

House Public Information Office

# HOUSE WEEKLY REVIEW

For MEMBERS of the Minnesota House of Representatives

February 9-11, 1988

Volume 4, Number 1

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills

## COMMITTEE ACTION

House Weekly Review is a listing of House committee and floor action on bills with brief bill summaries. The House Information staff compiles this information to help follow bills through the legislative process. The intent is to provide House members with a ready reference to House committee and floor action on bills.

The summary is an in-house publication for House members and staff; we do not have a mailing list. During the 1988 Session, we will distribute one copy each to House members and appropriate staff.

## GOVERNMENTAL OPERATIONS

Thursday, Feb. 11

### State treasurer—duties restoration

HF1705 (Simoneau, DFL-Fridley)—recommended to pass as amended.

Would re-enact sections of law relating to the state treasurer that existed before 1985, among them: general duties to receive and disburse funds in the state treasury; authority to hire employees; duties to keep various accounts and provide statements to the commissioner of finance; various duties relating to handling state bonds; and the duty to certify certain funds to the State Board of Investment.

## HEALTH & HUMAN SERVICES

Thursday, Feb. 11

### Health Dept. subpoenas—authority

HF421/SF951 (Ogren, DFL-Aitkin)—recommended to pass as amended.\*\*  
(SF in Senate Health and Human Services Committee)

\*\*Delete-everything amendment would: grant the commissioner of health authority to issue subpoenas to determine whether a health threat exists; allow any person authorized by district courts to serve subpoenas anywhere in the state; make failure of compliance with a court order punishable as contempt of court.

### Childrens Mental Health Plan—changes

HF1653 (Segal, DFL-St. Louis Park)—recommended to pass as amended\*\*; rereferred to Appropriations Committee.

\*\*Delete-everything amendment would: require the commissioner of human services to meet at least four times a year with the commissioners of corrections, health, education and commerce to coordinate children's mental health services. Provisions would:

- require the state Advisory Council on Mental Health to review recommendations of the subcommittee on children's mental health;
- create a subcommittee on children's mental health within the state advisory council; chair-appointed members would ensure geographical balance;
- require the commissioner of human services to create and ensure a unified, accountable, comprehensive children's



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mental health service system that would meet certain guidelines;

- appropriate money for comprehensive children's mental health service system.

#### **Swing bed payments**

HF1765 (Battaglia, DFL-Two Harbors)—recommended to pass; rereferred to Appropriations Committee.

Would amend state law to allow medical assistance payments for swing beds if the provider is a sole community provider (generally defined as a rural provider in an area where similar facilities are not easily accessible).

#### **Child care services—expansion, improvement**

HF1775 (Trimble, DFL-St. Paul)—recommended to pass as amended\*\*; rereferred to Appropriations Committee.

Would expand and improve child care services; define terms and duties of the commissioner; provide grants for child care programs, facilities and training; provide a toll-free telephone number; establish an interagency advisory committee; and expand resource and referral assistance to employers.

\*\*Amendments would:

- remove provision to appropriate an additional \$2,500,000 from the general fund for counties under the sliding fee program;
- include the impact of regulations on the availability and affordability of care in a study submitted by the commissioner of health;
- provide programs or projects in areas that need facilities or more licensed care.

## **TRANSPORTATION**

**Wednesday, Feb. 10**

**Highway funding—fuel tax increase; MVET transfer**  
HF1749/SF1592 (Kalis, DFL-Walters)—recommended to pass; rereferred to Taxes Committee.  
(SF in Senate Transportation Committee)

Would increase the tax on gasoline and special fuel and increase the share of motor vehicle excise tax (MVET) revenues dedicated to highways and transit. Provisions would:

- increase the state tax on gasoline and special fuel from 17 to 20 cents per gallon, effective April 1, 1988;

- provide that the tax on railroad and barge fuel remains at 17 cents;

- increase the share of MVET revenues going to transportation from 5 percent to 35 percent, beginning in fiscal year 1989;

- retain the present division of MVET's transportation share between highways and transit (75 percent to highways and 25 percent to transit).

# HOUSE WEEKLY REVIEW

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Volume 4 , Number 2

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## COMMITTEE ACTION

### AGRICULTURE

Monday, Feb. 15

#### Interest buydown program—extension

HF1757 (DeBlieck, DFL-Milroy)—recommended to pass; rereferred to Appropriations Committee.

Would extend the interest buydown program another year. Provisions would:

- make available \$6.5 million to banks to buy down the interest rates on farm operating loans;
- remove the requirement that eligible farmers have a positive cash flow of \$40,000 or less;
- require farmers to have a debt-to-asset ratio exceeding 50 percent;
- change calculated net worth limit from \$100,000 or less to \$200,000 or less;
- require reasonable financial viability of farm operation.

### COMMERCE

Thursday, Feb. 18

#### Waterbed liner sales—prohibition

HF1741 (O'Connor, DFL-St. Paul)—recommended to pass; placed on Consent Calendar.

Would prohibit the sale of flotation bedding if it contains a

liner that was used previously in flotation bedding that was sold at retail; would prescribe penalty for violators.

#### Child passenger restraints—rental, leased vehicles

HF1816 (Jefferson, DFL-Mpls)—recommended to pass; placed on Consent Calendar.

Would require a person who offers a motor vehicle for rent or lease to provide customers with child passenger restraining devices, upon request. would allow people who rent or lease vehicles to charge a reasonable fee for the use of the device.

#### Repair shop storage fee—disclosure requirements

HF1940/SF1801 (O'Connor, DFL-St. Paul)—recommended to pass as amended. (SF in Senate Commerce Committee)

Would require repair shops to conspicuously post signs in their shops that list any storage or care fees they charge. Provisions would:

- require shop owners, when giving customers written estimates, to inform them that storage or care charges are in addition to the estimated price for the repairs;
- require the written estimate for repair costs to include a reasonable storage fee, if the shop imposes a fee for storage;
- require invoices to include any storage or care fees the shop charged.

### EDUCATION

Wednesday, Feb. 17

#### School districts—reorganization task force

HF784/SF663 (McEachern, DFL-Maple Lake)—heard; referred to Education Finance Division. (SF in Senate Education Committee)

Would establish a four-year, 20-member school district reorganization commission. Provisions would:



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- specify membership;
- list items for investigation;
- mandate a report to the Legislature by Feb. 1, 1989.

**Secondary education—adult eligibility**

HF1768/SF1734 (Bauerly, DFL-Sauk Rapids)—heard; referred to Education Finance Division. (SF in Senate Education Committee)

Would provide two years of secondary education at state expense for Minnesotans who:

- are aged 20 years or older;
- have completed 10th grade but not graduated from high school;
- qualify for or have exhausted unemployment compensation benefits, or are receiving other government income maintenance and support services;
- do not require special instruction and services for the handicapped;
- have not received social security benefits.

Also would specify that the court must declare minors as habitual truants before students with high absentee rates can participate in the open enrollment program.

**Education Finance Division/EDUCATION**

Wednesday, Feb. 17

**Education funding—\$50 formula increase**  
HF1759 (Bauerly, DFL-Sauk Rapids)—heard.

Would increase 1988-89 education aid \$34.8 million by raising both the general education formula and hold harmless allowance by \$50.

**Education funding—\$75 formula increase**  
HF1881 (Bauerly, DFL-Sauk Rapids)—heard.

Would increase 1988-89 education aid \$46.8 million by raising the general education formula allowance \$75.

**Education funding—formula changes**  
HF1892 (A. Johnson, DFL-Spring Lake Park)—heard.

Would increase 1988-89 education aid \$23.6 million by lowering the training and experience revenue formula, then raising the hold harmless rate \$60.  
Also would provide a 3 percent hold harmless raise for the 1989-90 school year and every year thereafter.

**Education funding—\$25 formula increase**  
HF2015 (Tunheim, DFL-Kennedy)—heard.

Would increase 1988-89 education aid \$15.3 million by increasing the general education formula allowance \$25.  
Also would increase the general education formula allow-

**ENVIRONMENT & NATURAL RESOURCES**

Tuesday, Feb. 16

**Game, fish stamps—issuance fee**  
HF1841/SF1575 (Battaglia, DFL-Two Harbors)—recommended to pass. (SF on Senate Floor)

Would allow persons the Department of Natural Resources authorizes to sell fishing and hunting licenses to collect:

- an additional 50-cent issuance fee for a game or fish stamp when the buyer purchases the stamp in a transaction separate from the purchase of a small game, angling, or sporting license;
- a \$1 issuance fee for a bear license.

Provisions would:

- repeal the law allowing Minnesota residents age 65 or older to fish without a license if the resident has certain proof of age and residency while fishing and traveling to and from the fishing location.

**Wild animals—restitution for illegal taking**  
HF1843/SF1735 (Reding, DFL-Austin)—amended\*\*; laid over. (SF in Senate Environment and Natural Resources Committee)

Would require courts to collect restitution from persons the court convicts of illegally killing or injuring wild animals.  
Provisions would:

- require the commissioner of natural resources to use money the courts collect as restitution to replace, propagate, or protect wild animals;
- provide that a person who illegally kills or injures a wild animal is liable to the state for the animal's value;
- require the attorney prosecuting a person whom an enforcement officer arrests for illegally taking a wild animal to demand restitution in addition to any criminal penalties for the violation;
- direct the court that convicts a person of illegally taking a wild animal to require that person to pay restitution for the animal, or perform conservation work of equal value;

- require the court to:
  - determine the amount of restitution based on a preponderance of evidence (evidence that is more convincing than the evidence offered against it);
  - place any restitution it collects in the Game and Fish Fund;
- provide that paying restitution doesn't preclude the state or other persons from seeking other civil actions and remedies;
- allow the commissioner of natural resources to seek a civil penalty, in addition to restitution costs, for the value of the wild animal illegally killed or injured;
- allow the commissioner to adopt rules to determine the dollar value of species of wild animals.

\*\*Amendment would make technical changes.

Thursday, Feb. 18

#### State forest management roads

HF1931/SF1662 (R. Johnson, DFL-Bemidji)—recommended to pass as amended\*\*; rereferred to Transportation Committee. (SF in Senate Transportation Committee)

Would allow the commissioner of natural resources to establish, construct, administer, and maintain state forest management roads. Provisions would:

- define "state forest management road" as a road the Department of Natural Resources (DNR) constructs, acquires, maintains, or administers to carry out forest resource management policy as state law requires;
- authorize DNR to prescribe rules governing forest road use;
- create a "State Forest Road Account" in the state treasury that DNR would use to acquire, develop, maintain, and administer forest roads;
- require DNR to set up and maintain a current inventory of forest roads, and to undedicate all or part of a forest road that DNR doesn't need to carry out forest resource management policy;
- authorize DNR to acquire additional rights-of-way and easements after holding a public meeting in the local area;
- allow DNR to designate a forest road as a minimum-maintenance forest road and to maintain any such road at a level consistent with the intended use;
- authorize the commissioner to undesignate a forest road and convey it to another governmental unit;

- dedicate the amount of unrefunded gasoline and special fuel tax that motorists who use forest roads pay, and credit that unused tax to the state forest road account (state forest road travelers use one-tenth of 1 percent of all gasoline and one-half of 1 percent of special fuel in Minnesota);

- set an effective date of July 1, 1988 for these proposals.

\*\*Amendment would:

- allow counties to collect the amount of unrefunded gasoline and special fuel tax motorists who use county forest roads pay;
- credit that unused tax to the "County Management Access Road Account" in the state treasury;
- require counties to use the road account funds to construct, reconstruct, and maintain county forest roads.

