

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

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SEVENTY-SECOND DAY

St. Paul, Minnesota, Thursday, February 1, 1996

The Senate met at 8:30 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. David Denzer.

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

Anderson	Hanson	Kroening	Murphy	Robertson
Beckman	Hottinger	Laidig	Neuville	Runbeck
Belanger	Janezich	Langseth	Novak	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	Mondale	Reichgott Junge	Wiener
Frederickson	Krentz	Morse	Riveness	

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

June 20, 1995

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

### CHAIR, BOARD OF WATER AND SOIL RESOURCES

Barbara Cobb, 2170 Itasca Ave. S., St. Mary's Point, Washington County, effective June 26, 1995, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Environment and Natural Resources.)

January 2, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

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

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

James Miller, 707 Mount Curve Blvd., St. Paul, Ramsey County, effective January 7, 1996, for a term expiring on the first Monday in January, 2000.

Mollie Thibodeau, 407 Wallace Ave., Duluth, St. Louis County, effective January 7, 1996, for a term expiring on the first Monday in January, 2000.

(Referred to the Committee on Education.)

January 5, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Deanna Fairbanks, R.R. 2, Box 227, Cass Lake, Beltrami County, effective January 10, 1996, for a term expiring on the first Monday in January, 2000.

(Referred to the Committee on Environment and Natural Resources.)

January 10, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF ANIMAL HEALTH

Dr. John Howe, D.V.M., 575 Trout Lake Rd., Grand Rapids, Itasca County, effective January 15, 1996, for a term expiring on the first Monday in January, 2000.

(Referred to the Committee on Agriculture and Rural Development.)

January 10, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Vivian E. Evans, Rt. 3, Box 9, Montevideo, Chippewa County, effective January 15, 1996, for a term expiring on the first Monday in January, 2000.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,  
Arne H. Carlson, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1846.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 31, 1996

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2007, 2330, 2401, 2513, 2150 and 2276.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 29, 1996

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1926.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 31, 1996

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 2007:** A bill for an act relating to human services; removing a restriction on the distribution of detoxification transportation funding grants to counties; amending Minnesota Statutes 1995 Supplement, section 254A.17, subdivision 3.

Referred to the Committee on Health Care.

**H.F. No. 2330:** A bill for an act relating to land use planning; requesting the St. Cloud area planning organization to assess and report on the land use planning and coordinating issues of the region.

Referred to the Committee on Metropolitan and Local Government.

**H.F. No. 2401:** A bill for an act relating to counties; Itasca; exempting the county from certain bidding requirements on the sale of the Itasca County Medical Center.

Referred to the Committee on Metropolitan and Local Government.

**H.F. No. 2513:** A bill for an act relating to economic development; authorizing port authorities to use certain provisions of the uniform municipal contracting law; amending Minnesota Statutes 1994, section 469.068, by adding a subdivision.

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

**H.F. No. 2150:** A bill for an act relating to liquor; authorizing the city of Stillwater to issue one additional on-sale license.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1823.

**H.F. No. 2276:** A bill for an act relating to state government; adding authority for the board of water and soil resources to accept and administer federal grants, donations, gifts, and other contributions to achieve authorized objectives of the agency; amending Minnesota Statutes 1994, sections 103B.101, subdivision 9; and 103C.401, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

**H.F. No. 1926:** A bill for an act relating to occupations; regulating the practice of dental hygiene; amending Minnesota Statutes 1994, sections 150A.05; 150A.06, subdivision 2; and 150A.10, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1719, now on General Orders.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1299 and the report pertaining to appointments. The motion prevailed.

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

**S.F. No. 1699:** A bill for an act relating to natural resources; prohibiting the obstruction or impedance of hunters, trappers, or anglers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 97A; repealing Minnesota Statutes 1994, section 97A.037.

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 17.4982, subdivision 8, is amended to read:

Subd. 8. [CONTAINMENT FACILITY.] "Containment facility" means a licensed facility for salmonids or catfish that complies with clauses (1), (3), and (4), or clauses (2), (3), and (4):

(1) disinfects its effluent to the standards in section 17.4991 before the effluent is discharged to public waters;

(2) does not discharge to public waters or to waters of the state directly connected to public waters;

(3) raises aquatic life that is not released into the wild and is kept in a facility approved by the commissioner unless processed for food consumption only;

(4) contains aquatic life requiring a fish health inspection prior to transportation.

Sec. 2. Minnesota Statutes 1994, section 17.4982, is amended by adding a subdivision to read:

Subd. 8a. [EMERGENCY ENZOOTIC DISEASE AREA.] "Emergency enzootic disease area" means an enzootic disease area that harbors an emergency fish disease. Trout, salmon, or catfish species are from an emergency enzootic disease area only if the individual species in question can carry one or more of the emergency fish disease pathogens present.

Sec. 3. Minnesota Statutes 1994, section 17.4982, subdivision 10, is amended to read:

Subd. 10. [ENZOOTIC DISEASE AREA.] "Enzootic disease area" means ~~a disease that is known to occur within an area with~~ well-defined geographic boundaries which harbors one or more certifiable disease pathogens.

Sec. 4. Minnesota Statutes 1994, section 17.4982, subdivision 17, is amended to read:

Subd. 17. [LOT.] "Lot" means a group of fish of the same species and age that originated from the same discrete spawning population and that always have shared a common water supply, or various age groups of adult brood stock of the same species ~~may comprise the same lot if they~~ that have shared the same containers for one brood cycle.

Sec. 5. Minnesota Statutes 1994, section 17.4982, subdivision 21, is amended to read:

Subd. 21. [STANDARD FACILITY.] "Standard facility" means a licensed facility ~~with a continual or intermittent discharge of effluent to public waters that is not a quarantine or containment facility.~~

Sec. 6. Minnesota Statutes 1994, section 17.4984, subdivision 2, is amended to read:

Subd. 2. [LISTED WATERS.] (a) An aquatic farm license must list:

(1) the specific waters of the state that may be used in connection with the licensed aquatic farm and the species approved for each licensed water; and

(2) whether aeration requiring a permit is approved.

Additional waters may not be used until they are approved by the commissioner.

(b) The right to use waters licensed for private fish hatchery or aquatic farm purposes may be transferred between licensees with prior approval by the commissioner if requirements for species to be raised are met. Waters that are continually connected by a permanent watercourse to other waters must not be approved for aquatic farm use, except that connected waters that are isolated from other waters may be licensed as a single water body. Waters that are intermittently connected or may become connected with other waters may be denied, or screening or other measures may be required to prevent passage of aquatic life. Listed waters may be changed on approval by the area fisheries supervisor or the commissioner.

(c) The commissioner shall conduct an inspection of waters to be licensed prior to approving or denying initial licensing of the waters.

(d) Waters containing game fish of significant public value may be denied licensing unless the applicant can demonstrate exclusive riparian control.

(e) Waters containing game fish of significant public value may be denied licensing unless the game fish of significant public value are, at the commissioner's option, sold to the licensee, removed for other state use by the department of natural resources, or disposed of as provided in writing by the commissioner.

(f) Waters licensed under an aquatic farm license may be aerated during open water periods without a separate aeration permit.

Sec. 7. Minnesota Statutes 1994, section 17.4984, subdivision 7, is amended to read:

Subd. 7. [NONPUBLIC RECORDS.] (a) Licensees must keep complete, up-to-date, nonpublic records of the operation of the aquatic farm. The records must ~~be kept~~ remain available for at least three years.

(b) The records must be in English and include the following information:

(1) for each species acquired, the number and pounds of fish or eggs acquired, names and addresses of the sources from which acquired, and the dates of receipt;

(2) for each species sold or disposed of, the number and pounds of fish sold or disposed of, the names and addresses of the purchasers or persons to whom the conveyances are made, and the dates of sale; and

(3) for fish sperm or viable eggs, the amount acquired or sold, the names and addresses of the sources from which acquired, the purchasers to whom conveyed, and the dates of purchase or sale.

(c) On or before March 1 of each year, the licensee shall submit a complete annual report on a form furnished by the commissioner, covering the quantity of all species sold or purchased in the preceding licensed year.

(d) An aquatic farmer shall maintain records for reasonable inspection by the commissioner. Information on aquatic life production, harvest, and sales is nonpublic information.

Sec. 8. Minnesota Statutes 1994, section 17.4985, subdivision 2, is amended to read:

Subd. 2. [BILL OF LADING.] (a) ~~A person may transport aquatic life except salmonids or catfish with~~ A completed state-issued bill of lading is required for:

(1) ~~intrastate transportation of aquatic life other than salmonids and catfish between licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the same species and of the proper classification for the aquatic life being transported if the aquatic life is being transported into a watershed where it is not currently present, if walleyes whose original source is south of marked state highway No. 210 are being transported to a facility north of marked state highway No. 210, or if the original source of the aquatic life is outside Minnesota and contiguous states; and~~

(2) stocking of waters other than public waters with aquatic life other than salmonids and catfish.

(b) When aquatic life is transported under paragraph (a), a copy of the bill of lading must be submitted to the regional fisheries manager at least 72 hours before the transportation.

(c) For transportation and stocking of waters that are not public waters:

(1) a bill of lading must be submitted to the regional fisheries manager 72 hours before transporting fish for stocking;

(2) a bill of lading must be submitted to the regional fisheries manager within five days after stocking if the waters to be stocked are confirmed by telecopy or telephone prior to stocking by the regional fisheries office not to be public waters; or

(3) a completed bill of lading may be submitted to the regional fisheries office by telecopy prior to transporting fish for stocking. Confirmation that the waters to be stocked are not public waters may be made by returning the bill of lading by telecopy or in writing, in which cases additional copies need not be submitted to the department of natural resources.

(d) Bill of lading forms may only be issued by the department of natural resources in St. Paul, and new bill of lading forms may not be issued until all previously issued forms have been returned.

Sec. 9. Minnesota Statutes 1994, section 17.4985, subdivision 3, is amended to read:

Subd. 3. [EXEMPTIONS FOR TRANSPORTATION PERMITS AND BILLS OF LADING.] (a) A state-issued bill of lading or transportation permit is not required by an aquatic farm licensee for importation, transportation, or export for the following:

(1) minnows taken under an aquatic farm license in this state and transported intrastate;

(2) aquarium or ornamental fish including goldfish and tropical, subtropical, and saltwater species that cannot survive in the waters of the state, which may be imported or transported if accompanied by shipping documents;

(3) fish or fish eggs that have been processed for use as food, bait, or other purposes unrelated to fish propagation;

(4) live fish from a licensed aquatic farm, which may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents;

(5) fish being exported if accompanied by shipping documents;

(6) sucker eggs, sucker fry, or fathead minnows transported intrastate for bait propagation or feeding of cultural aquatic life;

(7) species of fish that are found within the state used in connection with public shows, exhibits, demonstrations, or fishing pools for periods not exceeding 14 days; or

(8) fish being transported through the state if accompanied by shipping documents; or

(9) intrastate transportation of aquatic life between or within licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the ~~same species and of the proper facility classification for the aquatic life being transported~~, except where required in subdivision 2 and except that salmonids and catfish may only be transferred or transported intrastate without a transportation permit if they had no record of bacterial kidney disease at the time they were imported into the state and if ~~the most recent~~ they have had a fish health inspection since ~~importation~~ within the preceding year that has shown no certifiable diseases to be present.

Aquatic life being transferred between licensed private fish hatcheries, aquatic farms, or aquarium facilities must be accompanied by shipping documents and salmonids and catfish being transferred or transported intrastate without a transportation permit must be accompanied by a copy of their most recent fish health inspection.

(b) Shipping documents required under paragraph (a) must show the place of origin, owner or consignee, destination, number, and species.

Sec. 10. Minnesota Statutes 1994, section 17.4985, subdivision 4, is amended to read:

Subd. 4. [TRANSPORTATION PERMIT REQUIREMENTS.] (a) A transportation permit is required for all importation, transportation, or stocking of private aquatic life ~~not covered by:~~

(1) for which a bill of lading is not required under subdivision 2; or

(2) that is not exempted in subdivision 3.

(b) A transportation permit may be used for multiple shipments within the 30-day term for the permit if the source and the destination remains the same.

(c) Transportation permits, which may authorize importation or stocking of public waters, may be issued through department of natural resources regional offices or the St. Paul office, and must be obtained prior to shipment.

Sec. 11. Minnesota Statutes 1994, section 17.4986, is amended to read:

17.4986 [IMPORTATION OF AQUATIC LIFE.]

Subdivision 1. [IMPORTATION AND STOCKING RESTRICTIONS.] A person may not import fish into or stock fish in the state without first obtaining a transportation permit with a disease certification when required or a bill of lading from the commissioner, unless the person is exempted.

Subd. 2. [LICENSED FACILITIES.] (a) The commissioner shall issue transportation permits to import:

(1) indigenous and naturalized species except trout, salmon, and catfish from any source to a standard facility;

(2) trout, salmon, and catfish from a nonemergency enzootic disease area to a containment facility if the fish are certified within the previous year to be free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease may be imported into areas where the disease has been previously introduced; and

(3) trout, salmon, and catfish from a facility in a nonemergency enzootic disease area with a disease-free history of three years or more to a standard facility, except that eggs with enteric

redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease may be imported into areas where the disease has been previously introduced.

(b) If a source facility in a nonemergency enzootic disease area cannot demonstrate a history free from disease, aquatic life may only be imported into a quarantine facility.

Subd. 3. [EMERGENCY ENZOOTIC DISEASE AREA.] (a) Except as otherwise provided and except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease may be imported into areas where the disease has been previously introduced, fish may be imported from emergency disease enzootic disease areas only as fertilized eggs under the following conditions:

(1) to be imported into a standard facility, fertilized eggs must have a disease-free history for at least five years;

(2) to be imported into a containment facility, fertilized eggs must have a disease-free history for at least three years; or

(3) to be imported into a quarantine facility, fertilized eggs may have a disease-free history of less than three years.

~~(b) A hatchery inspection must occur at least once a year and fish must have been tested for all certifiable diseases. Fish health inspections under this subdivision must comply with section 17.4982, subdivision 12.~~

Subd. 4. [DISEASE-FREE HISTORY.] Disease-free histories required under this section must include the results of a fish health inspection. When disease-free histories of more than one year are required for importing salmonids or catfish, the disease history must be of consecutive years that include the year previous to, or the year of, the transportation request.

Sec. 12. Minnesota Statutes 1994, section 17.4988, subdivision 2, is amended to read:

Subd. 2. [AQUATIC FARMING LICENSE.] (a) The annual fee for an aquatic farming license is \$275.

(b) The aquatic farming license ~~must~~ may contain endorsements for the rights and privileges of the following licenses under the game and fish laws. The endorsement must be made upon payment of the license fee prescribed in section 97A.475 for the following licenses:

(1) minnow dealer license;

(2) minnow retailer license for sale of minnows as bait;

(3) minnow exporting license;

(4) minnow dealer helper license;

(5) aquatic farm vehicle endorsement, which includes a minnow dealer vehicle license, a minnow retailer vehicle license, an exporting minnow hauler vehicle license, and a fish vendor vehicle license;

(6) sucker egg taking license; and

(7) game fish packers license.

Sec. 13. Minnesota Statutes 1994, section 17.4988, subdivision 4, is amended to read:

Subd. 4. [AQUARIUM FACILITY.] (a) A person ~~may not operate~~ operating an aquarium facility ~~without~~ must have an aquarium facility license issued by the commissioner if the facility contains species of aquatic life which are present in waters of the state. The commissioner may require an aquarium facility license for aquarium facilities importing or holding species of aquatic life not present in Minnesota if those species can survive in waters of the state. The fee for an aquarium facility license is \$15.



(b) Game fish transferred by an aquarium facility must be accompanied by a receipt containing the information required on a shipping document by section 17.4985, subdivision 3, paragraph (b).

Sec. 14. Minnesota Statutes 1994, section 17.4991, subdivision 3, is amended to read:

Subd. 3. [FISH HEALTH INSPECTION.] (a) An aquatic farm propagating trout, salmon, or catfish and having an effluent discharge from the aquatic farm into public waters must have an annual a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to approved laboratory methods.

(b) A health inspection fee must be charged based on each lot of fish sampled. The fee by check or money order payable to the department of natural resources must be prepaid or paid at the time a bill or notice is received from the commissioner that the inspection and processing of samples is completed.

(c) Upon receipt of payment and completion of inspection, the commissioner shall notify the operator and issue a fish health certificate. The certification must be made according to the Fish Health Blue Book by a person certified as a fish health inspector.

(d) All aquatic life in transit or held at transfer stations within the state may be inspected by the commissioner. This inspection may include the collection of stock for purposes of pathological analysis. Sample size necessary for analysis will follow guidelines listed in the Fish Health Blue Book.

(e) Salmonids and catfish must have a fish health inspection before being transported from a containment facility, unless the fish are being transported directly to an outlet for processing or other food purposes or unless the commissioner determines that an inspection is not needed. A fish health inspection conducted for this purpose need only be done on the lot or lots of fish that will be transported. The commissioner must conduct a fish health inspection requested for this purpose within five working days of receiving written notice. Salmonids and catfish may be immediately transported from a containment facility to another containment facility once a sample has been obtained for a health inspection or once the five-day notice period has expired.

Sec. 15. Minnesota Statutes 1994, section 17.4992, subdivision 2, is amended to read:

Subd. 2. [RESTRICTION ON THE SALE OF GAME FISH.] (a) Except as provided in paragraphs (b) to (d), species of the family salmonidae or ictaluridae, except bullheads, must be free of certifiable diseases if sold for stocking or transfer to another aquatic farm,~~except that,~~

(b) Eggs with enteric redmouth, whirling disease, or furunculosis may be transferred between licensed facilities or stocked following treatment approved by the commissioner,~~and,~~

(c) Fish with bacterial kidney disease may be transferred between licensed facilities or stocked to in areas where the disease has been previously introduced.

(d) The commissioner may allow transfer between licensed facilities or stocking of fish with enteric redmouth or furunculosis when the commissioner determines that doing so would pose no threat to the state's aquatic resources.

Sec. 16. Minnesota Statutes 1994, section 17.4992, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION OF FISH FOR BROOD STOCK.] Game fish brood stock may be sold to private fish hatcheries or aquatic farms by the state at fair wholesale market value. ~~As a one-time purchase~~ For brood stock development, up to 20 pair of adults of each species requested may be provided to a licensee once every three years, if available, by the state through normal operations.

Sec. 17. Minnesota Statutes 1994, section 17.4993, subdivision 1, is amended to read:

Subdivision 1. [TAKING FROM PUBLIC WATERS.] A licensee may take minnow sperm, minnow eggs, and live minnows from public waters for aquatic farm purposes under an aquatic farm license, except that sucker eggs and sperm may only be taken with a sucker egg license endorsement as provided in section 17.4994.

Sec. 18. Minnesota Statutes 1995 Supplement, section 84.788, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; ISSUANCE; REPORTS.] (a) Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle and must be signed by at least one owner.

(b) A person who purchases from a retail dealer an off-highway motorcycle that is intended to be operated on public lands or waters shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration applications and fees to the deputy registrar at least once each week.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the motorcycle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period.

(d) The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of \$2 in addition to other fees prescribed by law is charged for each off-highway motorcycle registered by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

Sec. 19. Minnesota Statutes 1995 Supplement, section 84.922, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] (a) Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle and be signed by at least one owner.

(b) A person who purchases an all-terrain vehicle from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration application and fees to the deputy registrar at least once each week.

(c) Upon receipt of the application and the appropriate fee the commissioner or deputy registrar shall register the vehicle issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(e) (d) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of all-terrain vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(d) (e) A fee of \$2 in addition to other fees prescribed by law shall be charged for each vehicle registered by:

(1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and shall be deposited to the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

Sec. 20. Minnesota Statutes 1994, section 97C.203, is amended to read:

97C.203 [DISPOSAL OF STATE HATCHERY EGGS OR FRY.]

