

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, February 18, 1998

The Senate met at 12:00 noon 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. Gary Gilbertson.

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

Anderson	Frederickson	Kleis	Moe, R.D.	Ranum
Beckman	Higgins	Knutson	Morse	Robertson
Belanger	Hottinger	Krentz	Murphy	Robling
Berg	Janezich	Laidig	Neuville	Runbeck
Berglin	Johnson, D.E.	Langseth	Novak	Sams
Betzold	Johnson, D.H.	Larson	Oliver	Scheid
Cohen	Johnson, D.J.	Lesewski	Olson	Solon
Day	Johnson, J.B.	Lessard	Ourada	Spear
Dille	Junge	Limmer	Pariseau	Stevens
Fischbach	Kelley, S.P.	Lourey	Piper	Stumpf
Flynn	Kelly, R.C.	Marty	Pogemiller	Wiener
Foley	Kiscaden	Metzen	Price	Wiger

The President declared a quorum present.

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

MEMBERS EXCUSED

Ms. Pappas, Messrs. Ten Eyck and Vickerman were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2582, 2612, 2630 and 2895.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 16, 1998

FIRST READING OF HOUSE BILLS

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

H.F. No. 2582: A bill for an act relating to financial institutions; permitting an additional school district to establish a school bank as part of an educational program; amending Laws 1997, chapter 157, section 71.

Referred to the Committee on Children, Families and Learning.

H.F. No. 2612: A bill for an act relating to highways; designating the State Trooper Timothy J. Bowe Memorial Highway; amending Minnesota Statutes 1996, section 161.14, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2335, now on General Orders.

H.F. No. 2630: A bill for an act relating to human services; changing provision for family day care licensure; amending Laws 1997, chapter 248, section 47, subdivision 1.

Referred to the Committee on Children, Families and Learning.

H.F. No. 2895: A bill for an act relating to insurance; township mutual companies; regulating farm risks; modifying permitted investments; amending Minnesota Statutes 1996, section 67A.191, subdivision 1; Minnesota Statutes 1997 Supplement, section 67A.231.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2293, 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 reports on S.F. Nos. 2296, 2717, 2853, 2884 and 2933. The motion prevailed.

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

S.F. No. 2296: A bill for an act relating to the environment; clarifying the liability of contractors performing certain response and development actions under MERLA; clarifying time for filing an action under MERLA; amending Minnesota Statutes 1996, sections 115B.03, by adding a subdivision; and 115B.11.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1996, section 115B.02, is amended by adding a subdivision to read:

Subd. 2b. [CONSTRUCTION.] "Construction" means the implementation of actions such as excavation, building of structures, installation of equipment or fixtures, and other physical actions to respond to a release or threatened release, but does not include operation, maintenance, and monitoring actions taken after the response action is fully constructed and operational."

Page 2, delete lines 20 to 25 and insert:

"Subdivision 1. [ACTION FOR RECOVERY OF COSTS.] (a) An action for recovery of response costs under section 115B.04, including recovery of costs and expenses under section 115B.17, subdivision 6, may be commenced any time after costs and expenses have been incurred but must be commenced no later than six years after completion of construction of a response action as evidenced by a certificate issued under section 115B.17, subdivision 2b, paragraph (a).

(b) If an action to recover response costs is commenced within the time required under paragraph (a), and additional response costs are incurred after the commencement of that action, nothing in paragraph (a) shall preclude further actions or proceedings to recover the additional response costs, provided that the further action or proceeding must be commenced no later than three years after the completion of all response actions, including operation, maintenance, and monitoring actions as evidenced by a certificate issued under section 115B.17, subdivision 2b, paragraph (b)."

Page 3, after line 2, insert:

"Sec. 4. Minnesota Statutes 1996, section 115B.17, is amended by adding a subdivision to read:

Subd. 2b. [COMPLETION OF RESPONSE ACTION; CONSTRUCTION AND FINAL CERTIFICATES.] (a) When the commissioner determines that construction of an action to respond to a release or threatened release listed pursuant to subdivision 13 has been completed and that the response action is fully operational, the commissioner shall issue a certificate of construction completion for the response action.

(b) When the commissioner determines that all actions to respond to a release or threatened release listed pursuant to subdivision 13, including all operation, maintenance, and monitoring actions, have been completed the commissioner shall issue a certificate of final completion of response actions."

Page 3, delete lines 4 to 8 and insert:

"Sections 1 to 4 are effective the day following final enactment. Section 2 applies to response actions and development actions performed after that date. Section 3 applies to civil actions for recovery of costs commenced on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing the commissioner of the pollution control agency to issue certificates of completion for construction and for response actions;"

Page 1, line 6, after "sections" insert "115B.02, by adding a subdivision;"

Page 1, line 7, delete "and" and before the period, insert "; and 115B.17, by adding a subdivision"

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

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

S.F. No. 2199: A bill for an act relating to crime; requiring professional bail bonding agents who perform bail bond enforcement services to be licensed as private detectives; amending Minnesota Statutes 1996, section 326.338, subdivision 1.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1996, section 326.3341, is amended to read:

326.3341 [EXEMPTIONS.]

Sections 326.32 to 326.339 do not apply to:

(1) an employee while providing security for the employer on premises occupied exclusively by the employer, or conducting an investigation of a pending or potential claim against the employee's employer;

(2) a peace officer or employee of the United States, this state or one of its political subdivisions, while engaged in the discharge of official duties for the government employer;

(3) persons engaged exclusively in obtaining and furnishing information as to the financial standing, rating, and credit responsibility of persons or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit;

(4) an attorney-at-law while performing the duties of an attorney-at-law or an investigator employed exclusively by an attorney or a law firm engaged in investigating legal matters;

(5) a collection agency or finance company licensed to do business under the laws of this state or an employee of one of those companies while acting within the scope of employment when making an investigation incidental to the business of the agency, including an investigation as to location of a debtor, of the debtor's assets or property, provided the client has a financial interest in or a lien upon the assets or property of the debtor;

(6) an insurance adjuster employed exclusively by an insurance company, or licensed as an adjuster with the state of Minnesota and engaged in the business of adjusting insurance claims; or

(7) persons engaged in responding to alarm signals including, but not limited to, fire alarms, industrial process failure alarms and burglary alarms, for purposes of maintaining, repairing or resetting the alarm, or for opening the premises for law enforcement personnel or responding agents."

Page 1, line 9, delete "(a)"

Page 2, line 14, before the period, insert ", including, but not limited to, bounty hunter and bail bond enforcement services"

Page 2, delete lines 15 to 19

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "clarifying an exemption to the private detective and protective agent licensing provisions;"

Page 1, line 5, delete "section" and insert "sections 326.3341; and"

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

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

S.F. No. 2869: A bill for an act relating to judicial procedures; modifying the required contents of petitions seeking judicial review of driver's license revocations and petitions seeking judicial expungement orders; amending Minnesota Statutes 1996, section 609A.03, subdivision 2; and Minnesota Statutes 1997 Supplement, section 169.123, subdivision 5c.

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

Pages 1 and 2, delete section 1

Page 3, line 29, delete "Sections 1 and 2 are" and insert "Section 1 is" and delete "apply" and insert "applies"

Renumber the section in sequence

Amend the title as follows:

Page 1, line 3, delete "petitions seeking judicial review"

Page 1, line 4, delete "of driver's license revocations and"

Page 1, line 6, delete everything after "2" and insert a period

Page 1, delete lines 7 and 8

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. 2663: A bill for an act relating to crime; expanding the stalking and harassment law to include certain types of harassment committed against a peace officer; providing enhanced penalties for harassment of a peace officer in retaliation for the officer's performance of official duties in connection with a criminal investigation; amending Minnesota Statutes 1996, section 609.749, subdivision 3; Minnesota Statutes 1997 Supplement, section 609.749, subdivision 2.

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

Amend the title as follows:

Page 1, line 3, delete "types of harassment" and insert "acts involving injury to reputation"

Page 1, line 4, delete everything before the semicolon

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. 2695: A bill for an act relating to crime; clarifying repeat offender penalties for theft crimes; amending Minnesota Statutes 1997 Supplement, section 609.52, subdivision 3.

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

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

S.F. No. 1001: A bill for an act relating to professions; providing immunity for activities of the board of psychology; amending Minnesota Statutes 1996, section 148.941, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 148.

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. 2963: A bill for an act relating to truancy; modifying procedures for school attendance review boards; authorizing direct referrals to the county attorney or other authority; amending Minnesota Statutes 1996, sections 260.131, subdivision 1b; 260.132, subdivision 1; 260A.05, subdivision 2; and 260A.06.

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

Mr. Langseth from the Committee on Education Finance, to which was re-referred

S.F. No. 2532: A bill for an act relating to children; clarifying certain terms and applicability of certain programs; providing for licensing assistance, outreach, and training; allowing grants for school-age child care programs; allowing certain grants for statewide adult basic education; changing child care licensing requirements for employers; providing for review of certain orders by the commissioner of children, families, and learning; establishing a cash flow account for energy assistance funds; allowing migrant and seasonal farmworkers to carry out community action programs; changing provisions for family day care licensure; appropriating money; amending Minnesota Statutes 1996, sections 119B.10, by adding a subdivision; 119B.13, subdivision 3; 119B.18, subdivision 2, and by adding subdivisions; 119B.19, subdivisions 1, 4,

and by adding subdivisions; 120.1701, subdivision 5; 121.8355, by adding a subdivision; 124.26, subdivision 1c; 245A.14, subdivision 4; 256.045, subdivision 6, and by adding a subdivision; 268.52, subdivisions 1 and 2; and 268.54, subdivision 2; Minnesota Statutes 1997 Supplement, sections 119B.01, subdivision 16; 119B.061, subdivisions 1, 2, 3, and 4; 119B.075; 119B.10, subdivision 1; 119B.13, subdivision 6; 119B.21, subdivisions 2, 4, 5, and 11; 256.045, subdivision 7; 268.53, subdivision 5; and 466.01, subdivision 1; Laws 1997, chapters 162, article 1, section 18, subdivision 8; article 3, section 8, subdivision 3; and article 4, section 63, subdivisions 2 and 3; 248, section 47, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 119B; and 268.

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

Mr. Langseth from the Committee on Education Finance, to which was referred

S.F. No. 3297: A bill for an act relating to appropriations; appropriating money for higher education and related purposes, with certain conditions; requiring a study; amending Minnesota Statutes 1996, section 136A.101, subdivision 7b; Minnesota Statutes 1997 Supplement, section 136A.121, subdivision 5; Laws 1996, chapter 366, section 6, as amended; Laws 1997, chapter 183, article 1, section 2, subdivisions 6, 9, and 13; and article 2, section 19.

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

Page 8, line 13, after "financial" insert "aid"

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

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

S.F. No. 2627: A bill for an act relating to taxation; providing that certain payments in lieu of taxes may be used for road maintenance in unorganized townships; amending Minnesota Statutes 1996, section 477A.14.

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

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

S.F. No. 2717: A bill for an act relating to the metropolitan council; establishing corridor planning pilot projects; appropriating money.

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.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2853: A bill for an act relating to municipalities; making certain changes to municipal liability; amending Minnesota Statutes 1996, sections 466.03, subdivision 6e, and by adding a subdivision; 604A.20; 604A.21, subdivisions 2, 3, 4, 5, 6, and by adding a subdivision; 604A.22; 604A.25; Minnesota Statutes 1997 Supplement, section 466.01, subdivision 1.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2758: A bill for an act relating to government data practices; juvenile court records; making certain juvenile records public; providing for the state court administrator to prepare annual reports of delinquency dispositions; amending Minnesota Statutes 1997 Supplement, sections 260.161, subdivision 2; and 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260.

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

Pages 1 to 3, delete section 1 and insert:

"Section 1. Minnesota Statutes 1997 Supplement, section 260.161, subdivision 2, is amended to read:

Subd. 2. [PUBLIC INSPECTION OF RECORDS.] (a) Except as otherwise provided in this section, and except for legal records arising from proceedings or portions of proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a):

(1) by order of a court, ~~(b); or~~

(2) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73; ~~or (c) the name of a juvenile who is the subject of a delinquency petition shall be released to.~~

(b) ~~The victim of the any alleged delinquent act may, upon the victim's request; unless it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities.,~~ obtain the following information, unless it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities:

(1) the name and age of the juvenile;

(2) the act for which the juvenile was petitioned and date of the offense; and

(3) the disposition, including but not limited to, dismissal of the petition, diversion, probation and conditions of probation, detention, fines, or restitution.

(c) The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

(d) When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

(e) A county attorney may give a law enforcement agency that referred a delinquency matter to the county attorney a summary of the results of that referral, including the details of any juvenile court disposition."

Pages 3 and 4, delete section 3

Amend the title as follows:

Page 1, line 3, delete "making certain juvenile records public" and insert "authorizing access to certain juvenile records"

Page 1, line 6, delete "sections" and insert "section"

Page 1, line 7, delete "and 299C.095, subdivision 1;"

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

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

S.F. No. 2317: A bill for an act relating to law enforcement; clarifying responsibility for compensating innocent third parties whose property is damaged by law enforcement officers for a public use; establishing state processes for paying just compensation to innocent third parties and for reimbursing local governments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Page 2, delete lines 5 to 22

Page 2, delete section 2

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete lines 6 and 7

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

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

S.F. No. 2493: A bill for an act relating to civil actions; limiting liability of financial institutions providing data for the criminal alert network; amending Minnesota Statutes 1996, section 299A.61, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 299A.61, is amended by adding a subdivision to read:

Subd. 3. [LIMIT ON LIABILITY OF FINANCIAL INSTITUTIONS.] A financial institution that provides or reasonably attempts to provide stolen, forged, fraudulent, or worthless check information for use by the crime alert network or law enforcement agencies investigating a crime is not liable to any person for disclosing the information or for taking any other action, provided that the financial institution is acting in good faith."

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. 2161: A bill for an act relating to crime prevention; increasing the statutory maximum for a drive-by shooting at an occupied motor vehicle; directing the sentencing guidelines commission to rank this type of drive-by shooting at a higher severity level; amending Minnesota Statutes 1996, section 609.66, subdivision 1e.

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

Page 2, delete section 2

Page 2, line 6, delete "3" and insert "2"

Page 2, line 7, delete "Sections 1 and 2 are" and insert "Section 1 is" and delete "apply" and insert "applies"

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 6, delete everything before "amending"

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

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

S.F. No. 3189: A bill for an act relating to utilities; requiring legislative electric energy task force to establish technical advisory committee on electric restructuring; requiring advisory committee to issue reports; establishing duties for public utilities commission and department of public service.