### FINANCIAL INSTITUTIONS & INSURANCE

Tuesday, Feb. 16

#### Safe deposit boxes—access

HF1790/SF1768 (Skoglund, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Commerce Committee)

Would allow a safe deposit company, upon receiving from an interested person a death certificate and an affidavit, the right to open and examine the safe deposit box for the existence of a will or burial certificates. Provisions would:

- require the holder of the affidavit to: believe that the box contains the will; be a personal representative named in a copy of the will; have had access to the box prior to the lessee's death as a deputy, surviving spouse, devisee or heir;
- require the company to remove any document appearing to be a will and deliver it to the county clerk of court, and deliver any burial documents to the interested person. Prohibits removal of other contents;
- provide that the company needn't determine the truth of the affidavit.

Amendments would:

- disallow creditors access to safe deposit boxes;
- relieve a safe deposit company of liability when acting solely upon affidavit not accompanied by an individual;
- grant a safe deposit company the right to refuse to open the box if it is not satisfied that the requirements of the law have been met.

Wednesday, Feb. 17

**Nursing practitioners—health plan payments**

HF1853/SF1758 (Voss, DFL-Blaine)—recommended to pass. (SF in Senate Commerce Committee)

Would require that insurance plans cover the services of a registered nurse engaged in advanced nursing practice to the same extent that the services would be covered if provided by a physician. Provisions would:

- define advanced nursing practice as health services performed by licensed professional nurses who have additional knowledge and skills through study and experience designed to prepare nurses for advanced practice, such as nurse anesthetist, nurse midwife, nurse practitioner, or clinical specialist in psychiatric or mental health nursing.

**MIGA—coverage modifications**

HF1897/SF1802 (Scheid, DFL-Brooklyn Park)—heard. (SF in Senate Commerce Committee)

Would regulate the Minnesota Insurance Guaranty Association (MIGA). Provisions would:

- exclude “investment risks insurance” from coverage by MIGA
- restrict coverage to Minnesota corporations whose primary place of business is within the state;
- define “affiliate” to exclude affiliates of insolvent insurance companies from recovering losses under the plan;
- excludes from coverage claims filed with the association after the court deadline is set for filing
- exclude from coverage, claims by an affiliate of an insolvent insurer, claims by insurance purchasers with a net worth greater than \$50 million, and subrogation claims by an insurer against the association, or against the insured of the insolvent insurer;
- provide that out-of-state worker’s compensation claims be coordinated with the claimant’s state of residence;
- change the duty of the association’s board from policing the financial condition of competing members to assisting the commissioner of commerce, through responding to requests and making recommendations;
- establish two-year terms for the board of directors;

- repeal provision that is inconsistent with the mandatory premium surcharge established in 1987;

- make most provisions effective for both current and future insolvencies. However, exclusion of final guaranty insurance, affiliate claims, and claims made by large insureds are prospective and apply only to future insolvencies

**Insurance—omnibus bill**

HF1914/SF1845 (Skoglund, DFL-Mpls)—heard. (SF in Senate Commerce Committee)

Would make various changes in insurance laws. Some provisions would:

- prohibit certain licensed persons from paying or receiving a referral fee related to the person’s business;
- prohibit an insurer from reducing the limits of a liability policy by deducting legal defense costs;
- require all liability policies, except those exempted by the commissioner, to provide coverage for rented vehicles;
- decrease the minimum continuing education requirement for insurance agents from 20 to 15 credit hours per year (courses may not be offered by an insurance company);
- define “hours of treatment” with intent to provide group treatment coverage equal with private therapy;
- provide that following termination or layoff from employment, an employer shall continue the former employee’s coverage until any pre-existing conditions are satisfied, and the employee obtains full health care coverage under another group health plan, or for 18 months;
- require individual group health and accident policies to cover adopted children on the same basis as other dependents;
- expand long-term care policy to include coverage for adult day care services;
- define water damage and provide that all homeowners insurance policies, except as otherwise provided, cover losses by water damage;
- provide that a person injured in an auto accident may leave work to visit a doctor or receive medical treatment and receive loss of income benefits.

## GENERAL LEGISLATION, VETERANS AFFAIRS & GAMING

Thursday, Feb. 18

### Horse racing—purse, tax reduction

HF740/SF724\* (Kostohryz, DFL-North St. Paul)—heard.

Delete-everything amendment would reduce the pari-mutuel tax, and modify purse requirements. Provisions would:

- amend law to reduce the pari-mutuel tax;
- set minimum purse amounts with additional amounts negotiated by the track and horseperson's organization;
- increase the Minnesota Breeders Fund tax;
- repeal the law which provides that the value of uncashed winning pari-mutuel tickets reverts to the state 100 days after the end of a racing meeting.

## GOVERNMENTAL OPERATIONS

Monday, Feb. 15

### Rule of 90—public employees, teachers

HF944/SF1506 (Simoneau, DFL-Fridley)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

\*\*Delete-everything amendment would:

- authorize early unreduced retirement under the rule of 90;
- entitle any member of the
  - Minnesota State Retirement system (MSRS),
  - the Teachers Retirement Association (TRA),
  - the Minneapolis, St. Paul, and Duluth TRA,
  - coordinated program members,whose attained age plus credited allowable service totals 90 years, upon terminating active service and applying for a normal retirement annuity, to receive a retirement annuity with no reduction because of early retirement.

### State treasurer—duties restoration

HF1705 (Simoneau, DFL-Fridley)—reconsidered; recommended to pass as amended.\*\*

Would re-enact sections of law relating to the state treasurer that existed before 1985, among them: general duties to receive and disburse funds in the state treasury; authority to hire employees; duties to keep various accounts and provide

statements to the commissioner of finance; various duties relating to handling state bonds; and the duty to certify certain funds to the State Board of Investment.

\*\*Amendment would delete the appropriation to allowing the treasurer establish and maintain a revolving fund (this provision would duplicate an appropriation made in 1987).

### State Board of Investment—changes

HF1806 (Simoneau, DFL-Fridley)—recommended to pass.

Would amend and repeal various laws the State Board of Investment (SBI) administers. Provisions would:

- change requirements for information SBI includes in the prospectus of the Supplemental Fund; would amend language to conform with current practice;
- authorize SBI to purchase:
  - guaranteed investment contracts from banks as well as insurance companies;
  - international securities as an authorized investment subject to certain restrictions;
- provide the following changes to the Teachers Supplemental Retirement Program, Unclassified Employees Retirement Plan, and the Ambulance Service Personnel Retirement Plan:
  - add the Guaranteed Return Account (GRA) in the Supplemental Investment Fund as an investment option;
  - establish requirements for contributions, transfers, and withdrawals from the GRA;
  - allow additional flexibility in transferring existing balances between accounts.

Tuesday, Feb. 16

### Northern Ireland—state investment policy

HF453/SF722 (O'Connor, DFL-St. Paul)—heard. (SF in Senate Governmental Operations Committee)

Would limit state investments in companies doing business in Northern Ireland, subject to the MacBride principles. Provisions would:

- require the State Board of Investment (SBI) to:
  - annually compile a list of corporations doing business in Northern Ireland, and in whose stocks or obligations SBI has invested;
  - determine whether each corporation on the list has, during the preceding year, taken affirmative action to eliminate religious or ethnic discrimination in Northern Ireland;
  - consider, when making such a determination, whether the corporation has taken substantial action toward achieving the MacBride principles;

—invest, consistent with sound investment policy, in corporate stocks or bonds of corporations doing business in Northern Ireland in a manner to encourage corporations that pursue a policy of affirmative action in Northern Ireland;  
—sponsor, co-sponsor, or support, whenever feasible, shareholder resolutions designed to encourage corporations in which SBI has invested to pursue a policy of affirmative action in Northern Ireland;

• provide that nothing in this provision may be construed to require SBI to dispose of existing investments.

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**Wednesday, Feb. 17**

**Northern Ireland—state investment policy**

HF453/SF722 (O'Connor, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

Would limit state investments in companies doing business in Northern Ireland, subject to the MacBride principles

(See bill summary under Governmental Operations, Feb. 16)

\*\*Amendment would make technical language changes.

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**Thursday, Feb. 18**

**Judges' retirement benefits**

HF920/SF931 (Simoneau, DFL-Fridley)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

Would require certain judges to contribute to the Judges' Retirement Fund from each salary payment they receive a sum equal to an additional one-half of 1 percent of their salary.

\*\*Amendment would change the provision's effective date.

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**Judges' retirement fund—combined service annuity**

HF1709/SF1726 (Simoneau, DFL-Fridley)—recommended to pass. (SF in Senate Governmental Operations Committee)

Would provide coverage for members of the Judges' Retirement Fund under the combined service annuity, combined service disability benefit, and combined service survivor benefit provisions; would require the Minnesota State Retirement System (MSRS) board of directors to establish a bounce-back joint and survivor optional annuity form.

## HIGHER EDUCATION

**Wednesday, Feb. 17**

**Board of Regents—selection process**

HF1586/SF1284 (Otis, DFL-Mpls)—heard. (SF in Senate Education Committee)

Would establish a regent candidate search commission to assist the Legislature in identifying candidates for the University of Minnesota Board of Regents. Provisions would:

- set guidelines for selecting members;
- set guidelines for the commissioner;
- require the commissioner to research, develop, and publish the responsibilities for the regent's position;
- appropriate funds.

## JUDICIARY

**Friday, Feb. 12**

**Hazardous waste—cleanup liens**

HF297/SF412 (Long, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Environment and Natural Resources Committee)

Would create a lien against real property where the state has incurred cleanup expenses and the owner is liable for the expenses under Minnesota law, and provide procedures for lien implementation and enforcement.

\*\*Delete-everything amendment would:

- allow the Pollution Control Agency (PCA) to:
  - create a lien for state cleanup action expenses against property owned by persons legally responsible for paying cleanup costs;
  - attach the lien to the property where the release occurs, or the cleanup action takes place, or other nearby property that was within the same legal description during the five years preceding the first cleanup expenditure;
- establish the lien's duration and priority relative to other liens on the property;
- provide for determining the increase in market value of a piece of property where state-funded cleanup takes place;
- establish PCA procedures for:
  - filing various documents associated with the lien, includ-

ing the lien notice, appraisals, and certification of state cleanup expenses;

—perfecting the lien;

- require the PCA to petition the district court for authorization to file the lien notice;
- provide for enforcing the lien and related matters; would allow affected parties to challenge enforcement of a lien;
- provide that the lien provisions don't affect the PCA's right to use other remedies to recover cleanup expenses.

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#### Obscene materials, performances—prohibition

HF402/SF236\* (Reding, DFL-Austin)—recommended to pass as amended.\*\*

Would prohibit anyone distributing and exhibiting obscene materials and performances. Provisions would:

- provide a gross misdemeanor penalty for anyone who knowingly or with reason to know, exhibits, sells, publishes, distributes, produces, directs, or participates in obscene works;
- provide a felony penalty for anyone who commits a second or subsequent offense within five years of a previous conviction; would set the felony penalty as up to two years in prison and/or up to a \$10,000 fine;
- extend these provisions to include anyone who produces, directs, or participates in an obscene play, motion picture, dance, or other exhibition performed before an audience;
- define "obscenity" in Minnesota the same as in U.S. Supreme Court caselaw.

\*\*Amendment would change the effective date to June 1, 1988.