The commissioner shall dispose of game fish eggs and fry according to the following order of priorities:

(1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing; ~~and~~

(2) transfer to other government agencies or private fish hatcheries in exchange for fish to be stocked in waters of the state for recreational fishing;

(3) sale of fish eggs and fry to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates; and

(4) transfer to other government agencies for fish management and research purposes."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying provisions for aquatic farms, and recreational vehicles; amending Minnesota Statutes 1994, sections 17.4982, subdivisions 8, 10, 17, 21, and by adding a subdivision; 17.4984, subdivisions 2 and 7; 17.4985, subdivisions 2, 3, and 4; 17.4986; 17.4988, subdivisions 2 and 4; 17.4991, subdivision 3; 17.4992, subdivisions 2 and 3; 17.4993, subdivision 1; and 97C.203; Minnesota Statutes 1995 Supplement, sections 84.788, subdivision 3; and 84.922, 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. 1979:** A bill for an act relating to local government; limiting a certain exclusion from net debt to personal property transactions; amending Minnesota Statutes 1994, section 465.71.

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. 1852:** A bill for an act relating to capital improvements; authorizing the issuance of bonds to remodel a medical facility; appropriating money.

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

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

**S.F. No. 2115:** A bill for an act relating to the city of Duluth; authorizing the establishment of special service districts.

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. 1964:** A bill for an act relating to local government; authorizing a city or town to require certain information in applying for or as a condition of granting approval of permits required under official controls; amending Minnesota Statutes 1994, section 462.353, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 366.

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

Delete everything after the enacting clause and insert:

"Section 1. [366.125] [MAY MAKE APPLICANT CERTIFY THAT TAXES ARE PAID.]

The town board may require, either as part of the necessary information on an application or as a condition of a grant of approval, an applicant for an amendment, permit, or other approval required under a regulation established pursuant to sections 366.10 to 366.18 to certify that there are no delinquent property taxes, special assessments, penalties, and interest due on the parcel to which the application relates. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this section if all required payments due under the terms of the stipulation, order, confession of judgment, or appeal have been paid.

Sec. 2. [394.235] [MAY MAKE APPLICANT CERTIFY THAT TAXES ARE PAID.]

The county board may require, either as part of the necessary information on an application or as a condition of a grant of approval, an applicant for an amendment to an official control established pursuant to sections 394.21 to 394.37, or for a permit or other approval required under an official control established pursuant to those sections to certify that there are no delinquent property taxes, special assessments, penalties, and interest due on the parcel to which the application relates. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this subdivision if all required payments are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid.

Sec. 3. Minnesota Statutes 1994, section 462.353, is amended by adding a subdivision to read:

Subd. 5. [CERTIFY TAXES PAID.] A municipality may require, either as part of the necessary information on an application or as a condition of a grant of approval, an applicant for an amendment to an official control established pursuant to sections 462.351 to 462.364, or for a permit or other approval required under an official control established pursuant to those sections to certify that there are no delinquent property taxes, special assessments, penalties, interest, and municipal utility fees due on the parcel to which the application relates. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this subdivision if all required payments are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid."

Amend the title as follows:

Page 1, line 2, after "city" insert ", county,"

Page 1, line 8, delete "chapter" and insert "chapters" and before the period, insert "; and 394"

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

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

**S.F. No. 1622:** A bill for an act relating to insurance; fire; regulating failure to provide timely proof of loss; amending Minnesota Statutes 1994, section 65A.01, subdivision 3, and by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. [65A.296] [PROOF OF LOSS.]

Subdivision 1. [NOTICE FROM INSURER.] After receiving written notice of a claim by an insured on a homeowner's insurance policy, the insurer may notify the insured that the insurer may deny the claim unless a completed proof of loss is received by the insurer within 60 days of the date on which the written notice under this subdivision was received by the insured. The notice given by the insurer must be sent by certified mail, return receipt requested, and must include a proof of loss form to be completed by the insured.

Subd. 2. [FAILURE TO COMPLETE TIMELY PROOF OF LOSS.] In an action for the recovery of a claim on a homeowner's insurance policy, an insured's failure to comply with the 60-day proof of loss requirement:

(1) is a bar to recovery if the insured received the notice specified in subdivision 1, unless the insured demonstrates to the court's satisfaction that the insured had good cause for failing to comply;

(2) is not a bar to recovery if the insured did not receive the notice specified in subdivision 1, unless the insurer demonstrates to the court's satisfaction that its rights were prejudiced by the insured's failure to comply.

Subd. 3. [DEFINITIONS.] For purposes of this section, the terms "insurer" and "homeowner's insurance" have the meanings given them in section 65A.27.

Subd. 4. [EFFECT ON OTHER LAW.] This section supersedes any inconsistent provision of sections 65A.01, 72A.201, or other law.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective the day following final enactment, and applies to claims arising from losses occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; homeowner's; regulating proof of loss; proposing coding for new law in Minnesota Statutes, chapter 65A."

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

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

**S.F. No. 1981:** A bill for an act relating to commerce; regulating the enforcement powers of the commissioner; amending Minnesota Statutes 1994, section 45.027, subdivision 5, and by adding a subdivision.

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

Page 3, line 5, delete "required" and insert "requested"

Page 4, after line 6, insert:

"Sec. 3. Minnesota Statutes 1995 Supplement, section 325G.203, subdivision 11, is amended to read:

Subd. 11. [NONCONFORMITY.] "Nonconformity" means a specific condition or generic defect or malfunction, or a defect or condition that substantially impairs the use, value, or safety of an assistive device, but does not include a condition or defect that is the result of abuse or unauthorized modification or alteration of the assistive device by the consumer.

For those assistive devices regulated under section 153A.19, "nonconformity" does not include a condition of the device that is the result of normal use which could be resolved through fitting adjustments, cleaning, or proper care."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "clarifying the definition of nonconformity in respect of hearing aids;"

Page 1, line 5, before the period, insert "; Minnesota Statutes 1995 Supplement, section 325G.203, subdivision 11"

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

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

**S.F. No. 1823:** A bill for an act relating to liquor; authorizing the city of Stillwater to issue one additional on-sale license.

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

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

**S.F. No. 1873:** A bill for an act relating to health; expanding eligibility for the MinnesotaCare program; amending Minnesota Statutes 1995 Supplement, section 256.9354, subdivision 5.

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. 2061:** A resolution making a public apology to all persons with developmental disabilities who have been involuntarily committed to state institutions.

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

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

**S.F. No. 2097:** A bill for an act relating to state government; excepting certain contracts from certain contract management requirements; abolishing certain reports and providing for a comprehensive annual report by the department of economic security; providing a mission statement for the department of economic security; amending Minnesota Statutes 1994, sections 268.0122, subdivisions 3 and 4; and 268.65, subdivision 1; Minnesota Statutes 1995 Supplement, sections 16B.06, subdivision 2a; 268.0122, subdivision 6; 268.0124; 268.363; and 268.98, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1994, sections 268.367; 268.37, subdivision 5; and 268.38, subdivision 11; Minnesota Statutes 1995 Supplement, section 268.92, subdivision 10.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Report adopted.

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

**S.F. No. 1299:** A bill for an act relating to bilingual communication services; requiring the Spanish-speaking affairs council and the council on Asian-Pacific Minnesotans to report on coordination with the department of administration; requiring all public agencies that deal directly with non-English-speaking people to provide information and services in the language of the non-English-speaking people; amending Minnesota Statutes 1994, sections 3.9223, subdivision 7; 3.9226, subdivision 7; and 15.441.

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

Delete everything after the enacting clause and insert:

"Section 1. [COMMUNICATION SERVICES.]

Subdivision 1. [STATE AGENCIES; NON-ENGLISH SPEAKING PEOPLE.] Every state agency that is directly involved in furnishing information to the public, in rendering services to the public, or in the enforcement of state laws shall identify the languages of the non-English speaking people most frequently served by the agency. Each state agency shall appoint a person within the agency to serve as a liaison between the agency and the non-English speaking communities in the state. The appointed liaison shall work in cooperation with the Spanish-speaking affairs council, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the Indian affairs council, and other organizations that represent non-English speaking people in the state, to identify the languages of non-English speaking people most frequently served by the agency.

Subd. 2. [COMMUNICATION SERVICES PLAN.] Each state agency that is directly involved in furnishing information to the public, in rendering services to the public, or in the enforcement of state laws shall prepare a communication services plan to ensure provision of information and services in the languages spoken by a substantial number of non-English speaking people in Minnesota as defined in Minnesota Statutes, section 15.441. The plan must indicate the current status of the agency's compliance with section 15.441, the means to improve that status, the cost of current bilingual services and materials and an estimated cost of implementing each improvement.

Each agency shall submit its plan to the commissioner of administration and the attorney general by September 1, 1996.

Subd. 3. [REPORT.] The commissioner of administration and the attorney general shall review the reports submitted to them under subdivision 2 and shall comment on the agency communication services plans to the legislature by January 15, 1997."

Delete the title and insert:

"A bill for an act relating to bilingual communication services; requiring state agencies to appoint persons to serve as liaisons with non-English speaking people served by the agencies; directing agencies to prepare communication services plans; requiring the attorney general and the commissioner of administration to review and comment on the plans."

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

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

**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.

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

Page 1, line 13, 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."

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. 2054:** A bill for an act relating to traffic regulations; requiring driver to stop to yield right-of-way to pedestrian within crosswalk; increasing penalty for failure to yield to pedestrian in crosswalk; directing commissioner to include information pertaining to crosswalk right-of-way in driver's manual; requiring preparation and distribution of publicity concerning traffic regulations; amending Minnesota Statutes 1994, section 171.13, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 169.21, subdivision 2.

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

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

**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.

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

Page 1, line 18, 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."

Page 1, line 25, 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."

Page 2, line 3, delete "DRIVE" and insert "BOULEVARD"

Page 2, line 6, delete "Drive" and insert "Boulevard" and delete "The commissioner"

Page 2, delete lines 7 and 8 and 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."

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

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

**S.F. No. 2267:** A bill for an act relating to elections; prohibiting public employers other than the state from requiring employees to take leave of absence upon becoming a candidate for elective office; proposing coding for new law in Minnesota Statutes, chapter 179A.

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. 2124:** A bill for an act relating to human services; providing for a pilot project to coordinate community violence prevention programs for African American children; appropriating money.

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



Pages 1 and 2, delete section 1

Page 2, line 26, delete "shall" and insert "may"

Page 3, line 15, delete "(h)" and insert "(g)"

Page 3, line 23, delete everything after "appropriated"

Page 3, delete line 24

Page 3, line 25, delete everything before "from"

Page 3, line 27, delete "2" and insert "1"

Page 3, line 30, delete "to 3" and insert "and 2"

Renumber the sections in sequence

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

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

**S.F. No. 2340:** A bill for an act relating to crime prevention; defining the crime of motor vehicle operation resulting in bodily harm; prescribing penalties; amending Minnesota Statutes 1994, section 609.21, by adding a subdivision.

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

Page 1, line 10, delete the colon and insert a comma

Page 1, line 15, delete ".10" and insert "0.10"

Page 1, line 17, delete ".10" and insert "0.10" and after "more" insert a comma

Page 1, line 21, delete "and" and insert "or to payment of" and before "\$3,000" insert "not more than" and after "\$3,000" insert a comma

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. 2137:** A bill for an act relating to crime prevention; creating an intensive juvenile monitoring pilot program; providing for the use of college students to supervise juveniles who have committed or are at risk to commit status offenses or delinquent acts; appropriating money.

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

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

**S.F. No. 977:** A bill for an act relating to gambling; changing the pull-tab and tipboard tax; modifying the definition of lawful purpose in respect of compulsive gambling and real estate tax expenditures; increasing the number of bingo occasions an organization may hold in a week and clarifying the determination of bingo prizes; changing the term lawful gambling to nonprofit gambling; amending Minnesota Statutes 1994, sections 297E.02, subdivision 4; 297E.031, subdivisions 1 and 2; 349.12, subdivision 25; 349.166, subdivision 2; 349.17, subdivision 1; 349.191, subdivision 1a; and 349.211, subdivision 1; repealing Minnesota Statutes 1994, section 297E.17.

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 297E.02, subdivision 4, is amended to read:

Subd. 4. [PULL-TAB AND TIPBOARD TAX.] (a) A tax is imposed on the sale of each deal of pull-tabs and tipboards sold by a distributor. The rate of the tax is two percent of the ideal gross of the pull-tab or tipboard deal. The sales tax imposed by chapter 297A on the sale of the pull-tabs and tipboards by the distributor is imposed on the retail sales price less the tax imposed by this subdivision. The retail sale of pull-tabs or tipboards by the organization is exempt from taxes imposed by chapter 297A and is exempt from all local taxes and license fees except a fee authorized under section 349.16, subdivision 8.

(b) The liability for the tax imposed by this section is incurred when the pull-tabs and tipboards are delivered by the distributor to the customer or to a common or contract carrier for delivery to the customer, or when received by the customer's authorized representative at the distributor's place of business, regardless of the distributor's method of accounting or the terms of the sale.

The tax imposed by this subdivision is imposed on all sales of pull-tabs and tipboards, except the following:

- (1) sales to the governing body of an Indian tribal organization for use on an Indian reservation;
- (2) sales to distributors licensed under the laws of another state or of a province of Canada, as long as all statutory and regulatory requirements are met in the other state or province;
- (3) sales of promotional tickets as defined in section 349.12; and
- (4) pull-tabs and tipboards sold to an organization that sells pull-tabs and tipboards under the exemption from licensing in section 349.166, subdivision 2. A distributor shall require an organization conducting exempt gambling to show proof of its exempt status before making a tax-exempt sale of pull-tabs or tipboards to the organization. A distributor shall identify, on all reports submitted to the commissioner, all sales of pull-tabs and tipboards that are exempt from tax under this subdivision.

(c) A distributor having a liability of \$120,000 or more during a fiscal year ending June 30 must remit all liabilities in the subsequent calendar year by a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the tax is due. If the date the tax is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the tax is due.

(d) Any customer who purchases deals of pull-tabs or tipboards from a distributor may file an annual claim for a refund or credit of taxes paid pursuant to this subdivision for unsold pull-tab and tipboard tickets. The claim must be filed with the commissioner on a form prescribed by the commissioner by March 20 of the year following the calendar year for which the refund is claimed. The refund must be filed as part of the customer's February monthly return. The refund or credit is equal to two percent of the face value of the unsold pull-tab or tipboard tickets. The refund claimed will be applied as a credit against tax owing under this chapter on the February monthly return. If the refund claimed exceeds the tax owing on the February monthly return, that amount will be refunded. The amount refunded will bear interest pursuant to section 270.76 from 90 days after the claim is filed.

Sec. 2. Minnesota Statutes 1994, section 297E.02, subdivision 10, is amended to read:

Subd. 10. [REFUNDS; APPROPRIATION.] A person who has, under this chapter, paid to the commissioner an amount of tax for a period in excess of the amount legally due for that period, may file with the commissioner a claim for a refund of the excess. The amount necessary to pay the refunds under this subdivision and subdivision 4, paragraph (d), is appropriated from the general fund to the commissioner.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective for pull-tab and tipboard deals reported as being played on or after January 1, 1996."

Delete the title and insert:

"A bill for an act relating to gambling; allowing a tax refund or credit on unsold pull-tabs or tipboard tickets; amending Minnesota Statutes 1994, section 297E.02, subdivisions 4 and 10."

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. Berg from the Committee on Gaming Regulation, to which was re-referred**

**S.F. No. 560:** A bill for an act relating to taxation; providing for the determination of the amount of tax refunds to be paid to Indian tribal governments; amending Minnesota Statutes 1994, sections 270.60, subdivision 1; and 297.03, subdivision 4; repealing Minnesota Statutes 1994, section 270.60, subdivision 2.

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

**S.F. No. 2013:** A bill for an act relating to the environment; adopting changes to the Midwest Interstate Compact on Low-Level Radioactive Waste; making conforming changes; amending Minnesota Statutes 1994, sections 116C.831; 116C.832, subdivision 1, and by adding a subdivision; 116C.833, subdivision 2; 116C.834, subdivision 1, and by adding a subdivision; 116C.835, subdivision 6; 116C.836, subdivision 2; and 116C.842, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1994, sections 116C.832, subdivisions 2, 7, and 8; 116C.837; 116C.839; 116C.840, subdivision 3; 116C.841; 116C.842, subdivisions 1, 2, and 3; 116C.845; 116C.846; 116C.847; and 116C.848.

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

Page 13, line 8, after the semicolon, insert "and"

Page 33, line 14, after the semicolon, insert "or"

Page 41, line 2, after the semicolon, insert "or"

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. 2130:** A bill for an act relating to health; exempting certain community integrated service networks from providing the standard health maintenance organization benefit set; amending Minnesota Statutes 1994, section 62N.25, subdivision 5.

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

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

**S.F. No. 1875:** A bill for an act relating to health; eliminating certain health care taxes, surcharges, and assessments; establishing an assessment on hospitals, health maintenance organizations, integrated service networks, and community integrated service networks; appropriating money; amending Minnesota Statutes 1994, section 62E.11, subdivision 5; Minnesota Statutes 1995 Supplement, section 60A.15, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1994, section 62E.11, subdivision 6; Minnesota Statutes 1995 Supplement, sections 256.9657, subdivision 3; and 256B.19, subdivision 1b.

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 43A.317, subdivision 8, is amended to read:

Subd. 8. [PREMIUMS.] (a) [PAYMENTS.] Employers enrolled in the program shall pay premiums according to terms established by the commissioner. If an employer fails to make the required payments, the commissioner may cancel coverage and pursue other civil remedies.

(b) [RATING METHOD.] The commissioner shall determine the premium rates and rating method for the program. The rating method for eligible small employers must meet or exceed the requirements of chapter 62L. The rating methods must recover in premiums all of the ongoing costs for state administration and for maintenance of a premium stability and claim fluctuation reserve. Premiums must be established so as to recover and repay within five years after July 1, 1993, any direct appropriations received to provide start-up administrative costs. Premiums must be established so as to recover and repay within five years after July 1, 1993, any direct appropriations received to establish initial reserves.

(c) [TAXES AND ASSESSMENTS.] To the extent that the program operates as a self-insured group, the premiums paid to the program are not subject to the premium taxes imposed by sections 60A.15 and 60A.198, but the program is subject to a Minnesota comprehensive health association assessment health insurer assessment under section 62E.14 295.75.

Sec. 2. Minnesota Statutes 1994, section 60A.02, subdivision 3, is amended to read:

Subd. 3. [INSURANCE.] (a) "Insurance" is any agreement whereby one party, for a consideration, undertakes to indemnify another to a specified amount against loss or damage from specified causes, or to do some act of value to the assured in case of such loss or damage. A program of self-insurance, self-insurance revolving fund or pool established under section 471.981 is not insurance for purposes of this subdivision.

(b) Notwithstanding paragraph (a), capitation payments to a capitated entity by an employer that maintains a program of self-insurance described in this paragraph, do not constitute insurance with respect to the receipt of the payments. The payments are not premium revenues for the purpose of calculating liability for otherwise applicable state taxes, assessments, or surcharges, with the exception of:

- (1) the MinnesotaCare provider tax; and
- (2) the ~~one percent premium tax imposed in section 60A.15, subdivision 1, paragraph (d); and~~
- (3) ~~effective July 1, 1995, assessments by the Minnesota comprehensive health association~~ the health insurer assessment under section 295.75.

This paragraph applies only where:

- (1) the capitated entity does not bear risk in excess of 110 percent of the self-insurance program's expected costs;
- (2) the employer does not carry stop loss, excess loss, or similar coverage with an attachment point lower than 120 percent of the self-insurance program's expected costs;
- (3) the capitated entity and the employer comply with the data submission and administrative simplification provisions of chapter 62J;
- (4) the capitated entity and the employer comply with the provider tax pass-through provisions of section 295.582;
- (5) the capitated entity's required minimum reserves reflect the risk borne by the capitated entity under this paragraph, with an appropriate adjustment for the 110 percent limit on risk borne by the capitated entity;

(6) on or after July 1, 1994, but prior to January 1, 1995, the employer has at least 1,500 current employees, as defined in section 62L.02, or, on or after January 1, 1995, the employer has at least 750 current employees, as defined in section 62L.02;

(7) the employer does not exclude any eligible employees or their dependents, both as defined in section 62L.02, from coverage offered by the employer, under this paragraph or any other health coverage, insured or self-insured, offered by the employer, on the basis of the health status or health history of the person. For purposes of this subdivision, a capitated entity must be licensed as a health maintenance organization, integrated service network, or community integrated service network, or must be a preferred provider organization. For purposes of this section, a preferred provider organization is a health plan company that contracts with providers to provide health care to its enrollees. All other insurance as defined in paragraph (a), even if maintained by an employer that also offers programs of self-insurance, continues to be subject to all applicable state regulations.