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

Page 1, line 19, delete "by May 15, 1998" and insert ", through the joint action of its chairs"

Page 1, delete line 24 and insert "commissioner of public service, the chair of the public utilities commission, the attorney general, and the house and senate chairs of the legislative electric energy task force shall, within ten days from the date of enactment of this section, jointly and unanimously"

Page 1, line 25, delete "13" and insert "15"

Page 2, line 7, delete "and"

Page 2, line 11, after "general" insert "; and

(4) include a representative of commercial energy consumers; a representative of industrial energy consumers; a representative of rural small business energy consumers; a representative of low-income energy consumer advocates; a representative of renewable energy developers and advocates; and a representative of not-for-profit energy efficiency specialists"

Page 2, line 12, delete "13" and insert "15"

Page 2, line 14, after the period, insert "In the event that the appointments under this section cannot be made unanimously within the time frame established, the legislative electric energy task force shall appoint the members to the technical advisory committee within 30 days from the date of enactment of this section."

Page 2, delete line 36

Page 3, delete lines 1 to 11

Page 4, line 23, before "PRICE" insert "ENERGY PRICES AND"

Page 4, line 24, delete "analyze the"

Page 4, line 25, delete everything before "provide"

Page 4, after line 26, insert:

"(1) a reliable quantification of the potential net benefits of the implementation of retail competition in the state, as well as an evaluation and analysis as to how costs and benefits might be distributed, and might be expected to change over time;"

Page 4, line 27, delete "(1)" and insert "(2)"

Page 4, line 30, delete "(2)" and insert "(3)"

Page 4, after line 32, insert:

"Subd. 4. [UNIVERSAL SERVICE.] By November 1, 1998, the technical advisory committee shall analyze issues relating to the provision of universal energy service in the state, with special emphasis on ensuring affordable service for rural and low-income energy consumers, and shall provide the legislative electric energy task force with:

(1) a needs assessment of the number of low-income individuals and households at or below 150 percent of the federal poverty guidelines and the average energy burden of these individuals and households, expressed as the percentage of overall income dedicated to the payment of energy costs;

(2) an evaluation of alternative nonbypassable competitively neutral funding mechanisms to finance programs to reduce the energy burden of low-income customers;

(3) alternatives regarding program design, administration, outreach, and participation goals for bill payment and energy conservation assistance;

(4) an evaluation of alternatives for ensuring affordable service for individuals who do not or cannot choose an alternate energy supplier, including default supplier and provider of last resort options; and

(5) an evaluation of options to ensure that rural energy consumers continue to receive affordable high-quality energy service and participate in any benefits attributable to increased competition."

Page 4, line 33, delete "4" and insert "5" and delete "may" and insert "shall"

Page 4, line 35, delete ", for example"

Page 5, line 10, after the semicolon, insert "and"

Page 5, delete lines 11 to 13

Page 5, line 14, delete "(6)" and insert "(5)"

Page 5, line 35, before "By" insert "(a)"

Page 6, after line 7, insert:

"(b) In conducting the initial technical analysis under this subdivision, the public utilities commission shall convene a working group which includes the department of public service, utility representatives, community action agency representatives, and other energy efficiency advocates and service providers to investigate the energy conservation improvement program under Minnesota Statutes, section 216B.241, and to provide recommendations to the technical advisory committee regarding how energy efficiency and related services could best be provided in a more competitive electricity market. The commission shall include in this investigation a review of the effectiveness and benefits of existing conservation improvement program projects, including an analysis of the costs and benefits of these projects and how those costs and benefits are allocated among customer classes. The commission shall give particular attention to assessing the success of these projects on meeting the needs of low-income households."

Page 6, line 17, delete "by" and insert "no later than"

Page 7, after line 13, insert:

"Sec. 5. [TASK FORCE ASSESSMENT AUTHORITY.]

The legislative electric energy task force is authorized to utilize its assessment authority under Minnesota Statutes 1997 Supplement, section 216C.051, subdivision 6, to fund activities of the technical advisory committee under this act."

Page 7, line 14, delete "5" and insert "6"

Page 7, line 15, delete "4" and insert "5"

Amend the title as follows:

Page 1, line 7, before the period, insert "; authorizing the legislative electric energy task force to use its assessment authority to fund technical advisory committee activities"

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

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

S.F. No. 2124: A bill for an act relating to the metropolitan mosquito control district; requiring notice before application of adult or larval mosquito control treatment; amending Minnesota Statutes 1996, section 473.704, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 2, line 2, delete the new language

Page 2, line 3, strike everything before "prior" and insert "provide notice"

Page 2, delete lines 10 to 27 and insert:

"Subdivision 1. [NEWSPAPER ADS.] Each year in the spring before the first application of insecticide for adult mosquito control, the commission shall publish an advertisement notifying the public of its plans for the spraying of insecticide for adult mosquito control. The advertisement must be published in all local newspapers of general circulation in the district. The advertisement must be at least 45 square inches in size. The advertisement must include the following information:

- (1) the possible locations for application of the insecticide during the season;
- (2) the names of the products that may be used and a list of the active and inert ingredients in the products as stated on the labels;
- (3) excluding statements directed to the applicator, all precautionary statements from the labels of the products concerning hazards to humans, domestic animals, and the environment;
- (4) that individuals can refuse application of the insecticide and the procedure for refusing treatment, including the telephone number to call to make the request; and
- (5) a telephone number to call for further information.

Subd. 2. [PUBLIC LAND.] Before each planned application of an insecticide for adult mosquito control on public land, the commission shall post notices on the public land to inform the public of:

- (1) the day and time of the application;
- (2) the name of product being used and a list of the active and inert ingredients in the product as stated on the label;
- (3) excluding statements directed to the applicator, all precautionary statements from the label of the product concerning hazards to humans, domestic animals, and the environment; and

(4) a telephone number to call for further information.

The notification signs must be clearly visible and easily read, at least eight and one-half by 11 inches in size, and be posted at the main entrances of the public land, and remain in place for as long as the insecticide remains active according to the product label."

Page 2, line 28, delete "Subd. 2. [PRIVATE PROPERTY.]" and insert "Subd. 3. [PRIVATE PROPERTY; NOTIFICATION PILOT PROJECT.] (a) The commission shall provide individual notification as required in this subdivision in four pilot project areas to be determined by the commission. The pilot project areas must be large enough to provide a viable statistical sample for determining the relative effectiveness of individual notification versus notification through publication of an advertisement in newspapers of general circulation, as required in subdivision 1.

(b) In each of the pilot project areas,"

Page 2, line 30, delete "or larval"

Page 3, after line 12, insert:

"(c) This subdivision expires July 1, 2000."

Page 3, line 13, delete "3" and insert "4" and delete "At least seven days,"

Page 3, line 14, delete everything before "before"

Page 3, line 17, delete everything after the second "the" and insert "chief administrative official of the city or town"

Page 3, line 18, delete everything before the second "of"

Page 3, line 20, delete "4" and insert "5"

Page 3, after line 27, insert:

"Subd. 6. [REPORT.] The commission shall report to the legislature on July 1, 2000, on the relative costs and impacts of notification by annual advertisement under subdivision 1, and individual notification before each application of insecticide for adult mosquito control under subdivision 3. The report must include information on the costs, form, dates, and locations of the advertisements published, the number of calls to the commission as a result of the advertisements and the nature of the calls. The report must also include information on the location and size of the four pilot project areas, the population and number of households in each pilot project area, the costs, form, and dates of notifications made in each area, and the response to the notifications, including the number of calls to the commission and the nature of the calls."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a report to the legislature;"

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

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

S.F. No. 2712: A bill for an act relating to natural resources; providing for the acquisition of critical aquatic habitat; modifying commercial netting provisions; permitting the commissioner to take catfish in certain waters; modifying minnow retailer provisions; modifying turtle license provisions; amending Minnesota Statutes 1996, sections 86A.04; 97C.041; 97C.501, subdivision 1; and 97C.605, subdivisions 1 and 2; Minnesota Statutes 1997 Supplement, sections 97A.475, subdivision 30; and 97C.501, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 97C.

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

Page 2, after line 35, insert:

"Sec. 3. Minnesota Statutes 1996, section 97B.051, is amended to read:

97B.051 [TRANSPORTATION OF ARCHERY BOWS.]

Except as specified under section 97C.376, a person may not transport an archery bow in a motor vehicle unless the bow is:

- (1) unstrung;
- (2) completely contained in a case; or
- (3) in the closed trunk of a motor vehicle.

Sec. 4. Minnesota Statutes 1996, section 97B.411, is amended to read:

97B.411 [BEAR SEASON AND RESTRICTIONS.]

The commissioner may, by rule, prescribe the open season and the areas and restrictions for the taking of bear. A person may not take a white bear."

Page 3, after line 26, insert:

"Sec. 7. [97C.376] [BOWFISHING EXEMPTION.]

An archery bow used exclusively to harvest rough fish and having an attached bowfishing reel and tethered arrow with a harpoon-style bowfishing point is exempt from the transportation restriction under section 97B.051 when the bow is being used in a motorboat while powered by an electric trolling motor for the pursuit of legal rough fish species."

Page 5, line 5, after "license" insert ", except as provided in subdivision 2"

Page 5, line 12, before the colon, insert "or an angling license"

Page 5, line 13, delete the new language and strike "at a location"

Page 5, line 14, strike the old language

Page 5, line 15, strike everything before the semicolon and insert "when buying turtles for resale at a retail outlet"

Page 5, line 18, after "buying" insert "a"

Page 5, line 19, delete "when" and insert "if the person is" and delete "buys turtles" and insert "buying a turtle" and after "from" insert "a"

Page 5, lines 20 and 21, delete "sellers" and insert "seller"

Page 5, line 22, delete "nonresidents" and insert "a nonresident"

Page 5, after line 26, insert:

"Sec. 12. [LIFETIME LICENSE STUDY.]

By January 15, 1999, the commissioner of natural resources must submit a report to the house and senate environment and natural resources committees regarding lifetime hunting and fishing licenses, including an analysis of the potential for success with the licenses, any problems associated with the licenses, and an analysis of the fiscal impact of the licenses.

Sec. 13. [SHOOTING PRESERVE STUDY.]

By January 15, 1999, the commissioner of natural resources must submit a report to the house

and senate environment and natural resources committees regarding expansion of the species allowed under Minnesota Statutes, section 97A.115.

Sec. 14. [SALE OF TAX-FORFEITED LAND; MOWER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Mower county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in Mower county and is described as:

The following portion of the South Half of the Northwest Quarter and the North Half of the Southwest Quarter of Section 33, Township 101 North, Range 18 West; Beginning at a point 703.9 feet East of a point on the West Section line 1729 feet North of the Southwest corner of said Section 33, thence due East 1216 feet to the center of the Cedar river, thence North 30 degrees 52 minutes West along the centerline of said river 534 feet, thence North 35 degrees 50 minutes West along said centerline 272 feet; thence North 51 degrees 20 minutes West along said centerline 357 feet, thence North 12 degrees 26 minutes East along said centerline 359 feet to a point 605 feet due East of a point 1264.9 feet North of the place of beginning, thence 605 feet due West to said point 1264.9 feet North of the place of beginning, thence 1264.9 feet South to the place of beginning, containing 25 acres; Also an easement for cartway purposes for ingress to and egress from the above-described 25 acre tract, upon a strip of land 33 feet north and south, the north line of which borders upon the south line of the land conveyed to the Woodbury cemetery association of Lyle, Mower County, Minnesota, by the deed recorded in Book 14 of Deeds, page 488, in the office of the register of deeds of said county, and which extends from the highway along the west line of said section, eastward to the said 25-acre tract.

(d) The county has determined that the county's land management interests would best be served if the land was returned to private ownership.

Sec. 15. [SALE OF SCHOOL TRUST LAND IN ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell at public sale the leased school trust land bordering public waters described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 92.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be sold is located in St. Louis county and is described as:

Lot 1, Block 1, Spirit Lake Shores Plat, Section 25, Township 58 North, Range 19 West.

(d) The improvements on the land that are owned by the lessee must be purchased separately from the land, as prescribed in Minnesota Statutes, section 92.06, subdivision 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "exempting archery bows used for bowfishing from casing requirement; prohibiting the taking of white bears;"

Page 1, line 7, before the semicolon, insert "; requiring the commissioner of natural resources to study lifetime hunting and fishing licenses; requiring the commissioner of natural resources to study the modification of species restrictions on shooting preserves; authorizing the public sale of certain tax-forfeited land that borders public water in Mower county; authorizing the sale of certain school trust land bordering public waters in St. Louis county"

Page 1, line 8, after the first semicolon, insert "97B.051; 97B.411;"

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

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

S.F. No. 2670: A bill for an act relating to metropolitan government; providing for county commissioners to serve as metropolitan council members; regulating economic interest statements of candidates and members; regulating contributions to candidates; requiring a study; amending Minnesota Statutes 1996, sections 10A.01, subdivision 5; 10A.09, subdivisions 5 and 6a; 10A.27, subdivision 1; 15.0597, subdivision 1; 204B.06, subdivision 4; 204B.09, subdivisions 1 and 1a; 204B.11; 204B.135, subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01, subdivision 3; 211B.01, subdivision 3; 353D.01, subdivision 2; and 473.123, subdivisions 1, 4, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 204D; 375; and 473; repealing Minnesota Statutes 1996, sections 473.123, subdivisions 2a, 3, 3a, and 3c.

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

Pages 2 and 3, delete section 2

Page 13, after line 36, insert:

"Sec. 20. Minnesota Statutes 1996, section 375.09, is amended to read:

375.09 [MAY NOT HOLD OTHER OFFICE; BRIBERY; VIOLATION; MALFEASANCE.]

No county commissioner shall hold another elected office during tenure as commissioner, except to serve as an elected metropolitan council member, nor be employed by the county. No commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board. Every election and every contract or payment voted for or made contrary to this section is void. Any violation of this section is a malfeasance in office."

Page 14, line 12, strike "AND COMPENSATION"

Page 14, line 33, strike everything after the period

Page 14, strike lines 34 to 36

Page 15, strike lines 1 to 3

Pages 16 and 17, delete section 25 and insert:

"Sec. 25. [473.124] [METROPOLITAN COUNCIL ELECTIONS; MEMBERS ELECTED AS COUNTY COMMISSIONERS.]