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#### Crime victims laws—amendments

HF1754/SF1693 (Kelly, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would make changes to crime victims laws. Provisions would:

- allow the Crime Victims Reparations Board to pay reasonable expenses which a parent incurs in order to bring his/her abducted child back home; would limit expenses to transportation costs, meals, and lodging from the time the child was found until the child's return home;
- amend the "Son of Sam" law to:

—extend the law's limitations to all criminal offenders instead of only felony offenders;

—replace the judicial procedure, under which victims receive the right to file a claim for funds offenders deposited with the board under the "Son of Sam" law, with an administrative procedure through which the board may pay claimants directly out of these funds;

—permit the board to make certain types of reparations awards from such funds to victims of the offender's crime, if the victim files a claim within five years of the date on which the board received the funds;

—permit the board to directly deduct from the offender's deposited funds any reparations the board previously paid to the offender's victim;

—permit the offender to allocate up to 10 percent of the contract payments for his/her minor dependent children's benefit;

—provide a gross misdemeanor penalty for anyone who willfully fails to notify the board that a contract that these provisions cover exists;

—provide a misdemeanor penalty for anyone who acts to defeat the law's purpose;

- change the Crime Victim Ombudsman law to:
  - permit the ombudsman to receive certain confidential or otherwise restricted information in certain circumstances;
  - require the ombudsman to forward his/her investigative findings to the appropriate court when the complaint involves a criminal justice system professional's conduct relating to a civil or criminal proceeding.

\*\*Amendment would: authorize the board to use any "Son of Sam" funds to make reparations awards to other crime victims if:

—funds remain after making the payments specified above; and

—no victim of the crime files a claim within five years of the date on which the board received the offender's payment.

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*Minnesota Statutes*—chapter number assignments  
HF1773 (Kelly, DFL-St. Paul)—recommended to pass; placed on Consent Calendar.

Would direct the revisor of statutes to assign chapter numbers to enrollments and publish bills in *Laws of Minnesota* in the chapter number order; would provide for showing the time of final enactment of bills on enrollments and publications; would maintain existing law on determining final enactment despite the change in the method of numbering chapters of enrollments and publications.

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Tuesday, Feb. 16

DWI, multiple convictions—mandatory minimum penalties

HF1165/SF537\* (D. Nelson, DFL-Champlin)—recom-

mended to pass as amended.\*\*

Would impose mandatory minimum penalties on habitual driving-while-intoxicated (DWI) offenders.

\*\*Delete-everything amendment would:

- set mandatory minimum sentences for anyone the courts convict of DWI:
  - once within five years of a prior conviction for DWI or aggravated DWI; or
  - two or more times within 10 years of a prior conviction for DWI or aggravated DWI;
- require a court to sentence any such offender to:
  - 30 days in jail; or
  - 240 hours of community service work (30 8-hour days); or
  - any combination of jail and community service work that totals 30 days;
- permit a prosecutor to file a motion to have the court sentence the offender without regard to the mandatory minimum sentence; would allow the court to do so if it finds that substantial mitigating factors exist; would require the court to impose a sentence that is proportional to the defendant's prior criminal and moving traffic violation record;
- require the State Planning Agency to monitor the implementation and use of these provisions, and report to the Legislature by Jan. 1, 1990.

**Children—shared care after marriage dissolution**  
HF1658/SF1327 (Dempsey, IR-New Ulm)—heard. (SF in Senate Health and Human Services Committee)

Would provide for shared care of minor children after marriage dissolution. Provisions would:

- define "shared care" to mean that parents have the rights and responsibilities respecting a child that are contained in the shared care order;
- add two new factors for a court to consider when determining the best interests of a child:
  - methods for resolving disputes in major decisions about the child; and
  - the extent to which it would harm the child if one parent had sole authority;
- require a shared care order to allocate between parents the specific rights to determine the child's upbringing, education, health care, religious training, residence, and routine daily care; would provide that both parents have the right to participate in decisions about education, health care, and religious training, unless the court finds it would be detrimental to the child's emotional or physical wellbeing;

- provide that a shared care order has priority over all the parents' social, personal, employment, or business activities;
- state that a parent has an affirmative duty to present a child at the appointed time and place, suitably prepared for the intended activities; would provide that failure to present a child suitably prepared is a denial of shared care rights, with certain exceptions;
- expand the grounds for modifying a child care order;
- limit total awards of support, maintenance, and attorney fees, whether in the same or different proceedings, to up to 50 percent of the obligor's net income, unless the parties agree otherwise;
- require both parents to pay support;
- require the court to consider:
  - the obligor's tax liabilities when setting or modifying support;
  - the parties' basic living expenses; and
  - the fact that parents have separate households;
- require the court to:
  - order the parties to sign revenue forms designating who gets the dependent exemption;
  - consider child support as a resource available to the spouse when calculating maintenance needs;
- provide that a maintenance award doesn't relieve the recipient of the duty to make efforts to become self-supporting;
- require an automatic reduction in the amount of support or maintenance withheld when an obligor is subject to a withholding order and the obligor's income decreases, without the obligor's consent, by 25 percent or more during a pay period;
- allow a retroactive decrease in support or maintenance if an obligor's failure to pay the original order wasn't willful.

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**Criminal sexual conduct—consent definition**  
HF1740/SF1738 (Vellenga, DFL-St. Paul)—recommended to pass; placed on Consent Calendar. (SF in Senate Judiciary Committee)

Would clarify that the definition of "consent" in the criminal sexual conduct law is limited to voluntary, uncoerced present agreements to perform a particular sexual act "with a particular person."

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**Criminal prosecutions—proof of prior convictions**  
HF1836/SF1792 (Swenson, IR-Forest Lake)—recommended

to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would provide for proof of a defendant's prior convictions at sentencing hearings and in certain criminal prosecutions. Provisions would:

- not require a prosecutor to establish the factual basis for a prior conviction the prosecutor uses to compute a defendant's criminal history score under the state's sentencing guidelines; would provide that a certified court record of a prior conviction will establish proof of that conviction's existence, if the defendant contests the existence;
- not require a prosecutor to establish the factual basis for a prior conviction in a criminal prosecution in which the degree or penalty for the crime depends on the existence of a prior conviction; would provide that a certified court record of a prior conviction will establish proof of that conviction's existence, if the defendant contests the existence.

\*\*Amendment would provide that these provisions wouldn't apply when the defendant challenges the validity of the prior conviction on the basis that his/her constitutional rights were violated during the prior proceedings.

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#### Waste facilities—records inspection

HF1846/SF1725 (Price, DFL-Woodbury)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

\*\*Delete-everything amendment would authorize certain counties to authorize certain people who, upon presenting their identification and without a search warrant, would inspect or copy records of an owner or operator of any waste facility in the state that contain information regarding the volume, type, origin, weight, and date and time of weighing; would set a misdemeanor penalty for anyone who fails to open these records for inspection and copying.

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#### Cable communications—unauthorized connections

HF1886/SF1694 (Orenstein, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

\*\*Delete-everything amendment would increase the criminal penalty, from a misdemeanor to a three-year felony, for anyone who intentionally, and with the purpose of making an unauthorized connection to a cable communications system, sells, rents, lends, offers, or advertises any device, plan, or specification for making such an unauthorized connection.

### Crime & Family Law Division/JUDICIARY

Monday, Feb. 15

Parental rights termination law—clarification

HF577/SF964 (Rest, DFL-New Hope)—heard; amended.\*\* (SF in Senate Judiciary Committee)

Would clarify the purposes of laws on termination of parental rights, and alter certain grounds and procedures for termination of parental rights.

\*\*Delete-everything amendment would:

- reduce from 18 months to 6 months after a voluntary foster placement, the time in which a social service agency has to decide whether to return a child to his/her home or file an appropriate court petition to terminate parental rights;
- state the purpose of laws relating to termination of parental rights; would provide that the most important consideration in all such proceedings is the child's best interests;
- clarify the juvenile court's responsibilities in dependency and neglect cases;
- define "neglected child" to include a victim of domestic child abuse;
- permit a child to informally testify at a proceeding for termination of parental rights;
- require a court to consider whether a parent has visited his/her child in the three months before a neglect petition was filed, and the expected duration of any parental disability, chemical dependency, or imprisonment; would allow the court to disregard incidental visits, communications, and contributions;
- require the court to terminate parental rights if the Legislature establishes statutory grounds;
- create a presumption of abandonment in certain situations;
- clarify that no prior judicial finding of dependency, neglect, or neglected and in foster care is required for termination, with certain exceptions;
- provide that evidence maintaining that the parent-child relationship may rehabilitate the parent is irrelevant;
- provide that the child's best interests are paramount, and if the parent's and child's interests conflict, the child's interests control;
- permit a social service agency to stop family reunification efforts after the agency files a petition to terminate parental rights, if the court finds that in the child's best interests.

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#### False, fictitious names—use, penalties

HF1346 (Frederick, IR-Mankato)—recommended to pass as

amended.\*\*

Would increase the criminal penalties for anyone who gives a false or fictitious name to a police officer or in any application for a driver's license.

\*\*Amendment would change the bill's effective date.

Tuesday, Feb. 16

**Parental rights termination law—clarification**  
HF577/SF964 (Rest, DFL-New Hope)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would clarify the purposes of laws on termination of parental rights, and alter certain grounds and procedures for termination of parental rights.

(\*\*See bill summary under Crime and Family Law Division/Judiciary, Feb. 15)

## LABOR-MANAGEMENT RELATIONS

Monday, Feb. 15

**Rail acquisitions—reporting, disclosure requirements**  
HF1486/SF1442 (Beard, DFL-Cottage Grove)—recommended to pass; rereferred to Commerce Committee. (SF in Senate Employment Committee)

Would regulate the sale of railroad lines. Provisions would:

- define "acquiring carrier" as a business entity that acquires a railroad line through purchase, lease or other means, for the purpose of continuing to operate the line;
- provide that "labor organization" has the meaning given it in the Labor-Management Reporting and Disclosure Act and certified under the Railway Labor Act;
- define "divesting carrier" as a carrier or entity that divests a railroad line through sale, lease or otherwise;
- require an acquiring or divesting carrier to file a notice with the attorney general and the Department of Transportation if an exempt transaction under Code of Federal Regulations, title 49, section 1150.31, is contemplated;
- require the notice to include the complete identity of the divesting carrier, and a thorough description of the railroad line;
- require parties to attach to the notice copies of the sale contract, market and feasibility studies, and full financial information about the acquiring carrier; provide that all

information is confidential and cannot be divulged to outside parties;

- require acquiring and divesting carriers to attend conferences with the attorney general and Department of Transportation to provide information necessary to determine whether the proposed transaction is consistent with the Interstate Commerce Act and other federal and state law;

- require the acquiring and divesting carrier to file a confidential disclosure of tax consequences with the commissioner of revenue when an exempt transaction is contemplated;

- require designated representatives of the carrier to attend conferences with the Department of Revenue to respond to questions on the revenue impact of the proposed transaction;

- confer on the acquiring carrier all of the rights, immunities, and other legal privileges or duties conferred by law on the divesting carrier;

- bind the acquiring carrier to all contracts, agreements, and understandings between the divesting carrier and any shipper within the state for the period of the contract or two years, whichever is greater;

- bind the acquiring carrier to all contracts, agreements, and understandings between the divesting carrier and the state of Minnesota and any governmental subdivision for the period of the contract or two years, whichever is greater;

- require the acquiring carrier to recognize existing labor organizations and binds the acquiring carrier to all existing contracts, agreements, and understandings between the

## LOCAL & URBAN AFFAIRS

Thursday, Feb. 16

**Town boards—law enforcement agencies**  
HF1659 (Murphy, DFL-Hermantown)—reconsidered; rereferred to Judiciary Committee.

Would authorize town boards to form law enforcement agencies. Provisions would:

- amend the definition of "constable" to mean any individual employed or appointed by a political subdivision and licensed by the Board of Peace Officer Standards and Training on or before Aug. 1, 1988;
- authorize the Board of Peace Officer Standards and Training to issue a peace officer license to constables;
- abolish all constable positions and cancel constable licenses on Aug. 15, 1988.

**Town special meeting—lodging tax vote**  
HF1766/SF1634 (Battaglia, DFL-Two Harbors)—recommended to pass as amended\*\*; placed on Consent Calendar. (SF in Senate Local and Urban Government Committee)

Would allow towns to vote to impose a lodging tax at a special town meeting as well as at the annual town meeting.