This paragraph expires December 31, 1997.

Sec. 3. Minnesota Statutes 1995 Supplement, section 60A.15, subdivision 1, is amended to read:

Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES.] (a) On or before April 1, June 1, and December 1 of each year, every domestic and foreign company, including town and farmers' mutual insurance companies, domestic mutual insurance companies, and marine insurance companies, ~~health maintenance organizations, integrated service networks, community integrated service networks, and nonprofit health service plan corporations,~~ shall pay to the commissioner of revenue installments equal to one-third of the insurer's total estimated tax for the current year. Except as provided in ~~paragraphs~~ paragraph (d) and ~~(e)~~, installments must be based on a sum equal to two percent of the premiums described in paragraph (b).

(b) Installments under paragraph (a), ~~or (d), or (e)~~ are percentages of gross premiums less return premiums on all direct business received by the insurer in this state, or by its agents for it, in cash or otherwise, during such year.

(c) Failure of a company to make payments of at least one-third of either (1) the total tax paid during the previous calendar year or (2) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this section, unless the total tax for the current tax year is \$500 or less.

~~(d) For health maintenance organizations, nonprofit health services plan corporations, integrated service networks, and community integrated service networks, the installments must be based on an amount equal to one percent of premiums described in paragraph (b) that are paid after December 31, 1995.~~

~~(e)~~ (d) For purposes of computing installments for town and farmers' mutual insurance companies and for mutual property casualty companies with total assets on December 31, 1989, of \$1,600,000,000 or less, the following rates apply:

(1) for all life insurance, two percent;

(2) for town and farmers' mutual insurance companies and for mutual property and casualty companies with total assets of \$5,000,000 or less, on all other coverages, one percent; and

(3) for mutual property and casualty companies with total assets on December 31, 1989, of \$1,600,000,000 or less, on all other coverages, 1.26 percent.

~~(f)~~ (e) Premiums under medical assistance, the MinnesotaCare program, and the Minnesota comprehensive health insurance plan are not subject to tax under this section.

Sec. 4. Minnesota Statutes 1994, section 62C.01, subdivision 3, is amended to read:

Subd. 3. [SCOPE.] Every foreign or domestic nonprofit corporation organized for the purpose of establishing or operating a health service plan in Minnesota whereby health services are

provided to subscribers to the plan under a contract with the corporation shall be subject to and governed by Laws 1971, chapter 568, and shall not be subject to the laws of this state relating to insurance, except ~~section 60A.15~~ and as otherwise specifically provided. Laws 1971, chapter 568 shall apply to all health service plan corporations incorporated after August 1, 1971, and to all existing health service plan corporations, except as otherwise provided. Nothing in sections 62C.01 to 62C.23 shall apply to prepaid group practice plans. A prepaid group practice plan is any plan or arrangement other than a service plan, whereby health services are rendered to certain patients by providers who devote their professional effort primarily to members or patients of the plan, and whereby the recipients of health services pay for the services on a regular, periodic basis, not on a fee for service basis.

Sec. 5. Minnesota Statutes 1994, section 62D.02, subdivision 4, is amended to read:

Subd. 4. (a) "Health maintenance organization" means a nonprofit corporation organized under chapter 317A, or a local governmental unit as defined in subdivision 11, controlled and operated as provided in sections 62D.01 to 62D.30, which provides, either directly or through arrangements with providers or other persons, comprehensive health maintenance services, or arranges for the provision of these services, to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee.

(b) Notwithstanding paragraph (a), an organization licensed as a health maintenance organization that accepts payments for health care services on a capitated basis, or under another similar risk sharing agreement, from a program of self-insurance as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a health maintenance organization with respect to the receipt of the payments. The payments are not premium revenues for the purpose of calculating the health maintenance organization's liability for otherwise applicable state taxes, assessments, or surcharges, with the exception of:

- (1) the MinnesotaCare provider tax; and
- (2) the ~~one percent premium tax imposed in section 60A.15, subdivision 1, paragraph (d); and~~
- (3) ~~effective July 1, 1995, assessments by the Minnesota comprehensive health association~~ the health maintenance organization assessment under section 256.9658.

This paragraph applies only where:

- (1) the health maintenance organization does not bear risk in excess of 110 percent of the self-insurance program's expected costs;
- (2) the employer does not carry stop loss, excess loss, or similar coverage with an attachment point lower than 120 percent of the self-insurance program's expected costs;
- (3) the health maintenance organization and the employer comply with the data submission and administrative simplification provisions of chapter 62J;
- (4) the health maintenance organization and the employer comply with the provider tax pass-through provisions of section 295.582;
- (5) the health maintenance organization's required minimum reserves reflect the risk borne by the health maintenance organization under this paragraph, with an appropriate adjustment for the 110 percent limit on risk borne by the community network;
- (6) on or after July 1, 1994, but prior to January 1, 1995, the employer has at least 1,500 current employees, as defined in section 62L.02, or, on or after January 1, 1995, the employer has at least 750 current employees, as defined in section 62L.02;
- (7) the employer does not exclude any eligible employees or their dependents, both as defined in section 62L.02, from coverage offered by the employer, under this paragraph or any other health coverage, insured or self-insured, offered by the employer, on the basis of the health status or health history of the person.

This paragraph expires December 31, 1997.

Sec. 6. Minnesota Statutes 1994, section 62D.181, subdivision 8, is amended to read:

Subd. 8. [CLAIMS EXPENSES EXCEEDING PREMIUMS.] Claims expenses resulting from the operation of this section which exceed premiums received shall be borne by contributing members of the association in accordance with section 62E.11, subdivision 5.

Sec. 7. Minnesota Statutes 1994, section 62E.02, subdivision 23, is amended to read:

Subd. 23. [CONTRIBUTING MEMBER.] "Contributing member" means those companies regulated under chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance; health maintenance organizations regulated under chapter 62D; nonprofit health service plan corporations regulated under chapter 62C; integrated service networks and community integrated service networks regulated under chapter 62N; fraternal benefit societies regulated under chapter 64B; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; and joint self-insurance plans regulated under chapter 62H. For the purposes of determining liability of contributing members pursuant to section 62E.11 payments received from or on behalf of Minnesota residents for coverage by a health maintenance organization, integrated service network, or community integrated service network shall be considered to be accident and health insurance premiums.

Sec. 8. Minnesota Statutes 1994, section 62E.11, subdivision 5, is amended to read:

Subd. 5. Each contributing member of the association shall share the Losses due to claims expenses which exceed premium payments allocated to the payment of benefits of the comprehensive health insurance plan for plans issued or approved for issuance by the association, and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs. Claims expenses of the state plan which exceed the premium payments allocated to the payment of benefits shall be the liability of the contributing members. Contributing members shall share in the claims expense of the state plan and operating and administrative expenses of the association in an amount equal to the ratio of the contributing member's total accident and health insurance premium, received from or on behalf of Minnesota residents as divided by the total accident and health insurance premium, received by all contributing members from or on behalf of Minnesota residents, as determined by the commissioner. Payments made by the state to a contributing member for medical assistance or general assistance medical care services according to chapters 256B and 256D shall be excluded when determining a contributing member's total premium shall be paid to the association out of the general fund. The commissioner of finance shall make quarterly payments on the last day of each quarter. The first payment shall be made on September 30, 1996. The association shall provide to the commissioner any data requested by the commissioner to verify the accuracy and reasonableness of claims expenses and operating and administrative expenses.

Sec. 9. Minnesota Statutes 1994, section 62N.02, subdivision 4a, is amended to read:

Subd. 4a. [COMMUNITY INTEGRATED SERVICE NETWORK.] (a) "Community integrated service network" or "community network" means a formal arrangement licensed by the commissioner under section 62N.25 for providing prepaid health services to enrolled populations of 50,000 or fewer enrollees, including enrollees who are residents of other states.

(b) Notwithstanding paragraph (a), an organization licensed as a community network that accepts payments for health care services on a capitated basis, or under another similar risk sharing agreement, from a program of self-insurance as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a community network with respect to the receipt of the payments. The payments are not premium revenues for the purpose of calculating the community network's liability for otherwise applicable state taxes, assessments, or surcharges, with the exception of:

(1) the MinnesotaCare provider tax; and

(2) the one percent premium tax imposed in section 60A.15, subdivision 1, paragraph (d); and

~~(3) effective July 1, 1995, assessments by the Minnesota comprehensive health association the health maintenance organization assessment under section 256.9658.~~

This paragraph applies only where:

(1) the community network does not bear risk in excess of 110 percent of the self-insurance program's expected costs;

(2) the employer does not carry stop loss, excess loss, or similar coverage with an attachment point lower than 120 percent of the self-insurance program's expected costs;

(3) the community network and the employer comply with the data submission and administrative simplification provisions of chapter 62J;

(4) the community network and the employer comply with the provider tax pass-through provisions of section 295.582;

(5) the community network's required minimum reserves reflect the risk borne by the community network under this paragraph, with an appropriate adjustment for the 110 percent limit on risk borne by the community network;

(6) on or after July 1, 1994, but prior to January 1, 1995, the employer has at least 1,500 current employees, as defined in section 62L.02, or, on or after January 1, 1995, the employer has at least 750 current employees, as defined in section 62L.02;

(7) the employer does not exclude any eligible employees or their dependents, both as defined in section 62L.02, from coverage offered by the employer, under this paragraph or any other health coverage, insured or self-insured, offered by the employer, on the basis of the health status or health history of the person.

This paragraph expires December 31, 1997.

Sec. 10. Minnesota Statutes 1994, section 62N.02, subdivision 8, is amended to read:

Subd. 8. [INTEGRATED SERVICE NETWORK.] (a) "Integrated service network" means a formal arrangement permitted by this chapter and licensed by the commissioner for providing health services under this chapter to enrollees for a fixed payment per time period. Integrated service network does not include a community integrated service network.

(b) Notwithstanding paragraph (a), an organization licensed as an integrated service network that accepts payments for health care services on a capitated basis, or under another similar risk sharing agreement, from a program of self-insurance as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as an integrated service network with respect to the receipt of the payments. The payments are not premium revenues for the purpose of calculating the integrated service network's liability for otherwise applicable state taxes, assessments, or surcharges, with the exception of:

(1) the MinnesotaCare provider tax; and

~~(2) the one percent premium tax imposed in section 60A.15, subdivision 1, paragraph (d); and~~

~~(3) effective July 1, 1995, assessments by the Minnesota comprehensive health association the health maintenance organization assessment under section 256.9658.~~

This paragraph applies only where:

(1) the integrated service network does not bear risk in excess of 110 percent of the self-insurance program's expected costs;

(2) the employer does not carry stop loss, excess loss, or similar coverage with an attachment point lower than 120 percent of the self-insurance program's expected costs;

(3) the integrated service network and the employer comply with the data submission and administrative simplification provisions of chapter 62J;



(4) the integrated service network and the employer comply with the provider tax pass-through provisions of section 295.582;

(5) the integrated service network's required minimum reserves reflect the risk borne by the integrated service network under this paragraph, with an appropriate adjustment for the 110 percent limit on risk borne by the integrated service network;

(6) on or after July 1, 1994, but prior to January 1, 1995, the employer has at least 1,500 current employees, as defined in section 62L.02, or, on or after January 1, 1995, the employer has at least 750 current employees, as defined in section 62L.02;

(7) the employer does not exclude any eligible employees or their dependents, both as defined in section 62L.02, from coverage offered by the employer, under this paragraph or any other health coverage, insured or self-insured, offered by the employer, on the basis of the health status or health history of the person.

This paragraph expires December 31, 1997.

Sec. 11. [256.9658] [ASSESSMENT; PAYMENT; DISPOSITION OF FUNDS.]

Subdivision 1. [HEALTH MAINTENANCE ORGANIZATION; INTEGRATED SERVICE NETWORK ASSESSMENT.] (a) Effective July 1, 1996, each health maintenance organization with a certificate of authority issued by the commissioner of health under chapter 62D and each integrated service network and community integrated service network licensed by the commissioner under chapter 62N shall pay to the commissioner of human services an assessment equal to 2.2 percent of the total premium revenues of the health maintenance organization, integrated service network, or community integrated service network as reported to the commissioner of health according to the schedule in subdivision 3.

(b) For purposes of this subdivision, total premium revenue means:

(1) premium revenue recognized on a prepaid basis from individuals and groups for provision of a specified range of health services over a defined period of time which is normally one month, excluding premiums paid to a health maintenance organization, integrated service network, or community integrated service network from the Federal Employees Health Benefit Program;

(2) premiums from Medicare wrap-around subscribers for health benefits which supplement Medicare coverage;

(3) Medicare revenue, as a result of an arrangement between a health maintenance organization, an integrated service network, or a community integrated service network and the health care financing administration of the federal Department of Health and Human Services, for services to a Medicare beneficiary; and

(4) medical assistance revenue, as a result of an arrangement between a health maintenance organization, integrated service network, or community integrated service network and a Medicaid state agency, for services to a medical assistance beneficiary.

If advance payments are made under clause (1) or (2) to the health maintenance organization, integrated service network, or community integrated service network for more than one reporting period, the portion of the payment that has not yet been earned must be treated as a liability.

(c) When a health maintenance organization or an integrated service network or community integrated service network merges or consolidates with or is acquired by another health maintenance organization, integrated service network, or community integrated service network, the surviving corporation or the new corporation shall be responsible for the annual assessment originally imposed on each of the entities or corporations subject to the merger, consolidation, or acquisition, regardless of whether one of the entities or corporations does not retain a certificate of authority under chapter 62D or a license under chapter 62N.

(d) Effective July 1 of each year, the surviving corporation's or the new corporation's assessment shall be based on the revenues earned in the second previous calendar year by all of

the entities or corporations subject to the merger, consolidation, or acquisition regardless of whether one of the entities or corporations does not retain a certificate of authority under chapter 62D or a license under chapter 62N until the total premium revenues of the surviving corporation include the total premium revenues of all the merged entities as reported to the commissioner of health.

(e) When a health maintenance organization, integrated service network, or community integrated service network, which is subject to liability for the assessment under this section, transfers, assigns, sells, leases, or disposes of all or substantially all of its property or assets, liability for the assessment imposed by this section is imposed on the transferee, assignee, or buyer of the health maintenance organization, integrated service network, or community integrated service network.

(f) In the event a health maintenance organization, integrated service network, or community integrated service network converts its licensure to a different type of entity subject to liability for the assessment under this section, but survives in the same or substantially similar form, the surviving entity remains liable for the assessment regardless of whether one of the entities or corporations does not retain a certificate of authority under chapter 62D or a license under chapter 62N.

(g) The assessment on a health maintenance organization, integrated service network, or community integrated service network ends when the entity ceases providing services for premiums and the cessation is not connected with a merger, consolidation, acquisition, or conversion.

Subd. 2. [PAYMENTS INTO THE ACCOUNT.] (a) Payments to the commissioner under subdivision 1 must be paid in monthly installments due on the 15th of the month beginning July 15, 1996. The monthly payment must be equal to the annual assessment divided by 12. Payments to the commissioner under subdivision 1 must be based on revenues earned in the second previous calendar year.

(b) Effective October 1, 1996, and each October 1 thereafter, the payments in subdivision 1 must be based on revenues earned in the previous calendar year.

(c) If the commissioner of health does not provide by August 15 of any year data needed to update the base year for the health maintenance organization assessment, the commissioner of human services may estimate base year revenue and use that estimate for the purposes of this section until actual data is provided by the commissioner of health.

Subd. 3. [NOTICE; APPEALS.] At least 30 days prior to the date the payment is due, the commissioner shall give each provider a written notice of each payment due. A provider may request a contested case hearing under chapter 14 within 30 days of receipt of the notice. The decision of the commissioner regarding the amount due stands until the appeal is decided. The provider shall pay the contested payment at the time of appeal with settle-up at the time of appeal resolution.

Subd. 4. [COLLECTION; CIVIL PENALTIES.] The provisions of sections 289A.35 to 289A.50 relating to the authority to audit, assess, collect, and pay refunds of other state taxes may be implemented by the commissioner of human services with respect to the tax, penalty, and interest imposed by this section. The commissioner of human services shall impose civil penalties for violation of this section, as provided in section 289A.60, and the tax and penalties are subject to interest at the rate provided in section 270.75. The commissioner of human services shall have the power to abate penalties and interest when discrepancies occur resulting from, but not limited to, circumstances of error and mail delivery. The commissioner of human services shall bring appropriate civil actions to collect provider payments due under this section.

Subd. 5. [DEPOSIT OF ASSESSMENT COLLECTIONS.] The commissioner shall deposit all revenues, including penalties and interest, derived from the assessment in the health care access fund in the state treasury.

Sec. 12. [295.74] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of section 295.75, the terms defined in this section have the meaning given.

Subd. 2. [HEALTH INSURER.] "Health insurer" means those companies regulated under chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance; nonprofit health service plan corporations regulated under chapter 62C; fraternal benefit societies regulated under chapter 64B; the Minnesota employees insurance program established in section 43A.317; and joint self-insurance plans regulated under chapter 62H.

Subd. 3. [THIRD-PARTY ADMINISTRATOR.] "Third-party administrator" means any entity that administers or provides claims administration services for a self-insurance or insurance plan. This definition does not include an employer directly operating a self-insurance plan for its employee's benefits.

Sec. 13. [295.75] [ASSESSMENTS IMPOSED.]

Subdivision 1. [HEALTH INSURER ASSESSMENT.] An assessment is imposed on a health insurer equal to .7 percent of its total accident and health insurance premium received from or on behalf of Minnesota residents.

Subd. 2. [THIRD-PARTY ADMINISTRATOR ASSESSMENT.] An assessment is imposed on a third-party administrator equal to 2.6 percent of the sum of: (1) the total health care claims paid on behalf of a self-insurance or insurance plan for Minnesota residents; and (2) total administrative earnings related to health care claims.

Subd. 3. [ESTIMATED ASSESSMENT.] (a) In calendar year 1996, each payer subject to an assessment under this section shall make estimated payments of the assessments for the calendar year to the commissioner as follows: one-half of the estimated amount of the assessment for the year must be paid by September 15, and one-quarter of the amount by November 15 and by February 15 of the following calendar year. In calendar year 1997 and thereafter, each payer subject to an assessment under this section must make estimated payments of the assessments for the calendar year in quarterly installments to the commissioner by May 15, August 15, November 15, and February 15 of the following calendar year.

(b) Estimated assessment payments are not required if the assessment for the calendar year is less than \$500.

(c) Underpayment of estimated installments bear interest at the rate specified in section 270.75, from the due date of the payment until paid or until the due date of the annual return at the rate specified in section 270.75. An underpayment of an estimated installment is the difference between the amount paid and the lesser of: (1) 90 percent of one-quarter of the assessment for the calendar year, or (2) the assessment for the actual gross revenues received during the quarter.

Subd. 4. [DEPOSIT OF REVENUES.] The commissioner of revenue shall deposit all revenues, including penalties and interest, derived from the assessment in the health care access fund in the state treasury.

Subd. 5. [TRANSITION FOR MINNESOTA COMPREHENSIVE HEALTH ASSOCIATION ASSESSMENTS.] The Minnesota comprehensive health association shall determine and collect the final assessment under chapter 62E for calendar years 1995 and 1996.

Subd. 6. [ENFORCEMENT AND ADMINISTRATION.] The enforcement, interest, and penalty provisions under chapter 294, appeal provisions in sections 289A.43 and 289A.65, criminal penalties in section 289A.63, and refunds provisions in section 289A.50, and collection and rulemaking provisions under chapter 270, apply to a liability for the assessments imposed under this section.

Sec. 14. [ASSOCIATION TO MONITOR UNDERWRITING STANDARDS.]