Subdivision 1. [NUMBER OF MEMBERS.] The metropolitan council consists of 25 members, except that the legislature may by law increase or decrease the number of members by up to nine in order to increase the proportion of metropolitan council seats held by county commissioners as provided in this section.

Subd. 2. [DISTRICTS.] (a) The legislature shall apportion the number of seats on the metropolitan council among the seven counties, or as necessary to meet equal-population requirements, among groups of counties, after each federal decennial census. Each county, or group of counties, must be divided into as many metropolitan council districts as it has been apportioned seats. The districts must be drawn by the county board of the county, or jointly by the county boards of the counties in a group of counties, following the procedures in section 375.025 except as superseded by this section. The districts must be bounded by town, municipal, ward, or precinct lines. The districts must be composed of compact, convenient, contiguous territory and must be substantially equal in population. The population of the largest district must not exceed the population of the smallest district by more than ten percent, unless the result would force a voting precinct to be split. A metropolitan council district may not include territory in more than one county unless necessary to meet equal-population requirements.

(b) If all the redrawn metropolitan council districts in a county lie wholly within the county, and the number of metropolitan council districts is no greater than the number of members on the county board as provided under section 375.01, the metropolitan council districts also serve as county commissioner districts. If the number of metropolitan council districts in a county is greater than the number of members of the county board as provided under section 375.01, the county board may increase the number of members of the county board to equal the number of metropolitan council districts in the county and the metropolitan council districts will then serve also as county commissioner districts; if the number of members of the county board is not increased, the county board shall draw one plan for metropolitan council districts and a separate plan for county commissioner districts. If the number of metropolitan council districts that also serve as county commissioner districts in a county is less than the number of members of the county board as provided under section 375.01, the remaining members of the county board must be elected from the county at large, except that, if a county has no redrawn metropolitan council districts that lie wholly within it, the county must be divided into as many county commissioner districts as there are members of the county board.

Subd. 3. [ELECTION.] In a county whose metropolitan council districts all lie wholly within the county and serve as county commissioner districts, each candidate for the metropolitan council is also a candidate for the county board and, if elected, holds both offices at the same time. In a county whose metropolitan council districts do not all lie wholly within the county and serve as county commissioner districts, only a county commissioner or a candidate for the office of county commissioner may file as a candidate for the office of metropolitan council member. The candidate may be elected to both offices and serve both as a county commissioner and as a metropolitan council member.

Subd. 4. [TERMS.] Metropolitan council members shall serve terms as provided in section 375.025, subdivision 4."

Page 17, after line 33, insert:

"Laws 1994, chapter 628, article 1, section 8, is repealed."

Page 17, line 36, before the period, insert ", except that section 26 is effective the day following final enactment"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "subdivisions 5 and" and insert "subdivision"

Page 1, line 15, after the semicolon, insert "375.09;"

Page 1, line 19, before the period, insert "; and Laws 1994, chapter 628, article 1, section 8"

And when so amended the bill be re-referred to the Committee on Election Laws without recommendation. Amendments adopted. Report adopted.

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

S.F. No. 2928: A bill for an act relating to insurance; prohibiting affiliates of insurance companies from engaging in rebating that is illegal for insurance companies; amending Minnesota Statutes 1996, section 72A.08, subdivisions 1, 2, and 3.

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

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

S.F. No. 2929: A bill for an act relating to landlords and tenants; requiring a landlord to return an application fee or provide a reason for denial in writing; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Delete everything after the enacting clause and insert:

"Section 1. [504.311] [APPLICATION PROCESS; DISCLOSURES.]

(a) An owner as defined in section 566.18, subdivision 3, prior to taking an application fee from a rental housing applicant, must disclose on the application form or on a separate form the following information:

(1) the amount of the application fee, a statement of how it will be used, and whether the fee is refundable;

(2) the procedures the owner will use to process the application and determine whether to rent to the applicant;

(3) the name, address, and telephone number of the tenant screening service the owner will use, unless the owner does not use a tenant screening service; and

(4) a statement that if the applicant is denied a rental unit based in whole or in part on information contained in a screening report, the denied applicant has the right under the Fair Credit Reporting Act to receive a free copy of the report from the tenant screening service.

(b) A signed acknowledgment of receipt of the information required in this section by the prospective tenant is prima facie evidence that the prospective tenant was provided the information.

(c) An owner who fails to comply with paragraph (a) is liable, to an applicant who was denied tenancy, for the application fee plus a civil penalty of \$150 and civil court filing costs. An owner is not liable under this paragraph if the applicant made a material false statement or knowingly omitted material requested information in connection with the rental application.

(d) A rental housing applicant who makes a material false statement or provides material false information in connection with a rental application is liable to the owner for a civil penalty of \$150 and civil court filing costs, if any.

A tenant is not liable under this paragraph if the owner did not comply with paragraph (a) or if a unit was not rented to the applicant.

(e) This section does not apply to tenancy applications for manufactured home park lot rentals regulated under chapter 327C.

Sec. 2. [REPEALER.]

Minnesota Statutes 1996, section 504.30, subdivision 5, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Section 1, paragraphs (c) and (d), are effective January 1, 1999."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "regulating the rental housing application process"

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 1996, section 504.30, subdivision 5"

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

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

S.F. No. 2280: A bill for an act relating to reemployment insurance; exempting certain overpaid benefits from the standard collection procedure; amending Laws 1997, chapter 202, article 1, section 17, subdivision 8.

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

Mr. Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 2108: A bill for an act relating to health; establishing requirements for blood lead analysis reports and data; providing for lead abatement, lead hazard reduction, and lead risk assessments; authorizing licensure of certain persons and firms performing lead work; providing grants to nonprofit organizations; amending Minnesota Statutes 1996, sections 144.9501, subdivisions 1, 17, 18, 20, 23, 30, and by adding subdivisions; 144.9502, subdivisions 3, 4, and 9; 144.9503, subdivisions 4 and 6; 144.9504, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 144.9505, subdivisions 1, 4, and 5; 144.9507, subdivisions 2, 3, and 4; 144.9508, subdivisions 1, 2, 3, and 4; 144.9509, subdivision 2; 144.99, subdivision 1; and 268.92, subdivision 4; Minnesota Statutes 1997 Supplement, sections 144.9504, subdivision 2; and 144.9506, subdivision 1; repealing Minnesota Statutes 1996, sections 144.491; 144.9501, subdivisions 12, 14, and 16; 144.9503, subdivisions 5, 8, and 9.

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 1996, section 144.9501, subdivision 1, is amended to read:

Subdivision 1. [CITATION.] Sections 144.9501 to 144.9509 may be cited as the "childhood lead poisoning prevention act."

Sec. 2. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 4a. [ASSESSING AGENCY.] "Assessing agency" means the commissioner or a board of health with authority and responsibility to conduct lead risk assessments in response to reports of children or pregnant women with elevated blood lead levels.

Sec. 3. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 6b. [CLEARANCE INSPECTION.] "Clearance inspection" means a visual identification of deteriorated paint and bare soil and a resampling and analysis of interior dust lead concentrations in a residence to ensure that the lead standards established in rules adopted under section 144.9508 are not exceeded.

Sec. 4. Minnesota Statutes 1996, section 144.9501, subdivision 17, is amended to read:

Subd. 17. [LEAD HAZARD REDUCTION.] "Lead hazard reduction" means action undertaken ~~in response to a lead order~~ to make a residence, child care facility, school, or playground lead-safe by complying with the lead standards and methods adopted under section 144.9508, by:

(1) a property owner or lead contractor-complying persons hired by the property owner to comply with a lead order issued under section 144.9504; or

(2) a swab team service provided in response to a lead order issued under section 144.9504; or

(3) a renter residing at a rental property or one or more volunteers.

Sec. 5. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 17a. [LEAD HAZARD SCREEN.] "Lead hazard screen" means visual identification of the existence and location of any deteriorated paint, collection and analysis of dust samples, and visual identification of the existence and location of bare soil.

Sec. 6. Minnesota Statutes 1996, section 144.9501, subdivision 18, is amended to read:

Subd. 18. [LEAD INSPECTION.] "Lead inspection" means a qualitative or quantitative analytical inspection of a residence for deteriorated paint or bare soil and the collection of samples of deteriorated paint, bare soil, dust, or drinking water for analysis to determine if the lead concentrations in the samples exceed standards adopted under section 144.9508. Lead inspection includes the clearance inspection after the completion of a lead order measurement of the lead content of paint and a visual identification of the existence and location of bare soil.

Sec. 7. Minnesota Statutes 1996, section 144.9501, subdivision 20, is amended to read:

Subd. 20. [LEAD ORDER.] "Lead order" means a legal instrument to compel a property owner to engage in lead hazard reduction according to the specifications given by the inspecting assessing agency.

Sec. 8. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 20a. [LEAD PROJECT DESIGNER.] "Lead project designer" means an individual who is responsible for planning the site-specific performance of lead abatement or lead hazard reduction and who has been licensed by the commissioner under section 144.9505.

Sec. 9. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 20b. [LEAD RISK ASSESSMENT.] "Lead risk assessment" means a quantitative measurement of the lead content of paint, interior dust, and bare soil to determine compliance with the standards established under section 144.9508.

Sec. 10. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 20c. [LEAD RISK ASSESSOR.] "Lead risk assessor" means an individual who performs lead risk assessments or lead inspections and who has been licensed by the commissioner under section 144.9506.

Sec. 11. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 22a. [LEAD SUPERVISOR.] "Lead supervisor" means an individual who is responsible for the on-site performance of lead abatement or lead hazard reduction and who has been licensed by the commissioner under section 144.9505.

Sec. 12. Minnesota Statutes 1996, section 144.9501, subdivision 23, is amended to read:

Subd. 23. [LEAD WORKER.] "Lead worker" means any person who is certified an individual who performs lead abatement or lead hazard reduction and who has been licensed by the commissioner under section 144.9505.

Sec. 13. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 25a. [PLAY AREA.] "Play area" means any established area where children play, or on residential property, any established area where children play or bare soil is accessible to children.

Sec. 14. Minnesota Statutes 1996, section 144.9501, is amended by adding a subdivision to read:

Subd. 28a. [STANDARD.] "Standard" means a quantitative assessment of lead in any environmental media or consumer product, or a work practice or method that reduced the likelihood of lead exposure.

Sec. 15. Minnesota Statutes 1996, section 144.9501, subdivision 30, is amended to read:

Subd. 30. [SWAB TEAM WORKER.] "Swab team worker" means a person who is certified an

individual who performs swab team services and who has been licensed by the commissioner as a lead worker under section 144.9505.

Sec. 16. Minnesota Statutes 1996, section 144.9502, subdivision 3, is amended to read:

Subd. 3. [REPORTS OF BLOOD LEAD ANALYSIS REQUIRED.] (a) Every hospital, medical clinic, medical laboratory, ~~or other facility,~~ or individual performing blood lead analysis shall report the results after the analysis of each specimen analyzed, for both capillary and venous specimens, and epidemiologic information required in this section to the commissioner of health, within the time frames set forth in clauses (1) and (2):

(1) within two working days by telephone, fax, or electronic transmission, with written or electronic confirmation within one month, for a venous blood lead level equal to or greater than 15 micrograms of lead per deciliter of whole blood; or

(2) within one month in writing or by electronic transmission, for a any capillary result or for a venous blood lead level less than 15 micrograms of lead per deciliter of whole blood.

(b) If a blood lead analysis is performed outside of Minnesota and the facility performing the analysis does not report the blood lead analysis results and epidemiological information required in this section to the commissioner, the provider who collected the blood specimen must satisfy the reporting requirements of this section. For purposes of this section, "provider" has the meaning given in section 62D.02, subdivision 9.

(c) The commissioner shall coordinate with hospitals, medical clinics, medical laboratories, and other facilities performing blood lead analysis to develop a universal reporting form and mechanism.

~~The reporting requirements of this subdivision shall expire on December 31, 1997. Beginning January 1, 1998, every hospital, medical clinic, medical laboratory, or other facility performing blood lead analysis shall report the results within two working days by telephone, fax, or electronic transmission, with written or electronic confirmation within one month, for capillary or venous blood lead level equal to the level for which reporting is recommended by the Center for Disease Control.~~

Sec. 17. Minnesota Statutes 1996, section 144.9502, subdivision 4, is amended to read:

Subd. 4. [BLOOD LEAD ANALYSES AND EPIDEMIOLOGIC INFORMATION.] The blood lead analysis reports required in this section must specify:

(1) whether the specimen was collected as a capillary or venous sample;

(2) the date the sample was collected;

(3) the results of the blood lead analysis;

(4) the date the sample was analyzed;

(5) the method of analysis used;

(6) the full name, address, and phone number of the laboratory performing the analysis;

(7) the full name, address, and phone number of the physician or facility requesting the analysis;

(8) the full name, address, and phone number of the person with the elevated blood lead level, and the person's birthdate, gender, and race.

Sec. 18. Minnesota Statutes 1996, section 144.9502, subdivision 9, is amended to read:

Subd. 9. [CLASSIFICATION OF DATA.] Notwithstanding any law to the contrary, including section 13.05, subdivision 9, data collected by the commissioner of health about persons with elevated blood lead levels, including analytic results from samples of paint, soil, dust, and drinking

water taken from the individual's home and immediate property, shall be private and may only be used by the commissioner of health, the commissioner of labor and industry, authorized agents of Indian tribes, and authorized employees of local boards of health for the purposes set forth in this section.

Sec. 19. Minnesota Statutes 1996, section 144.9503, subdivision 4, is amended to read:

Subd. 4. [SWAB TEAM SERVICES.] Primary prevention must include the use of swab team services in census tracts identified at high risk for toxic lead exposure as identified by the commissioner under this section. The swab team services may be provided based on visual inspections lead hazard screens whenever possible and must at least include lead hazard management reduction for deteriorated interior lead-based paint, bare soil, and dust.

Sec. 20. Minnesota Statutes 1996, section 144.9503, subdivision 6, is amended to read:

Subd. 6. [VOLUNTARY LEAD ABATEMENT OR LEAD HAZARD REDUCTION.] The commissioner shall monitor the lead abatement or lead hazard reduction methods adopted under section 144.9508 in cases of voluntary lead abatement or lead hazard reduction. All contractors persons hired to do voluntary lead abatement or lead hazard reduction must be licensed lead contractors by the commissioner under section 144.9505 or 144.9506. Renters and volunteers performing lead abatement or lead hazard reduction must be trained and licensed as lead supervisors or lead workers. If a property owner does not use a lead contractor hire a person for voluntary lead abatement or lead hazard reduction, the property owner shall provide the commissioner with a work plan for lead abatement or lead hazard reduction at least ten working days before beginning the lead abatement or lead hazard reduction. The work plan must include the details required in section 144.9505, and notice as to when lead abatement or lead hazard reduction activities will begin. Within the limits of appropriations, the commissioner shall review work plans and shall approve or disapprove them as to compliance with the requirements in section 144.9505. No penalty shall be assessed against a property owner for discontinuing voluntary lead hazard reduction before completion of the work plan, provided that the property owner discontinues the plan lead hazard reduction in a manner that leaves the property in a condition no more hazardous than its condition before the work plan implementation.