\*\*Amendment would make technical changes.

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**Thursday, Feb. 18**

**Water commission, boards—membership**  
HF1845/SF1605 (Price, DFL-Woodbury)—heard; laid over. (SF in Senate Local and Urban Government Committee)

Would require cities of the first class that have established and appointed a water commission or board, that receives all or a substantial part of its spotable water supply from a water treatment facility in another municipality, and supplies water to the other municipality, to ensure representation of the other city on its water commission or board.

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**Towns—local improvements**  
HF1850 (Jennings, DFL-Rush City)—recommended to pass.

Would allow towns to make local improvements without approval of town electors.

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**Town officers duties—changed**  
HF1851/SF1760 (Bauerly, DFL-Sauk Rapids)—recommended to pass as amended. (SF in Senate Local and Urban Government Committee)

Would regulate duties of town officers. Provisions would:

- remove town board members from noxious weed control penalties in Minnesota Statutes, section 18.272;
- authorize a town or city to impose a fee of 25 cents per cubic yard of demolition debris on operators of facilities for the disposal of demolition debris located within the town;
- add to the county assessors list of duties and powers, the duty to confer with town officers to obtain their assistance in determining valuations of property prior to reporting valuations to the commissioner of revenue;
- authorize towns to purchase real or personal property by installment or lease purchase agreements;
- remove certain criteria for making a determination by a county board of whether a town is the principal provider of

governmental services affecting the use of entitlement lands in connection with the distribution of federal payments in lieu of taxes;

- repeal law stating that no town shall possess or exercise any corporate powers except those expressly given by law.

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**Washington County—county board expenses**  
HF1867/SF1699 (Price, DFL-Woodbury)—recommended to pass. (SF in Senate Local and Urban Government Committee)

Would remove the limit on expenses for members of the Washington County Board.

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**County equipment rental contracts**  
HF1942/SF1715 (Ogren, DFL-Aitkins)—recommended to pass. (SF in Senate Local and Urban Government Committee)

Would allow county boards to negotiate county equipment rental contracts that total \$60,000 or less by obtaining two or more quotations. Would require all quotations to be kept on file for at least one year after their receipt.

## TRANSPORTATION

**Wednesday, Feb. 17**

**Transportation study board—creation**  
HF1750/SF1593 (Kalis, DFL-Walters)—recommended to pass as amended\*\*; rereferred to Governmental Operations Committee. (SF in Senate Transportation Committee)

Would create a transportation study board of four senators, four House members, and 17 non-legislator members appointed by the governor representing business, labor, agriculture, tourism, and natural resources industries, transit and county, city and town government. Provisions would:

- direct the board to study broad areas of current transportation expenditures and cost-saving measures, statewide transportation needs, regional equity and increased public-private funding partnerships;
- direct the board to study specific areas such as: toll financing; transportation bonding; local wheelage taxes; indexed fuel tax and fuel sales tax; the role of transit and town roads; highway jurisdiction; exempting Minnesota Department of Transportation (Mn/DOT) from the state sales tax; exempting Mn/DOT and local governments from the Motor Vehicle Excise Tax (MVET); dedication of the MVET through a constitutional amendment; and the status of the state transportation plan;

- direct the board to contract with a consultant for research, writing, statistical, and other services;
- provide for board compensation and require the board to report its finding and recommendations to the Legislature and government no later than June 30, 1991.

\*\*Amendment would change the reporting date to from June 30, 1991 to Jan. 1, 1991.

#### Highway acquisition loan program

HF1826 (Lasley, DFL-Cambridge)—recommended to pass as amended\*\*; rereferred to Appropriations Committee.

Would authorize the issuance of bonds to establish a fund for loans to purchase highway right-of-ways outside the metropolitan area. Provisions would:

- authorize the commissioner of finance to sell and issue \$1 million in general obligation bonds to set up a special account in the state treasury;
- authorize the commissioner of transportation to make interest-free loans to local road authorities outside the metropolitan area for advance purchase the right-of-way needed for a proposed trunk highway projects;
- authorize the commission to make loans only to: 1) avert imminent conversion of the right-of-way to purposes incompatible with highway construction; or 2) avert imminent construction on the right-of-way which would substantially increase its acquisitions cost;
- prohibit the issuance of any loan to purchase the right-of-way at more than the fair market price or for a price that includes relocation (except hardship relocation);
- require the local authority receiving the loan to sell the right-of-way to the Minnesota Department of Transportation (Mn/DOT) for the local authority's purchase price, or to another party at fair market value if the right-of-way is no longer needed for a highway;
- authorize the commissioner of transportation to make loans to local road authorities outside the metropolitan area for hardship acquisition of right-of-way needed for proposed trunk highway projects;
- authorize loans only when acquisition and relocation have been requested by a property owner who is 1) burden by hardship circumstances such as medical expenses, job transfer or inability to care for the property and 2) unable to sell the property at its appraised market value because of its location in a proposed right-of-way;

- require loans for purchase to be for property's appraised fair market value and relocation costs, less the property's salvage value;
- require the acquiring authority to convey the property to Mn/DOT at the same price it paid, plus relocation costs and less its salvage value;
- establish a special account in the state treasury for monies the commissioner receives and proceeds from the bond sales;
- annually appropriate money in the special account to the commissioner to carry out the loan program;
- direct the commissioner beginning FY'90 to transfer annually enough money from the trunk highway fund to keep the balance in the special account at \$1 million plus the amount needed to pay principal and interest on the bonds for the next fiscal year.

\*\*Amendment would provide that on taking title to lands acquired under this section, the commissioner of transportation shall transfer money from the trunk highway fund to the special fund. The amount of money transferred must equal the loan amount made available to acquire the lands under this section.

## TAXES

Tuesday, Feb. 16

#### Property taxes—refunds

HF1704/SF1554 (Voss, DFL-Blaine)—recommended to pass as amended.\*\* (SF in Senate Taxes and Tax Laws Committee)

Would return to taxpayers the full amount (33 percent) of their 1987 renters' credit and property tax refund. Other provisions would:

- repeal the appropriation limit that restricted to \$125 million the total amount of property tax refunds that could be paid in FY'89;
- appropriate from the general fund the amount necessary to restore full property tax refund payments.

\*\*Amendments would:

- require the Department of Revenue to make refunds by June 1, 1988;
- alter language of enclosure explaining refund.

**Wednesday, Feb. 17**

**Highway funding—fuel tax increase, MVET transfer**  
HF1749/SF1592 (Kalis, DFL-Walters)—recommended to  
pass; rereferred to Appropriations Committee. (SF in Senate  
Taxes and Tax Laws Committee)

Would increase the tax on gasoline and special fuel and  
increase the share of motor vehicle excise tax (MVET)  
revenues dedicated to highways and transit. Provisions  
would:

- increase state tax on gasoline and special fuel from 17 to 20 cents per gallon, effective April 1, 1988;
- retain the 17-cent tax on railroad and barge fuel.
- increase the share of MVET revenues going to transportation from 5 to 35 percent beginning in FY'89;
- retain the present division of MVET's transportation share between highways and transit (75 percent to highways and 25 percent to transit).

**House Weekly Review** is a listing of House committee and floor action on bills with brief bill summaries. The House Information staff compiles this information to help follow bills through the legislative process. The intent is to provide House members with a ready reference to House committee and floor action on bills. Coverage runs from Thursday (2 p.m.) to Thursday (2 p.m.). Each issue includes a cumulative index by House File number.

The summary is an in-house publication for House members and staff; we do not have a mailing list. During the 1988 Session, we will distribute one copy each to House members and appropriate staff.

Nothing herein is admissible as legal proof of legislative intent.

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# HOUSE WEEKLY REVIEW

For MEMBERS of the Minnesota House of Representatives

February 18-25, 1988

Volume 4, Number 3

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills

## COMMITTEE ACTION

### AGRICULTURE

Monday, Feb. 22

**Animal disease control—Board Animal of Health HF2018/SF1786 (Dille, IR-Dassel)—recommended to pass as amended\*\*; re-referred to Judiciary Committee. (SF in Senate Agriculture Committee)**

Would clarify the authority of the Board of Animal Health over diseased and/or quarantined animals. Provisions would:

- broaden statutes on the board's right to stop vehicles used to haul livestock when a violation of health certificates or other violation is suspected;
- allow board access to livestock sites for inspection and acquisition of samples; require same to issue livestock owners a receipt for samples received and the test results performed on the samples;
- authorize the board to bring criminal or civil action, or to seek injunctive relief, and to issue subpoenas;
- authorize the board to suspend or revoke permits, licenses or certifications if necessary in the enforcement of law and rules;
- allow recovery of damages from the board if a court determines the board acted without cause;
- consolidate within the bill criminal penalties for violations of board rules or the law.

\*\*Amendments would:

- set penalty at \$10,000 per occurrence rather than \$10,000 per day of violation;
- allow the board to delegate authority to the executive director to act on the board's behalf.

### APPROPRIATIONS

Monday, Feb. 22

**Pine County/Wilder Foundation—property sale HF1211/SF1184\* (D. Carlson, IR-Sandstone)—recommended to pass as amended.\*\***

Would transfer and convey specified real estate in Pine County from the state to the Amherst H. Wilder Foundation for the purposes of operating a residential human service facility. Provisions would:

- set the purchase price for 81 acres at \$200,000;
  - give the state the option to re-acquire the property at \$200,000 or the appraised value (whichever is less) if the land is not used for the intended purpose;
  - allows Mille Lacs county to sell and convey specified land;
- \*\*Amendments would:
- make technical language changes;
  - specify that individual referrals are made through court order or county social service agencies.

**Highway funding—fuel tax increase, MVET transfer HF1749/SF1592 (Kalis, DFL-Walters)—recommended to pass. (SF in Senate Taxes & Laws Committee)**

Would increase the tax on gasoline and special fuel and increase the share of motor vehicle excise tax (MVET)



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## Education Finance Division/EDUCATION

Wednesday, Feb. 24

### Education financing—technical changes

HF2029/SF1911 (K. Nelson, DFL-Mpls)—adopted as amended; rereferred to the Education Committee. (SF in Senate Education Committee)

Would modify provisions related to general education revenue and foundation revenue. Provisions would:

- change the term “foundation formula” or “foundation aid” to “general education formula” or “general education aid” as approved by the 1987 Legislature;
- correct erroneous and obsolete language;
- set an inflation factor for nonpublic textbooks and materials at 7.5 percent for 1988-90 instead of using the rate of increase in the foundation formula allowance from the second preceding year;
- affect the funding calculations for numerous education programs, including:
  - Faribault Academies;
  - postsecondary enrollment options;
  - special education;
  - shared time; and
  - high school graduation incentives.

## ENVIRONMENT & NATURAL RESOURCES

Tuesday, Feb. 23

### Duck boats—personal flotation devices

HF1817/SF1698 (Stanius, IR-White Bear Lake)—recommended to pass. (SF in Senate Environment & Natural Resources Committee)

Would require hunters using duck boats during the duck hunting season to have personal flotation or lifesaving devices in the duck boat.

### Willard Munger Trail—designation

HF1858/SF1731 (G. Anderson, DFL-Bellingham)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would change the name of the Minnesota-Wisconsin Boundary Trail to the Willard Munger Trail.

