 1994, section 161.1231, subdivision 2.

Referred to the Committee on Transportation and Public Transit.

**Ms. Pappas introduced--**

**S.F. No. 2690:** A bill for an act relating to capital improvements; appropriating money for a Minnesota women's suffrage memorial garden; authorizing the sale of state bonds.

Referred to the Committee on Finance.

**Mses. Pappas and Flynn introduced--**

**S.F. No. 2691:** A bill for an act relating to transportation; establishing transportation policy for the metropolitan area; requiring a performance audit of the metropolitan transportation system; expanding the metropolitan council's authority over metropolitan area highways; requiring the council to establish a community-based transit demonstration program; providing a service incentive for opt-outs; providing for legislative auditor to prepare a best practices report; requiring the council to prepare a transit redesign plan for 1997; requiring legislative report; appropriating money; amending Minnesota Statutes 1994, sections 174.03, subdivision 5; 473.167, subdivision 1; and 473.388, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation and Public Transit.

**Messrs. Sams and Samuelson introduced--**

**S.F. No. 2692:** A bill for an act relating to liquor; authorizing Wadena to issue a seasonal on-sale intoxicating liquor license.

Referred to the Committee on Commerce and Consumer Protection.

**Ms. Berglin introduced--**

**S.F. No. 2693:** A bill for an act relating to human services; extending injury protection to tribal injury JOBS programs; amending Minnesota Statutes 1995 Supplement, section 256.737, subdivision 7.

Referred to the Committee on Family Services.

**Mr. Johnson, D.E.; Ms. Lesewski, Messrs. Vickerman and Morse introduced--**

**S.F. No. 2694:** A bill for an act relating to agriculture; appropriating money for alfalfa research and development.

Referred to the Committee on Agriculture and Rural Development.

**Mr. Berg introduced--**

**S.F. No. 2695:** A bill for an act relating to education; establishing pupil units for learning year programs; amending Minnesota Statutes 1994, section 124.17, by adding a subdivision.

Referred to the Committee on Education.

**Mr. Berg introduced--**

**S.F. No. 2696:** A bill for an act relating to wildlife; providing for compensation to crop owners suffering agricultural crop damage; appropriating money; amending Minnesota Statutes 1994, sections 3.7371, subdivisions 1, 2, 5, and by adding subdivisions; and 97A.475, subdivision 4, and by adding a subdivision; Minnesota Statutes 1995 Supplement, section 3.7371, subdivision 3.

Referred to the Committee on Agriculture and Rural Development.

**Mr. Kelly introduced--**

**S.F. No. 2697:** A bill for an act relating to real estate; providing for a five-week redemption period for certain vacant property in certain cities; amending Minnesota Statutes 1994, sections 279.06, subdivision 1; 279.37, by adding a subdivision; and 281.17; proposing coding for new law in Minnesota Statutes, chapter 281.

Referred to the Committee on Judiciary.

**Mr. Cohen introduced--**

**S.F. No. 2698:** A bill for an act relating to agencies; providing for the right to extend a deadline with certain conditions; amending Minnesota Statutes 1995 Supplement, section 15.99, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

**Messrs. Chandler, Kroening and Frederickson introduced--**

**S.F. No. 2699:** A bill for an act relating to utilities; requiring correction of fee for storage of high-level radioactive waste or spent nuclear fuel; limiting amount spent on contracts for telecommunication relay systems; providing for development of midwest regulatory agreement regarding utilities; requiring investigation and legislative report on utility rate unbundling; amending Laws 1995, chapter 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

**Messrs. Stumpf, Vickerman, Langseth, Sams and Ms. Runbeck introduced--**

**S.F. No. 2700:** A bill for an act relating to civil actions; abolishing the apportionment of joint and several liability in certain cases; amending Minnesota Statutes 1994, section 604.02, subdivision 1.

Referred to the Committee on Judiciary.

**Mr. Oliver introduced--**

**S.F. No. 2701:** A resolution for an act memorializing the President and Congress to increase the federal minimum wage.

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

**Mr. Langseth introduced--**

**S.F. No. 2702:** A bill for an act relating to transportation; appropriating money for metropolitan area and transportation purposes.

Referred to the Committee on Transportation and Public Transit.

**Ms. Berglin introduced--**

**S.F. No. 2703:** A bill for an act relating to children; providing for standby guardians in certain cases; proposing coding for new law in Minnesota Statutes, chapter 525.