Sec. 21. Minnesota Statutes 1996, section 144.9503, subdivision 7, is amended to read:

Subd. 7. [LEAD-SAFE DIRECTIVES.] (a) By July 1, 1995, and amended and updated as necessary, the commissioner shall develop in cooperation with the commissioner of administration provisions and procedures to define lead-safe directives for residential remodeling, renovation, installation, and rehabilitation activities that are not lead hazard reduction, but may disrupt lead-based paint surfaces.

(b) The provisions and procedures shall define lead-safe directives for nonlead hazard reduction activities including preparation, cleanup, and disposal procedures. The directives shall be based on the different levels and types of work involved and the potential for lead hazards. The directives shall address activities including painting; remodeling; weatherization; installation of cable, wire, plumbing, and gas; and replacement of doors and windows. The commissioners of health and administration shall consult with representatives of builders, weatherization providers, nonprofit rehabilitation organizations, each of the affected trades, and housing and redevelopment authorities in developing the directives and procedures. This group shall also make recommendations for consumer and contractor education and training. The commissioner of health shall report to the legislature by February 15, 1996, regarding development of the provisions required under this subdivision paragraph.

(c) By January 1, 1999, the commissioner, in cooperation with interested and informed persons and using the meeting structure and format developed in paragraph (b), shall develop lead-safe directives on the following topics:

- (1) maintaining floors, walls, and ceilings;
- (2) maintaining and repairing porches;

(3) conducting a risk evaluation for lead; and

(4) prohibited practices when working with lead.

The commissioner shall report to the legislature by January 1, 1999, regarding development of the provisions required under this paragraph.

Sec. 22. Minnesota Statutes 1996, section 144.9504, subdivision 1, is amended to read:

Subdivision 1. [JURISDICTION.] (a) A board of health serving cities of the first class must conduct ~~lead inspections~~ risk assessments for purposes of secondary prevention, according to the provisions of this section. A board of health not serving cities of the first class must conduct ~~lead inspections~~ risk assessments for the purposes of secondary prevention, unless they ~~certify~~ certified in writing to the commissioner by January 1, 1996, that they ~~desire~~ desired to relinquish these duties back to the commissioner. At the discretion of the commissioner, a board of health may relinquish the authority and duty to perform lead risk assessments for secondary prevention by so certifying in writing to the commissioner by December 31, 1999. At the discretion of the commissioner, a board of health may, upon written request to the commissioner, resume these duties.

(b) ~~Inspections~~ Lead risk assessments must be conducted by a board of health serving a city of the first class. The commissioner must conduct ~~lead inspections~~ risk assessments in any area not including cities of the first class where a board of health has relinquished to the commissioner the responsibility for ~~lead inspections~~ risk assessments. The commissioner shall coordinate with the board of health to ensure that the requirements of this section are met.

(c) The commissioner may assist boards of health by providing technical expertise, equipment, and personnel to boards of health. The commissioner may provide laboratory or field lead-testing equipment to a board of health or may reimburse a board of health for direct costs associated with ~~lead inspections~~ risk assessments.

(d) The commissioner shall enforce the rules under section 144.9508 in cases of voluntary lead hazard reduction.

Sec. 23. Minnesota Statutes 1997 Supplement, section 144.9504, subdivision 2, is amended to read:

Subd. 2. [LEAD INSPECTION RISK ASSESSMENT.] (a) An ~~inspecting~~ assessing agency shall conduct a ~~lead inspection~~ risk assessment of a residence according to the venous blood lead level and time frame set forth in clauses (1) to (5) for purposes of secondary prevention:

(1) within 48 hours of a child or pregnant female in the residence being identified to the agency as having a venous blood lead level equal to or greater than 70 micrograms of lead per deciliter of whole blood;

(2) within five working days of a child or pregnant female in the residence being identified to the agency as having a venous blood lead level equal to or greater than 45 micrograms of lead per deciliter of whole blood;

(3) within ten working days of a child in the residence being identified to the agency as having a venous blood lead level equal to or greater than 20 micrograms of lead per deciliter of whole blood;

(4) within ten working days of a child in the residence being identified to the agency as having a venous blood lead level that persists in the range of 15 to 19 micrograms of lead per deciliter of whole blood for 90 days after initial identification; or

(5) within ten working days of a pregnant female in the residence being identified to the agency as having a venous blood lead level equal to or greater than ten micrograms of lead per deciliter of whole blood.

(b) Within the limits of available state and federal appropriations, an ~~inspecting~~ assessing

agency may also conduct a lead inspection risk assessment for children with any elevated blood lead level.

(c) In a building with two or more dwelling units, an inspecting assessing agency shall inspect the individual unit in which the conditions of this section are met and shall also inspect all common areas. If a child visits one or more other sites such as another residence, or a residential or commercial child care facility, playground, or school, the inspecting assessing agency shall also inspect the other sites. The inspecting assessing agency shall have one additional day added to the time frame set forth in this subdivision to complete the lead inspection risk assessment for each additional site.

(d) Within the limits of appropriations, the inspecting assessing agency shall identify the known addresses for the previous 12 months of the child or pregnant female with venous blood lead levels of at least 20 micrograms per deciliter for the child or at least ten micrograms per deciliter for the pregnant female; notify the property owners, landlords, and tenants at those addresses that an elevated blood lead level was found in a person who resided at the property; and give them a copy of the lead inspection risk assessment guide. The inspecting assessing agency shall provide the notice required by this subdivision without identifying the child or pregnant female with the elevated blood lead level. The inspecting assessing agency is not required to obtain the consent of the child's parent or guardian or the consent of the pregnant female for purposes of this subdivision. This information shall be classified as private data on individuals as defined under section 13.02, subdivision 12.

(e) The inspecting assessing agency shall conduct the lead inspection risk assessment according to rules adopted by the commissioner under section 144.9508. An inspecting assessing agency shall have lead inspections risk assessments performed by lead inspectors risk assessors licensed by the commissioner according to rules adopted under section 144.9508. If a property owner refuses to allow an inspection a lead risk assessment, the inspecting assessing agency shall begin legal proceedings to gain entry to the property and the time frame for conducting a lead inspection risk assessment set forth in this subdivision no longer applies. ~~An inspector~~ A lead risk assessor or inspecting assessing agency may observe the performance of lead hazard reduction in progress and shall enforce the provisions of this section under section 144.9509. Deteriorated painted surfaces, bare soil, and dust, and drinking water must be tested with appropriate analytical equipment to determine the lead content, except that deteriorated painted surfaces or bare soil need not be tested if the property owner agrees to engage in lead hazard reduction on those surfaces. The lead content of drinking water must be measured if a probable source of lead exposure is not identified by measurement of lead in paint, bare soil, or dust. Within a standard metropolitan statistical area, an assessing agency may order lead hazard reduction of bare soil without measuring the lead content of the bare soil if the property is in a census tract in which soil sampling has been performed according to rules established by the commissioner and at least 25 percent of the soil samples contain lead concentrations above the standard in section 144.9508.

(f) A lead inspector risk assessor shall notify the commissioner and the board of health of all violations of lead standards under section 144.9508, that are identified in a lead inspection risk assessment conducted under this section.

(g) Each inspecting assessing agency shall establish an administrative appeal procedure which allows a property owner to contest the nature and conditions of any lead order issued by the inspecting assessing agency. Inspecting Assessing agencies must consider appeals that propose lower cost methods that make the residence lead safe.

(h) Sections 144.9501 to 144.9509 neither authorize nor prohibit an inspecting assessing agency from charging a property owner for the cost of a lead inspection risk assessment.

Sec. 24. Minnesota Statutes 1996, section 144.9504, subdivision 3, is amended to read:

Subd. 3. [LEAD EDUCATION STRATEGY.] At the time of a lead inspection risk assessment or following a lead order, the inspecting assessing agency shall ensure that a family will receive a visit at their residence by a swab team worker or public health professional, such as a nurse, sanitarian, public health educator, or other public health professional. The swab team worker or public health professional shall inform the property owner, landlord, and the tenant of the

health-related aspects of lead exposure; nutrition; safety measures to minimize exposure; methods to be followed before, during, and after the lead hazard reduction process; and community, legal, and housing resources. If a family moves to a temporary residence during the lead hazard reduction process, lead education services should be provided at the temporary residence whenever feasible.

Sec. 25. Minnesota Statutes 1996, section 144.9504, subdivision 4, is amended to read:

Subd. 4. [~~LEAD INSPECTION RISK ASSESSMENT GUIDES.~~] (a) The commissioner of health shall develop or purchase ~~lead inspection risk assessment guides~~ that enable parents and other caregivers to assess the possible lead sources present and that suggest lead hazard reduction actions. The guide must provide information on lead hazard reduction and disposal methods, sources of equipment, and telephone numbers for additional information to enable the persons to either select ~~a lead contractor~~ persons licensed by the commissioner under section 144.9505 or 144.9506 to perform lead hazard reduction or perform the lead hazard reduction themselves. The guides must explain:

- (1) the requirements of this section and rules adopted under section 144.9508;
- (2) information on the administrative appeal procedures required under this section;
- (3) summary information on lead-safe directives;
- (4) be understandable at an eighth grade reading level; and
- (5) be translated for use by non-English-speaking persons.

(b) An ~~inspecting~~ assessing agency shall provide the lead ~~inspection risk assessment~~ guides at no cost to:

- (1) parents and other caregivers of children who are identified as having blood lead levels of at least ten micrograms of lead per deciliter of whole blood;
- (2) all property owners who are issued housing code or lead orders requiring lead hazard reduction of lead sources and all occupants of those properties; and
- (3) occupants of residences adjacent to the inspected property.

(c) An ~~inspecting~~ assessing agency shall provide the lead ~~inspection risk assessment~~ guides on request to owners or occupants of residential property, builders, contractors, inspectors, and the public within the jurisdiction of the ~~inspecting~~ assessing agency.

Sec. 26. Minnesota Statutes 1996, section 144.9504, subdivision 5, is amended to read:

Subd. 5. [~~LEAD ORDERS.~~] An ~~inspecting~~ assessing agency, after conducting a lead ~~inspection risk assessment~~, shall order a property owner to perform lead hazard reduction on all lead sources that exceed a standard adopted according to section 144.9508. If lead ~~inspections~~ risk assessments and lead orders are conducted at times when weather or soil conditions do not permit the lead ~~inspection risk assessment~~ or lead hazard reduction, external surfaces and soil lead shall be inspected, and lead orders complied with, if necessary, at the first opportunity that weather and soil conditions allow. If the paint standard under section 144.9508 is violated, but the paint is intact, the ~~inspecting~~ assessing agency shall not order the paint to be removed unless the intact paint is a known source of actual lead exposure to a specific person. Before the ~~inspecting~~ assessing agency may order the intact paint to be removed, a reasonable effort must be made to protect the child and preserve the intact paint by the use of guards or other protective devices and methods. Whenever windows and doors or other components covered with deteriorated lead-based paint have sound substrate or are not rotting, those components should be repaired, sent out for stripping or be planed down to remove deteriorated lead-based paint or covered with protective guards instead of being replaced, provided that such an activity is the least cost method. However, a property owner who has been ordered to perform lead hazard reduction may choose any method to address deteriorated lead-based paint on windows, doors, or other components, provided that the method is approved in rules adopted under section 144.9508 and that it is appropriate to the

specific property. Lead orders must require that any source of damage, such as leaking roofs, plumbing, and windows, be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces. The inspecting assessing agency is not required to pay for lead hazard reduction. Lead orders must be issued within 30 days of receiving the blood lead level analysis. The inspecting assessing agency shall enforce the lead orders issued to a property owner under this section. A copy of the lead order must be forwarded to the commissioner.

Sec. 27. Minnesota Statutes 1996, section 144.9504, subdivision 6, is amended to read:

Subd. 6. [SWAB TEAM SERVICES.] After a lead inspection risk assessment or after issuing lead orders, the inspecting assessing agency, within the limits of appropriations and availability, shall offer the property owner the services of a swab team free of charge and, if accepted, shall send a swab team within ten working days to the residence to perform swab team services as defined in section 144.9501. If the inspecting assessing agency provides swab team services after a lead inspection risk assessment, but before the issuance of a lead order, swab team services do not need to be repeated after the issuance of the lead order if the swab team services fulfilled the lead order. Swab team services are not considered completed until the clearance inspection required under this section shows that the property is lead safe.

Sec. 28. Minnesota Statutes 1996, section 144.9504, subdivision 7, is amended to read:

Subd. 7. [RELOCATION OF RESIDENTS.] (a) Within the limits of appropriations, the inspecting assessing agency shall ensure that residents are relocated from rooms or dwellings during a lead hazard reduction process that generates leaded dust, such as removal or disruption of lead-based paint or plaster that contains lead. Residents shall not remain in rooms or dwellings where the lead hazard reduction process is occurring. An inspecting assessing agency is not required to pay for relocation unless state or federal funding is available for this purpose. The inspecting assessing agency shall make an effort to assist the resident in locating resources that will provide assistance with relocation costs. Residents shall be allowed to return to the residence or dwelling after completion of the lead hazard reduction process. An inspecting assessing agency shall use grant funds under section 144.9507 if available, in cooperation with local housing agencies, to pay for moving costs and rent for a temporary residence for any low-income resident temporarily relocated during lead hazard reduction. For purposes of this section, "low-income resident" means any resident whose gross household income is at or below 185 percent of federal poverty level.

(b) A resident of rental property who is notified by an inspecting assessing agency to vacate the premises during lead hazard reduction, notwithstanding any rental agreement or lease provisions:

(1) shall not be required to pay rent due the landlord for the period of time the tenant vacates the premises due to lead hazard reduction;

(2) may elect to immediately terminate the tenancy effective on the date the tenant vacates the premises due to lead hazard reduction; and

(3) shall not, if the tenancy is terminated, be liable for any further rent or other charges due under the terms of the tenancy.