The Minnesota comprehensive health association shall monitor the underwriting practices of health plan companies to determine if companies are changing their practices in order to refer

more persons to the association as a result of the modified funding mechanism for the association. The association shall report its findings to the legislature and to the commissioner of commerce by January 15, 1997. If the association determines that changes in underwriting practices are increasing the association's enrollment, the commissioner of commerce shall develop standard underwriting criteria for the association and report those criteria to the legislature by March 1, 1997.

Sec. 15. [RATES TO REFLECT CHANGES.]

Subdivision 1. [HEALTH INSURANCE RATES.] The rates and rating schedules for health care policies under Minnesota Statutes, section 62A.021, must reflect the elimination of the Minnesota comprehensive health association assessment under Minnesota Statutes, chapter 62E. The commissioner of commerce shall disapprove any rate that does not reflect this reduction in costs.

Subd. 2. [NONPROFIT HEALTH SERVICE PLAN RATES.] The schedule of charges established by a nonprofit health services plan corporation under Minnesota Statutes, section 62C.15, must reflect the elimination of the nonprofit health service plan corporation tax under Minnesota Statutes, section 60A.15, and the Minnesota comprehensive health association assessment under Minnesota Statutes, chapter 62E. The commissioner of commerce shall disapprove any schedule of charges that does not reflect these reductions in cost.

Subd. 3. [HEALTH MAINTENANCE ORGANIZATION RATES.] The rates charged by a health maintenance organization under Minnesota Statutes, chapter 62D, must reflect the elimination of the Minnesota comprehensive health association assessment under Minnesota Statutes, chapter 62E, the health maintenance organization premium tax under Minnesota Statutes, section 60A.15, and the health maintenance organization surcharge under Minnesota Statutes, section 256.9657. The commissioner of health shall review rates as necessary to enforce this provision.

Sec. 16. [CAP ON TOTAL ASSESSMENT REVENUE.]

If the commissioner of revenue determines that the revenue raised from the assessments imposed under Minnesota Statutes, sections 295.75 and 256.9658, for fiscal year 1997 exceeds \$89,502,036, the rates of the assessments imposed under Minnesota Statutes, sections 256.9658 and 295.75, for fiscal year 1998 shall be reduced proportionately to the nearest one-one hundredth of a percent that is estimated by the commissioner to be a sufficient reduction to offset the excess. The commissioner shall recommend to the 1997 legislature any modifications necessary in the assessment rates under Minnesota Statutes, sections 295.75 and 256.9658, in order to ensure that the revenue from those sources is equal to the revenue that would have been generated from the taxes, assessments, and surcharges in Minnesota Statutes, sections 62E.11; 62R.24; 256.9657, subdivision 3; 256B.19, subdivision 1b; and 60A.15, subdivision 1, paragraph (d).

Sec. 17. [TRANSFER AND APPROPRIATION.]

(a) \$..... is transferred from the health care access fund to the general fund.

(b) \$..... is appropriated from the general fund to the commissioner of finance to be available until June 30, 1997.

Sec. 18. [REPEALER.]

Minnesota Statutes 1994, section 62E.11, subdivision 6; Minnesota Statutes 1995 Supplement, sections 62R.24; 256.9657, subdivision 3; and 256B.19, subdivision 1b, are repealed.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 18 are effective July 1, 1996."

Delete the title and insert:

"A bill for an act relating to health; eliminating certain health care taxes, surcharges, and

assessments; establishing an assessment on health insurers, third-party administrators, health maintenance organizations, integrated service networks, and community integrated service networks; appropriating money; amending Minnesota Statutes 1994, sections 43A.317, subdivision 8; 60A.02, subdivision 3; 62C.01, subdivision 3; 62D.02, subdivision 4; 62D.181, subdivision 8; 62E.02, subdivision 23; 62E.11, subdivision 5; and 62N.02, subdivisions 4a and 8; Minnesota Statutes 1995 Supplement, section 60A.15, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 295; and 256; repealing Minnesota Statutes 1994, section 62E.11, subdivision 6; Minnesota Statutes 1995 Supplement, sections 62R.24; 256.9657, subdivision 3; and 256B.19, subdivision 1b."

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

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

**S.F. No. 2093:** A bill for an act relating to agriculture; changing penalties for violating the adulterated dairy products law; authorizing a dairy assistance program; changing certain standards for milk used for manufacturing purposes; appropriating money; amending Minnesota Statutes 1994, sections 32.21, subdivision 4; 32.394, subdivision 8d; and 32.415.

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

Page 3, line 6, delete everything after the period

Page 3, lines 7 to 10, delete the new language and insert "If the amount collected by the plant is less than two days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer"

Page 3, line 26, delete everything after the period

Page 3, lines 27 to 29, delete the new language and insert "If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer"

Page 4, line 9, delete everything after the period

Page 4, delete lines 10 to 12

Page 4, line 13, delete "patron" and insert "If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer"

Page 5, after line 28, insert:

"Sec. 3. Minnesota Statutes 1994, section 32.394, is amended by adding a subdivision to read:

Subd. 8e. [FARM BULK MILK PICK-UP TANKERS.] Farm bulk milk pick-up tankers must be inspected and obtain a permit issued by the commissioner annually by July 1. The owner or operator must pay a \$25 permit fee per tanker to the commissioner. The commissioner may appoint such persons as the commissioner deems qualified to make inspections."

Page 6, after line 28, insert:

"Sec. 5. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment. Section 3 applies to farm bulk milk pick-up tankers on July 1, 1996."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring inspection and permits of bulk milk pick-up tankers;"

Page 1, line 8, after "8d" insert ", and by adding a subdivision"

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

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

**S.F. No. 2343:** A bill for an act relating to taxation; extending the duration of the sales tax exemption for used farm machinery; amending Minnesota Statutes 1995 Supplement, section 297A.25, subdivision 59.

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

**S.F. No. 2111:** A bill for an act relating to agriculture; changing requirements for certain commodity council referenda; amending Minnesota Statutes 1994, section 17.56, subdivision 5.

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

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

**S.F. No. 2301:** A bill for an act relating to agriculture; adjusting certain net worth definitions for certain rural finance agency programs; amending Minnesota Statutes 1994, section 41C.02, subdivision 12.

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

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

**S.F. No. 1881:** A bill for an act relating to medical assistance; limiting the burial expense exclusion to \$5,000; prohibiting certain asset transfers within 60 months of application for assistance; establishing a penalty period that begins with the month of application; requiring approval of the commissioner of human services for certain hardship waivers; prohibiting certain asset transfers prior to 60 months before application; amending Minnesota Statutes 1994, sections 149.11; 256B.056, subdivision 3; 256B.0595, by adding subdivisions; 325F.71, subdivision 2; 524.2-403; and 524.3-801; Minnesota Statutes 1995 Supplement, section 256B.0595, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1995 Supplement, section 256B.15, subdivision 5.

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

Page 4, line 29, delete everything after the comma, and insert "this subdivision applies to transfers involving recipients of medical assistance that are made on or after its effective date and to all transfers involving persons who apply for medical assistance on or after its effective date, regardless of when the transfer occurred."

Page 4, delete lines 30 and 31

Page 4, line 32, delete "this subdivision,"

Page 5, line 3, before the period, insert "for the person"

Page 5, line 7, delete "conclusively"

Page 5, line 11, after the comma, insert "unless the person furnishes convincing evidence to establish that the transaction was exclusively for another purpose, or"

Page 5, line 17, delete everything after the second comma

Page 5, delete lines 18 and 19 and insert "unless the person furnishes convincing evidence to establish that the transaction was exclusively for another purpose, or unless the transfer is permitted under subdivision 3a or 4a."

Page 8, line 1, delete everything after the comma and insert "this subdivision applies to transfers involving recipients of medical assistance that are made on or after its effective date and to all transfers involving persons who apply for medical assistance on or after its effective date, regardless of when the transfer occurred."

Page 8, delete lines 2 and 3

Page 8, line 4, delete "the effective date of this subdivision,"

Page 10, line 5, after the period, insert "Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that they may request a waiver of the penalty if the denial of eligibility will cause undue hardship. In evaluating a waiver, the commissioner shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship."

If the commissioner does not approve a hardship waiver, the commissioner shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the commissioner's decision."

Page 10, line 19, strike "may" and insert "shall" and strike "or" and insert "unless the state delegates this responsibility to"

Page 10, line 24, delete everything after "(a)"

Page 10, delete line 25

Page 10, line 26, delete everything before "a" and insert "This subdivision applies to transfers involving recipients of medical assistance that are made on or after its effective date and to all transfers involving persons who apply for medical assistance on or after its effective date, regardless of when the transfer occurred."

Page 11, line 19, after the period, insert "Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that they may request a waiver of the penalty if the denial of eligibility will cause undue hardship. In evaluating a waiver, the commissioner shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship. If the commissioner does not approve a hardship waiver, the commissioner shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the commissioner's decision."

Page 11, line 28, delete "may" and insert "shall" and delete "or" and insert "unless the state delegates this responsibility to"

Page 12, line 18, before the period, insert "because the individual has no other means of obtaining necessary care, and there exists an imminent threat to the individual's health and well-being" and after the period, insert "Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that they may request a waiver of the penalty if the denial of eligibility will cause undue"

hardship. In evaluating a waiver, the commissioner shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship. If the commissioner does not approve a hardship waiver, the commissioner shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the commissioner's decision."

Page 12, line 31, strike "may" and insert "shall" and strike "or" and insert "unless the state delegates this responsibility to"

Page 13, delete lines 8 and 9

Page 13, line 10, delete everything before the first "a" and insert "This subdivision applies to transfers involving recipients of medical assistance that are made on or after its effective date and to all transfers involving persons who apply for medical assistance on or after its effective date, regardless of when the transfer occurred."

Page 14, line 5, after the period, insert "Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that they may request a waiver of the penalty if the denial of eligibility will cause undue hardship. In evaluating a waiver, the commissioner shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship. If the commissioner does not approve a hardship waiver, the commissioner shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the commissioner's decision."

Page 14, line 13, delete "may" and insert "shall" and delete "or" and insert "unless the state delegates this responsibility to"

Page 14, line 17, delete everything after the headnote

Page 14, delete lines 18 and 19

Page 14, line 20, delete "this subdivision,"

Page 14, line 21, after "transferee" insert "in a transaction governed by subdivision 1a" and delete "a" and insert "the"

Page 14, line 22, delete "transferor" and insert "person"

Page 14, delete line 23

Page 14, line 24, delete everything before "for" and insert "transfer was"

Page 14, line 25, delete "the transfer"

Page 14, lines 27 and 31, delete "transferor" and insert "person who receives medical assistance services"

Page 17, lines 34 to 36, reinstate the stricken language and delete the new language

Page 18, delete lines 1 and 2

Page 18, line 3, delete the new language and after the period, insert "If the decedent or a predeceased spouse of the decedent received assistance under section 246.53, 256B.15, 256D.16, or 261.04, the personal representative shall serve a copy of the notice on the commissioner of human services in the manner provided in paragraph (c) on or before the date of the first publication of the notice. The copy of the notice served on the commissioner of human services shall include the full name, date of birth, and social security number of the decedent or the predeceased spouse who received assistance under any of the sections listed in this paragraph. Notwithstanding any will or other instrument to the contrary, no property subject to administration"



by the estate may be sold, assigned, conveyed, transferred, delivered, or disposed of by the estate or the personal representative until 70 days after the date the notice is received by the commissioner, unless the local agency consents."

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

**Ms. Piper from the Committee on Family Services, to which was referred**

**S.F. No. 1886:** A bill for an act relating to human services; adding provisions for licensing programs; amending Minnesota Statutes 1994, sections 245A.04, subdivisions 3c, 4, 5, and 6; 245A.06 as amended; 245A.07, subdivision 1; 245A.08, subdivisions 1 and 2; 245A.09, by adding a subdivision; 245A.14, by adding a subdivision; and 245A.16, subdivision 2; Minnesota Statutes 1995 Supplement, sections 245A.02, subdivision 16; 245A.04, subdivisions 3, 3b, and 7; 245A.07, subdivision 3; 245A.09, subdivision 7; and 245A.11, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1994, section 253B.22; Minnesota Rules, parts 9503.0170, subpart 7; 9555.8000; 9555.8100; 9555.8200; 9555.8300; 9555.8400; and 9555.8500.

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 245A.02, subdivision 16, is amended to read:

Subd. 16. [SCHOOL AGE CHILD.] "School age child" means a child who is at least of sufficient age to have attended the first day of kindergarten, or is eligible to enter kindergarten within the next four months, but is younger than 13 years of age. The definition of school age child applies only to child care centers licensed under Minnesota Rules, parts 9503.0005 to 9503.0170.

Sec. 2. Minnesota Statutes 1995 Supplement, section 245A.04, subdivision 3, is amended to read:

Subd. 3. [STUDY OF THE APPLICANT.] (a) Before the commissioner issues a license, the commissioner shall conduct a study of the individuals specified in clauses (1) to (5) according to rules of the commissioner. The applicant, license holder, the bureau of criminal apprehension, the commissioner of health and county agencies, after written notice to the individual who is the subject of the study, shall help with the study by giving the commissioner criminal conviction data and reports about ~~abuse or neglect maltreatment~~ of adults in licensed programs substantiated under section 626.557 and the maltreatment of minors in licensed programs substantiated under section 626.556. The individuals to be studied shall include:

- (1) the applicant;
- (2) persons over the age of 13 living in the household where the licensed program will be provided;
- (3) current employees or contractors of the applicant who will have direct contact with persons served by the program;
- (4) volunteers who have direct contact with persons served by the program to provide program services, if the contact is not directly supervised by the individuals listed in clause (1) or (3); and
- (5) any person who, as an individual or as a member of an organization, exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, and 256B.0625, subdivision 19.

The juvenile courts shall also help with the study by giving the commissioner existing juvenile court records on individuals described in clause (2) relating to delinquency proceedings held

within either the five years immediately preceding the application or the five years immediately preceding the individual's 18th birthday, whichever time period is longer. The commissioner shall destroy juvenile records obtained pursuant to this subdivision when the subject of the records reaches age 23.

For purposes of this section and Minnesota Rules, part 9543.3070, a finding that a delinquency petition is proven in juvenile court shall be considered a conviction in state district court.

For purposes of this subdivision, "direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by a program. For purposes of this subdivision, "directly supervised" means an individual listed in clause (1), (3), or (5) is within sight or hearing of a volunteer to the extent that the individual listed in clause (1), (3), or (5) is capable at all times of intervening to protect the health and safety of the persons served by the program who have direct contact with the volunteer.

A study of an individual in clauses (1) to (5) shall be conducted at least upon application for initial license and reapplication for a license. The commissioner is not required to conduct a study of an individual at the time of reapplication for a license, other than a family day care or foster care license, if (i) a study of the individual was conducted either at the time of initial licensure or when the individual became affiliated with the license holder; (ii) the individual has been continuously affiliated with the license holder since the last study was conducted; and (iii) the procedure described in paragraph (b) has been implemented and was in effect continuously since the last study was conducted.

The commissioner may also conduct studies on individuals specified in clauses (3) and (4) when the request for the study is initiated by:

- (i) personnel pool agencies;
- (ii) temporary personnel agencies;
- (iii) educational programs that train an individual by providing direct contact services in licensed programs; and
- (iv) professional services agencies that are not licensed and which contract with licensed programs to provide direct contact services or individuals who provide direct contact services. Studies on individuals must be initiated annually by these agencies and programs. No applicant, license holder, or individual who is the subject of the study shall pay any fees required to conduct the study.

(b) If an individual who is affiliated with a program or facility regulated by the department of human services or department of health is convicted of a crime constituting a disqualification under Minnesota Rules, parts 9543.3000 to 9543.3090, the probation officer or corrections agent shall notify the commissioner of the conviction. The commissioner, in consultation with the commissioner of corrections, shall develop forms and information necessary to implement this paragraph and shall provide the forms and information to the commissioner of corrections for distribution to local probation officers and corrections agents. The commissioner shall inform individuals subject to a background study that criminal convictions for disqualifying crimes will be reported to the commissioner by the corrections system. A probation officer, corrections agent, or corrections agency is not civilly or criminally liable for disclosing or failing to disclose the information required by this paragraph. This paragraph does not apply to family day care and foster care programs.

(c) The individual who is the subject of the study must provide the applicant or license holder with sufficient information to ensure an accurate study including the individual's first, middle, and last name; home address, city; county, and state of residence for the past five years; zip code; sex; date of birth; and driver's license number. The applicant or license holder shall provide this information about an individual in paragraph (a), clauses (1) to (5), on forms prescribed by the commissioner. The commissioner may request additional information of the individual, which shall be optional for the individual to provide, such as the individual's social security number or race.

(d) Except for child foster care, adult foster care, and family day care homes, a study must include information ~~from the county agency's record of substantiated abuse or neglect of adults in licensed programs related to names of substantiated perpetrators of maltreatment of vulnerable adults that has been received by the commissioner as required under section 626.557, subdivision 9c, paragraph (i), and the commissioner's records relating to the maltreatment of minors in licensed programs, information from juvenile courts as required in paragraph (a) for persons listed in paragraph (a), clause (2), and information from the bureau of criminal apprehension.~~ For child foster care, adult foster care, and family day care homes, the study must include information from the county agency's record of substantiated abuse or neglect maltreatment of adults, and the maltreatment of minors, information from juvenile courts as required in paragraph (a) for persons listed in paragraph (a), clause (2), and information from the bureau of criminal apprehension. The commissioner may also review arrest and investigative information from the bureau of criminal apprehension, the commissioner of health, a county attorney, county sheriff, county agency, local chief of police, other states, the courts, or ~~a national criminal record repository~~ the Federal Bureau of Investigation if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual listed in paragraph (a), clauses (1) to (5). The commissioner is not required to conduct more than one review of a subject's records from the ~~national criminal record repository~~ Federal Bureau of Investigation if a review of the subject's criminal history with the ~~national criminal record repository~~ Federal Bureau of Investigation has already been completed by the commissioner and there has been no break in the subject's affiliation with the license holder who initiated the background studies.

When the commissioner has reasonable cause to believe that further pertinent information may exist on the subject, the subject shall be required to provide a set of classifiable fingerprints obtained from an authorized law enforcement agency. For purposes of requiring fingerprints, the commissioner shall have reasonable cause under, but not limited to, the following circumstances: (1) information from the bureau of criminal apprehension indicates that the subject is a multistate offender; (2) information from the bureau of criminal apprehension indicates that multistate offender status is undetermined; or (3) the commissioner has received a report from the subject or a third party indicating that the subject has a criminal history in a jurisdiction other than Minnesota.

(e) An applicant's or license holder's failure or refusal to cooperate with the commissioner is reasonable cause to deny an application or immediately suspend, suspend, or revoke a license. Failure or refusal of an individual to cooperate with the study is just cause for denying or terminating employment of the individual if the individual's failure or refusal to cooperate could cause the applicant's application to be denied or the license holder's license to be immediately suspended, suspended, or revoked.

(f) The commissioner shall not consider an application to be complete until all of the information required to be provided under this subdivision has been received.

(g) No person in paragraph (a), clause (1), (2), (3), (4), or (5) who is disqualified as a result of this section may be retained by the agency in a position involving direct contact with persons served by the program.

(h) Termination of persons in paragraph (a), clause (1), (2), (3), (4), or (5), made in good faith reliance on a notice of disqualification provided by the commissioner shall not subject the applicant or license holder to civil liability.

(i) The commissioner may establish records to fulfill the requirements of this section.

(j) The commissioner may not disqualify an individual subject to a study under this section because that person has, or has had, a mental illness as defined in section 245.462, subdivision 20.

(k) An individual who is subject to an applicant background study under this section and whose disqualification in connection with a license would be subject to the limitations on reconsideration set forth in subdivision 3b, paragraph (c), shall be disqualified for conviction of the crimes specified in the manner specified in subdivision 3b, paragraph (c). The commissioner of human services shall amend Minnesota Rules, part 9543.3070, to conform to this section.