### Waste Management Act—amendments

HF2031/SF1891 (D. Nelson, DFL-Champlin)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Environment & Natural Resources Committee)

Would amend the Waste Management Act. Provisions would:

- require the state building code to require new structures to provide suitable space for separating, collecting, and temporarily storing recyclable materials; would require a building in which the state leases at least 5,000 square feet for agency operations to provide suitable space for recycling;
- clarify duties of the Legislative Commission on Waste Management (LCWM);
- amend the Waste Management Board’s (WMB) authority to make waste containment feasibility studies eligible for grants;
- amend the Agriculture and Economic Development Authority’s loan program to make industrial waste facilities eligible for loans;
- require WMB to report on its hazardous waste grant and loan programs biennially to LCWM;
- amend a WMB’s grant program to make compost market and facility development eligible for grants;
- amend the waste tire program to:
  - broaden its scope;
  - clarify agency responsibility for the program;
  - authorize WMB to contract with counties to abate waste tire nuisances;
- create new law to:
  - transfer the waste tire loan and grant program to WMB administration;
  - expand the grant program to cover market development for tire-derived products;
  - allow WMB to make grants to local governments for waste tire collection and transportation;
  - authorize WMB to conduct feasibility studies of waste tire uses, and public education on proper waste tire management;
  - require WMB to report annually to LCWM on waste tire management;
- prohibit placing used oil in or on the land without Pollution Control Agency (PCA) approval;
- transfer authority to make loans and grants for used oil processing and storage tanks from Economic Development Authority to WMB;

- remove the 25-cent per cubic yard cap on the fee a metropolitan county may charge to dispose of mixed municipal solid waste;
- require all new buildings, except residential buildings with less than 12 dwelling units, to provide at least 100 square feet of space to collect, separate, and temporarily store recyclable materials;
- authorize PCA to recover the cost of determining whether a piece of land contains hazardous substances from whomever asks for the information;
- require tire retailers to accept waste tires from each customer in a number equal to the number the retailer sells to the customer;
- amend the 1987 WMB appropriation to allow WMB to spend money to develop markets for both recyclables and compost;
- amend the 1987 appropriations for waste tire dump cleanup to make money available for broader waste tire programs;
- cancel a \$2.9m transfer from the motor vehicle transfer fund (MVET) to the general fund;
- appropriate from MVET to WMB:
  - \$2.2m for waste tire management;
  - \$525,000 for used oil loans and grants;
- appropriate \$238,500 from the Superfund to PCA to start up the PCA cost recovery system;
- repeal a June 30, 1992 expiration date for LCWM.

**\*\*Amendment would:**

- allow WMB to approve a plan or make a grant for a recycling facility if it finds that the applicant demonstrates a commitment to recycle materials separated by generators to the extent such a program is cost effective in meeting recycling goals;
- specify types of loans and grants WMB can make to waste tire processing businesses; would allow WMB to exercise the PCA regulatory and enforcement powers to implement and enforce waste tire abatement programs.

Thursday, Feb. 25

**Rainy River—fishing season closing date**  
 HF1807/SF1689 (Tunheim, DFL-Kennedy)—referred to subcommittee. (SF in Senate Environment & Natural Resources Committee)

Would repeal a 1987 law requiring the fishing season on the Minnesota side of the Rainy River to end Feb. 28.

**Hazardous waste—cleanup for economic development**  
 HF1815/SF1754 (Jefferson, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Economic Development & Housing Committee. (SF in Senate Environment & Natural Resources Committee)

Would provide financing options to remove hazardous substances from sites municipalities would like to develop or redevelop except for the existence of hazardous substances.

**\*\*Delete-everything amendment would:**

- define:
  - “hazardous substance loans” as loans to municipalities to remove hazardous substances, acquire land, and pay other costs associated with removal (e.g. relocation or demolition);
  - “development response action plan” as the removal actions a municipality must carry out to clean up a site;
- create the Hazardous Substance Loan Fund, which the Department of Trade and Economic Development (DTED) would administer; would provide that money in the fund is for making or purchasing hazardous substance loans and to pay associated costs;
- authorize the commissioner of DTED to make hazardous substance loans;
- require a municipality and DTED to enter into a loan agreement;
- require a municipality to submit an application to DTED for a hazardous substance loan; would specify information the municipality needs to provide in the application;
- establish loan restrictions and preferences; would set \$5 million maximum loan for any one site;
- require DTED to make loans to municipalities in the order that it receives applications, unless DTED determines there are insufficient funds for all applicants; would require DTED to then give first priority to applicants who have already received a loan and need further assistance to clean up a site, and then to applicants who have entered into an agreement to develop the site;
- establish payment procedures; would require the municipality to follow the same terms and procedures relating to the loan as the municipality must follow when it issues bonds or obligations;

## FINANCIAL INSTITUTIONS & INSURANCE

Wednesday, Feb. 24

### HMO consumer protection

HF2012/SF1861 (Skoglund, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Health & Human Services Committee. (SF in Senate Health & Human Services Committee)

Would offer HMO plan consumers expanded protection. Provisions would:

- allow a municipality to pledge tax increments and the proceeds from the sale of the site to pay the loan, but would not require the pledge if the municipality pledged tax increments and land sale proceeds to another obligation;
- require the municipality, whenever feasible, to attempt to collect or recapture removal costs from responsible parties;
- permit the commissioner to adopt rules to carry out these provisions;
- establish which removal and remedial actions constitute a plan;
- provide that the original assessed value for the purpose of tax increment financing for a hazardous substance site or hazardous substance subdistrict is equal to the most recently determined assessed value of the parcel less the “reasonable and necessary” costs of the removal and remedial actions that are to take place on the site; would provide that the original assessed value may not be less than zero;
- define “designated hazardous substance site” as any parcel or parcels of land for which the commissioner has made a hazardous substance loan, or any parcel or parcels of land for which the city specifies removal or remedial actions in a development response action plan;
- permit a municipality to establish a hazardous substance subdistrict within an existing or planned tax increment district; would set guidelines to determine such a subdistrict;
- extend to 25 years, the maximum period of time to repay tax increments for subdistricts or designated hazardous substance sites;
- exempt parcels in subdistricts or designated hazardous substance sites from the limitation on how much property an authority may own within a tax increment district;
- appropriate an undesignated amount from the:  
—state building fund to DTED for the hazardous substance loans;  
—general fund to the PCA to carry out other provisions of the bill.

- require HMOs to provide similar replacement coverage, without proof of insurability or pre-existing condition exclusions, for enrollees dropped from plans for reasons other than having moved from the service area, having failed to pay the premiums, or having falsified information on an HMO application;
- provide that replacement coverage not exceed 125 percent of the cost of the average fee charged for a similar HMO plan;
- require HMOs to provide enrollees, on the cover page of the policy, evidence of coverage, a statement of rights regarding covered services, providers, referrals, emergency services, exclusions, continuation, and cancellation; also must provide statement that enrollees will be given 30 days advance notice of any change in fees or benefits;
- require HMOs to give Medicare applicants a description of principal benefits and coverage, a statement of the contract’s exceptions and limitations, and a statement that the contract does not cover all nursing home or home care services, and a statement of renewal conditions;
- prohibit termination of coverage for a former spouse and dependent children made so through divorce, and continue coverage until former spouse locates other coverage;
- require HMOs to provide an option plan allowing enrollees to continue coverage under a conversion policy should they move from the service area;
- require that HMO’s permit the spouse and dependent children of an enrollee who has transferred to Medicare to elect to continue coverage under the original plan, and permit dependent children to continue the coverage when they are no longer dependent children;
- require that HMO’s give enrollees 30 days notice of cancellation or nonrenewal;
- provide that an enrollee not be required to obtain HMO approval for medically necessary services or supplies

prescribed by a participating provider;

- provide that the commissioner will approve or disapprove of the replacement coverage within 30 days;
- provide that the HMO must give the terminated enrollee notice of cancellation of coverage 90 days prior to the effective cancellation date;
- require that each contributing HMO that ends individual coverage pay a special assessment to the Minnesota Comprehensive Health Association (MCHA) based on the number of individuals terminated;
- provide that HMOs be liable for the expenses of individuals with pre-existing conditions for six months when those individuals are re-enrolled under MCHA.

\*\*Amendment would make technical changes.

## GENERAL LEGISLATION, VETERANS AFFAIRS & GAMING

Monday, Feb. 22

### Horse racing—purse, tax reduction

HF740/SF724\* (Kostohryz, DFL-North St. Paul)—recommended to pass as amended\*\*; rereferred to Taxes Committee.

Would modify and reduce the parimutuel tax from horse-tracks.

\*\*Delete-everything amendment would:

- provide for minimum purse amounts; provide that a track and horsepersons' organization may contract for additional purse amounts;
- allow horsepersons' organization and members to withhold horses despite state anti-trust laws;
- increase the Minnesota Breeders Fund tax;
- repeal the state tax on racetrack admissions and breakage;
- make the racetrack admissions subject to state sales tax;
- repeal the law which provides that the value of uncashed winning parimutuel tickets reverts to the state 100 days after the end of a racing meeting.

Thursday, Feb. 25

### Veterans—outreach center, new home

HF1596/SF1463 (DeBlicek, DFL-Milroy)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Veterans Committee)

Would require the commissioner of veterans affairs to establish a veterans outreach center and another veterans home. Provisions would:

- direct the commissioner to perform certain tasks and studies related to the veterans outreach center;
- direct the commissioner to establish a veterans home and conduct a study (and defines the study) to determine whether to locate a veterans home in southwestern Minnesota;
- direct that one-half of the costs of the veterans home purchase, construction or lease be supplied from nonstate sources;
- require the home to conform with Department of Health licensing rules.

### Animals—motor vehicle transportation

HF1880/SF1815 (Kelly, DFL-St. Paul)—heard; laid over. (SF in Senate General Legislation & Public Gaming Committee)

Would prohibit transporting dogs or cats in open vehicles or leaving animals unattended in motor vehicles that endangers animals' health or safety.

\*\*Delete-everything amendment would:

- make it illegal to transport an animal in a motor vehicles unless the vehicle is fully enclosed or the animal is confined;
- permit a volunteer or professional fire, rescue, police or peace officer to use reasonable force to remove an animal from a motor vehicle if it has been left unattended;
- declare that the person who removes an animal from the vehicle is not liable for damages;
- make a person who violates the law guilty of a petty misdemeanor.

## GOVERNMENTAL OPERATIONS

Monday, Feb. 22

### Mille Lacs County—land sale

HF1761/SF1572 (Peterson, DFL-Princeton)—recommended

to pass; placed on Consent Calendar. (SF in Senate Environment and Natural Resources Committee)

Would authorize Mille Lacs County to sell certain tax-forfeited land.

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#### **Fire protection systems, licensing**

HF1780/SF1883 (Simoneau, DFL-Fridley)—heard; amended.\*\* (SF in Senate Governmental Operations Committee)

Would create a state advisory council of examiners for fire protection systems and require the Department of Labor and Industry to issue licenses and conduct inspections.

\*\*Delete everything amendment would:

- create a five-member advisory council of examiners for fire protection systems; would provide for council terms, compensation, removal of members, and filling of vacancies;

- prohibit anyone from designing, selling, installing, repairing, or similar actions related to fire protection systems unless the Department of Labor and Industry (DLI) licensed him/her to perform such duties;

- specify acts that a person:
  - may not do unless DLI licenses him/her as a fire protection sprinkler contractor;
  - may do if DLI licenses him/her as a plumber;

- specify a fire protection sprinkler contractor's duties;

- prohibit anyone from working as a fire protection sprinkler contractor, journeyman sprinkler fitter, or sprinkler fitter unless DLI licenses him/her to do so;

- prohibit a DLI inspector who regulates fire sprinkler systems from receiving time credit for the inspection duties when applying for a license under these provisions;

- permit the commissioner of labor and industry to adopt rules to implement these provisions;

- require DLI to license a person who has actively installed fire sprinkler systems for five years before the effective date of this act and who applies for a license within 60 days of the effective date of this act;

- provide for temporary permits;

- permit the commissioner to set license fees;

- require the commissioner to require that contractors have:
  - a \$20,000 surety bond; and

—a comprehensive, general liability insurance policy with a limit of at least \$500,000;

- require the commissioner to conduct testing, investigate an applicant's eligibility, and either issue or deny a license within 120 days of receiving a license application; would require a notice of a right to a hearing with a license denial;

- state grounds for license revocation or suspension;

- provide for hearings to contest the commissioner's decision not to grant or renew a license;

- prohibit anyone from constructing or installing a fire protection system without applying for a DLI or municipal permit;

- impose a surcharge on all municipalities except those that perform inspections;

- permit the commissioner to charge a permit application filing fee;

- set a misdemeanor penalty for anyone who knowingly and willfully:

- makes a false statement in a license application;

- performs fire sprinkler work without a proper permit and license;

- fails to request a required inspection;

- refuses entry to an inspector;

- violates a law relating to a political subdivision's inspection powers.