(c) A landlord of rental property whose tenants vacate the premises during lead hazard reduction shall:

(1) allow a tenant to return to the dwelling unit after lead hazard reduction and clearance inspection, required under this section, is completed, unless the tenant has elected to terminate the tenancy as provided for in paragraph (b); and

(2) return any security deposit due under section 504.20 within five days of the date the tenant vacates the unit, to any tenant who terminates tenancy as provided for in paragraph (b).

Sec. 29. Minnesota Statutes 1996, section 144.9504, subdivision 8, is amended to read:

Subd. 8. [PROPERTY OWNER RESPONSIBILITY.] Property owners shall comply with lead orders issued under this section within 60 days or be subject to enforcement actions as provided

under section 144.9509. For orders or portions of orders concerning external lead hazards, property owners shall comply within 60 days, or as soon thereafter as weather permits. If the property owner does not use a lead contractor hire a person licensed by the commissioner under section 144.9505 for compliance with the lead orders, the property owner shall submit a work plan to the inspecting assessing agency within 30 days after receiving the orders. The work plan must include the details required in section 144.9505 as to how the property owner intends to comply with the lead orders and notice as to when lead hazard reduction activities will begin. Within the limits of appropriations, the commissioner shall review plans and shall approve or disapprove them as to compliance with the requirements in section 144.9505, subdivision 5. Renters and volunteers performing lead abatement or lead hazard reduction must be trained and licensed as lead supervisors or lead workers under section 144.9505.

Sec. 30. Minnesota Statutes 1996, section 144.9504, subdivision 9, is amended to read:

Subd. 9. [CLEARANCE INSPECTION.] After completion of swab team services and compliance with the lead orders by the property owner, including any repairs ordered by a local housing or building inspector, the inspecting assessing agency shall conduct a clearance inspection by visually inspecting the residence for visual identification of deteriorated paint and bare soil and retest the dust lead concentration in the residence to assure that violations of the lead standards under section 144.9508 no longer exist. The inspecting assessing agency is not required to test a dwelling unit after lead hazard reduction that was not ordered by the inspecting assessing agency.

Sec. 31. Minnesota Statutes 1996, section 144.9504, subdivision 10, is amended to read:

Subd. 10. [CASE CLOSURE.] A lead inspection risk assessment is completed and the responsibility of the inspecting assessing agency ends when all of the following conditions are met:

(1) lead orders are written on all known sources of violations of lead standards under section 144.9508;

(2) compliance with all lead orders has been completed; and

(3) clearance inspections demonstrate that no deteriorated lead paint, bare soil, or lead dust levels exist that exceed the standards adopted under section 144.9508.

Sec. 32. Minnesota Statutes 1996, section 144.9505, subdivision 1, is amended to read:

Subdivision 1. [LICENSING AND CERTIFICATION.] (a) ~~Lead contractors~~ A person shall, before performing abatement or lead hazard reduction or providing planning services for lead abatement or lead hazard reduction, obtain a license from the commissioner as a lead supervisor, lead worker, or lead project designer. Workers for lead contractors shall obtain certification from the commissioner. The commissioner shall specify training and testing requirements for licensure and certification as required in section 144.9508 and shall charge a fee for the cost of issuing a license or certificate and for training provided by the commissioner. Fees collected under this section shall be set in amounts to be determined by the commissioner to cover but not exceed the costs of adopting rules under section 144.9508, the costs of licensure, certification, and training, and the costs of enforcing licenses and certificates under this section. License fees shall be nonrefundable and must be submitted with each application in the amount of \$50 for each lead supervisor, lead worker, or lead inspector and \$100 for each lead project designer, lead risk assessor, or certified firm. All fees received shall be paid into the state treasury and credited to the lead abatement licensing and certification account and are appropriated to the commissioner to cover costs incurred under this section and section 144.9508.

(b) ~~Contractors~~ Persons shall not advertise or otherwise present themselves as lead contractors supervisors, lead workers, or lead project designers unless they have lead contractor licenses issued by the department of health commissioner under section 144.9505.

Sec. 33. Minnesota Statutes 1996, section 144.9505, subdivision 4, is amended to read:

Subd. 4. [NOTICE OF LEAD ABATEMENT OR LEAD HAZARD REDUCTION WORK.]

(a) At least five working days before starting work at each lead abatement or lead hazard reduction worksite, the person performing the lead abatement or lead hazard reduction work shall give written notice and an approved work plan as required in this section to the commissioner and the appropriate board of health. Within the limits of appropriations, the commissioner shall review plans and shall approve or disapprove them as to compliance with the requirements in subdivision 5.

(b) This provision does not apply to swab team workers performing work under an order of an ~~inspecting~~ assessing agency.

Sec. 34. Minnesota Statutes 1996, section 144.9505, subdivision 5, is amended to read:

Subd. 5. [ABATEMENT OR LEAD HAZARD REDUCTION WORK PLANS.] (a) A ~~lead contractor~~ person who performs lead abatement or lead hazard reduction shall present a lead abatement or lead hazard reduction work plan to the property owner with each bid or estimate for lead abatement or lead hazard reduction work. The work plan does not replace or supersede more stringent contractual agreements. A written lead abatement or lead hazard reduction work plan must be prepared which describes the equipment and procedures to be used throughout the lead abatement or lead hazard reduction work project. At a minimum, the work plan must describe:

- (1) the building area and building components to be worked on;
- (2) the amount of lead-containing material to be removed, encapsulated, or enclosed;
- (3) the schedule to be followed for each work stage;
- (4) the workers' personal protection equipment and clothing;
- (5) the dust suppression and debris containment methods;
- (6) the lead abatement or lead hazard reduction methods to be used on each building component;
- (7) cleaning methods;
- (8) temporary, on-site waste storage, if any; and
- (9) the methods for transporting waste material and its destination.

(b) ~~A lead contractor~~ The work plan shall itemize the costs for each item listed in paragraph (a) and for any other expenses associated with the lead abatement or lead hazard reduction work and shall ~~present these costs~~ be presented to the property owner with any bid or estimate for lead abatement or lead hazard reduction work.

(c) ~~A lead contractor~~ The person performing the lead abatement or lead hazard reduction shall keep a copy of the work plan readily available at the worksite for the duration of the project and present it to the ~~inspecting~~ assessing agency on demand.

(d) ~~A lead contractor~~ The person performing the lead abatement or lead hazard reduction shall keep a copy of the work plan on record for one year after completion of the project and shall present it to the ~~inspecting~~ assessing agency on demand.

(e) This provision does not apply to swab team workers performing work under an order of an ~~inspecting~~ assessing agency or providing services at no cost to a property owner with funding under a state or federal grant.

Sec. 35. Minnesota Statutes 1997 Supplement, section 144.9506, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED.] (a) A ~~lead inspector~~ person shall obtain a license as a lead inspector or a lead risk assessor before performing lead inspections, lead hazard screens, or lead risk assessments and shall renew it annually as required in rules adopted under section 144.9508. The commissioner shall charge a fee and require annual refresher training, as specified

in this section. A lead inspector or lead risk assessor shall have the lead inspector's license or lead risk assessor's license readily available at all times at an a lead inspection site or lead risk assessment site and make it available, on request, for inspection examination by the inspecting assessing agency with jurisdiction over the site. A license shall not be transferred. License fees shall be nonrefundable and must be submitted with each application in the amount of \$50 for each lead inspector and \$100 for each lead risk assessor.

(b) Individuals shall not advertise or otherwise present themselves as lead inspectors or lead risk assessors unless licensed by the commissioner.

(c) An individual may use sodium rhodizonate to test paint for the presence of lead without obtaining a lead inspector or lead risk assessor license, but must not represent the test as a lead inspection or lead risk assessment.

Sec. 36. Minnesota Statutes 1996, section 144.9507, subdivision 2, is amended to read:

Subd. 2. [~~LEAD INSPECTION RISK ASSESSMENT CONTRACTS.~~] The commissioner shall, within available federal or state appropriations, contract with boards of health to conduct lead inspections risk assessments to determine sources of lead contamination and to issue and enforce lead orders according to section 144.9504.

Sec. 37. Minnesota Statutes 1996, section 144.9507, subdivision 3, is amended to read:

Subd. 3. [~~TEMPORARY LEAD-SAFE HOUSING CONTRACTS.~~] The commissioner shall, within the limits of available appropriations, contract with boards of health for temporary housing, to be used in meeting relocation requirements in section 144.9504, and award grants to boards of health for the purposes of paying housing and relocation costs under section 144.9504. The commissioner may use up to 15 percent of the available appropriations to provide temporary lead-safe housing in areas of the state in which the commissioner has the duty under section 144.9504 to perform secondary prevention.

Sec. 38. Minnesota Statutes 1996, section 144.9507, subdivision 4, is amended to read:

Subd. 4. [~~LEAD CLEANUP EQUIPMENT AND MATERIAL GRANTS TO NONPROFIT ORGANIZATIONS.~~] (a) The commissioner shall, within the limits of available state or federal appropriations, provide funds for lead cleanup equipment and materials under a grant program to nonprofit community-based organizations in areas at high risk for toxic lead exposure, as provided for in section 144.9503.

(b) Nonprofit community-based organizations in areas at high risk for toxic lead exposure may apply for grants from the commissioner to purchase lead cleanup equipment and materials and to pay for training for staff and volunteers for lead licensure under sections 144.9505 and 144.9506.

(c) For purposes of this section, lead cleanup equipment and materials means high efficiency particle accumulator (HEPA) and wet vacuum cleaners, wash water filters, mops, buckets, hoses, sponges, protective clothing, drop cloths, wet scraping equipment, secure containers, dust and particle containment material, and other cleanup and containment materials to remove loose paint and plaster, patch plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil.

(d) The grantee's staff and volunteers may make lead cleanup equipment and materials available to residents and property owners and instruct them on the proper use of the equipment. Lead cleanup equipment and materials must be made available to low-income households, as defined by federal guidelines, on a priority basis at no fee. Other households may be charged on a sliding fee scale.

(e) The grantee shall not charge a fee for services performed using the equipment or materials.

(f) Any funds appropriated for purposes of this subdivision that are not awarded, due to a lack of acceptable proposals for the full amount appropriated, may be used for any purpose authorized in this section.

Sec. 39. Minnesota Statutes 1996, section 144.9508, subdivision 1, is amended to read:

Subdivision 1. [SAMPLING AND ANALYSIS.] The commissioner shall adopt, by rule, ~~visual inspection and sampling and analysis~~ methods for:

(1) lead inspections under section 144.9504, lead hazard screens, lead risk assessments, and clearance inspections;

(2) environmental surveys of lead in paint, soil, dust, and drinking water to determine census tracts that are areas at high risk for toxic lead exposure;

(3) soil sampling for soil used as replacement soil; ~~and~~

(4) drinking water sampling, which shall be done in accordance with lab certification requirements and analytical techniques specified by Code of Federal Regulations, title 40, section 141.89; and

(5) sampling to determine whether at least 25 percent of the soil samples collected from a census tract within a standard metropolitan statistical area contain lead in concentrations that exceed 100 parts per million.

Sec. 40. Minnesota Statutes 1996, section 144.9508, is amended by adding a subdivision to read:

Subd. 2a. [LEAD STANDARDS FOR EXTERIOR SURFACES AND STREET DUST.] The commissioner may establish lead standards for exterior horizontal surfaces, concrete or other impervious surfaces, and street dust on residential property to protect the public health and the environment.

Sec. 41. Minnesota Statutes 1996, section 144.9508, subdivision 3, is amended to read:

Subd. 3. [LEAD CONTRACTORS AND WORKERS LICENSURE AND CERTIFICATION.] The commissioner shall adopt rules to license lead contractors and to certify supervisors, lead workers of lead contractors who perform lead abatement or lead hazard reduction, lead project designers, lead inspectors, and lead risk assessors. The commissioner shall also adopt rules requiring certification of firms that perform lead abatement, lead hazard reduction, lead hazard screens, or lead risk assessments. The commissioner shall require periodic renewal of licenses and certificates and shall establish the renewal periods.

Sec. 42. Minnesota Statutes 1996, section 144.9508, subdivision 4, is amended to read:

Subd. 4. [LEAD TRAINING COURSE.] The commissioner shall establish by rule a permit fee to be paid by a training course provider on application for a training course permit or renewal period for each lead-related training course required for certification or licensure. The commissioner shall establish criteria in rules for the content and presentation of training courses intended to qualify trainees for licensure under subdivision 3. Training course permit fees shall be nonrefundable and must be submitted with each application in the amount of \$500 for an initial training course; \$250 for renewal of a permit for an initial training course; \$250 for a refresher training course; and \$125 for renewal of a permit of a refresher training course.

Sec. 43. Minnesota Statutes 1996, section 144.9509, subdivision 2, is amended to read:

Subd. 2. [DISCRIMINATION.] A person who discriminates against or otherwise sanctions an employee who complains to or cooperates with the inspecting assessing agency in administering sections 144.9501 to 144.9509 is guilty of a petty misdemeanor.

Sec. 44. [144.9511] [LEAD-SAFE PROPERTY CERTIFICATION.]

Subdivision 1. [LEAD-SAFE PROPERTY CERTIFICATION PROGRAM ESTABLISHED.]
(a) The commissioner shall establish recommended protocols for a voluntary lead-safe property certification program for residential properties. This program shall involve an initial property certification process, a property condition report, and a lead-safe property certification booklet.

(b) The commissioner shall establish recommended protocols for an initial property certification process composed of the following:

(1) a lead hazard screen, which shall include a visual evaluation of a residential property for both deteriorated paint and bare soil; and

(2) a quantitative measure of lead in dust within the structure and in common areas.

(c) The commissioner shall establish forms, checklists, and protocols for conducting a property condition report. A property condition report is an evaluation of property components, without regard to aesthetic considerations, to determine whether any of the following conditions are likely to occur within one year of the report:

(1) that paint will become chipped, flaked, or cracked;

(2) that structural defects in the roof, windows, or plumbing will fail and cause paint to deteriorate;

(3) that window wells or window troughs will not be cleanable and washable;

(4) that windows will generate dust due to friction;

(5) that cabinet, room, and threshold doors will rub against casings or have repeated contact with painted surfaces;

(6) that floors will not be smooth and cleanable and carpeted floors will not be cleanable;

(7) that soil will not remain covered;

(8) that bare soil in vegetable and flower gardens will not (i) be inaccessible to children or (ii) be tested to determine if it is below the soil standard under section 144.9508;

(9) that parking areas will not remain covered by an impervious surface or gravel;

(10) that covered soil will erode, particularly in play areas; and

(11) that gutters and down spouts will not function correctly.