~~(1) An individual must be disqualified if it has been determined that the individual failed to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (1) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (2) the maltreatment was recurring or serious as defined in Minnesota Rules, part 9543.3020, subpart 10.~~

~~(m) An individual subject to disqualification under this subdivision has the applicable rights in subdivision 3a, 3b, or 3c.~~

Sec. 3. Minnesota Statutes 1995 Supplement, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) Within 30 days after receiving notice of disqualification under subdivision 3a, the individual who is the subject of the study may request reconsideration of the notice of disqualification. The individual must submit the request for reconsideration to the commissioner in writing. The individual must present information to show that:

(1) the information the commissioner relied upon is incorrect; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant or license holder.

(b) The commissioner may set aside the disqualification if the commissioner finds that the information the commissioner relied upon is incorrect or the individual does not pose a risk of harm to any person served by the applicant or license holder. In determining whether an individual does not pose a risk of harm, the commissioner shall review consider the consequences of the event or events that could lead to disqualification, whether there is more than one disqualifying event, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, and documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event, and any other information relevant to the reconsideration. In reviewing a disqualification, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder or applicant over the interests of the license holder or applicant.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in section 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.21 (criminal vehicular homicide), 609.215 (aiding suicide or aiding attempted suicide), 609.221 to 609.2231 (felony violations of assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), 609.582 (burglary in the first or second degree), 609.66 (reckless use of a gun or dangerous weapon or intentionally pointing a gun at or towards a human being), 609.665 (setting a spring gun), 609.67 (unlawfully owning, possessing, or operating a machine gun), 609.749 (stalking), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.234 (failure to report), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268

(injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), 609.378 (neglect or endangerment of a child), 609.377 (a gross misdemeanor offense of malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), 609.377 (a felony offense of malicious punishment of a child), 609.322 (soliciting, inducement, or promotion of prostitution), 609.323 (receiving profit derived from prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), or an attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of abuse maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant or license holder residing in the applicant's or license holder's home, the applicant or license holder may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure because the license holder or applicant poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing to all reconsideration requests within 15 working days after receiving the request for reconsideration. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing of the decision.

(e) Except as provided in subdivision 3c, the commissioner's decision to disqualify an individual, including the decision to grant or deny a reconsideration of disqualification under this subdivision, or to set aside or uphold the results of the study under subdivision 3, is the final administrative agency action and shall not be subject to further review in a contested case under chapter 14 involving a negative licensing action taken in response to the disqualification.

Sec. 4. Minnesota Statutes 1994, section 245A.04, subdivision 3c, is amended to read:

Subd. 3c. [CONTESTED CASE.] If a disqualification is not set aside, a person who, ~~on or after the effective date of rules adopted under subdivision 3, paragraph (i),~~ is an employee of an employer, as defined in section 179A.03, subdivision 15, may request a contested case hearing under chapter 14. Rules adopted under this chapter may not preclude an employee in a contested case hearing for disqualification from submitting evidence concerning information gathered under subdivision 3, paragraph (e).

Sec. 5. Minnesota Statutes 1994, section 245A.04, subdivision 4, is amended to read:

Subd. 4. [INSPECTIONS; WAIVER.] (a) Before issuing a license, the commissioner shall conduct an inspection of the program. The inspection must include but is not limited to:

- (1) an inspection of the physical plant;
- (2) an inspection of records and documents;
- (3) an evaluation of the program by consumers of the program; and
- (4) observation of the program in operation.

For the purposes of this subdivision, "consumer" means a person who receives the services of a licensed program, the person's legal guardian, or the parent or individual having legal custody of a child who receives the services of a licensed program.

(b) The evaluation required in paragraph (a), clause (3) or the observation in paragraph (a), clause (4) is not required prior to issuing a ~~provisional~~ initial license under subdivision 7. If the commissioner issues a ~~provisional~~ initial license under subdivision 7, these requirements must be completed within one year after the issuance of a ~~provisional~~ initial license. ~~The observation in paragraph (a), clause (4) is not required if the commissioner determines that the observation would hinder the persons receiving services in benefiting from the program.~~

Sec. 6. Minnesota Statutes 1994, section 245A.04, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER'S RIGHT OF ACCESS.] When the commissioner is exercising the powers conferred by sections 245A.01 to 245A.15 245A.16, the commissioner must be given access to the physical plant and grounds where the program is provided, documents, persons served by the program, and staff whenever the program is in operation and the information is relevant to inspections or investigations conducted by the commissioner. The commissioner must be given access without prior notice and as often as the commissioner considers necessary if the commissioner is conducting an investigation of allegations of abuse, neglect, maltreatment, or other violation of applicable laws or rules. In conducting inspections, the commissioner may request and shall receive assistance from other state, county, and municipal governmental agencies and departments. The applicant or license holder shall allow the commissioner to photocopy, photograph, and make audio and video tape recordings during the inspection of the program at the commissioner's expense. The commissioner shall obtain a court order or the consent of the subject of the records or the parents or legal guardian of the subject before photocopying hospital medical records.

Persons served by the program have the right to refuse to consent to be interviewed, photographed, or audio or videotaped. Failure or refusal of an applicant or license holder to fully comply with this subdivision is reasonable cause for the commissioner to deny the application or immediately suspend or revoke the license.

Sec. 7. Minnesota Statutes 1994, section 245A.04, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER'S EVALUATION.] Before granting, suspending, revoking, or making ~~probationary~~ provisional a license, the commissioner shall evaluate information gathered under this section. The commissioner's evaluation shall consider facts, conditions, or circumstances concerning the program's operation, the well-being of persons served by the program, available consumer evaluations of the program, and information about the qualifications of the personnel employed by the applicant or license holder.

The commissioner shall evaluate the results of the study required in subdivision 3 and determine whether a risk of harm to the persons served by the program exists. In conducting this evaluation, the commissioner shall apply the disqualification standards set forth in rules adopted under this chapter. ~~Prior to the adoption of rules establishing disqualification standards, the commissioner shall forward the proposed rules to the commissioner of human rights for review and recommendation concerning the protection of individual rights. The recommendation of the commissioner of human rights is not binding on the commissioner of human services.~~

Sec. 8. Minnesota Statutes 1995 Supplement, section 245A.04, subdivision 7, is amended to read:

Subd. 7. [~~ISSUANCE OF A LICENSE; PROVISIONAL LICENSE.~~] (a) If the commissioner determines that the program complies with all applicable rules and laws, the commissioner shall issue a license. At minimum, the license shall state:

- (1) the name of the license holder;
- (2) the address of the program;
- (3) the effective date and expiration date of the license;
- (4) the type of license;
- (5) the maximum number and ages of persons that may receive services from the program; and
- (6) any special conditions of licensure.

(b) The commissioner may issue a ~~provisional~~ an initial license for a period not to exceed ~~one year~~ two years if:

- (1) the commissioner is unable to conduct the evaluation or observation required by subdivision 4, paragraph (a), clauses (3) and (4), because the program is not yet operational;
- (2) certain records and documents are not available because persons are not yet receiving services from the program; and
- (3) the applicant complies with applicable laws and rules in all other respects.

~~A provisional license must not be issued except at the time that a license is first issued to an applicant.~~

(c) A decision by the commissioner to issue a license does not guarantee that any person or persons will be placed or cared for in the licensed program. A license shall not be transferable to another individual, corporation, partnership, voluntary association, other organization, or controlling individual, or to another location. For purposes of reimbursement for meals only, under the Child and Adult Care Food Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226, relocation within the same county by a family day care provider licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, shall be considered an extension of the license for a period of no more than 30 calendar days or until the new license is issued, whichever occurs first. Unless otherwise specified by statute, all licenses expire at 12:01 a.m. on the day after the expiration date stated on the license. A license holder must apply for and be granted a new license to operate the program or the program must not be operated after the expiration date.

Sec. 9. [245A.041] [LICENSE HOLDER REQUIREMENTS GOVERNING MALTREATMENT OF VULNERABLE ADULTS.]

Subdivision 1. [LICENSE HOLDER INTERNAL REPORTING AND INVESTIGATION OF MALTREATMENT.] All licensed programs serving adults shall establish and enforce internal written reporting and investigating policies and procedures for suspected or alleged maltreatment.

(a) The policies and procedures must include a process for the mandatory reporting of maltreatment of individuals receiving services and must specify that reports may be made internally, externally, or both. The policies and procedures shall also contain a provision that persons other than mandated reporters may and should report incidents of maltreatment and shall identify the persons to whom internal reports shall be made. The person responsible for forwarding internal reports to the common entry point shall be clearly identified. Mandated reporters shall be informed when a report has been forwarded and to whom it was forwarded.

(b) The policies and procedures shall include identification of the person responsible for the

internal review and investigation of maltreatment. If the person responsible for the internal review and investigation is suspected of committing the maltreatment, another person shall be designated to conduct the review and investigation.

(c) The policies and procedures shall include a provision requiring that records are maintained regarding the internal review and investigation of maltreatment. These records shall contain a summary of the findings, persons involved, persons interviewed, persons and investigating authorities notified, conclusions and any actions taken. The records shall be dated and authenticated by signature and identification of the person doing the review and investigation.

(d) The program shall provide an orientation to the internal reporting system for persons receiving services. If applicable, the person's legal representative must be notified of the orientation. The program shall provide this orientation for each new person within 24 hours of admission, or for persons who would benefit more from a later orientation, the orientation may take place within 72 hours.

(e) The program shall post a copy of the internal reporting policies and procedures in a prominent location in the program and have it available upon request to mandated reporters, persons receiving services, and legal representatives.

Subd. 2. [ABUSE PREVENTION PLANS.] (a) All licensed programs serving adults shall establish and enforce an ongoing written abuse prevention plan as required under section 626.557, subdivision 14. The assessment of the population shall include an evaluation of the following factors: age, sex, mental functioning, physical and emotional health or behavior of persons, the need for specialized programs of care for persons, the need for training of staff to meet identified individual needs, and the knowledge a program may have regarding previous abuse that is relevant to minimizing risk of abuse for persons. The program shall provide an orientation to the program abuse prevention plan for persons receiving services. If applicable, legal representatives shall have the opportunity to be included in the orientation. The program shall provide this orientation to each new person within 24 hours of admission.

(b) All licensed programs serving adults shall develop and implement an individual abuse prevention plan for each person receiving services as required under section 626.557, subdivision 14. The plan shall be developed for each new person as part of the initial individual program plan required under the applicable licensing rule. The plan must be a part of the individual program plan, and the review and evaluation of the individual abuse prevention plan shall be done as part of the review of the person's individual program plan. The interdisciplinary team shall review abuse prevention plans at least annually, using the individual assessment and any reports of abuse relating to the person. The plan shall be revised to reflect the results of this review. Whenever possible, the person shall participate in the development of the individual abuse prevention plan. If applicable, the person's legal representative shall be given the opportunity to participate with or for the person in the development of the plan.

Subd. 3. [STAFF MALTREATMENT TRAINING AND ORIENTATION REQUIREMENTS.] (a) All licensed programs serving adults shall provide orientation for new mandated reporters within 72 hours of employment. All staff shall be informed of the requirements in section 626.557 and be informed of all internal policies and procedures related to individuals receiving services.

(b) All licensed programs serving adults shall conduct in-service training at least annually for mandated reporters to review section 626.557 and all internal maltreatment policies and procedures related to individuals receiving services.

Sec. 10. Minnesota Statutes 1994, section 245A.06, as amended by Laws 1995, chapter 207, article 2, sections 11, 12, and 13, is amended to read:

245A.06 [CORRECTION ORDER AND FINES.]

Subdivision 1. [CONTENTS OF CORRECTION ORDERS OR FINES.] (a) If the commissioner finds that the applicant or license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons



served by the program, the commissioner may issue a correction order to or impose a fine on the applicant or license holder. The correction order or fine must state:

- (1) the conditions that constitute a violation of the law or rule;
- (2) the specific law or rule violated; ~~and~~
- (3) the time allowed to correct each violation; ~~and~~
- (4) if a fine is imposed, the amount of the fine.

(b) Nothing in this section prohibits the commissioner from proposing a sanction as specified in section 245A.07, prior to issuing a correction order or fine.

Subd. 2. [RECONSIDERATION OF CORRECTION ORDERS.] If the applicant or license holder believes that the contents of the commissioner's correction order are in error, the applicant or license holder may ask the department of human services to reconsider the parts of the correction order that are alleged to be in error. The request for reconsideration must be in writing and received by the commissioner within 20 calendar days after receipt of the correction order by the applicant or license holder, and:

- (1) specify the parts of the correction order that are alleged to be in error;
- (2) explain why they are in error; and
- (3) include documentation to support the allegation of error.

A request for reconsideration does not stay any provisions or requirements of the correction order. The commissioner's disposition of a request for reconsideration is final and not subject to appeal under chapter 14.

Subd. 3. [FAILURE TO COMPLY.] ~~If upon reinspection, the commissioner finds that the applicant or license holder has not corrected the violations specified in the correction order, the commissioner may order impose a fine. If a fine was imposed and the violation was not corrected, the commissioner may impose an additional fine. This section does not prohibit the commissioner from seeking a court order, denying an application, or suspending, revoking, or making probationary provisional the license in addition to ordering a fine.~~

Subd. 4. [NOTICE OF FINE; ~~APPEAL RECONSIDERATION OF FINE.~~] A license holder who is ordered to pay a fine must be notified of the order by certified mail. The notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state the reasons the fine was ordered and must inform the license holder of the responsibility for payment of fines in subdivision 7 and the right to ~~a contested case hearing under chapter 14~~ request reconsideration of the fine. The license holder may ~~appeal request reconsideration of the order to forfeit a fine by notifying the commissioner by certified mail within 15~~ 20 calendar days after receiving the order. A timely ~~appeal request for reconsideration shall stay forfeiture of the fine until the commissioner issues a final order under section 245A.08, subdivision 5~~ decision on the request for reconsideration. The request for reconsideration must be in writing and:

- (1) specify the parts of the violation that are alleged to be in error;
- (2) explain why they are in error; and
- (3) include documentation to support the allegation of error.

The commissioner's disposition of a request for reconsideration is final and not subject to appeal under chapter 14.

Subd. 5. [FORFEITURE OF FINES.] The license holder shall pay the fines assessed on or before the payment date specified in the commissioner's order. If the license holder fails to fully comply with the order, the commissioner shall issue a second fine or suspend the license until the

license holder complies. If the license holder receives state funds, the state, county, or municipal agencies or departments responsible for administering the funds shall withhold payments and recover any payments made while the license is suspended for failure to pay a fine.

Subd. 5a. [ACCRUAL OF FINES.] A license holder shall promptly notify the commissioner of human services, in writing, when a violation specified in an order to forfeit is corrected. ~~A fine assessed for a violation shall stop accruing when the commissioner receives the written notice. The commissioner shall reinspect the program within three working days after receiving the notice. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order to forfeit, accrual of the daily fine resumes on the date of reinspection and the amount of fines that otherwise would have accrued between the date the commissioner received the notice and date of the reinspection is added to the total assessment due from the license holder the commissioner may issue a second fine. The commissioner shall notify the license holder by certified mail that accrual of the a second fine has resumed been assessed. The license holder may challenge the resumption in a contested case under chapter 14 by written request within 15 days after receipt of the notice of resumption. Recovery of the resumed fine must be stayed if a controlling individual or a legal representative on behalf of the license holder makes a written request for a hearing. The request for hearing, however, may not stay accrual of the daily fine for violations that have not been corrected. The cost of reinspection conducted under this subdivision for uncorrected violations must be added to the total amount of accrued fines due from the license holder~~ request reconsideration of the second fine under the provisions of subdivision 4.

Subd. 6. [AMOUNT OF FINES.] ~~Until the commissioner adopts one or more schedules of fines,~~ Fines shall be assessed as follows:

(1) the license holder shall forfeit ~~\$1,000~~ \$500 for each occurrence of violation of law or rule prohibiting the maltreatment of children or the ~~abuse, neglect, or exploitation~~ maltreatment of vulnerable adults, including but not limited to corporal punishment, illegal or unauthorized use of physical, mechanical, or chemical restraints, and illegal or unauthorized use of aversive or deprivation procedures;

(2) the license holder shall forfeit ~~\$200~~ \$100 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff to child or adult ratios, ~~except that the holder of a family or group family day care license shall forfeit \$100 for a violation under this clause;~~ and

(3) the license holder shall forfeit ~~\$100~~ \$50 for each occurrence of a violation of law or rule other than those included in clauses (1) and (2), ~~except that the holder of a family or group family day care license shall forfeit \$50 for a violation under this clause.~~

For the purposes of this section, "occurrence" means each ~~calendar day or part of a day that a violation continues to exist after the date set for correction~~ identified in the commissioner's ~~correction~~ forfeiture order.

Subd. 7. [RESPONSIBILITY FOR PAYMENT OF FINES.] When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

Fines for child care centers shall be assessed according to this section.

Sec. 11. Minnesota Statutes 1994, section 245A.07, subdivision 1, is amended to read:

Subdivision 1. [SANCTIONS AVAILABLE.] In addition to ordering forfeiture of fines, the commissioner may propose to suspend, revoke, or make ~~probationary~~ provisional the license or secure an injunction against the continuing operation of the program of a license holder who does not comply with applicable law or rule. When applying sanctions authorized under this section, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

Sec. 12. Minnesota Statutes 1995 Supplement, section 245A.07, subdivision 3, is amended to read:

Subd. 3. [SUSPENSION, REVOCATION, PROBATION PROVISIONAL LICENSE.] The commissioner may suspend, revoke, or make ~~probationary provisional~~, or deny a license if an applicant or a license holder fails to comply fully with applicable laws or rules, or knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license or during an investigation. A license holder who has had a license suspended, revoked, or made ~~probationary provisional~~ must be given notice of the action by certified mail. The notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state the reasons the license was suspended, revoked, or made ~~probationary provisional~~.

(a) If the license was suspended or revoked, the notice must inform the license holder of the right to a contested case hearing under chapter 14. The license holder may appeal an order suspending or revoking a license. The appeal of an order suspending or revoking a license must be made in writing by certified mail and must be received by the commissioner within ten calendar days after the license holder receives notice that the license has been suspended or revoked.

(b) If the license was made ~~probationary provisional~~, the notice must inform the license holder of the right to request a reconsideration by the commissioner. The request for reconsideration must be made in writing by certified mail and must be received by the commissioner within ten calendar days after the license holder receives notice that the license has been made ~~probationary provisional~~. The license holder may submit with the request for reconsideration written argument or evidence in support of the request for reconsideration. The commissioner's disposition of a request for reconsideration is final and is not subject to appeal under chapter 14.

Sec. 13. Minnesota Statutes 1994, section 245A.08, subdivision 1, is amended to read:

Subdivision 1. [RECEIPT OF APPEAL; CONDUCT OF HEARING.] Upon receiving a timely appeal or petition pursuant to sections ~~section~~ 245A.05 to or 245A.07, the commissioner shall issue a notice of and order for hearing to the appellant under chapter 14.

Sec. 14. Minnesota Statutes 1994, section 245A.08, subdivision 2, is amended to read:

Subd. 2. [CONDUCT OF HEARINGS.] At any hearing provided for by sections ~~section~~ 245A.05 to or 245A.07, the appellant may be represented by counsel and has the right to call, examine, and cross-examine witnesses. The administrative law judge may require the presence of witnesses and evidence by subpoena on behalf of any party.

Sec. 15. Minnesota Statutes 1995 Supplement, section 245A.09, subdivision 7, is amended to read:

Subd. 7. [REGULATORY METHODS.] (a) Where appropriate and feasible the commissioner shall identify and implement alternative methods of regulation and enforcement to the extent authorized in this subdivision. These methods shall include:

- (1) expansion of the types and categories of licenses that may be granted;
- (2) when the standards of another state or federal governmental agency or an independent accreditation body have been shown to predict compliance with the rules, the commissioner shall consider compliance with the governmental or accreditation standards to be equivalent to partial compliance with the rules; and
- (3) use of an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules.