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**Tuesday, Feb. 23.**

#### **Public employees—fringe benefits**

HF718/SF970 (Solberg, DFL-Bovey)—recommended to pass. (SF in Senate Governmental Operations Committee)

Would amend the definition of "terms and conditions of employment" under the Public Employment Labor Relations Act (PELRA) to limit the prohibited topic of bargaining to retirement contributions or benefits of a public pension fund; would amend the law governing severance payments local governmental units make to former employees to exempt any severance pay in the form of compensation for accumulated sick leave from the requirements that severance payments be made within five years and that they not exceed one year of salary.

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**Public employees—retired elected officers' insurance**  
HF1648 (Solberg, DFL-Bovey)—amended\*\*; not recommended to pass.

Would prohibit local governmental units from paying for a retired elected officer's health, accident, medical, surgical, or hospitalization insurance, if the person's only qualification is service to the unit as an elected officer; would allow a retired officer to pay premiums or charges for insurance or benefits for the officer through the unit contract.

\*\*Amendment would allow a local governmental unit to pay such insurance benefits if the elected officer meets the same years-of-service requirements as other unit employees must meet to be eligible for other employer-paid benefits.

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Thursday, Feb. 25

**Fire protection systems, licensing**  
HF1780/SF1883 (Simoneau, DFL-Fridley)—heard. (SF in Senate Governmental Operations Committee)

Would create a state advisory council of examiners for fire protection systems and require the Department of Labor and Industry to issue licenses and conduct inspections. (See bill summary, Governmental Operations, Feb. 22)

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**Probation officers—state employment**  
HF2039/SF1939 (Cooper, DFL-Bird Island)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

\*\*Delete everything amendment would:

- require the commissioner of corrections to employ county probation officers and other employees when the commissioner, rather than the county, furnishes probation services to the district court;

- require the commissioner to:
  - consider the employees as permanent state employees, provided they have completed six months employment in the county probation office where they've been employed;
  - allow employees to transfer into state service with full credit for total years of service in the county probation department, without salary reduction;
  - allow employees to retain seniority, sick leave and vacation benefits earned and accrued while employed in the county probation office;
  - give full credit for years of service in the county probation office for purposes of vacation and sick leave in the state system;

- define "local correctional service" for purposes of the Community Corrections Act (CCA);

- include local government probation officers in the class of employees whose jobs are protected when counties acting under CCA take over services.

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**State lands—Basilica of St. Mary deed**  
HF2056/SF1920 (Long, DFL-Mpls)—recommended to pass; placed on Consent Calendar. (SF in Senate Transportation Committee)

Would require the governor to issue a corrective deed to the Basilica of St. Mary of Minneapolis for land the state conveyed in 1969.

## HEALTH & HUMAN SERVICES

Thursday, Feb. 25

**Pharmacy Practice Act of 1988—definition**  
HF812/SF0752 (Welle, DFL-Willmar)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would change the pharmacy statutes and define "pharmacy" to a business where prescriptions, drugs, medicines, and poisons are prepared and sold and from which clinical pharmacy services are delivered. Provisions would:

- define "practice of pharmacy," define "device," define "veterinary legend drug," "legend medical gas," and "dispensing";

- define duties of the Board of Pharmacy.

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**Service dogs—access, definition**  
HF1748/SF1972 (D. Carlson, IR-Sandstone)—recommended to pass. (SF in Senate Health & Human Services Committee)

Would allow equal access to housing for all physically handicapped people who require dogs for assistance; would change reference from guide dog to service dog.

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**Hospital care—polio patient**  
HF1772/SF1637 (Waltman, IR-Elgin)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Delete-everything amendment would allow continued hospital care for a medical assistance (MA) recipient who has been a polio patient in a hospital for at least 25 years; would use state money to pay the federal share of the MA reimbursement.

**Nurse midwives prescriptions—certification**

HF1784/SF1663 (McLaughlin, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Health & Human Services Committee)

\*\*Delete-everything amendment would certify nurse-midwives to prescribe certain drugs.

\*\*Amendment would make technical changes in definitions.

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**Day care building code—task force**

HF1795/SF1617 (Ogren, DFL-Aitkin)—recommended to pass; rereferred to Governmental Operations Committee. (SF in Senate Governmental Operations Committee)

Would require the commissioner of administration to establish a task force to determine occupancy standards for family and group family day care homes. Provisions would:

- define the task force membership;
  - require the commissioner to report the findings to the Legislature.
- 

**Hearing impaired—telephone assistance**

HF1812/SF1809 (Clark, DFL-Mpls)—recommended to pass; rereferred to Regulated Industries Committee. (SF in Senate Finance Committee)

Would amend the 1987 law on telephone assistance for the hearing impaired by moving many duties, such as distribution and management of the communications devices, from the phone company to the commissioner of human services. Provisions would:

- amend definition of “communication device” to include any auxiliary equipment the telecommunication access board deems necessary;
  - require the board to establish specifications for the communication devices;
  - reimburse the commissioner for purchases of communication devices and provided for reimbursement to telephone companies for costs and services involving wiring and installation;
  - creates a special fund for services to the communication impaired.
- 

**Hemoglobinopathy testing—infants**

HF 1847/SF1988 (Jefferson, DFL-Mpls)—recommended to pass; rereferred to Appropriations Committee.

(SF in Senate Health & Human Services Committee)

Would require newborn infants to be tested for hemoglobinopathy (sickle cell anemia). Provisions would:

- require the commissioner of health to review the adequacy of lab methods;
  - appropriate \$140,000 for lab services, and capital expenditures.
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**Blind services—federal, state law clarification**

HF1876/SF1583 (Clark, DFL-Mpls)—recommended to pass. (SF in Senate Finance Committee)

Would clarify the relationship between federal and state laws regarding supervision of vending stands; clarify utilization of receipts in the revolving fund; provide that the Department of Jobs and Training data be classified as public data and regulate certain reimbursements received by the commissioner jobs and training.

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**Hospitals—payments, rates**

HF1887/SF1658 (Ogren, DFL-Aitkin)—recommended to pass as amended; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would establish rates and payments for small hospitals.

\*\*Delete-everything amendment would:

- require an agency that receives an inaccurate invoice from a vendor to notify that vendor of all errors;
  - require the Department of Human Services to submit a monthly claim status report to each institution participating in medical assistance (MA) and general assistance medical care (GAMC) which has unsettled completed invoices;
  - allow hospitals with 50 or fewer licensed beds to elect to be reimbursed on a rate per day basis;
  - requires the commissioner of health to adopt emergency rules to allow periodic interim payments to each hospital having valid claims with the department of more than \$10,000.
- 

**AFDC/GA—eligibility**

HF1889/SF1650 (Rodosovich, DFL-Faribault)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would define "homestead" for purposes of Aid to Families with Dependent Children (AFDC); amend law on AFDC overpayments; and clarify and simplify language defining some general assistance (GA) recipients. Provisions would:

- exempt full value of car that is needed for self-employment (under AFDC program);
- require agencies to recoup AFDC overpayments from grants to current recipients; limits amount recouped and allows voluntary repayment of overpayments (AFDC program);
- allow recipient to appeal a determination of overpayment;
- simplify definition of "single adult," and clarify definition of "childless couple" for GA program;
- provide GA grant levels.

\*\*Amendments would make technical and language changes.

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#### **Welfare reforms**

HF1891/SF1857 (Greenfield, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would provide work incentive subsidized housing emergency rules; require mandatory school attendance for certain minor Aid to Dependent Families (AFDC) recipients; provide implementation of the food stamp employment and training program. Provisions would:

- allow the commissioner of human services to contract with the commissioner of jobs and training to implement and supervise employment and training programs for food stamp recipients;
- continue emergency rules for work incentive subsidized housing program to July 1, 1989, unless superceded by permanent rules;
- require minor parents to attend school; define terms, conditions;
- specify requirements of minor parents not living with adult relatives;
- allow local agency to evaluate needs of caretaker, minor parent, or child;
- allow county board to impose sanctions based on evaluation;

- appropriate \$460,000 to the commissioner of human services to implement the food stamp employment and training program.

\*\*Amendments would:

- require the county agency to provide voter registration cards to every individual who applies for public assistance;
- make technical changes.

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#### **MA case management—pilot project**

HF1927/SF1825 (Ogren, DFL-Aitkin)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would establish a rural and urban case management pilot project designed to improve delivery and reduce cost of medical assistance. Provisions would:

- define terms;
- define duties of the case manager;
- exclude certain services from the requirement of approval by the case manager such as dental exams, eye exams, and family planning;
- define administrative requirements;
- require a report from the commissioner by Jan. 1, 1990.

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#### **SILS—additional grant**

HF2040/SF2012 (A. Johnson, DFL-Spring Lake Park)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would require commissioner of human services to provide one additional SILS (semi-independent living services) grant to each county that has eligible recipients on a waiting list.

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#### **Epilepsy—demonstration project**

HF2062/SF1870 (Jefferson, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would direct the commissioner of human services to establish a demonstration project to help people with epilepsy live independently and direct the State Planning Agency to evaluate the demonstration project and report the results to the Legislature by Dec. 1, 1989.

\*\*Amendment would decrease the appropriation to the State Planning Agency for evaluation from \$50,000 to \$15,000.

**Regional treatment centers—work activity programs**  
HF2080/SF1620 (Dorn, DFL-Mankato)—recommended to pass as amended.\*\*; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would clarify authority of the commissioner of human services to establish work activity programs in regional treatment centers (RTCs). Provisions would:

- provide therapeutic work activities for residents;
- remove Anoka RTC from list of RTCs that service people with mental retardation and related conditions;
- extend current rate-setting procedures for day training center through the 1989 rate year;
- require American Indian chemical dependency programs that are on federal land to be licensed by the tribal government in order to be eligible vendors for purposes of reimbursement from the consolidated chemical dependency treatment fund.

\*\*Amendment would make technical and language changes.

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**School immunizations—technical changes**

HF2083/SF1588 (Orenstein, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Health & Human Services Committee)

Would make technical changes in the immunization law. Provisions would:

- specify information needed before individuals may be enrolled in primary or secondary school or day care facility and increase minimum age for red measles immunization to 12 months;
- define primary immunization schedule and set new completion dates;
- make changes in exemptions list for required immunizations;
- require day care facility administrator to submit an annual immunization report to the commissioner of human services;
- define school and day care facility.

\*\*Amendment would make technical and language changes.

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**Cloquet—health screening**

HF2084/SF1935 (Ogren, DFL-Aitkin)—recommended to pass.

(SF in Senate Health & Human Services Committee)

Would require the commissioner of health to conduct medical screenings of employees from the former Conwed plant in Cloquet (to establish a database which could help in developing future screenings, counseling, and treatment of workers and families); require the commissioner to submit a report on the medical screenings by March 1989.