Referred to the Committee on Judiciary.

**Mr. Merriam introduced--**

**S.F. No. 2704:** A bill for an act relating to health; creating an exemption from the personal care assistant age requirement; amending Minnesota Statutes 1994, section 256B.0627, subdivision 1, as amended.

Referred to the Committee on Health Care.

**Mr. Price introduced--**

**S.F. No. 2705:** A bill for an act relating to education; providing for a demonstration program for job skills; appropriating money.

Referred to the Committee on Education.

**Mr. Price introduced--**

**S.F. No. 2706:** A bill for an act relating to education; providing for certain bus stops for school children in day care; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

**Ms. Lesewski, Messrs. Laidig and Berg introduced--**

**S.F. No. 2707:** A bill for an act relating to gambling; giving the gambling control board authority to issue or renew, or not revoke, a license in certain circumstances; amending Minnesota Statutes 1994, section 349.155, subdivision 3.

Referred to the Committee on Gaming Regulation.

**Mr. Stevens introduced--**

**S.F. No. 2708:** A bill for an act relating to retirement; adding governor's appointees to the pension commission; changing responsibilities of the pension commission; adding pension policy review responsibilities to the department of finance and the department of employee relations; adding actuarial audit responsibilities to the office of the legislative auditor; amending Minnesota Statutes 1994, sections 3.85, subdivisions 1, 3, 7, and 11; 6.72, subdivision 1; 11A.18, subdivisions 9 and 11; 16A.055, subdivision 5; 16A.11, subdivision 1, and by adding a subdivision; 69.051, subdivision 4; 69.77, subdivision 2h; 69.773, subdivision 2; 352.01, subdivision 12; 352.03, subdivision 6; 352.04, subdivision 3; 352.91, subdivision 4; 352.92, subdivision 2; 352B.02, subdivisions 1c and 1e; 353.03, subdivision 3a; 353.271, subdivision 2; 353A.02, subdivision 8; 353A.04, subdivision 7; 353A.05, subdivision 1; 353A.06; 353A.07, subdivision 6; 353A.09, subdivision 2; 353B.14; 353C.05, subdivision 3; 354.06, subdivision 2a; 354.42, subdivision 5; 354A.011, subdivision 3a; 354A.021, subdivision 7; 354A.12, subdivisions 2b, 3c, and 4; 354A.28, subdivision 9; 354A.41, subdivision 2; 356.20, subdivisions 3 and 4; 356.215, subdivisions 1, 2, 3, 4, 6, and 7; 356.217; 356.218, subdivisions 1 and 3; 356.22, subdivision 1; 356.23; 356.88; 422A.01, subdivision 6; 422A.04, subdivision 3; 422A.06, subdivisions 2 and 8; 422A.101, subdivisions 1, 1a, 2, 2a, and 3; 422A.15, subdivisions 2 and 3; 422A.23, subdivision 6; 423A.03; 423A.07; 423A.17; 423A.171; 423A.18; 423A.19, subdivision 4; 423B.15, subdivisions 2 and 5; and 490.124, subdivision 11; Minnesota Statutes 1995 Supplement, sections 3.85, subdivision 12; 354.05, subdivision 7; and 354A.27, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Anderson and Mr. Riveness introduced--**

**S.F. No. 2709:** A bill for an act relating to state government; requiring the commissioner of human rights to submit a plan to the legislature.

Referred to the Committee on Judiciary.

**Messrs. Morse, Sams, Beckman and Marty introduced--**

**S.F. No. 2710:** A bill for an act relating to agriculture; establishing a sustainable development of Minnesota agriculture program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

**Messrs. Metzen; Johnson, D.J.; Price; Hottinger and Ms. Olson introduced--**

**S.F. No. 2711:** A bill for an act relating to taxation; allowing a tax refund or credit on unsold pull-tabs or tipboard tickets; appropriating money; amending Minnesota Statutes 1994, section 297E.02, subdivisions 4 and 10.

Referred to the Committee on Taxes and Tax Laws.

**Ms. Pappas introduced--**

**S.F. No. 2712:** A bill for an act proposing an amendment to the Minnesota Constitution, article XIV, section 10, and by adding a section; providing for new motor fuel tax revenues to go to public transit, highways, or other transportation purposes as defined by law; prohibiting use of property tax revenues for transit purposes.

Referred to the Committee on Transportation and Public Transit.