(d) The commissioner shall develop a lead-safe property certification booklet that contains the following:

(1) information on how property owners and their maintenance personnel can perform essential maintenance practices to correct any of the property component conditions listed in paragraph (c) that may occur;

(2) the lead-safe work practices fact sheets created under section 144.9503, subdivision 7;

(3) forms, checklists, and copies of recommended lead-safe property certification certificates; and

(4) an educational sheet for landlords to give to tenants on the importance of having tenants inform property owners or designated maintenance staff of one or more of the conditions listed in paragraph (c).

Subd. 2. [CONDITIONS FOR CERTIFICATION.] A property shall be certified as lead safe only if the following conditions are met:

(1) the property passes the initial certification process in subdivision 1;

(2) the property owner agrees in writing to perform essential maintenance practices;

(3) the property owner agrees in writing to use lead-safe work practices, as provided for under section 144.9503, subdivision 7;

(4) the property owner performs essential maintenance as the need arises or uses maintenance personnel who have completed a U.S. Environmental Protection Agency- or Minnesota department of health-approved maintenance training program or course to perform essential maintenance;

(5) the lead-safe property certification booklet is distributed to the property owner, maintenance personnel, and tenants at the completion of the initial certification process; and

(6) a copy of the lead-safe property certificate is filed with the commissioner along with a \$5 filing fee.

Subd. 3. [LEAD STANDARDS.] Lead standards used in this section shall be those approved by the commissioner under section 144.9508.

Subd. 4. [LEAD RISK ASSESSORS.] Lead-safe property certifications shall only be performed by lead risk assessors licensed by the commissioner under section 144.9506.

Subd. 5. [EXPIRATION.] Lead-safe property certificates are valid for one year.

Subd. 6. [LIST OF CERTIFIED PROPERTIES.] Within the limits of available appropriations, the commissioner shall maintain a list of all properties certified as lead-safe under this section and make it freely available to the public.

Subd. 7. [RE-APPLICATION.] Properties failing the initial property certification may re-apply for a lead-safe property certification by having a new initial certification process performed and by correcting any condition listed by the licensed lead risk assessor in the property condition report. Properties that fail the initial property certification process must have the condition corrected by the property owner, by trained maintenance staff, or by a contractor with personnel licensed for lead hazard reduction or lead abatement work by the commissioner under section 144.9505, in order to have the property certified.

Sec. 45. Minnesota Statutes 1996, section 144.99, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of chapters 103I and 157 and sections 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.121; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.491; 144.495; 144.71 to 144.74; 144.9501 to 144.9509; 144.992; 326.37 to 326.45; 326.57 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 46. Minnesota Statutes 1996, section 268.92, subdivision 4, is amended to read:

Subd. 4. [LEAD CONTRACTORS SUPERVISOR OR CERTIFIED FIRM.] (a) Eligible organizations and lead contractors supervisors or certified firms may participate in the swab team program. An eligible organization receiving a grant under this section must assure that all participating lead contractors supervisors or certified firms are licensed and that all swab team workers are certified by the department of health under section 144.9505. Eligible organizations and lead contractors supervisors or certified firms may distinguish between interior and exterior services in assigning duties and may participate in the program by:

(1) providing on-the-job training for swab team workers;

(2) providing swab team services to meet the requirements of sections 144.9503, subdivision 4, and 144.9504, subdivision 6;

(3) providing a removal and replacement component using skilled craft workers under subdivision 7;

(4) providing lead testing according to subdivision 7a;

(5) providing lead dust cleaning supplies, as described in section 144.9503 144.9507, subdivision 5 4, paragraph ~~(b)~~ (c), to residents; or

(6) having a swab team worker instruct residents and property owners on appropriate lead control techniques, including the lead-safe directives developed by the commissioner of health.

(b) Participating lead ~~contractors~~ supervisors or certified firms must:

(1) demonstrate proof of workers' compensation and general liability insurance coverage;

(2) be knowledgeable about lead abatement requirements established by the Department of Housing and Urban Development and the Occupational Safety and Health Administration and lead hazard reduction requirements and lead-safe directives of the commissioner of health;

(3) demonstrate experience with on-the-job training programs;

(4) demonstrate an ability to recruit employees from areas at high risk for toxic lead exposure; and

(5) demonstrate experience in working with low-income clients.

Sec. 47. [REPEALER.]

Minnesota Statutes 1996, sections 144.491; 144.9501, subdivisions 12, 14, and 16; and 144.9503, subdivisions 5, 8, and 9, are repealed.

Sec. 48. [EFFECTIVE DATE.]

Sections 1 to 47 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; establishing requirements for blood lead analysis reports and data; providing for lead abatement, lead hazard reduction, and lead risk assessment; authorizing licensure of persons and firms to perform lead work; providing grants; establishing a lead-safe property certification program; amending Minnesota Statutes 1996, sections 144.9501, subdivisions 1, 17, 18, 20, 23, 30, and by adding subdivisions; 144.9502, subdivisions 3, 4, and 9; 144.9503, subdivisions 4, 6, and 7; 144.9504, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 144.9505, subdivisions 1, 4, and 5; 144.9507, subdivisions 2, 3, and 4; 144.9508, subdivisions 1, 3, 4, and by adding a subdivision; 144.9509, subdivision 2; 144.99, subdivision 1; and 268.92, subdivision 4; Minnesota Statutes 1997 Supplement, sections 144.9504, subdivision 2; and 144.9506, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1996, sections 144.491; 144.9501, subdivisions 12, 14, and 16; and 144.9503, subdivisions 5, 8, and 9."

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

Mr. Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 695: A bill for an act relating to trusts; defining a nonprofit health care trust; establishing requirements for certain agreements or transactions between nonprofit health care trusts and for-profit corporations or entities; proposing coding for new law in Minnesota Statutes, chapter 501B.

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 1996, section 317A.811, subdivision 6, is amended to read:

Subd. 6. [EXCEPTION.] Subdivisions 1 to 4 do not apply to: (1) a merger with, consolidation into, or transfer of assets to an organization exempt under section 501(c)(3) of the Internal Revenue Code of 1986, or any successor section; or (2) an agreement or transaction for which the

attorney general has been given notice under section 501B.453. A corporation that is exempt under clause (1) of this subdivision shall send a copy of the certificate of merger or certificate of consolidation and incorporation to the attorney general.

Sec. 2. [501B.451] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The following definitions apply to sections 501B.451 to 501B.455.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 3. [NONPROFIT HEALTH CARE TRUST.] "Nonprofit health care trust" means a nonprofit or publicly owned hospital licensed under sections 144.50 to 144.56.

Subd. 4. [NONCHARITABLE ENTITY.] "Noncharitable entity" means any person or entity that is not:

(1) exempt under section 501(c)(3) of the Internal Revenue Code of 1986, or any successor section;

(2) a health maintenance organization that possesses a certificate of authority from the commissioner under section 62D.04; or

(3) a county, a city, or a political subdivision thereof.

Subd. 5. [RELATED ORGANIZATION.] "Related organization" has the meaning given in section 317A.011.

Sec. 3. [501B.453] [NOTICE TO ATTORNEY GENERAL; WAITING PERIOD.]

Subdivision 1. [WRITTEN NOTICE REQUIRED.] A nonprofit health care trust shall notify the attorney general in writing prior to closing an agreement or transaction that would:

(1) sell, transfer, lease, exchange, option, convey, or otherwise dispose of 50 percent or more of its assets or operations, or 50 percent or more of the assets or operations of a related organization, to a noncharitable entity; or

(2) sell, transfer, lease, exchange, option, convey, or otherwise dispose of any of its assets or operations or any of the assets or operations of a related organization, if the transaction would result in a noncharitable entity or entities owning or controlling 50 percent or more of the assets or operations of the nonprofit health care trust or 50 percent or more of the assets or operations of a related organization; or

(3) result in a noncharitable entity or entities having control or governance of, or the power to direct management and policies of, the nonprofit health care trust, or of a related organization.

Subd. 2. [CONTENTS OF WRITTEN NOTICE.] The written notice required by subdivision 1 shall include:

(1) the name and address of the nonprofit health care trust;

(2) the name and address of the noncharitable entity;

(3) the name and address of any other parties to the agreement or transaction;

(4) the terms of the proposed agreement or transaction, including proposed sale price;

(5) a copy of the proposed agreement or transaction; and

(6) information on whether a financial or economic analysis or report from an independent expert or consultant has been prepared concerning (1) the degree to which the agreement or transaction serves the public interest or (2) the fair market value of the nonprofit health care trust.

Subd. 3. [TRANSACTIONS BETWEEN RELATED ORGANIZATIONS.] The notice

requirements of this section do not apply to agreements or transactions between related organizations.

Subd. 4. [DATA CLASSIFICATION.] The written notice required by this section shall be classified as confidential data under section 13.02, subdivision 3, for data on individuals, or protected nonpublic data under section 13.02, subdivision 13, for data not on individuals. However, the attorney general may make the written notice required by this section accessible to the public if the attorney general determines that public access would be in the public interest. The attorney general shall give the nonprofit health care trust five business days prior notice of its determination to make the notice accessible to the public, after which time the attorney general may make the data accessible to the public unless the nonprofit health care trust (1) obtains a district court order prohibiting the data from being made available to the public; or (2) withdraws its notice. Upon notification by the attorney general of a determination to make a written notice accessible to the public, the nonprofit health care trust may request an extension of up to ten additional business days to consider whether to seek a district court order or withdraw its notice. Any extension of time granted by the attorney general shall extend the maximum waiting period allowed by subdivision 6. If the nonprofit health care trust withdraws its notice, it shall not consummate the proposed transaction or agreement unless it files a new notice containing the information required by subdivision 2 and otherwise complies with the requirements of sections 501B.451 to 501B.455.

Subd. 5. [INVESTIGATION; OTHER INFORMATION.] After receiving notice under this section, the attorney general may investigate the transaction in accordance with sections 501B.40 and 8.31 and may require the nonprofit health care trust and the noncharitable entity to provide any additional information relevant to the attorney general's review of the proposed agreement or transaction.

Subd. 6. [RESTRICTION ON TRANSFERS.] Subject to subdivision 7, a nonprofit health care trust shall not transfer or convey any assets or control through an agreement or transaction described in subdivision 1 until 45 days after it has given the written notice required by subdivision 1, unless the attorney general waives all or part of the waiting period.

Subd. 7. [EXTENSION OF WAITING PERIOD.] The attorney general may extend the waiting period under subdivision 6 for one additional 60-day period by notifying the nonprofit health care trust in writing of the extension before the end of the initial waiting period. The attorney general shall notify the commissioner if the waiting period is extended under this subdivision.

Subd. 8. [ADDITIONAL REQUIREMENTS RELATED TO CHARITABLE TRUSTS.] The requirements of sections 501B.451 to 501B.455 are in addition to any other requirements that may apply to a nonprofit health care trust under sections 501B.33 to 501B.45.

Sec. 4. [501B.455] [REVIEW BY THE ATTORNEY GENERAL.]

Subdivision 1. [ATTORNEY GENERAL REVIEW.] Upon receipt of a written notice from a nonprofit health care trust under section 501B.453, the attorney general, in consultation with the commissioner, may review the proposed agreement or transaction to determine whether consummation of the proposed agreement or transaction by the nonprofit health care trust is consistent with the fiduciary obligations of the nonprofit health care trust and its officers and directors and in accordance with law. The attorney general, in evaluating the agreement or transaction, may consider, but is not limited to a consideration of, the following factors:

(1) whether appropriate steps have been taken by the nonprofit health care trust to safeguard restricted assets transferred to the noncharitable entity and to assure that any proceeds of the agreement or transaction are used for charitable purposes consistent with restrictions placed on assets of the nonprofit health care trust and with the purposes of the nonprofit health care trust;

(2) whether the terms and conditions of the agreement or transaction are fair and reasonable to the nonprofit health care trust, including whether the nonprofit health care trust will receive fair market value for its assets;

(3) whether any conflicts of interest exist and were disclosed, including, but not limited to,

conflicts of interest related to directors and officers of, executives of, and experts retained by the nonprofit health care trust, the noncharitable entity, and other parties to the agreement or transaction; and

(4) whether the agreement or transaction will result in inurement, pecuniary gain, or excess benefit to any officers, directors, members, health care providers, managers, or other persons or entities associated with the nonprofit health care trust.

Subd. 2. [REVIEW PROCESS.] For the purpose of evaluating the factors identified in subdivision 1, the attorney general may, in the attorney general's sole discretion:

(1) retain such experts as the administration of sections 501B.451 to 501B.455 may require; and

(2) obtain public comment regarding the agreement or transaction.

If the attorney general intends to seek reimbursement from the nonprofit health care trust for the cost of experts retained under this subdivision, the attorney general shall give five business days' prior notice to the nonprofit health care trust of the costs projected to be incurred. If the nonprofit health care trust objects to paying these costs, it may seek a district court order limiting its liability for the costs. In determining whether to issue an order limiting the nonprofit health care trust's liability for such costs, the court shall consider whether such experts are required and their cost relative to the value of the proposed agreement or transaction.

Subd. 3. [PAYMENT OF EXPERT COSTS.] A nonprofit health care trust proposing to enter into, or entering into, an agreement or transaction for which notice to the attorney general is required under section 501B.453, shall pay the reasonable costs of experts retained by the attorney general about which it received prior notice pursuant to subdivision 2. These payments shall be deposited in the general fund. The commissioner of finance shall reimburse the attorney general for all costs for which such payments are received from a nonprofit health care trust.

Subd. 4. [ATTORNEY GENERAL MAY BRING PROCEEDINGS.] The attorney general may bring proceedings to secure compliance with sections 501B.451 to 501B.455. In addition, if the attorney general determines that consummation of the proposed transaction or agreement would not be consistent with the fiduciary obligations of the nonprofit health care trust and its officers and directors or would not be in accordance with law, the attorney general may bring proceedings to enjoin the consummation of the proposed transaction or agreement or to secure any other relief available under sections 501B.41, 317A.813, and 8.31, or any other applicable statute or law.