~~For programs and services for people with developmental disabilities, the commissioner of human services shall develop demonstration projects to use the standards of the commission on accreditation of rehabilitation facilities and the standards of the accreditation council on services to persons with disabilities during the period of July 1, 1993 to December 31, 1994, and incorporate~~

~~the alternative use of these standards and methods in licensing rules where appropriate. If the commissioner determines that the methods in clause (2) or (3) can be used in licensing a program, the commissioner may reduce any fee set under section 245A.10 by up to 50 percent. The commissioner shall present a plan by January 31, 1995, to accept accreditation by either the accreditation council on services to people with disabilities or the commission on the accreditation of rehabilitation services as evidence of being in compliance where applicable with state licensing.~~

(b) The commissioner shall work with the commissioners of health, public safety, administration, and children, families, and learning in consolidating duplicative licensing and certification rules and standards if the commissioner determines that consolidation is administratively feasible, would significantly reduce the cost of licensing, and would not reduce the protection given to persons receiving services in licensed programs. Where administratively feasible and appropriate, the commissioner shall work with the commissioners of health, public safety, administration, and children, families, and learning in conducting joint agency inspections of programs.

(c) The commissioner shall work with the commissioners of health, public safety, administration, and children, families, and learning in establishing a single point of application for applicants who are required to obtain concurrent licensure from more than one of the commissioners listed in this clause.

(d) The commissioner may specify in rule periods of licensure up to two years.

Sec. 16. Minnesota Statutes 1995 Supplement, section 245A.11, subdivision 2, is amended to read:

Subd. 2. [PERMITTED SINGLE-FAMILY RESIDENTIAL USE.] Residential programs with a licensed capacity of six or fewer persons shall be considered a permitted single-family residential use of property for the purposes of zoning and other land use regulations, except that a residential program whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use. This exception shall not apply to residential programs licensed before July 1, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by operation of restrictive covenants or similar restrictions, regardless of when entered into, which cannot be met because of the nature of the licensed program, including provisions which require the home's occupants be related, and that the home must be occupied by the owner, or similar provisions.

Sec. 17. Minnesota Statutes 1994, section 245A.16, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATIONS.] (a) The county or private agency shall conduct timely investigations of allegations of ~~abuse or neglect~~ maltreatment of children or adults in programs for which the county or private agency is the commissioner's designated representative and record a disposition of each complaint in accordance with applicable law or rule. The county or private agency shall conduct similar investigations of allegations of violations of rules governing licensure of the program.

(b) If an investigation conducted under clause (a) results in evidence that the commissioner should deny an application or suspend, revoke, or make ~~probationary~~ provisional a license, the county or private agency shall make that recommendation to the commissioner within ten working days.

Sec. 18. [INSPECTION DEMONSTRATION PROJECT.]

For programs and services licensed under Minnesota Rules, parts 9503.0005 to 9503.0170, 9520.0750 to 9520.0870, or 9525.2000 to 9525.2140, the commissioner shall develop demonstration projects for an abbreviated inspection employing key standards during the period of July 1, 1996, to June 30, 1998. A key standards inspection shall be implemented in such a manner as to provide for a full or partial inspection, based on the applicable rule, in programs that do not pass a key standards inspection. A key standards inspection shall not be used for the initial licensing review when there is at least one substantiated maltreatment report or at least three

substantiated licensing complaint reports within the current licensing period. For purposes of the demonstration projects, the key standards inspection shall be accepted as evidence of compliance with these rules. The commissioner shall report to the legislature by January 31, 1999, with recommendations for implementation of key licensing standards.

Sec. 19. [DEMONSTRATION PROJECT FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES.]

This demonstration project was initially passed in the 1993 legislative session and amended in the 1996 legislative session to extend the life of the demonstration project from 1994 to 1997, and move the language from Minnesota Statutes, section 245A.09, subdivision 7, to an uncodified section of law.

For programs and services for people with developmental disabilities, the commissioner of human services shall develop demonstration projects to use the standards of the commission on accreditation of rehabilitation facilities and the standards of the accreditation council on services to persons with disabilities during the period of July 1, 1993, to December 31, 1997, and incorporate the alternative use of these standards and methods in licensing rules where appropriate. If the commissioner determines that the methods in Minnesota Statutes, section 245A.09, subdivision 7, clause (2) or (3), can be used in licensing a program, the commissioner may reduce any fee set under Minnesota Statutes, section 245A.10, by up to 50 percent. The commissioner shall present a plan by January 31, 1998, to accept accreditation by either the accreditation council on services to people with disabilities or the commission on the accreditation of rehabilitation services as evidence of being in compliance where applicable with state licensing.

Sec. 20. [UNCODIFIED LANGUAGE CHANGES AND RULE CHANGES.]

(a) The commissioner shall amend Minnesota Rules, part 9543.3070, subpart 1, to include the following offenses to disqualify a person applying for a license for a program serving children or adults:

An individual must be disqualified if it has been determined that the individual failed to make required reports under Minnesota Statutes, section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (1) the final disposition under Minnesota Statutes, section 626.556 or 626.557, was substantiated maltreatment, and (2) the maltreatment was recurring or serious as defined in Minnesota Rules, part 9543.3020, subpart 10.

(b) The commissioner shall amend Minnesota Rules, part 9543.3070, subpart 1, to include the following offenses to disqualify a person applying for a license for a program serving children or adults:

An individual must be disqualified if the individual has been convicted for any of the following reasons: (1) criminal abuse of a vulnerable adult under Minnesota Statutes, section 609.2325; (2) criminal neglect of a vulnerable adult under Minnesota Statutes, section 609.233; (3) financial exploitation of a vulnerable adult under Minnesota Statutes, section 609.2335; (4) failure to report under Minnesota Statutes, section 609.234; or (5) stalking under Minnesota Statutes, section 609.749.

(c) The commissioner shall amend Minnesota Rules, part 9503.0035, subpart 4, with regard to in-service training of child care center staff as follows:

A child care program licensed under Minnesota Rules, parts 9503.0005 to 9503.0170 is exempt from the following requirements under part 9503.0035, subpart 4, governing staff in-service training:

- (1) item A, subitem (3);
- (2) item C;
- (3) item E; and
- (4) item F.

In-service training must be completed within the license period for which it is required. In-service completed by staff persons as required under Minnesota Rules, part 9503.0035, subpart 4, shall be transferable upon a staff person's change in employment to another child care program. License holders shall record all staff in-service training on forms prescribed by the commissioner.

(d) The commissioner shall amend Minnesota Rules, part 9503.0005, subpart 25, so that "supervision" has the following meaning:

(1) Except as provided in clause (2), supervision occurs when a program staff person is within sight and hearing of a child at all times so that the program staff person can intervene to protect the health and safety of the child.

(2) When an infant is placed in a crib room to sleep, supervision occurs when a staff person is within sight or hearing of the infant. When supervision of a crib room is provided by sight or hearing, the center must have a plan to address the other supervision component.

(e) The commissioner shall amend Minnesota Rules, chapter 9503, to include the following:

(1) The definition of "experience" must be amended to include paid or unpaid employment serving children as a teacher, assistant teacher, aide, or student intern in a licensed child care center; a public or nonpublic school; or a program licensed as a family day care or group family day care provider.

(2) The definition of "staff qualifications" must be amended to include the following: A sufficient credential to be a teacher includes a certificate, degree, or diploma from a post-secondary institution accredited by the state of Minnesota or a national accrediting association in child development or early childhood education which includes 12 quarter credits and 1,040 hours of experience in child care work, and a sufficient credential to be an assistant teacher includes a high school diploma or general equivalency diploma and 12 post-secondary quarter credits in a human services related course and 520 hours of experience in child care work.

(3) With regard to in-service training, the director and all program staff persons employed at child care centers are responsible for annually completing a number of hours of in-service training equal to at least one percent of the hours for which the director or program staff person is annually paid. Within 60 days after enactment of this section, the commissioner shall convene a group of interested parties to develop criteria and monitor training approval to ensure quality control of in-service training requirements. Cardiopulmonary resuscitation and first aid training do not count toward the required hours. Directors and program staff must complete and document their in-service training. Completed in-service training remains valid for a 12-month period, regardless of a change in employment to another child care program.

(4) The commissioner shall make necessary rule changes to resolve any conflict between the new language and existing rules.

(f) Both the commissioner's authority to make the rule changes and the substantive language changes in paragraphs (b), (c), (d), and (e) are effective on August 1, 1996, and in paragraph (a), effective the day following final enactment. The amendments made in paragraphs (a) to (e) are not subject to the rulemaking provisions of Minnesota Statutes, chapter 14, but the commissioner must comply with Minnesota Statutes, section 14.38, subdivision 7, in adopting the amendment.

Sec. 21. [REPEALER.]

Minnesota Rules, parts 9503.0170, subpart 7; 9555.8000; 9555.8100; 9555.8200; 9555.8300; 9555.8400; and 9555.8500, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Section 19 and section 20, paragraph (a), are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; adding provisions for licensing programs;

amending Minnesota Statutes 1994, sections 245A.04, subdivisions 3c, 4, 5, and 6; 245A.06, as amended; 245A.07, subdivision 1; 245A.08, subdivisions 1 and 2; and 245A.16, subdivision 2; Minnesota Statutes 1995 Supplement, sections 245A.02, subdivision 16; 245A.04, subdivisions 3, 3b, and 7; 245A.07, subdivision 3; 245A.09, subdivision 7; and 245A.11, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Rules, parts 9503.0170, subpart 7; 9555.8000; 9555.8100; 9555.8200; 9555.8300; 9555.8400; and 9555.8500."

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

**Mr. Metzen from the Committee on Governmental Operations and Veterans**, to which were referred the following appointments as reported in the Journal for April 12, 1995:

**BOARD OF THE ARTS**

Joseph Duffy  
Nancy Geiger  
Conrad Razidlo

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

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

**S.F. No. 2464:** A bill for an act relating to metropolitan government; providing for a nonbinding referendum on the issue of a stadium in the metropolitan area.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1699, 1964, 1622, 1981, 1823, 2061, 2121, 1946, 2267, 2340, 2013, 2130, 2111, 2301 and 1886 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Metzen moved that the name of Mr. Bertram be stricken as a co-author to S.F. No. 530. The motion prevailed.

Mr. Metzen moved that the name of Mr. Marty be added as a co-author to S.F. No. 530. The motion prevailed.

Ms. Anderson moved that the name of Mr. Kelly be added as a co-author to S.F. No. 1229. The motion prevailed.

Mr. Neuville moved that the name of Mr. Kleis be added as a co-author to S.F. No. 1613. The motion prevailed.

Mr. Stevens moved that the name of Mr. Bertram be stricken as a co-author to S.F. No. 1692. The motion prevailed.

Ms. Berglin moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 1873. The motion prevailed.

Ms. Berglin moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 1881. The motion prevailed.

Mr. Stevens moved that the name of Mr. Cohen be added as a co-author to S.F. No. 1893. The motion prevailed.

Mr. Oliver moved that the names of Messrs. Price, Larson and Metzen be added as co-authors to S.F. No. 1915. The motion prevailed.

Ms. Lesewski moved that the name of Mr. Beckman be added as a co-author to S.F. No. 1932. The motion prevailed.

Ms. Krentz moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1937. The motion prevailed.

Ms. Krentz moved that the name of Mr. Finn be added as a co-author to S.F. No. 1938. The motion prevailed.

Ms. Berglin moved that her name be stricken as chief author, shown as a co-author and the name of Mr. Kramer be added as chief author to S.F. No. 1939. The motion prevailed.

Ms. Krentz moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1943. The motion prevailed.

Mr. Vickerman moved that his name be stricken as a co-author to S.F. No. 1993. The motion prevailed.

Ms. Berglin moved that the name of Mr. Marty be added as a co-author to S.F. No. 2061. The motion prevailed.

Mr. Vickerman moved that his name be stricken as a co-author to S.F. No. 2085. The motion prevailed.

Mr. Belanger moved that his name be stricken as a co-author to S.F. No. 2120. The motion prevailed.

Mr. Murphy moved that the name of Mr. Morse be added as a co-author to S.F. No. 2150. The motion prevailed.

Ms. Hanson moved that the name of Ms. Olson be added as a co-author to S.F. No. 2173. The motion prevailed.

Mr. Murphy moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 2183. The motion prevailed.

Ms. Reichgott Junge moved that the name of Mr. Samuelson be added as a co-author to S.F. No. 2325. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Finn be added as a co-author to S.F. No. 2390. The motion prevailed.

Ms. Olson moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 2395. The motion prevailed.

Mr. Betzold moved that the name of Mr. Finn be added as a co-author to S.F. No. 2449. The motion prevailed.

Ms. Krentz moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 2480. The motion prevailed.

Mr. Kroening moved that the names of Messrs. Moe, R.D. and Frederickson be added as co-authors to S.F. No. 2491. The motion prevailed.

Ms. Lesewski moved that her name be stricken as a co-author to S.F. No. 2515. The motion prevailed.



Mr. Kleis moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 2522. The motion prevailed.

Ms. Lesewski moved that S.F. No. 1898 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on Education. The motion prevailed.

Mr. Lessard moved that S.F. No. 2462 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Pappas moved that S.F. No. 2511 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Transportation and Public Transit. The motion prevailed.

### CONSENT CALENDAR

**S.F. No. 1800:** A bill for an act relating to the military; changing procedures for disposition of closed armories; amending Minnesota Statutes 1995 Supplement, section 193.36, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Spear in the chair.

After some time spent therein, the committee arose, and Mr. Spear reported that the committee had considered the following:

S.F. Nos. 1912, 1936, 1815, 1040, 1909, 1797, 1962, 2166, 1984 and 1919, which the committee recommends to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

**Mr. Mondale and Ms. Pappas introduced--**

**S.F. No. 2526:** A bill for an act relating to public employment; eliminating the political subdivision compensation limit; repealing Minnesota Statutes 1995 Supplement, section 43A.17, subdivision 9.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Marty introduced--**

**S.F. No. 2527:** A bill for an act relating to elections; exempting campaign material related to ballot questions and certain other campaign materials from disclaimer requirements; amending Minnesota Statutes 1994, section 211B.04.

Referred to the Committee on Ethics and Campaign Reform.

**Messrs. Hottinger, Stumpf, Betzold, Ms. Krentz and Mr. Knutson introduced--**

**S.F. No. 2528:** A bill for an act relating to civil actions; regulating the apportionment of joint and several liability; amending Minnesota Statutes 1994, section 604.02, subdivision 1.

Referred to the Committee on Judiciary.

**Messrs. Beckman, Metzen, Riveness and Hottinger introduced--**

**S.F. No. 2529:** A bill for an act relating to government efficiency; extending the effective period of certain exemptions granted by the board of government innovation and cooperation; granting independent school district No. 2134, United South Central, a waiver from a law related to elections; amending Minnesota Statutes 1995 Supplement, section 465.797, subdivision 5.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Berg, Frederickson, Mses. Lesewski, Hanson and Mr. Vickerman introduced--**

**S.F. No. 2530:** A bill for an act relating to capital improvements; appropriating money for the restoration of the Milwaukee Road Depot in Montevideo; authorizing the sale of state bonds.

Referred to the Committee on Transportation and Public Transit.

**Mr. Kroening introduced--**

**S.F. No. 2531:** A bill for an act relating to state bonding; repealing the authority to issue bonds to fund the judgment in the Cambridge State Bank case; amending Minnesota Statutes 1995 Supplement, sections 246.18, subdivision 4; and 349A.10, subdivision 5; repealing Minnesota Statutes 1995 Supplement, sections 16A.67; 16A.6701; and 246.18, subdivision 7.

Referred to the Committee on Finance.

**Ms. Anderson introduced--**

**S.F. No. 2532:** A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Flynn introduced--**

**S.F. No. 2533:** A bill for an act relating to the metropolitan council; providing for an elected metropolitan council; providing for public financing of campaigns for council seats; imposing penalties; amending Minnesota Statutes 1994, sections 15.0597, subdivision 1; 204B.09,

subdivisions 1 and 1a; 204B.135, subdivision 2; 353D.01, subdivision 2; and 473.123, subdivisions 1, 2a, 3a, 4, 7, and by adding subdivisions; Minnesota Statutes 1995 Supplement, section 204B.32, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1994, section 473.123, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Metzen introduced--**

**S.F. No. 2534:** A bill for an act relating to gambling; changing the pull-tab and tipboard tax; amending Minnesota Statutes 1994, sections 297E.02, subdivision 4; and 297E.031, subdivision 2; Minnesota Statutes 1995 Supplement, section 297E.031, subdivision 1.

Referred to the Committee on Gaming Regulation.

**Mr. Beckman introduced--**

**S.F. No. 2535:** A bill for an act relating to tax-forfeited lands; authorizing the conveyance of certain tax-forfeited land in Faribault county.

Referred to the Committee on Environment and Natural Resources.

**Ms. Berglin introduced--**

**S.F. No. 2536:** A bill for an act relating to sustainable economic development; establishing a model strategy to encourage business development in ways that prevent pollution and maximize energy efficiency; authorizing a grant to the city of Minneapolis for an ecological industrial park facility; authorizing the issuance of state bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

**Mr. Kelly introduced--**

**S.F. No. 2537:** A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5; authorizing the issuance of state bonds for housing purposes.

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

**Ms. Anderson introduced--**

**S.F. No. 2538:** A bill for an act relating to courts; establishing a task force to study disability bias in the judicial system; appropriating money.

Referred to the Committee on Judiciary.

**Ms. Anderson introduced--**

**S.F. No. 2539:** A bill for an act relating to education; providing for racial diversity training.

Referred to the Committee on Education.

**Mr. Kramer introduced--**

**S.F. No. 2540:** A bill for an act relating to health; changing the date by which the commissioner of administration must present to the legislature recommendations on private sector administration of the MinnesotaCare program; amending Laws 1995, chapter 234, article 6, section 44.

Referred to the Committee on Health Care.

**Mr. Berg, Ms. Lesewski and Mr. Lessard introduced--**

**S.F. No. 2541:** A bill for an act relating to natural resources; requiring the commissioner of natural resources to remove certain obstructions in natural watercourses; proposing coding for new law in Minnesota Statutes, chapter 103G.

Referred to the Committee on Environment and Natural Resources.

**Mr. Morse introduced--**

**S.F. No. 2542:** A bill for an act relating to human services; allowing an exception to nursing home moratorium on beds; amending Minnesota Statutes 1995 Supplement, section 144A.071, subdivision 3.

Referred to the Committee on Health Care.

**Mr. Scheevel, Ms. Olson, Messrs. Kleis and Neuville introduced--**

**S.F. No. 2543:** A bill for an act relating to gambling; prohibiting certain obscene, indecent, or immoral materials; amending Minnesota Statutes 1994, section 349.162, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on Gaming Regulation.

**Messrs. Sams; Johnson, D.J. and Lessard introduced--**

**S.F. No. 2544:** A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Wadena county.

Referred to the Committee on Environment and Natural Resources.

**Mr. Murphy introduced--**

**S.F. No. 2545:** A bill for an act relating to employment; requiring employers to pay for certain protective equipment; proposing coding for new law in Minnesota Statutes, chapter 181.

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

**Mr. Vickerman introduced--**

**S.F. No. 2546:** A bill for an act relating to capital improvements; appropriating money for a grant to the southwest regional development commission for construction of a historical display facility known as Prairieland Expo; authorizing the sale of bonds.

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

**Messrs. Terwilliger, Riveness, Laidig, Belanger and Knutson introduced--**

**S.F. No. 2547:** A bill for an act relating to capital improvements; appropriating money for the south metro joint public safety training facility; authorizing the sale of state bonds.

Referred to the Committee on Metropolitan and Local Government.

**Messrs. Frederickson, Vickerman and Ourada introduced--**

**S.F. No. 2548:** A bill for an act relating to local government; providing for cooperative planning and zoning among local government units; proposing coding for new law in Minnesota Statutes, chapter 462.

Referred to the Committee on Metropolitan and Local Government.

**Messrs. Larson; Johnson, D.J.; Neuville; Kleis and Samuelson introduced--**

**S.F. No. 2549:** A bill for an act relating to taxation; property; limiting increases in market value for certain residential property to the rate of increase in the consumer price index; amending Minnesota Statutes 1994, section 273.11, subdivision 1a.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Beckman, Ms. Kiscaden, Mr. Morse, Ms. Piper and Mr. Neuville introduced--**

**S.F. No. 2550:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for remodeling of a regional residential treatment center on the campus of the former Rochester State Hospital.