**Mr. Novak and Ms. Johnson, J.B. introduced--**

**S.F. No. 2713:** A bill for an act relating to utilities; requiring reporting and reduction of

mercury emissions associated with electricity generation; creating incentive for developing mercury control technology; establishing revenue-neutral mercury emissions fee; making technical change; amending Minnesota Statutes 1994, section 273.13, subdivision 31; Minnesota Statutes 1995 Supplement, section 273.13, subdivision 24; proposing coding for new law in Minnesota Statutes, chapter 116.

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

**Messrs. Terwilliger and Spear introduced--**

**S.F. No. 2714:** A bill for an act relating to crime; changing the definition of great bodily harm; amending Minnesota Statutes 1994, section 609.02, subdivision 8.

Referred to the Committee on Crime Prevention.

**Mr. Day introduced--**

**S.F. No. 2715:** A bill for an act relating to education; authorizing a levy for special assessments for independent school district No. 204, Kasson-Mantorville.

Referred to the Committee on Education.

**Ms. Johnson, J.B. and Mr. Merriam introduced--**

**S.F. No. 2716:** A bill for an act relating to watercraft; modifying watercraft licensing fees; amending Minnesota Statutes 1994, section 86B.415, subdivisions 1, 2, 3, 4, 5, and 6.

Referred to the Committee on Environment and Natural Resources.

**Ms. Johnson, J.B. introduced--**

**S.F. No. 2717:** A bill for an act relating to crime prevention; establishing a one-year pilot project in the tenth judicial district to allow the detention of certain juveniles in county jails for up to eight days; requiring a report.

Referred to the Committee on Crime Prevention.

**Mr. Oliver introduced--**

**S.F. No. 2718:** A bill for an act relating to taxation; property; providing a freeze in estimated market value for homesteads owned by persons at least 65 years of age; amending Minnesota Statutes 1994, sections 273.11, subdivision 5, and by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 273.121; and 276.04, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Morse introduced--**

**S.F. No. 2719:** A bill for an act relating to agriculture; creating a program to acquire easements on agricultural lands that were previously in the federal conservation reserve program; authorizing the sale of bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103F.

Referred to the Committee on Environment and Natural Resources.

**Mr. Marty introduced--**

**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.10, subdivision 2; 204D.12; and 204D.13, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 204B.06, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

**Mr. Morse, Mses. Reichgott Junge, Pappas, Messrs. Merriam and Laidig introduced--**

**S.F. No. 2721:** A bill for an act relating to taxation; providing for an assessment on environmental emissions; providing for an education property tax levy reduction; providing for a refundable FICA credit; providing rulemaking authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 273; and 290; proposing coding for new law as Minnesota Statutes, chapter 216E.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Morse introduced--**

**S.F. No. 2722:** A bill for an act relating to education; changing definition of base year for special education revenue; amending Minnesota Statutes 1995 Supplement, section 124.3201, subdivision 1.

Referred to the Committee on Education.

**Mr. Morse introduced--**

**S.F. No. 2723:** A bill for an act relating to education; changing special education excess cost aid; amending Minnesota Statutes 1995 Supplement, section 124.323, subdivision 2.

Referred to the Committee on Education.

**Mr. Morse introduced--**

**S.F. No. 2724:** A bill for an act relating to economic security; providing for the settlement of extended employment program appeals; authorizing independent audits by extended employment program providers; appropriating money.

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

**Messrs. Merriam and Laidig introduced--**

**S.F. No. 2725:** A bill for an act relating to natural resources; modifying provisions relating to wetlands; appropriating money; amending Minnesota Statutes 1994, sections 103B.3355; 103F.612, subdivisions 2, 3, 5, 6, and 7; 103G.005, by adding subdivisions; 103G.222; 103G.2241; 103G.2242, subdivisions 1, 2, 4, 6, 7, 9, and 12; 103G.237, subdivision 4, and by adding a subdivision; 103G.2373; and 115.03, by adding a subdivision; repealing Minnesota Statutes 1994, section 103G.2242, subdivision 13.

Referred to the Committee on Environment and Natural Resources.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Neuville moved that S.F. No. 1867 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Cohen moved that S.F. No. 2403 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

**MEMBERS EXCUSED**

Messrs. Chmielewski and Mondale were excused from the Session of today. Mr. Morse and Ms. Pappas were excused from the Session of today from 11:00 to 11:35 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Wednesday, February 7, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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