Subd. 5. [EFFECT.] Failure of the attorney general to take action on an agreement or transaction described in section 501B.453 does not constitute approval of the transaction and does not prevent the attorney general from taking other action. Nothing in sections 501B.451 to 501B.455 shall be construed to limit the authority of the attorney general, the commissioner, any other government official or entity, or the courts with respect to the supervision and oversight of nonprofit corporations and charitable trusts.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1996, section 317A.811, subdivision 6;"

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

Mr. Cohen from the Committee on State Government Finance, to which was referred

S.F. No. 3298: A bill for an act relating to the organization and operation of state government; appropriating money for transportation, public safety, and other purposes; redistributing five percent of highway user tax distribution fund; creating flexible highway, town road, and town bridge accounts; exempting air ambulance aircraft from registration and tax; establishing midtown planning and coordination board; establishing dealer licensing and motor vehicle registration enforcement task force; requiring vehicle registration and insurance study; amending Minnesota Statutes 1996, sections 161.081, subdivision 1, and by adding a subdivision; 161.082, subdivisions 1 and 2a; 162.081, subdivision 1; 169.733, subdivision 1; 169.825, subdivision 8; and 360.653; Laws 1997, chapter 159, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 8, after line 11, insert:

"Sec. 6. Minnesota Statutes 1996, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver of a passenger vehicle or commercial motor vehicle;
- (2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and
- (3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

A person who is 15 years of age or older and who violates clause (1) or (2) is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of clause (2) or (3) by a child of the driver under the age of 15 or any child under the age of 11. ~~A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment.~~ The department of public safety shall not record a violation of this subdivision on a person's driving record."

Page 13, delete section 13

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "making driving without a seat belt fastened a primary offense;"

Page 1, line 14, after the second semicolon, insert "169.686, subdivision 1;"

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

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2879: A bill for an act relating to agriculture; regulating security interests in agricultural crops; modifying the treatment of certain collateral; amending Minnesota Statutes 1996, sections 336.9-203; and 336.9-402.

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

Page 2, line 22, after "(1)" insert "A financing statement shall be filed in the Uniform Commercial Code division of the recorder's office."

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

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2884: A bill for an act relating to agriculture; providing rulemaking authority in the warehouse and grain storage laws; proposing coding for new law in Minnesota Statutes, chapters 231; and 232.

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

Page 1, after line 12, insert:

"Sec. 3. Minnesota Statutes 1996, section 343.24, subdivision 1, is amended to read:

Subdivision 1. [PENALTY.] Any person who does any of the following is guilty of a misdemeanor: (a) Carries or causes to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which the animals can both stand and lie down during transportation and while awaiting slaughter; (b) Carries or causes to be carried, upon a vehicle or otherwise, any live animal ~~having feet or legs tied together, or in any other a cruel or inhuman manner;~~ (c) Transports or detains livestock in cars or compartments for more than 28 consecutive hours without unloading the livestock in a humane manner into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, unless requested to do so as provided in subdivision 2, or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight; or (d) Permits livestock to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other.

Sec. 4. Minnesota Statutes 1996, section 343.40, subdivision 2, is amended to read:

Subd. 2. [BUILDING SPECIFICATIONS.] The shelter shall include a moistureproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid floor ~~raised at least two inches from the ground and with the entrance covered by a flexible windproof material or a self-closing swinging door.~~ When appropriate for the season of the year and the breed of dog using the structure, the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing doghouse specifications and requirements for transporting live animals; amending Minnesota Statutes 1996, sections 343.24, subdivision 1; and 343.40, subdivision 2;"

And when so amended the bill do pass and be re-referred to the Committee on Commerce.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, pursuant to Rule 40 and on request of Mr. Morse, first author, recommends that

H.F. No. 113: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 14; extending until the year 2020 the period during which at least 40 percent of the net proceeds from the state lottery must be credited to the environment and natural resources trust fund; modifying authority for appropriations from the fund.

be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Local and Metropolitan Government. Report adopted.

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

S.F. No. 2933: A bill for an act relating to economic development; adding to the powers and duties of the commissioner of trade and economic development; changing reporting requirements for business subsidies; penalizing municipalities that induce businesses to relocate from other Minnesota municipalities; appropriating money; amending Minnesota Statutes 1996, sections 116J.61; 116J.991; and 270.067, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1997 Supplement, sections 469.1813; 469.1814; and 469.1815.

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

Delete everything after the enacting clause and insert:

"Section 1. [116J.993] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of sections 116J.993 to 116J.996, the terms defined in this section have the meanings given them.

Subd. 2. [BENEFIT DATE.] "Benefit date" means the date that the recipient receives the business subsidy. If the business subsidy involves the purchase, lease, or donation of physical equipment, then the benefit date begins when the recipient puts the equipment into service. If the business subsidy is for improvements to property, then the benefit date refers to the earliest date of either:

(1) when the improvements are finished for the entire project; or

(2) when a business occupies the property. If a business occupies the property and the subsidy grantor expects that other businesses will also occupy the same property, the grantor may assign a separate benefit date for each business when it first occupies the property.

Subd. 3. [BUSINESS SUBSIDY.] "Business subsidy" or "subsidy" means a state or local government agency grant, contribution of property, infrastructure, or services, any loan at rates below those commercially available to the recipient, any reduction or deferral of any tax or any fee, any guarantee of any payment under any loan, lease, or other obligation, or any preferential use of government facilities given to a business.

The following forms of financial assistance are not a business subsidy:

(1) assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;

(2) public improvements to buildings or lands owned by the state or local government that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;

(3) redevelopment of blighted buildings or brownfields when the property is sold at 80 percent or more of appraised market value based on comparable property in the local market;

(4) assistance provided for the sole purpose of renovating or bringing up to code old or decaying building stock and when the assistance is matched by the business using private sources;

(5) assistance provided to organizations whose primary mission is to provide job readiness and training services if the sole purpose of the assistance is to provide those services;

(6) assistance for housing;

(7) assistance for pollution control or abatement;

(8) assistance for energy conservation;

(9) assistance awarded through direct and specific legislation;

(10) tax reductions resulting from conformity with federal tax law;

- (11) workers' compensation and unemployment compensation;
- (12) benefits derived from regulation;
- (13) indirect benefits derived from assistance to education institutions; and
- (14) a business subsidy of less than \$25,000.

Subd. 4. [GRANTOR.] "Grantor" means any state or local government agency with the authority to grant a business subsidy.

Subd. 5. [LOCAL GOVERNMENT AGENCY.] "Local government agency" includes, without limitation, a statutory or home rule charter city, town, county, port authority, and economic development authority.

Subd. 6. [POVERTY LEVEL WAGE.] "Poverty level wage" means compensation on an hourly basis equivalent to 110 percent of the federal poverty threshold for a family of four. Compensation includes wages, scheduled bonuses, health and dental insurance, child care, training programs certified by the commissioner of trade and economic development, and pension benefits.

Subd. 7. [RECIPIENT.] "Recipient" means any for-profit or nonprofit business entity that receives a business subsidy.

Subd. 8. [STATE GOVERNMENT AGENCY.] "State government agency" means any state agency or any nonprofit corporation that is created by statute. State government agencies must have the authority to award business subsidies.

Sec. 2. [116J.994] [REGULATING LOCAL AND STATE BUSINESS SUBSIDIES.]

Subdivision 1. [PUBLIC PURPOSE.] A business subsidy must meet at least two of the following public purposes:

- (1) enhancing economic diversity;
- (2) creating high quality job growth;
- (3) providing for job retention, where loss is imminent and demonstrable;
- (4) stabilizing the community; and
- (5) increasing the tax base.

Subd. 2. [DEVELOPING A SET OF CRITERIA.] A business subsidy may not be granted until the grantor has adopted criteria for awarding business subsidies that comply with this section. The commissioner of trade and economic development may assist local government agencies in developing criteria.

Subd. 3. [SUBSIDY AGREEMENT.] (a) A recipient must enter into a subsidy agreement with the grantor of the subsidy that includes:

- (1) a description of the subsidy;
- (2) a statement of the public purposes for the subsidy;
- (3) goals for the subsidy;
- (4) a description of the financial obligation of the recipient if the goals are not met; and
- (5) a statement of why the subsidy is needed.

(b) An agreement must structure grants as forgivable loans, provided that if a business subsidy cannot be structured as a forgivable loan, the agreement must state the fair market value of the subsidy to the recipient, including the value of conveying property at less than a fair market price, or other in-kind benefits to the recipient.

(c) If a business subsidy benefits more than one recipient, the grantor must assign a proportion of the business subsidy to each recipient that signs a subsidy agreement. The proportion assessed to each recipient must reflect a reasonable estimate of the recipient's share of the total benefits of the project.

The state or local government agency and the recipient must both sign the subsidy agreement and, if the grantor is a local government agency, the agreement must be approved by the local government agency's governing body.

Subd. 4. [WAGE AND JOB GOALS.] The subsidy agreement, in addition to any other goals, must include:

(1) goals for the number of jobs created, which may include separate goals for the number of part-time or full-time jobs, or, in cases where job loss is imminent and demonstrable, goals for the number of jobs retained; and

(2) wage goals for the jobs created or retained. Large employers that receive business subsidies must pay at least poverty level wages for at least 90 percent of all new jobs created as a result of the business subsidy. For purposes of this subdivision, "large employer" has the meaning given it by section 177.24, subdivision 1.

In addition to other specific goal timeframes, the wage and job goals must contain specific goals to be attained by two years of the benefit date.

Subd. 5. [PUBLIC NOTICE AND HEARING.] (a) Before granting a business subsidy that exceeds \$500,000 for a state government grantor and \$100,000 for a local government grantor, the grantor must provide public notice and a hearing on the subsidy. Hearings for local government business subsidies must be held by the corresponding locally elected body.

(b) Public notice of a proposed subsidy must be published in a local newspaper of general circulation and must identify the location at which information about the business subsidy, including a copy of the subsidy agreement, is available. Published notice should be sufficiently conspicuous in size and placement so as to distinguish the notice from the surrounding text. The grantor must make the information available in printed paper copies and, if possible, on the internet. The government agency must provide at least a 30-day notice for the public hearing.

(c) The public notice must include the date, time, and place of the hearing.

Subd. 6. [FAILURE TO MEET GOALS.] The subsidy agreement must specify the recipient's obligation if the recipient does not fulfill the agreement. At a minimum, the agreement must require a recipient failing to meet subsidy agreement goals to pay back the assistance plus interest; provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at the implicit price deflator defined under section 275.70, subdivision 2.

A recipient that fails to meet the terms of a subsidy agreement may not receive a business subsidy from any grantor for a period of five years from the date of failure or until a recipient satisfies its repayment obligation under this subdivision, whichever occurs first.

Subd. 7. [REPORTS BY RECIPIENTS TO GRANTORS.] (a) A business subsidy grantor must monitor the progress by the recipient in achieving agreement goals.

(b) A recipient must provide information regarding goals and results including, without limitation:

(1) the type, public purpose, and amount of subsidies;

(2) the jobs created by job title;

(3) the hours worked and hourly wage of each job created within separate bands of wages; and

(4) a description of benefits provided for each job created.

(c) A recipient shall file with the grantor:

- (1) a progress report no later than February 10 of each year for the previous year; and
- (2) a progress report within 30 days after the deadline of meeting agreement goals.

If the recipient does not submit its report, the local government agency must mail the recipient a warning within one week of the required filing date. If after 14 days of the postmarked day of the warning, the recipient fails to provide a report, then a penalty of \$100 per day applies until the report is filed.

Subd. 8. [GOVERNMENT REPORTS.] (a) Each subsidy grantor must report the wage and job goals and the results for each subsidy in achieving those goals to the department of trade and economic development.

(b) At a minimum, the items in each report must include:

- (1) the name of the recipient and grantor;
- (2) the amount of subsidies by type and public purpose;
- (3) the number of part-time and full-time jobs created by separate occupational categories;
- (4) the number of full-time and part-time jobs created within separate bands of wages;
- (5) the benefits paid, separate from wages paid, and listed by separate bands of wages;
- (6) the date when the goals will be reached;
- (7) whether the goals have been reached;
- (8) whether or not the financial obligation for noncompliance with the business subsidy is being enforced;
- (9) the person filling out the form; and
- (10) a contact person with a telephone number and the date the form was completed.

(c) The commissioner of trade and economic development must coordinate the production of reports so that useful comparisons across time periods and across grantors can be made. The commissioner may add other information to the report as the commissioner deems necessary to evaluate business subsidies.

(d) State and local government agencies, regardless of whether they awarded any business subsidies, must file the report required by this subdivision by March 1 of each year with the commissioner. If the commissioner has not received the report by that date, the commissioner shall issue a warning to the government agency. If the commissioner has not received a report by June 1 of the same year, then the government agency may not grant any business subsidy until it files the report.

(e) The commissioner of trade and economic development must provide information and training on reporting requirements to state and local government agencies.

Subd. 9. [COMPILATION AND SUMMARY REPORT.] The department must publish a compilation and summary of the results of the reports for the previous calendar year by July 1 of each year. The reports of the government agencies to the department and the compilation and summary report of the department must be made available to the public.

Among the information in the summary and compilation report, the commissioner must include:

- (1) total amount of subsidies awarded in each development region of the state;
- (2) distribution of business subsidy amounts by size of the business subsidy;
- (3) distribution of business subsidy amounts by time category, such as monthly or quarterly;

- (4) distribution of subsidies by type and by public purpose;
- (5) percent of all business subsidies that reached their goals;
- (6) percent of business subsidies that did not reach their goals by two years from the benefit date;
- (7) total dollar amount of business subsidies that did not meet their goals after two years from the benefit date;
- (8) percent of subsidies that did not meet their goals and that did not receive repayment;
- (9) number of full-time and part-time jobs within separate bands of wages; and
- (10) benefits paid within separate bands of wages.

Subd. 10. [AUTHORITY TO AUDIT REPORTS.] The commissioner may audit individual recipients and government agencies to verify that the reports have been filled out properly.

Sec. 3. [116J.995] [ECONOMIC GRANTS.]

An appropriation rider in an appropriation to the department of trade and economic development that specifies that the appropriation be granted to a particular business or class of businesses must contain a statement of the expected benefits associated with the grant. At a minimum the statement must include goals for the number of jobs created, wages paid, and the tax revenue increases due to the grant.

Sec. 4. [116J.996] [PENALTY FOR BIDDING BETWEEN LOCAL GOVERNMENT AGENCIES.]

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

(b) "Expected payroll" means the average payroll of the business paid in the three years before the business relocates. If the business was not in operation at the old site for more than three years, then the expected payroll shall equal the annual average payroll over the time period that the business operated at the site.

(c) "Municipality" means a statutory or home rule charter city, town, or, in the case of unincorporated territory, a county.