Referred to the Committee on Crime Prevention.

**Ms. Krentz, Mr. Larson, Ms. Kiscaden and Mr. Stumpf introduced--**

**S.F. No. 2551:** A bill for an act relating to capital improvements; appropriating money to the amateur sports commission for certain sports centers; authorizing the sale of state bonds.

Referred to the Committee on Finance.

**Mr. Hottinger and Ms. Runbeck introduced--**

**S.F. No. 2552:** A bill for an act relating to workers' compensation; modifying provisions governing calculation of premiums; modifying provisions relating to independent contractors; exempting certain rules from expiration; changing terms of a pilot program; making technical changes; amending Minnesota Statutes 1995 Supplement, sections 79.53, subdivision 1; 79.55, subdivision 5; 176.136, subdivision 1a; 176.1812, subdivisions 1 and 6; and 176.261; proposing coding for new law in Minnesota Statutes, chapter 176.

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

**Mses. Flynn, Ranum, Berglin, Messrs. Stumpf and Larson introduced--**

**S.F. No. 2553:** A bill for an act relating to capital improvements; appropriating money for an urban sports facility; authorizing the sale of state bonds.

Referred to the Committee on Finance.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 2554:** A bill for an act relating to the town of Elmira; authorizing the establishment of a detached banking facility.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 2555:** A bill for an act relating to capital improvements; appropriating money for the Willmar regional treatment center; authorizing the sale of state bonds.

Referred to the Committee on Health Care.

**Messrs. Murphy, Frederickson, Stumpf, Sams and Stevens introduced--**

**S.F. No. 2556:** A bill for an act relating to game and fish; prohibiting trespassing on private land for outdoor recreation; amending Minnesota Statutes 1994, section 97B.001, subdivision 2, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Mr. Samuelson introduced--**

**S.F. No. 2557:** A bill for an act relating to state lands; authorizing public sale of one tax-forfeited lot that borders public water in Crow Wing county.

Referred to the Committee on Environment and Natural Resources.

**Mr. Samuelson introduced--**

**S.F. No. 2558:** A bill for an act relating to data practices; law enforcement data; modifying the classification of data; amending Minnesota Statutes 1994, section 13.82, subdivisions 3 and 4; Minnesota Statutes 1995 Supplement, section 13.82, subdivision 5.

Referred to the Committee on Crime Prevention.

**Mr. Murphy introduced--**

**S.F. No. 2559:** A bill for an act relating to liquor; modifying restrictions for temporary on-sale licenses; amending Minnesota Statutes 1995 Supplement, section 340A.410, subdivision 10.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Pogemiller introduced--**

**S.F. No. 2560:** A bill for an act relating to retirement; modifying benefits for former participants in the Minnesota state retirement system; authorizing additional service credits for certain University of Minnesota hospital and clinics employees; authorizing additional augmentation for employees of the University of Minnesota hospital and clinics who terminate participation in the Minnesota state retirement system; proposing coding for new law in Minnesota Statutes, chapter 352E.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Finn and Samuelson introduced--**

**S.F. No. 2561:** A bill for an act relating to state lands; authorizing conveyance of certain lots within Cass county until January 1, 1998.

Referred to the Committee on Environment and Natural Resources.

**Ms. Johnson, J.B. introduced--**

**S.F. No. 2562:** A bill for an act relating to human services; allowing the state or county to require an AFDC recipient to pick up their checks; amending Minnesota Statutes 1995 Supplement, section 256.81.

Referred to the Committee on Family Services.

**Mses. Johnson, J.B.; Hanson; Messrs. Chandler and Frederickson introduced--**

**S.F. No. 2563:** A bill for an act relating to watercraft; modifying the requirements for operation of a motorboat by a youth; amending Minnesota Statutes 1994, section 86B.305, subdivisions 1 and 2.

Referred to the Committee on Environment and Natural Resources.

**Mr. Samuelson introduced--**

**S.F. No. 2564:** A bill for an act relating to Camp Ripley; providing for use of the National Guard Education Center as the state education and training center; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Finn introduced--**

**S.F. No. 2565:** A bill for an act relating to insurance; regulating replacement cost coverage for buildings; amending Minnesota Statutes 1994, section 65A.10, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Johnson, D.J. introduced--**

**S.F. No. 2566:** A bill for an act relating to game and fish; modifying the provisions for angling and spearing licenses for disabled residents; amending Minnesota Statutes 1994, section 97A.441, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

**Ms. Krentz, Mr. Larson, Ms. Kiscaden and Mr. Stumpf introduced--**

**S.F. No. 2567:** A bill for an act relating to capital improvements; appropriating money to the amateur sports commission for certain sports centers; authorizing the sale of state bonds.

Referred to the Committee on Finance.

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

**S.F. No. 2568:** A bill for an act relating to alcoholic beverages; increasing the sales tax rate on alcoholic beverages; providing for the dedication of a portion of the revenues from the sales tax on alcoholic beverages to the chemical dependency treatment account; eliminating requirements for a sliding fee schedule for persons eligible for chemical dependency fund services; amending Minnesota Statutes 1994, sections 254B.04, subdivision 1; 297A.02, subdivision 3; and 297A.44, subdivision 1; Minnesota Statutes 1995 Supplement, section 254B.02, subdivision 1; repealing Minnesota Statutes 1994, section 254B.04, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Dille introduced--**

**S.F. No. 2569:** A bill for an act relating to retirement; consolidating the firefighters relief associations in the cities of Norwood and Young America; making technical changes; transferring assets.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Novak; Johnson, D.J.; Johnson, D.E.; Mses. Runbeck and Lesewski introduced--**

**S.F. No. 2570:** A bill for an act relating to taxation; sales and use; extending the duration of the exemptions for the sale of wind energy conversion systems and photovoltaic devices; amending Laws 1992, chapter 511, article 8, section 39.

Referred to the Committee on Taxes and Tax Laws.

**Ms. Reichgott Junge introduced--**

**S.F. No. 2571:** A bill for an act relating to drivers' licenses; allowing owners of residences to identify who may use the residence address on a driver's license; proposing coding for new law in Minnesota Statutes, chapter 171.

Referred to the Committee on Transportation and Public Transit.

**Messrs. Chandler and Laidig introduced--**

**S.F. No. 2572:** A bill for an act relating to education; authorizing a grant for independent school district No. 624, White Bear Lake; appropriating money.

Referred to the Committee on Education.

**Mr. Kelly, Ms. Anderson and Mr. Spear introduced--**

**S.F. No. 2573:** A bill for an act relating to crime prevention; expanding the scope of the challenge incarceration program; striking a reference to acupuncture treatment; amending Minnesota Statutes 1994, sections 244.17, subdivision 2; and 244.172, subdivision 2.

Referred to the Committee on Crime Prevention.

**Mr. Kelly, Meses. Pappas and Anderson introduced--**

**S.F. No. 2574:** A bill for an act relating to Ramsey county; allowing local units of government to acquire tax-forfeited property; proposing coding for new law in Minnesota Statutes, chapter 383A.

Referred to the Committee on Metropolitan and Local Government.

**Ms. Anderson introduced--**

**S.F. No. 2575:** A bill for an act relating to dentistry; requiring informed consent for certain procedures using mercury amalgam; prohibiting certain professional sanctions; proposing coding for new law in Minnesota Statutes, chapter 150A.

Referred to the Committee on Health Care.

**Ms. Anderson, Messrs. Solon, Frederickson, Kelly and Johnson, D.J. introduced--**

**S.F. No. 2576:** A bill for an act relating to economic development; authorizing port authorities to use certain provisions of the uniform municipal contracting law; amending Minnesota Statutes 1994, section 469.068, by adding a subdivision.

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

**Mr. Finn and Ms. Ranum introduced--**

**S.F. No. 2577:** A bill for an act relating to capital improvements; authorizing the issuance of bonds to renovate the old Cass Lake high school into a multiagency family services resource and learning center; appropriating money.

Referred to the Committee on Education.

**Mr. Finn and Ms. Ranum introduced--**



**S.F. No. 2578:** A bill for an act relating to education; adjusting the base revenue for special education; appropriating money; amending Laws 1995, First Special Session chapter 3, article 15, section 26, subdivision 2.

Referred to the Committee on Education.

**Messrs. Chmielewski and Johnson, D.J. introduced--**

**S.F. No. 2579:** A bill for an act relating to capital improvements; appropriating money for a grant to the Western Lake Superior sanitary district for extension of a sewer interceptor to serve certain unsewered areas of St. Louis county; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

**Mr. Merriam, Mses. Krentz and Hanson introduced--**

**S.F. No. 2580:** A bill for an act relating to state lands; authorizing sales of certain tax-forfeited lands that border public water in Anoka county.

Referred to the Committee on Environment and Natural Resources.

**Mr. Dille introduced--**

**S.F. No. 2581:** A bill for an act relating to local government; the cities of Norwood and Young America in Carver county and their consolidation into the city of Norwood-Young America; repealing Extra Session Laws 1857, chapter 18, section 50; Special Laws 1874, chapter 78; Special Laws 1879, chapters 4 and 152; Special Laws 1881, chapters 31 and 101; Special Laws 1889, chapter 24; and Special Laws 1891, chapters 211 and 272.

Referred to the Committee on Metropolitan and Local Government.

**Messrs. Samuelson, Stevens and Ourada introduced--**

**S.F. No. 2582:** A bill for an act relating to education; eliminating a local property tax levy in a school district for a nonresident pupil attending the district under an alternative attendance program; amending Minnesota Statutes 1995 Supplement, section 124A.24.

Referred to the Committee on Education.

**Mses. Berglin and Kiscaden introduced--**

**S.F. No. 2583:** A bill for an act relating to health insurance; making technical changes; clarifying the definition of dependents; allowing re-entry into the small employer market under certain circumstances; establishing compensation for the reinsurance association; amending Minnesota Statutes 1994, sections 62A.65, subdivision 3, and by adding a subdivision; 62J.25; 62L.02, subdivision 15; 62L.09, subdivision 3; 62L.14, subdivision 7; and 62N.25, subdivision 5; Minnesota Statutes 1995 Supplement, sections 62A.65, subdivision 5; 62L.02, subdivision 11; 62L.045, subdivision 1; 62L.12, subdivision 2; 62M.09, subdivision 5; 62N.076, subdivision 3; 62N.077, subdivision 2; 62Q.01, subdivision 3; and 256.9358, subdivision 4; repealing Minnesota Statutes 1994, section 62N.33; Laws 1993, chapter 247, article 4, section 8; Laws 1995, chapters 96, section 2; 234, article 3, section 3; 248, article 10, section 15; and First Special Session chapter 3, article 13, section 2.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Metzen introduced--**

**S.F. No. 2584:** A bill for an act relating to veterans; eliminating certain duties of the board of

directors of the Minnesota veterans homes; amending Minnesota Statutes 1994, section 198.003, subdivision 1.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Scheevel introduced--**

**S.F. No. 2585:** A bill for an act relating to health; exempting certain recreational camping areas from the requirement to furnish a water supply; amending Minnesota Statutes 1994, section 327.20, subdivision 1.

Referred to the Committee on Health Care.

**Mr. Stumpf introduced--**

**S.F. No. 2586:** A bill for an act relating to agriculture; appropriating money for a grant to a joint powers board for beaver damage control.

Referred to the Committee on Agriculture and Rural Development.

**Mr. Stumpf introduced--**

**S.F. No. 2587:** A bill for an act relating to health; eliminating certain provisions reducing nursing facility reimbursement; amending Minnesota Statutes 1994, section 256B.431, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 256B.431, subdivision 25.

Referred to the Committee on Health Care.

**Ms. Johnston, Messrs. Knutson, Belanger, Terwilliger and Ms. Wiener introduced--**

**S.F. No. 2588:** A bill for an act relating to metropolitan government; authorizing municipalities providing replacement transit service to individually assess a levy for transit and collect the proceeds; amending Minnesota Statutes 1994, section 473.388, subdivisions 2, 5, and by adding a subdivision; repealing Minnesota Statutes 1994, section 473.388, subdivision 3; Minnesota Statutes 1995 Supplement, section 473.388, subdivision 4.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Betzold introduced--**

**S.F. No. 2589:** A bill for an act relating to state lands; authorizing the conveyance of certain tax-forfeited and acquired land that borders public water or natural wetlands in Hennepin county.

Referred to the Committee on Environment and Natural Resources.

**Mr. Day introduced--**

**S.F. No. 2590:** A bill for an act relating to taxation; property; providing for the classification of certain agricultural lands; amending Minnesota Statutes 1994, section 273.13, subdivision 23.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Scheevel, Oliver and Janezich introduced--**

**S.F. No. 2591:** A bill for an act relating to liquor; modifying restrictions for temporary on-sale licenses; amending Minnesota Statutes 1995 Supplement, section 340A.410, subdivision 10.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Samuelson introduced--**

**S.F. No. 2592:** A bill for an act relating to economic development; appropriating money to the commissioner of trade and economic development for expenditure as a grant to the Morrison county rural development finance authority; specifying purposes of the grant.

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

**Mr. Spear, Ms. Berglin, Messrs. Merriam, Frederickson and Cohen introduced--**

**S.F. No. 2593:** A bill for an act relating to capital improvements; appropriating money for a community performing arts center; authorizing the sale of state bonds.

Referred to the Committee on Finance.

**Mr. Pogemiller introduced--**

**S.F. No. 2594:** A bill for an act relating to housing; modifying procedures for allocating bonding authority to cities for single-family housing; making technical corrections; amending Minnesota Statutes 1995 Supplement, section 474A.061, subdivision 2a.

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

**Mr. Pogemiller introduced--**

**S.F. No. 2595:** A bill for an act relating to education; capital improvements; appropriating money to the University of Minnesota for a steam plant away from the Mississippi river; authorizing the issuance of state bonds.

Referred to the Committee on Education.

**Messrs. Johnson, D.J.; Lessard; Stumpf; Finn and Laidig introduced--**

**S.F. No. 2596:** A bill for an act relating to game and fish; providing an appropriation for emergency deer feeding; appropriating money.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Metzen, Vickerman, Janezich, Dille and Stevens introduced--**

**S.F. No. 2597:** A bill for an act relating to local government; providing for creation of an advisory council on intergovernmental relations; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Betzold introduced--**

**S.F. No. 2598:** A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1994, sections 10A.27, subdivision 1; 13.99, subdivisions 8a and 19c; 14.47, subdivision 1; 17.03, subdivision 10; 18.54, subdivisions 1 and 2; 18B.39; 18E.05, subdivision 1; 21.92; 32.417; 41A.023; 41A.04, subdivision 4; 44A.0311; 48.301; 60B.39, subdivision 5; 62D.02, subdivision 4; 62D.12, subdivisions 12 and 13; 62E.04, subdivision 8; 62E.09; 62L.22, subdivision 6; 72C.07, subdivision 1; 83.23, subdivisions 2 and 3; 83.24, subdivisions 3 and 5; 83.26, subdivision 1; 83.28, subdivision 2; 83.30, subdivision 1; 83.31, subdivisions 1 and 3; 83.39, subdivision 1; 85A.02, subdivision 5b; 97B.025; 103G.301,

subdivision 3; 103I.101, subdivision 5; 103I.525, subdivisions 8 and 9; 103I.531, subdivisions 8 and 9; 103I.535, subdivision 8; 103I.541, subdivisions 4 and 5; 115A.156, subdivision 3; 115B.223, subdivision 2; 115C.07, subdivision 3; 116C.834, subdivision 1; 116J.403; 116J.63, subdivision 2; 116J.68, subdivision 2; 129D.14, subdivision 5; 136D.23, subdivisions 1 and 2; 136D.83, subdivisions 1 and 2; 144.98, subdivision 4; 145.61, subdivision 5; 145.889; 145.97; 148B.17; 148B.61, subdivision 2; 148B.64, subdivision 2; 148B.69, subdivision 1; 160.265, subdivision 2; 161.1231, subdivision 5; 169.128; 176.021, subdivision 7; 176.129, subdivisions 4a and 13; 176.225, subdivision 2; 176.83, subdivision 7; 177.24, subdivisions 1 and 4; 177.27, subdivision 6; 182.675; 183.375, subdivision 5; 183.411, subdivisions 2a and 3; 183.545; 197.447; 198.002, subdivision 2; 198.003, subdivision 1; 205A.13; 216A.037, subdivision 3; 216B.164, subdivision 6; 216C.10; 216C.14, subdivision 3; 216C.15, subdivision 2; 216C.37, subdivision 7; 223.17, subdivision 3; 239.101, subdivision 4; 240.24, subdivision 2; 240A.03, subdivision 10; 254B.041, subdivision 2; 256.871, subdivision 7; 256.9753, subdivision 3; 256.991; 256B.431, subdivision 22; 256B.501, subdivisions 5a and 10; 256B.502; 256B.503; 256B.74, subdivision 10; 268.166; 268.37, subdivision 3; 270.84, subdivision 1; 270A.12; 270B.07, subdivision 4; 284.28, subdivisions 5 and 6; 298.39; 299L.07, subdivision 8; 299M.04; 308A.135, subdivision 3; 325D.01, subdivision 1; 325D.69, subdivision 2; 325D.70; 325F.20, subdivision 1; 326.47, subdivision 6; 326.86, subdivision 1; 349A.02, subdivision 6; 352.75, subdivision 6; 352B.26, subdivision 3; 353.271, subdivision 2; 353.84; 354.094, as amended; 354.53, subdivision 1; 354.55, subdivisions 14 and 15; 354.66, subdivisions 1 and 6; 354A.092; 354A.093; 355.391, subdivision 1; 355.392, subdivisions 2 and 3; 356.86, subdivision 2; 356.865, subdivision 2; 363.06, subdivision 4a; 402.01, subdivision 1; 422A.06, subdivision 5; 462A.06, subdivision 11; 462A.07, subdivision 14; 462A.08, subdivision 3; 462A.236; 469.141, subdivision 2; 473.446, subdivision 2; 473.516, subdivision 3; 473.545; 473.639; 480A.06, subdivision 3; 524.3-101; 524.3-108; 524.3-901; 524.3-1204; 525.712; 550.15; 583.285; 624.7132, subdivision 8; 626A.13, subdivision 4; and 629.68; Minnesota Statutes 1995 Supplement, sections 13.99, subdivision 19h; 15.0591, subdivision 2; 15.991, subdivision 1; 16A.6701, subdivision 1; 16B.43, subdivision 1; 16B.748; 41A.066, subdivision 1; 43A.191, subdivision 3; 43A.24, subdivision 2; 47.60, subdivision 4; 62A.307, subdivision 2; 62L.045, subdivision 1; 62M.09, subdivision 5; 72C.03; 79A.31, subdivision 1; 83.26, subdivision 2; 84.9691; 97A.0453; 103B.231, subdivision 3; 103G.301, subdivision 2; 116.07, subdivisions 4 and 4d; 121.703, subdivision 2; 144.057, subdivision 1; 144A.071, subdivision 2; 144A.073, subdivision 8; 144D.06; 148C.03, subdivision 1; 151.37, subdivision 2; 237.16, subdivision 11; 256.737, subdivision 1a; 256D.01, subdivision 1b; 275.065, subdivision 6; 276.04, subdivision 2; 295.50, subdivision 4; 297A.25, subdivision 11; 326.50; 336.9-411; 354.05, subdivision 5; 354.63, subdivision 2; 354A.094, subdivision 4; 354D.01, subdivision 2; 354D.06; 462A.201, subdivision 2; 474.191; 525.6197; 609.101, subdivision 2; 609.485, subdivisions 2 and 4; and 626.557, subdivision 16; Laws 1995, chapters 159, section 1; 202, article 4, section 24; and 212, article 4, section 65; First Special Session chapter 3, article 8, section 25, subdivision 6; repealing Minnesota Statutes 1994, sections 13.99, subdivisions 2 and 39a; 148B.60, subdivision 6; 177.28, subdivision 4; 222.61; 254B.041, subdivision 1; 289A.60, subdivision 9; 349.218; 471.6161, subdivision 7; 473.604, subdivision 7; and 473.704, subdivision 6; Laws 1991, chapter 354, article 6, section 7, subdivisions 2 and 3; Laws 1995, chapters 186, sections 38 and 78; 224, sections 117, 118, 119, 120, and 121; 234, article 3, section 3; 247, article 1, section 44; 248, article 10, section 15; and 259, article 3, section 7, subdivision 2.