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**Human Services Licensing Act—modifications**

HF2123/SF1594 (Greenfield, DFL-Mpls)—recommended to pass. (SF in Senate Health & Human Services Committee)

Would provide definitions, exclusions, and access to records under the Human Services Licensing Act. Provisions would:

- include natural child, adopted child, and stepchild as related individuals;
- modify exemptions in the act;
- require additional information on applicant for licensure and eliminate requirement of information from county attorney.

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**GA recipients—drug dependency**

HF2132/SF2018 (Clark, DFL-Mpls)—recommended to pass. (SF in Senate Health & Human Services Committee)

Would provide for the appointment of a representative payee to manage the general assistance (GA) funds of a drug dependent person; require the assignment to be reviewed annually.

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**HMOs—resolution**

HF2180 (Cooper, DFL-Bird Island)—recommended to pass; placed on Consent Calendar.

Would request that Congress enact legislation that bases risk contract reimbursement rates to HMOs on accurate cost data. The resolution originates from the concern relating to Medicare reimbursement rates that are insufficient to cover HMO costs in the non-metropolitan regions of the state.

**HIGHER EDUCATION**

Wednesday, Feb. 24

**Child care—higher education task force**

HF1989/SF1705 (Trimble, DFL-North St. Paul)—recommended to pass as amended.\*\* (SF in Senate Education Committee)

Would establish a task force to determine the state's goals and needs for child care in higher education.

**\*\*Delete-everything amendment would:**

- require the task force make recommendations to the Legislature;
- define the task force membership to include students, faculty, administrators and representatives for the departments of health, human services and the Higher Education Coordinating Board (HECB).

**\*\*Amendment would define the task force study and report.**

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#### **HECB—student voting privileges**

HF2146 (Kinkel, DFL-Park Rapids)—recommended to pass as amended\*\*; rereferred to Appropriations Committee.

**\*\*Delete-everything amendment would give the student representative on the Higher Education Coordinating Board (HECB) voting privileges and full rights of other appointments, except that the student appointment is for two years.**

**\*\*Amendment would make a technical change.**

### **Crime & Family Law Division/JUDICIARY**

**Monday, Feb. 22**

#### **Open bottle law—liability clarification**

HF1755/SF1613 (Lasley, DFL-Cambridge)—recommended to pass. (SF in Senate Judiciary Committee)

Would strike the words “on the person” from the passenger liability portion of the open bottle law.

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#### **DWI, “implied consent” law—clarification**

HF1808 (Rest, DFL-New Hope)—recommended to pass.

Would amend the “implied consent” law to provide that if a peace officer has advised a driving-while-intoxicated (DWI) suspect of his/her constitutional right to consult an attorney before the officer administers the implied consent advisory (which states that there is no right to consult an attorney before taking an alcohol concentration test), the officer must clarify that the constitutional right to consult an attorney doesn't apply to a decision to take or refuse to take the test.

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#### **Shoplifting—civil liability**

HF1923/SF1668 (Kelly, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would impose civil liability for the theft of merchandise and shopping carts from a store.

**\*\*Delete-everything amendment would:**

- allow stores to pursue civil recovery remedies against anyone who steals merchandise or cash from the store;
- provide that civil liability under these provisions would include the amount of the cash or retail price of the merchandise, plus exemplary damages of up to \$300; would provide if the amount of cash or merchandise value exceeds \$2,000, the store could also recover reasonable costs and attorneys fees;
- set a procedure under which the store may demand payment for civil liability in writing without filing a court action;
- provide that the availability of these civil remedies doesn't depend on whether a prosecutor files criminal charges or successfully prosecutes the defendant;
- provide that if a prosecutor files criminal charges, the fact that a person paid or didn't pay a store's demand for payment can't be used as evidence in the criminal case.

### **LABOR-MANAGEMENT RELATIONS**

**Wednesday, Feb. 24**

#### **Workers' compensation benefit—changes**

HF2061 (Begich, DFL-Eveleth)—recommended to pass as amended.\*\*

Would eliminate the two-tier system (impairment compensation and economic recovery compensation) for compensating permanent partial disabilities and would require all employers in the state to insure through the State Fund Mutual Insurance Company. Provisions and major amendment would:

- terminate the assigned risk plan as of Jan. 1, 1990. After that date all insurers must insure through the state fund;
- eliminate maximum medical as the basis for ending temporary benefits. (temporary benefits would continue as long as the employee is disabled and engaged in a diligent job search, up to 500 weeks);
- establish a schedule to compensate permanent partial disabilities; provide that the maximum payment is for 750 weeks and that the weekly benefit for permanent partial compensation is the same as that for temporary total disability benefits;

- make technical changes necessary to end the two-tier system: deletes the words "impairment compensation" and "economic recovery compensation" whenever they appear in statute and substitutes "permanent partial disability";
- freeze fees charged by qualified rehabilitation specialists and rehabilitation vendors at the 1988 level, until Jan. 1, 1990;
- freeze the medical fee schedule at the level of Jan. 1, 1988 until Jan. 1, 1990;
- require insurers to charge no more than the manual rates filed with the commissioner of commerce in effect on Jan. 1, 1988, for all new and renewed policies;
- provide that insurers continue liability on all insurance policies written before Jan. 1, 1990;
- require all employers in the state to participate in the state fund by eliminating self-insurance for private employers as well as for state and local governments;
- require the fund in 1989, to insure all employers that have not had a claim (other than medical only) in five years;
- ensure that the state fund will assess employers to pay for claims of bankrupt and delinquent employers;
- exempt the state fund from premium to surplus requirements and minimum requirements that other insurers must maintain; allow the fund to have a three-tier experience rating system for employers, however, the rating plan may not discount on the basis of size;
- require employers to furnish information as required by the manager of the fund; grant the manager access to information from the state tax commissioner and the Department of Jobs and Training; limits use of information and provides that all information provided to the manager is protected by the Data Privacy Act;
- direct the manager to classify occupations and industries by degree of risk; directs the manager to accurately account for each employer of all money paid into the fund and all liability incurred and benefits paid for each employer; require the manager to set premiums as low as possible for every classification consistent with sound actuarial principles and the need for a solvent fund;
- permit the manager to adjust an individual employer's rate based on the employer's experience record for the previous five years; require notice to employers of any rate changes;
- require employers to pay its premium into the fund based on its payroll and the rate assigned by the manager; require

employers to pay annual premiums in advance of the premium year, rather than quarterly;

- provide that any employer who does not make timely payment is in default, although no penalties are allowed if the fund itself caused the delay; require the manager to notify the employer within 60 days and demand payment by the end of the year following the default;
- require the manager to notify a delinquent insurer of consequences of default; provide that an employer who does not immediately cure the delinquency is in default and subject to penalties for uninsured employers;
- provide the procedure for reinstatement, which requires payment of all past premiums due, all liabilities incurred and any penalties and interest; provide that penalties for claim losses and interest are limited to 50 percent of the premiums owed (for up to five years of delinquent premiums);
- provide that employees remain eligible to receive benefits paid by the fund, even if the employer is in default or is otherwise uninsured; allow employees to sue employers outside the workers' compensation system if the employer is in default; provide that on withdrawal the employer is refunded any balance due; provide notice to employees if their employer is in default;
- permit the fund to sue employers for payments due; provide that payments and interest become enforceable personal obligations of the employer, as well as enforceable liens against property of the employer;
- direct the courts, in bankruptcy cases, to attempt to provide regular premium payments from the assets of the company; direct the secretary of state to withhold certificates of dissolution until notified that the employer has paid all monies owed to the fund;
- permit the manager to seek to bar a company from conducting business if the employer is in default of premium payments; allow the manager to require the employer to post a bond for at least 50 percent more than the amount of premiums and interest owed;
- repeal provisions that establish and implement the two-tier system for permanent partial compensation, including the separate schedules; the maximum and minimum amounts; method of payment (impairment compensation and economic-recovery compensation); and permanent partial disability schedule; repeal all concepts related to maximum medical improvement, light duty or suitable job, and layoff because of lack of work or released for other than seasonal conditions.

## LOCAL & URBAN AFFAIRS

Thursday, Feb. 25

### Local governments—state mandates

HF518/SF433 (Simoneau, DFL-Fridley)—recommended to pass as amended\*\*; rereferred to Governmental Operations Committee. (SF in Senate Governmental Operations Committee)

Would set up a system for the state to reimburse local units of government for carrying out program or financial mandates.

\*\*Delete everything amendment would:

- define “mandate” as a requirement imposed upon a local political subdivision by the Legislature, a state agency, or judicial authority which, if not complied with, results in a) civil liability, b) criminal penalty, c) administrative sanctions such as reduction or loss of funding;

- define “political subdivision” as a county, city, town, school district, or other taxing district or municipal corporation;

- provide for the determination as to whether state statutory or executive actions that are intended to achieve compliance with federal statute or regulations or court orders constitute a state mandate;

- create a division of state and local mandates in the office of state auditor that will determine the estimated and actual local financial effects of each mandated program or rule;

- require any bills the Legislature introduces after Dec. 31, 1988 that impose a program or financial mandate to have an attachment that states mandate goals and exceptions, outline how local governments should carry out the mandate, and include information on its effectiveness;

- make certain exceptions (e.g., laws which order local governments to hold an election or conduct a meeting) to the fiscal note requirement for state-mandated action;

- define two classes of mandates: class A mandates are laws where the state mandates to local governments their participation, the organizational structure of the program, and the procedural regulations under which the law must be administered; and class B mandates are those that allow local governments to opt for administration of a law with program elements mandated beforehand and with an assured revenue level from the state of 90 percent of program and administrative costs;

- require the division of state and local mandates to submit a mandate cost report from the local government to the Department of Finance by Sept. 1, 1990, and by Sept. 1 of each year thereafter;

- require the commissioner of finance to include the costs of class A mandates in the state budget as a notation;

- require local governments that opt to administer a class B mandate to report to the division by Sept. 1, 1990 and by Sept. 1 each year thereafter when the revenue for a class B mandate falls below 85 percent of the total cost of the program and that they intend to cease administration of the program; require the division to forward a copy of the report to the department and the chairs of the Senate Finance and House Appropriations committees for inclusion of the shortfall as a line item appropriation in the state budget for the next fiscal year;

- stipulate that local governments may exercise the option of cease administration only if the Legislature fails to include the shortfall as an appropriation in the state budget;

- require any proposed rule a state agency plans to adopt after Dec. 31, 1988 that requires local governments to spend money to have a written report from the division that contains an estimate of the total cost to implement the rule for two years upon adoption of the rule; require the report to include information on the consistency of the proposed rule;

- require the division to review administrative rules adopted after Dec. 31, 1988 that have significant financial impact every five years.

### Morrison County—building fund levy

HF1602/SF1473 (Wenzel, DFL-Little Falls)—recommended to pass as amended\*\*; rereferred to Taxes Committee. (SF in Senate Local & Urban Government Committee)

Would authorize the Morrison County Board, upon local approval, to levy a property tax of five mills or less per year to be credited to the county's building fund and used for purposes of the fund. Provisions would:

- allow the board to levy the tax for a period of up to 10 years with the first year of the levy beginning for taxes levied in 1988 payable in 1989 and ending for taxes levied in 1997 payable in 1998;

- stipulate that the addition levy is outside levy limits.

\*\*Amendment would make technical language change.

### Jordan—tax anticipation certificates

HF1864/SF1565 (Jensen, DFL-Lakeville)—recommended to pass as amended\*\*; rereferred to Taxes Committee. (SF in

Senate Taxes & Tax Laws Committee)

Would enable the City of Jordan to issue tax anticipated certificates. Provisions would:

- authorize the City of Jordan to issue tax anticipation certificates without regard to per capita or mill rate limitations, and without a referendum;
- provide that the total of all certificates issued against a fund for any year with interest until maturity together with all orders outstanding against the fund, must not exceed the total current taxes for the fund uncollected at the time of issue plus cash on hand in the fund;
- stipulate that the proceeds of the taxes assessed on account of the fund against which the tax anticipation certificates are issued and the full faith and credit of the city are pledged for the payment of the certificates;
- provide that the certificates are not included in the computation of the city's net debt.