(d) "Relocates" means that a local government agency has offered a business subsidy and the subsidy is the primary reason a business has moved from one municipality to another.

Subd. 2. [PENALTY.] Any local government agency that relocates a business must pay the municipality from which the business relocated. For purposes of this section, the payment obligation equals ten percent of expected payroll for a period of five years. If the business does not disclose its payroll, then the municipality from which the business relocated may estimate the loss in payroll with a survey.

Subd. 3. [ARBITRATION.] If municipalities or local government agencies are unable to agree on the existence of, or amount of, an obligation under this section, they must submit the matter to binding arbitration in accordance with sections 572.08 to 572.30 and the rules of the American Arbitration Association. Within 30 days, each party must select an arbitrator or agree upon a single arbitrator. If the parties each select an arbitrator, the two arbitrators shall select a third arbitrator within 45 days after the demand for arbitration. Each party must pay the fees and expenses of the arbitrator it selected and the parties must share equally the expenses of the third arbitrator or an arbitrator agreed upon mutually by the parties.

Sec. 5. Minnesota Statutes 1996, section 270.067, subdivision 4, is amended to read:

Subd. 4. [CONTENTS.] The report shall detail for each tax expenditure item the amount of tax revenue foregone, a citation of the statutory or other legal authority for the expenditure, and the year in which it was enacted or the tax year in which it became effective. The report may contain

additional information which the commissioner considers relevant to the legislature's consideration and review of individual tax expenditure items. This ~~may~~ must include, but is not limited to, statements of the intended public purpose of the tax expenditure, analysis of whether the expenditure is achieving that objective, and the effect of the expenditure device on the distribution of the tax burden and administration of the tax system.

Sec. 6. [STUDY OF TAX EXPENDITURES.]

The legislative auditor is requested to conduct a study of selected tax expenditures evaluating each program for its public purpose and effectiveness.

Sec. 7. [APPROPRIATION.]

\$...... is appropriated from the general fund in fiscal year 1999 to the commissioner of trade and economic development to carry out the commissioner's duties under Minnesota Statutes, sections 116J.993 to 116J.995.

Sec. 8. [REPEALER.]

Minnesota Statutes 1996, section 116J.991, is repealed."

Amend the title as follows:

Page 1, line 8, delete everything after the comma and insert "section"

Page 1, line 9, delete "and"

Page 1, line 11, delete everything after "Statutes" and insert "1996, section 116J.991."

Page 1, delete line 12

And when so amended the bill be re-referred to the Committee on Local and Metropolitan Government without recommendation.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

SECOND READING OF SENATE BILLS

S.F. Nos. 2199, 2869, 2663, 2695, 1001, 2963, 2532, 3297, 2627, 2758, 2317, 2493, 2161, 3189, 2712, 2928, 2929, 2280, 2108 and 3298 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Anderson moved that the names of Ms. Junge and Mr. Hottinger be added as co-authors to S.F. No. 2066. The motion prevailed.

Mr. Sams moved that his name be stricken as a co-author to S.F. No. 2141. The motion prevailed.

Mr. Beckman moved that the name of Mr. Kelley, S.P. be added as a co-author to S.F. No. 2265. The motion prevailed.

Mr. Murphy moved that his name be stricken as a co-author to S.F. No. 2448. The motion prevailed.

Mr. Beckman moved that the name of Mr. Novak be added as a co-author to S.F. No. 2705. The motion prevailed.

Ms. Lesewski moved that her name be stricken as chief author, shown as a co-author and the name of Mr. Vickerman be added as chief author to S.F. No. 2911. The motion prevailed.

Mr. Hottinger moved that the names of Mr. Marty and Ms. Anderson be added as co-authors to S.F. No. 2933. The motion prevailed.

Mrs. Lourey moved that the names of Mr. Sams and Ms. Piper be added as co-authors to S.F. No. 2967. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Kelly, R.C. be added as a co-author to S.F. No. 3149. The motion prevailed.

Mrs. Scheid moved that the name of Mr. Wiger be added as a co-author to S.F. No. 3256. The motion prevailed.

Mr. Lessard moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 3261. The motion prevailed.

Mr. Novak moved that the name of Mr. Belanger be added as a co-author to S.F. No. 3268. The motion prevailed.

Mr. Morse moved that the name of Ms. Krentz be added as a co-author to S.F. No. 3294. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 2071 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mr. Johnson, D.J. moved that S.F. No. 2569 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mr. Betzold moved that S.F. No. 2583 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 2741 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Taxes. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mrs. Lourey, Mr. Vickerman, Ms. Lesewski, Messrs. Dille and Sams introduced--

S.F. No. 3299: A bill for an act relating to appropriations; authorizing a capital improvement for manure digester farm demonstration projects; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Mr. Vickerman introduced--

S.F. No. 3300: A bill for an act relating to agriculture; providing support for establishment of a soybean oilseed processing and refining facility in southwestern Minnesota; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Mr. Morse, Mses. Krentz and Berglin introduced--

S.F. No. 3301: A bill for an act relating to health; requiring the commissioner of human services to submit a waiver amendment to allow greater flexibility in delivering services to persons served by the home and community-based waiver for persons with mental retardation and related conditions.

Referred to the Committee on Health and Family Security.

Mrs. Pariseau and Mr. Day introduced--

S.F. No. 3302: A bill for an act relating to taxes; allowing a special levy for required staffing of a new detention center and exempting construction materials for a joint law enforcement center from the sales and use tax; amending Minnesota Statutes 1997 Supplement, sections 275.70, subdivision 5; 297A.15, subdivision 7; and 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Messrs. Johnson, D.J.; Hottinger; Belanger; Vickerman and Mrs. Scheid introduced--

S.F. No. 3303: A bill for an act relating to taxation; providing a uniform class rate for all residential property containing a single dwelling unit; amending Minnesota Statutes 1997 Supplement, section 273.13, subdivisions 22 and 25, as amended.

Referred to the Committee on Local and Metropolitan Government.

Mr. Murphy introduced--

S.F. No. 3304: A bill for an act relating to education; providing for additional school day revenue; amending Minnesota Statutes 1996, section 124A.22, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 124A.22, subdivision 1.

Referred to the Committee on Children, Families and Learning.

Ms. Krentz, Messrs. Larson, Frederickson, Stevens and Terwilliger introduced--

S.F. No. 3305: A bill for an act relating to appropriations; appropriating money for ice arena activities.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Berg introduced--

S.F. No. 3306: A bill for an act relating to sanitary districts; establishing the Farwell-Kensington sanitary district; authorizing tax levies.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller introduced--

S.F. No. 3307: A bill for an act relating to education; authorizing bonds and appropriating money for construction of a cooperative education and community center for independent school district No. 378, Dawson-Boyd.

Referred to the Committee on Children, Families and Learning.

Mr. Pogemiller introduced--

S.F. No. 3308: A bill for an act relating to education; modifying education and employment transitions program grants; amending Laws 1997, First Special Session chapter 4, article 3, section 25, subdivision 4.

Referred to the Committee on Children, Families and Learning.

Mr. Pogemiller introduced--

S.F. No. 3309: A bill for an act relating to education; authorizing a grant for remote-site consulting services; appropriating money.

Referred to the Committee on Children, Families and Learning.

Mr. Pogemiller introduced--

S.F. No. 3310: A bill for an act relating to education; appropriating money for the Minnesota historical society.

Referred to the Committee on Children, Families and Learning.

Ms. Wiener, Messrs. Belanger and Beckman introduced--

S.F. No. 3311: A bill for an act relating to children; proposing an amendment to the Minnesota Constitution by adding a section to article XI; establishing the children's endowment fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 119C.

Referred to the Committee on Children, Families and Learning.

Ms. Junge, Mr. Limmer and Mrs. Scheid introduced--

S.F. No. 3312: A bill for an act relating to education; creating a model technology program; authorizing a levy.

Referred to the Committee on Children, Families and Learning.

Messrs. Frederickson, Cohen, Price and Ms. Robertson introduced--

S.F. No. 3313: A bill for an act relating to state government; modifying provisions for debt capacity forecasting, budget preparation, reporting bond proceeds expenditures, bond sales, and certain capital improvements; amending Minnesota Statutes 1996, sections 16A.105; 16A.11, subdivision 3a; 16A.501; and 16B.30; Minnesota Statutes 1997 Supplement, section 16A.641, subdivision 4.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Frederickson, Cohen, Price and Belanger introduced--

S.F. No. 3314: A bill for an act relating to state government; modifying provisions for local fiscal impact notes; modifying reporting requirements on local mandate costs; modifying requirements for revenue targets; amending Minnesota Statutes 1996, section 16A.102, subdivisions 1 and 2; Minnesota Statutes 1997 Supplement, sections 3.986, subdivisions 2 and 4; 3.987, subdivisions 1 and 2; 3.988, subdivision 3; 3.989, subdivision 2; and 273.1398, subdivision 8; repealing Minnesota Statutes 1997 Supplement, sections 3.987, subdivision 3; 3.989, subdivisions 1, 3, and 4; and 14.431.

Referred to the Committee on Taxes.

Messrs. Janezich, Murphy and Ms. Higgins introduced--

S.F. No. 3315: A bill for an act relating to labor relations; modifying the definition of public employer; amending Minnesota Statutes 1996, section 179A.03, subdivision 15.

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

Ms. Runbeck, Messrs. Day and Ourada introduced--

S.F. No. 3316: A bill for an act relating to labor; requiring labor organizations to establish

certain funds; prohibiting certain automatic payroll deductions; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 179.

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

Mr. Murphy introduced--

S.F. No. 3317: A bill for an act relating to education; authorizing a levy for school crossing guards; amending Minnesota Statutes 1996, section 124.912, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mr. Langseth introduced--

S.F. No. 3318: A bill for an act relating to capitol improvements; authorizing bonds and appropriating money for sewer lagoons in the city of Hawley.

Referred to the Committee on Environment and Natural Resources.

Ms. Pappas introduced--

S.F. No. 3319: A bill for an act relating to education; encouraging school districts to accept academically at-risk students under open enrollment; appropriating money; amending Minnesota Statutes 1996, section 120.062, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 120.062, subdivisions 3 and 11; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Children, Families and Learning.

Ms. Pappas introduced--

S.F. No. 3320: A bill for an act relating to education; providing additional funding for in-school suspensions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Children, Families and Learning.

Messrs. Kelly, R.C.; Laidig; Ms. Ranum, Messrs. Cohen and Knutson introduced--

S.F. No. 3321: A bill for an act relating to crime; imposing criminal penalties for manufacturing, distributing, selling, or possessing counterfeited intellectual property; providing for forfeiture of these items; amending Minnesota Statutes 1996, section 609.531, subdivision 1; Minnesota Statutes 1997 Supplement, section 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Mr. Novak introduced--

S.F. No. 3322: A bill for an act relating to the creation of a database of small minority- and women-owned businesses; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Messrs. Knutson; Kleis; Kelly, R.C. and Neville introduced--

S.F. No. 3323: A bill for an act relating to taxation; sales; exempting sales by Minnesota correctional industries to the state; amending Minnesota Statutes 1997 Supplement, section 297A.25, subdivision 11.

Referred to the Committee on Taxes.

Mr. Kleis introduced--

S.F. No. 3324: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the restoration of Lake George, and for the Beaver Island Trail System.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced--

S.F. No. 3325: A bill for an act relating to property taxation; appropriating money for a grant to produce materials to educate citizens about the working of the Minnesota property tax system.

Referred to the Committee on Local and Metropolitan Government.

Ms. Wiener introduced--

S.F. No. 3326: A bill for an act relating to mortgage redemption period; clarifying that the five-week redemption period for abandoned property applies when trespassers are occupying the property; amending Minnesota Statutes 1996, section 582.032, subdivisions 4 and 7.

Referred to the Committee on Judiciary.

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

S.F. No. 3327: A bill for an act relating to crime; increasing penalties for certain drive-by shooting crimes; providing that a drive-by shooting resulting in death is first degree murder; increasing penalties and providing for mandatory minimum sentences for drive-by shootings that result in substantial or great bodily harm or that involve occupied buildings or motor vehicles; amending Minnesota Statutes 1996, sections 609.185; 609.19, subdivision 1; and 609.66, subdivision 1e.

Referred to the Committee on Crime Prevention.

Mr. Johnson, D.J. introduced--

S.F. No. 3328: A bill for an act relating to tobacco litigation; requiring that the use of proceeds be subject to appropriation by law; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Judiciary.

Mr. Johnson, D.J. introduced--

S.F. No. 3329: A bill for an act relating to taxation; eliminating county authority to grant economic development tax abatements; amending Minnesota Statutes 1997 Supplement, section 469.1812, subdivision 4.

Referred to the Committee on Local and Metropolitan Government.

Mr. Johnson, D.J. introduced--

S.F. No. 3330: A bill for an act relating to public safety; relieving 911 dispatchers from tort liability in certain cases; proposing coding for new law in Minnesota Statutes, chapter 403.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, February 19, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, February 18, 1998

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
		2582	.....5303	5304
		2612	.....5303	5304
		2630	.....5303	5304
		2895	.....5303	5304

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
695	..... 5334		113	.....5339	
1001	..... 5307	5345			
2108	..... 5320	5345			
2124	..... 5313				
2161	..... 5310	5345			
2199	..... 5305	5345			
2280	..... 5320	5345			
2296	..... 5304				
2317	..... 5310	5345			
2493	..... 5310	5345			
2532	..... 5307	5345			
2627	..... 5308	5345			
2663	..... 5307	5345			
2670	..... 5317				
2695	..... 5307	5345			
2712	..... 5314	5345			
2717	..... 5304				
2717	..... 5308				
2758	..... 5309	5345			
2853	..... 5304				
2853	..... 5308				
2869	..... 5306	5345			
2879	..... 5338				
2884	..... 5304				
2884	..... 5339				
2928	..... 5318	5345			
2929	..... 5318	5345			
2933	..... 5304				
2933	..... 5340				
2963	..... 5307	5345			
3189	..... 5311	5345			
3297	..... 5308	5345			
3298	..... 5338	5345			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
2066	.....5345		
2071	.....5346		
2141	.....5345		
2265	.....5345		
2448	.....5345		
2569	.....5346		
2583	.....5346		
2705	.....5345		
2741	.....5346		
2911	.....5345		
2933	.....5346		
2967	.....5346		
3149	.....5346		
3256	.....5346		
3261	.....5346		
3268	.....5346		
3294	.....5346		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3299 to 3330 Pages 5346 to 5350