Referred to the Committee on Judiciary.

**Ms. Krentz introduced--**

**S.F. No. 2599:** A bill for an act relating to education; authorizing a school district operating referendum to be conducted at the same time as a bond election; amending Minnesota Statutes 1994, section 124A.03, subdivision 2b.

Referred to the Committee on Education.

**Mr. Langseth, Ms. Robertson, Messrs. Solon, Oliver and Johnson, D.J. introduced--**

**S.F. No. 2600:** A bill for an act relating to traffic regulations; motor vehicles; establishing system for the notification, recording, and collection of delinquent fines for traffic and parking violations; prohibiting registration of vehicle of owner who has not paid the fine for a traffic or parking violation; prohibiting issuance of warrants for parking violations; providing for redesigned license plates to be issued in 1998 for passenger automobiles; imposing a fee; appropriating money; amending Minnesota Statutes 1994, sections 168.12, subdivision 1, and by adding a subdivision; 169.91, subdivision 3; 169.95; and 169.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168; and 169.

Referred to the Committee on Transportation and Public Transit.

**Mr. Spear introduced--**

**S.F. No. 2601:** A bill for an act relating to public defense; requiring courts, prosecutors, and law enforcement agencies to provide certain documents and items to public defenders at no charge; permitting the board of public defense to use its 1996-1997 biennial appropriation for certain purposes; amending Minnesota Statutes 1994, section 611.271.

Referred to the Committee on Crime Prevention.

**Mr. Spear and Ms. Ranum introduced--**

**S.F. No. 2602:** A bill for an act relating to the city of Minneapolis; expanding the areas for which special service districts may be established; amending Laws 1985, chapter 302, section 2, subdivision 1, as amended.

Referred to the Committee on Metropolitan and Local Government.

**Ms. Pappas and Mr. Johnson, D.J. introduced--**

**S.F. No. 2603:** A bill for an act relating to taxation; property; reducing county property taxes by funding the fiscal year cost shift for the state takeover of certain income maintenance costs; appropriating money; amending Minnesota Statutes 1994, section 256.025, subdivision 4; Minnesota Statutes 1995 Supplement, section 256.026.

Referred to the Committee on Family Services.

**Mses. Flynn, Pappas and Mr. Johnson, D.J. introduced--**

**S.F. No. 2604:** A bill for an act relating to taxation; property; providing for a study of property assessment, equalization, and payment procedures.

Referred to the Committee on Taxes and Tax Laws.

**Ms. Ranum and Mr. Beckman introduced--**

**S.F. No. 2605:** A bill for an act relating to capital improvements; authorizing capital spending for housing finance agency and economic security department programs; authorizing the sale of state bonds; appropriating money with certain conditions.

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

**Mr. Mondale, Ms. Robertson, Mr. Belanger, Ms. Johnston and Mrs. Pariseau introduced--**

**S.F. No. 2606:** 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. Finn, Ms. Johnson, J.B.; Mr. Samuelson, Ms. Hanson and Mr. Chmielewski introduced--**

**S.F. No. 2607:** A bill for an act relating to natural resources; establishing the snowmobile trails board; creating a snowmobile trails fund; providing for distribution of tax proceeds; appropriating money; amending Minnesota Statutes 1994, section 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

**Mr. Metzen introduced--**

**S.F. No. 2608:** A bill for an act proposing an amendment to the Minnesota Constitution, article IX, section 1; easing the vote requirement for amending the constitution.

Referred to the Committee on Judiciary.

**Messrs. Spear; Johnson, D.E.; Laidig; Kroening and Stumpf introduced--**

**S.F. No. 2609:** A bill for an act relating to capital improvements; authorizing the sale of state bonds; appropriating money for the Minneapolis convention center expansion.

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

**Messrs. Knutson and Kramer introduced--**

**S.F. No. 2610:** A bill for an act relating to real property; permitting contracts for deed to provide for assignment of rents; clarifying rights of tenants; amending Minnesota Statutes 1994, sections 504.20, subdivisions 3, 4, 5, and 6; and 559.17, subdivision 2.

Referred to the Committee on Judiciary.

**Messrs. Sams, Samuelson, Stumpf, Vickerman and Morse introduced--**

**S.F. No. 2611:** A bill for an act relating to public assistance programs; prohibiting electronic benefit transfer transactions at terminals in gambling establishments; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Gaming Regulation.

**Mr. Sams, Ms. Hanson, Messrs. Stevens and Morse introduced--**

**S.F. No. 2612:** A bill for an act relating to agriculture; establishing a grant program for information and technology services to dairy farmers; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

**Messrs. Stumpf, Berg, Sams and Lessard introduced--**

**S.F. No. 2613:** A bill for an act relating to gambling; permitting organizations to conduct contests involving certain card games for senior citizens; amending Minnesota Statutes 1994, section 609.761, by adding a subdivision.

Referred to the Committee on Gaming Regulation.

**Mr. Hottinger introduced--**

**S.F. No. 2614:** A bill for an act relating to tax increment financing; clarifying the calculation of

local contributions in lieu of state aid reductions; making technical changes; correcting a special law for the city of Morris; amending Minnesota Statutes 1995 Supplement, sections 273.1399, subdivision 6; 469.175, subdivision 5; and 469.176, subdivision 2; Laws 1995, chapter 264, article 5, section 40, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Hottinger introduced--**

**S.F. No. 2615:** A bill for an act relating to the environment; requiring new procedures for water quality standards review; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Merriam, Betzold, Mses. Krentz and Hanson introduced--**

**S.F. No. 2616:** A bill for an act relating to education; capital improvements; appropriating money for capital improvements at Anoka-Ramsey community college; authorizing the issuance of state bonds.

Referred to the Committee on Education.

**Messrs. Kramer, Oliver and Kleis introduced--**

**S.F. No. 2617:** A bill for an act relating to health; establishing a framework for restructuring the delivery of health care under the state health care programs; changing the amount that can be placed in an irrevocable funeral or burial trust account; modifying county agency duties under the MinnesotaCare program; requiring income and asset verification for MinnesotaCare recipients; modifying eligibility and asset transfer requirements under the medical assistance program; requiring copayments for medical assistance recipients; modifying covered services under the medical assistance and general assistance medical care programs; permitting an income tax adjustment for long-term care insurance; modifying requirements for nursing facilities; modifying the nursing facility reimbursement system; establishing an advisory committee on nursing facility reimbursement and regulation; requiring various studies; amending Minnesota Statutes 1994, sections 144A.10, subdivision 2; 149.11; 256.9352, by adding a subdivision; 256.9355, subdivisions 1 and 4; 256B.056, subdivisions 1, 1a, and 3; 256B.057, subdivisions 1, 2, and by adding a subdivision; 256B.0625, subdivision 9; 518.145, subdivision 2; Minnesota Statutes 1995 Supplement, sections 144.057, subdivision 2, and by adding a subdivision; 256.9355, subdivision 2; 256B.0595, subdivisions 1 and 2; 256B.431, subdivision 2j; 256B.434, subdivision 17, and by adding a subdivision; 256D.03, subdivisions 3 and 4; and 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapters 256; and 256B; repealing Minnesota Statutes 1994, sections 256B.057, subdivisions 1a and 2a; 256B.41; 256B.411; 256B.421; 256B.431, subdivisions 1, 2, 2a, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2r, 3, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 4, 5, 7, 8, 9, 9a, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, and 24; 256B.432, subdivisions 4, 7, and 8; 256B.433; 256B.47; and 256B.48; Minnesota Statutes 1995 Supplement, sections 256.9366; 256.9367; 256.9368; 256.9369; 256B.055, subdivision 10a; 256B.057, subdivisions 1b and 2b; 256B.0625, subdivision 13b; 256B.0645; 256B.431, subdivisions 2b, 2j, 15, 17, 23, and 25; and 256B.432, subdivisions 1, 2, 3, 5, and 6.

Referred to the Committee on Health Care.

**Mr. Knutson introduced--**

**S.F. No. 2618:** A bill for an act relating to taxation; property; reducing the class rate for certain seasonal recreational property; amending Minnesota Statutes 1995 Supplement, sections 273.13, subdivision 25; and 273.1398, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Vickerman; Moe, R.D.; Novak; Metzen and Ms. Lesewski introduced--**

**S.F. No. 2619:** A bill for an act relating to energy; clarifying that certain wind energy mandates be satisfied by Minnesota facilities; providing for property taxation for certain wind energy conversion systems; permitting the recovery through rates of certain property tax payments; regulating utility use of eminent domain; amending Minnesota Statutes 1994, sections 116O.09, by adding a subdivision; 216B.16, by adding a subdivision; and 216B.2423, subdivision 1, and by adding a subdivision; Minnesota Statutes 1995 Supplement, section 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

**Mses. Flynn, Pappas, Messrs. Pogemiller, Belanger and Hottinger introduced--**

**S.F. No. 2620:** A bill for an act relating to property taxes; classification; providing a reduced class rate for certain apartment buildings; amending Minnesota Statutes 1995 Supplement, section 273.13, subdivision 25.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Sams introduced--**

**S.F. No. 2621:** A bill for an act relating to taxation; property; changing certain references to seasonal residential property; amending Minnesota Statutes 1994, sections 273.11, subdivisions 1a and 13; 273.42, subdivision 2; 279.06, subdivision 1; and 281.17; Minnesota Statutes 1995 Supplement, sections 273.124, subdivision 1; 273.13, subdivision 25; 274.01, subdivision 1; and 279.01, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Langseth introduced--**

**S.F. No. 2622:** A bill for an act relating to transportation; changing formula for distributing county state-aid highway funds; increasing rate of excise tax on gasoline and special fuel; allocating 25 percent of receipts from the motor vehicle sales tax to the transit assistance fund; making technical changes; amending Minnesota Statutes 1994, sections 160.02, by adding subdivisions; 162.02, subdivisions 7, 8, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; and 297B.09, subdivision 1; Minnesota Statutes 1995 Supplement, sections 296.02, subdivision 1b; and 296.025, subdivision 1b; Laws 1995, chapter 265, article 2, section 2, subdivision 3; and section 3.

Referred to the Committee on Transportation and Public Transit.

**Messrs. Stumpf and Moe, R.D. introduced--**

**S.F. No. 2623:** A bill for an act relating to agriculture; providing continuing support for turf grass research and development in northern Minnesota; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

**Ms. Wiener and Mr. Price introduced--**

**S.F. No. 2624:** A bill for an act relating to insurance; providing for immunity under homeowner's insurance for day care services; amending Minnesota Statutes 1994, section 65A.27, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65A.

Referred to the Committee on Commerce and Consumer Protection.



**Mr. Novak, Ms. Runbeck and Mr. Belanger introduced--**

**S.F. No. 2625:** A bill for an act relating to taxation; property; changing the classification of certain seasonal residential property; amending Minnesota Statutes 1995 Supplement, sections 273.13, subdivision 25; and 273.1398, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

**Ms. Runbeck introduced--**

**S.F. No. 2626:** A bill for an act proposing an amendment to the Minnesota Constitution, article VII, section 1; allowing seasonal residential property owners to vote on bonding and property tax questions where the property is located; providing implementing language; proposing coding for new law in Minnesota Statutes, chapter 204B.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Metzen introduced--**

**S.F. No. 2627:** A bill for an act relating to taxation; property; providing that referendum levies are not spread on noncommercial seasonal residential property; amending Minnesota Statutes 1994, section 275.61; and Minnesota Statutes 1995 Supplement, section 275.08, subdivision 1b.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Belanger introduced--**

**S.F. No. 2628:** A bill for an act relating to elections; changing or imposing notice requirements for certain referenda; amending Minnesota Statutes 1995 Supplement, section 124A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 275.

Referred to the Committee on Ethics and Campaign Reform.

**Mr. Pogemiller, Ms. Runbeck and Mr. Belanger introduced--**

**S.F. No. 2629:** A bill for an act relating to taxation; requiring certain school district referenda levies to be levied against referendum market value; amending Minnesota Statutes 1995 Supplement, section 275.08, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Mondale introduced--**

**S.F. No. 2630:** A bill for an act relating to taxation; property; providing a class rate for certain unimproved property bordering water; amending Minnesota Statutes 1994, section 273.13, subdivision 23; Minnesota Statutes 1995 Supplement, section 273.1398, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 2631:** A bill for an act relating to the iron range resources and rehabilitation board; changing composition and appointment of the board; amending Minnesota Statutes 1995 Supplement, section 298.22, subdivision 2.

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

**Mr. Johnson, D.E. introduced--**

**S.F. No. 2632:** A bill for an act relating to taxation; taconite production tax; setting a permanent tax rate; increasing and making permanent certain distributions to the taconite economic development fund; amending Minnesota Statutes 1995 Supplement, sections 298.24, subdivision 1; and 298.28, subdivision 9a.

Referred to the Committee on Taxes and Tax Laws.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 2633:** A bill for an act relating to human services; changing nursing facility reimbursements.

Referred to the Committee on Health Care.

**Messrs. Finn and Sams introduced--**

**S.F. No. 2634:** A bill for an act relating to state government; providing that the state may not acquire privately-owned land without the approval of the local county board; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Samuelson and Sams introduced--**

**S.F. No. 2635:** A bill for an act relating to economic development and decentralization of state government; creating a task force on migration and economic development.

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

**Messrs. Larson, Stumpf and Pogemiller introduced--**

**S.F. No. 2636:** A bill for an act relating to private business, trade, and correspondence schools; setting forth public policy; modifying licensing standards; clarifying miscellaneous provisions; repealing obsolete provisions; amending Minnesota Statutes 1994, sections 141.21, subdivisions 3, 5, 6, and by adding a subdivision; 141.22; 141.23; 141.25, subdivisions 1, 2, 3, 5, 6, 7, 9, 9a, 10, and 12; 141.26, subdivisions 1, 2, 3, and 5; 141.271, subdivisions 2, 3, 4, 5, 6, and 12; 141.28, subdivisions 2, 3, and 5; 141.29; 141.30; 141.31; and 141.35; Minnesota Statutes 1995 Supplement, section 141.25, subdivision 8; repealing Minnesota Statutes 1994, sections 141.33; 141.34; and 141.36.

Referred to the Committee on Education.

**Messrs. Frederickson, Chandler, Ms. Lesewski, Mr. Metzen and Ms. Runbeck introduced--**

**S.F. No. 2637:** A bill for an act relating to liquor; discontinuing the use of the term "nonintoxicating liquor"; amending Minnesota Statutes 1994, section 340A.411, subdivision 1, and by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

**Mr. Stumpf introduced--**

**S.F. No. 2638:** A bill for an act relating to retirement; providing for the consistent governance of various volunteer firefighters relief associations; amending Minnesota Statutes 1994, section 424A.04, by adding a subdivision; repealing Laws 1977, chapter 374, section 41, as amended.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Lessard introduced--**

**S.F. No. 2639:** A bill for an act relating to education; human services; capital improvements; providing a grant to Itasca county for integrated community resource centers with interactive television linkages to remote sites; appropriating money; authorizing the issuance of state bonds.

Referred to the Committee on Education.

**Mr. Lessard introduced--**

**S.F. No. 2640:** A bill for an act relating to state lands; authorizing the private sale of certain tax-forfeited land bordering public water in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Sams, Vickerman, Riveness, Ms. Johnson, J.B. and Mr. Janezich introduced--**

**S.F. No. 2641:** A bill for an act relating to natural resources; establishing the snowmobile trails board; creating a snowmobile trails fund; providing for distribution of tax proceeds; appropriating money; amending Minnesota Statutes 1994, section 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

**Ms. Olson introduced--**

**S.F. No. 2642:** A bill for an act relating to education; imposing financial responsibility on a district providing special instruction and services for a child with disability when the child is enrolled under the enrollment options program; amending Minnesota Statutes 1994, section 124A.036, subdivision 5.

Referred to the Committee on Education.

**Mr. Oliver, Ms. Berglin, Kiscaden and Mr. Sams introduced--**

**S.F. No. 2643:** A bill for an act relating to health; authorizing the dispensing of a prescription written by a physician, osteopath, podiatrist, dentist, or veterinarian licensed in any state or jurisdiction of the United States; amending Minnesota Statutes 1994, section 152.11, as amended.

Referred to the Committee on Health Care.

**Mr. Solon introduced--**

**S.F. No. 2644:** A bill for an act relating to taxes; providing that homestead property tax increases are deferred for certain homeowners aged 65 or older; amending Minnesota Statutes 1995 Supplement, sections 275.065, subdivision 3; 275.08, subdivision 1b; and 276.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

**Mses. Pappas, Flynn and Mr. Price introduced--**

**S.F. No. 2645:** A bill for an act relating to tax increment financing; allowing tax increments to be used in housing interest rate reduction programs for a period of 15 years; amending Minnesota Statutes 1994, sections 469.176, subdivision 4f; and 469.1761, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

**Messrs. Vickerman, Larson, Janezich and Stumpf introduced--**

**S.F. No. 2646:** A bill for an act relating to local government; providing procedures and criteria for municipal annexation of unincorporated land; amending Minnesota Statutes 1994, sections 414.031, by adding a subdivision; 414.0325, subdivision 1; and 414.033, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 414.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Morse introduced--**

**S.F. No. 2647:** A bill for an act relating to natural resources; establishing the snowmobile trails board; creating a snowmobile trails fund; providing for distribution of tax proceeds; appropriating money; amending Minnesota Statutes 1994, section 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Morse, Hottinger, Riveness, Stumpf and Terwilliger introduced--**

**S.F. No. 2648:** A bill for an act relating to retirement; volunteer firefighter relief associations; authorizing the voluntary consolidation of two or more relief associations; authorizing the voluntary conversion of defined benefit relief associations to defined contribution relief associations; proposing coding for new law as Minnesota Statutes, chapters 424B; and 424C.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Morse introduced--**

**S.F. No. 2649:** A bill for an act relating to natural resources; modifying provisions relating to commercial fishing; amending Minnesota Statutes 1994, sections 97A.475, subdivisions 30, 31, 32, 33, 34, 35, 36, and 37; 97C.811, subdivision 6; 97C.815, subdivision 4; 97C.835, subdivisions 1 and 5; and 97C.841.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Laidig, Johnson, D.E.; Ms. Lesewski, Messrs. Stevens and Oliver introduced--**

**S.F. No. 2650:** A bill for an act relating to game and fish; providing an appropriation for emergency deer feeding; appropriating money.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Laidig, Frederickson, Ms. Lesewski, Mrs. Pariseau and Mr. Terwilliger introduced--**

**S.F. No. 2651:** A bill for an act relating to natural resources; establishing the snowmobile trails board; creating a snowmobile trails fund; providing for distribution of tax proceeds; appropriating money; amending Minnesota Statutes 1994, section 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

### MOTIONS AND RESOLUTIONS

Mr. Solon moved that H.F. No. 697 be taken from the table. The motion prevailed.

**H.F. No. 697:** A bill for an act relating to insurance; long-term care; permitting the sale of policies with longer waiting periods with disclosure to the purchaser; amending Minnesota Statutes 1994, sections 62A.48, subdivision 1; and 62A.50, subdivision 3.

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 697, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. Belanger moved that S.F. No. 2455 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Berglin moved that S.F. No. 1662 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Health Care. The motion prevailed.

### RECESS

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

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

### APPOINTMENTS

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

H.F. No. 697: Mr. Solon, Ms. Wiener and Mr. Belanger.

H.F. No. 1567: Messrs. Pogemiller, Mondale and Belanger.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hottinger moved that S.F. No. 2474 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

### MEMBERS EXCUSED

Messrs. Chmielewski and Oliver were excused from the Session of today. Ms. Anderson was excused from the Session of today from 8:30 to 9:05 a.m. Ms. Reichgott Junge, Messrs. Novak, Pogemiller, Riveness and Terwilliger were excused from the Session of today from 8:30 to 9:00 a.m. Ms. Berglin was excused from the Session of today from 8:30 to 9:20 a.m. Mr. Murphy was excused from the Session of today from 8:30 to 9:15 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, February 5, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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