\*\*Amendment would apply provisions to certificates of indebtedness issued in anticipation of taxes for the 1988 and 1989 tax levy only, for taxes payable in 1989 and 1990 only.

**White Bear Township—economic development authority**

HF1865/SF1473 (Stanius, IR-White Bear Lake)—recommended to pass; rereferred to Taxes Committee. (SF in Senate Taxes Committee)

Would grant the town of White Bear the power to establish an economic development authority and gives the authority all the statutory powers granted to an economic development authority, including tax increment financing. Provisions would:

- grant the town and board of White Bear all the powers and duties of a city and city council in connection with economic development authorities;
- make provisions effective without local approval.

**METROPOLITAN AFFAIRS**

Wednesday, Feb. 24

**Vehicle emission inspections—requirements**

HF1803/SF1783 (Nelson, DFL-Champlin) recommended to pass as amended\*\*; rereferred to Transportation Committee. (SF in Senate Transportation Committee)

Would require annual emission inspections costing under

\$10 and administered annually beginning in 1991 by the Pollution Control Agency (PCA) on most automobiles, small pickups, and vans registered to an owner in the metropolitan area.

\*\*Delete-everything amendment would:

- require vehicles to be inspected at a "public inspection station" within 90 days before the vehicle registration deadline;
- prohibit vehicle registration without evidence of vehicle inspection, or a waiver of inspection standards;
- exempt from inspection vehicles not used in the metro area, vehicles manufactured before 1976, classic, pioneer, and collector vehicles, and those exempted by the PCA;
- require the PCA to contract for minimum of five years with a private establishments for operation of the inspection stations which must issue a certificate of compliance with emission standards or a waiver of those standards;
- require the PCA to authorize private inspection for applicants with 50 or more vehicles;
- provide a certificate of waiver if a vehicle has had a recent low emissions tune-up, or if the estimated cost of emission control repairs exceeds \$75 for vehicles manufactured before 1981, or \$200 for vehicles manufactured in or after 1981;
- require the PCA to conduct studies and report results of the emission reduction program;
- empower the PCA to issue fines and other civil remedies to persons issuing false certificates of compliance, to inspection stations who recommend repair shops, to persons who alter vehicles and thereby put them out of compliance with emission standards.

\*\*Amendments would:

- require the PCA to consider contracts and working conditions when evaluating emission testing contractors;
- provide for members of the public the current emissions status of a vehicle.

**REGULATED INDUSTRIES**

Monday, Feb. 22

**Landlord, tenants—utility payments**

HF1005/SF1189 (McLaughlin, DFL-Mpls)—tabled. (SF in Senate Economic Development & Housing Committee)

Would authorize tenants in single-metered multi-resident buildings to pay for gas and electric utilities, then deduct the payments from rent due. Provisions would:

- require landlords of single-metered residential buildings to become the "customer of record" for gas and electric service, beginning Aug. 1, 1989;
- require a utility company or municipality to post on or near building entrances a conspicuous notice of intent to disconnect service before disconnecting the building in the event that the bill hasn't been paid;
- allow tenants to pay outstanding utilities bills after disconnection or notice of disconnection occurs; tenants could then deduct that amount from their rent;
- specify various time frames for notices of intentions;
- provide a misdemeanor penalty for anyone who defaces, removes, or obstructs a posted notice to disconnect.
- specify that a utility or municipality need not accept payment on any single account for more than three months in a 12-month period.

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**Public Utilities Commission—procedural changes**  
HF2020/SF1750 (Jacobs, DFL-Coon Rapids)—recommended to pass. (SF in Senate Public Utilities & Energy Committee)

Would change certain procedures followed by the Public Utilities Commission (PUC). Provisions would:

- allow the PUC, when necessary, to extend suspension of rate changes for utilities and telephone companies beyond 10 months;
- allow the PUC to order interim rates less than four months after a final determination of a previously filed change of rate schedule if the utility has filed a second general rate case at least 12 months after it had filed a previous rate case for which the PUC extended the suspension period as allowed above;
- require a settlement conference with an administrative law judge before holding a contested rate case hearing, in which:
  - part or all of the issues under dispute could be settled and an agreement drawn;
  - the PUC could approve the settlement if it's in the public interest and supported by sufficient evidence;
  - the PUC could also reject or modify a settlement (a modified settlement would go into effect if the parties involved don't reject the revisions within 10 days).Lack of settlement or rejection by either the PUC or the

involved parties would send the case into a contested case hearing.

## TAXES

Thursday, Feb. 25

### County bond election exemption—requirements

HF1796/SF1877 (Rest, DFL-New Hope)—recommended to pass as amended\*\*; rereferred to Local & Urban Affairs Committee. (SF in Senate Taxes & Tax Laws Committee)

Would give all counties the authority to maintain and levy for a building fund subject to general levy limits.

\*\*Delete-everything amendment would:

- exempt county bonds issued for capital improvements from referendum requirements (voters' approval), and permit counties to make building fund levies outside of levy limits for such improvements as an alternative to issuing bonds;
- confine definition of capital improvements to county owned lands and buildings, such as courthouses, jails, hospitals, libraries, parks, roads and bridges which have a minimum lifespan of three years;
- require a public hearing and a three-fifths vote of approval from the county board to issue bonds for capital improvements, and a two-thirds majority county board vote if bonds are not subject to a reverse referendum;
- open issues concerning capital improvement bonds to reverse referendum (citizens vote to reverse a decision) in counties with populations under 90,000 outside the metropolitan area;
- require a five-year capital improvement plan (CIP) which includes a justification of the CIP, estimated costs and construction times, and repayment sources;
- require the commissioner of revenue's approval of the CIP, and limit the the amount of CIP bonds that may be issued;
- require the commissioner of trade and economic development to appoint a five-member advisory committee to assist the commissioner in evaluating CIPs.

\*\*Amendment would include voting equipment among acceptable capital improvements.

# FLOOR ACTION

## CALENDAR

Monday, Feb. 22

**Obscene materials, performances—prohibition**  
HF402/SF236\* (Reding, DFL-Austin)—passed (120-4).

Would prohibit anyone distributing and exhibiting obscene materials and performances. Provisions would:

- provide a gross misdemeanor penalty for anyone who knowingly or with reason to know, exhibits, sells, publishes, distributes, produces, directs, or participates in obscene works;
- provide felony penalty for anyone who commits a second or subsequent offense within five years of a previous conviction; would set the felony penalty as up to two years in prison and/or up to a \$10,000 fine;
- extend these provisions to include anyone who produces, directs, or participates in an obscene play, motion picture, dance, or other exhibition performed before an audience;
- define "obscenity" in Minnesota the same as in U.S. Supreme Court case law;
- make bill effective June 1, 1988.

**Health Dept. subpoenas—authority**  
HF421\*/SF951 (Ogren, DFL-Aitkins)—passed (118-0). (SF in Senate Health & Human Services Committee)

Would grant the commissioner of health authority to issue subpoenas to determine whether a health threat exists; allow any person authorized by district courts to serve subpoenas anywhere in the state; make failure of compliance with a court order punishable as contempt of court.

**Crime victims laws—amendments**  
HF1754\*/SF1693 (Kelly, DFL-St. Paul)—passed (123-0). (SF in Senate Judiciary Committee)

Would make changes to crime victims laws.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 7, Judiciary, Feb. 12)

## MOTION FOR RECONSIDERATION

Thursday, Feb. 18

**Seat belt law—violation penalty**  
HF1228/SF121\* (Vellenga, DFL-St. Paul)—amended\*\*;  
defeated (62-65).

Would impose a \$25 fine on persons who fail to wear a seat belt in a motor vehicle when the law requires them to do so. Would provide that one-half of the fines the Department of Public Safety collects for seat belt law violations would pay for emergency medical services. Would prohibit law enforcement officers from stopping motorists for only a seat belt violation.

\*\* Amendment would change fine from \$25 to \$10.

## CONSENT CALENDAR

Thursday, Feb. 18

**Minnesota Statutes—chapter number assignments**  
HF1773 (Kelly, DFL-St. Paul)—passed (122-0).

Would direct the revisor of statutes to assign chapter numbers to enrollments and publish bills in *Laws of Minnesota* in chapter number order; would provide for showing the time of final enactment of bills on enrollments and publications; would maintain existing law on determining final enactment despite the change in the method of numbering chapters of enrollments and publications.

Monday, Feb. 22

**Criminal sexual conduct—consent definition**  
HF1740\*/SF1738 (Vellenga, DFL-St. Paul)—passed (121-0). (SF on Senate Floor)

Would clarify that the definition of "consent" in the criminal sexual conduct law is limited to voluntary, uncoerced present agreements to perform a particular sexual act "with a particular person."

**Town special meeting—lodging tax vote**  
HF1766\*/SF1634 (Battaglia, DFL-Two Harbors)—passed (122-0). (SF in Senate Local & Urban Government Committee)

Would allow towns to make local improvements without approval of town electors.

## GENERAL ORDERS

Thursday, Feb. 18

### Health Dept. Subpoenas—authority

HF421/SF951 (Orgen, DFL-Aitkin)—recommended to pass. (SF in Senate Health and Human Services Committee)

Would grant the commissioner of health authority to issue subpoenas to determine whether a health threat exists; allow any person authorized by district courts to serve subpoenas anywhere in the state; make failure of compliance with a court order punishable as contempt of court.

### Crime victims laws—amendments

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- provide a gross misdemeanor penalty for anyone who knowingly or with reason to know, exhibits, sells, publishes, distributes, produces, directs, or participates in obscene works;
- provide felony penalty for anyone who commits a second or subsequent offense within five years of a previous conviction; would set the felony penalty as up to two years in prison and/or up to a \$10,000 fine;
- extend these provisions to include anyone who produces, directs, or participates in an obscene play, motion picture, dance, or other exhibition performed before an audience;
- define "obscenity" in Minnesota the same as in U.S. Supreme Court case law;
- make bill effective June 1, 1988.

Monday, Feb. 22

### Waste facilities—records inspection

HF1846/SF1725 (Price, DFL-Woodbury)—recommended to pass as amended.\*\* (SF on Senate Floor)

Would authorize certain counties to authorize certain people who, upon presenting their identification and without a search warrant, to inspect or copy records of an owner or operator of any waste facility in the state that contain information regarding the volume, type, origin, weight, date, and time of weighing; would set a misdemeanor penalty for anyone who fails to open these records for inspection and copying.

\*\*Amendment would delete weight and time of weighing as information that could be copied or inspected.

### Nursing practitioners—health plan payments

HF1853/SF1758 (Voss, DFL-Blaine)—recommended to pass. (SF in Senate Commerce Committee)

Would require that insurance plans cover the services of a registered nurse engaged in advanced nursing practice to the same extent that the services would be covered if provided by a physician. Provisions would:

- define advanced nursing practice as health services performed by licensed professional nurses who have additional knowledge and skills through study and experience designed to prepare nurses for advanced practice, such as nurse anesthetist, nurse midwife, nurse practitioner, or clinical specialist in psychiatric or mental health nursing.

### Cable communications-unauthorized connections

HF1886/SF1694 (Orenstein, DFL-St. Paul)—recommended to pass. (SF on Senate Floor)

Would increase the criminal penalty, from a misdemeanor to a three-year felony, for anyone who intentionally, and with the purpose of making an unauthorized connection to a cable communications system, sells, rents, lends, offers, or advertises any device, plan, or specification for making such an unauthorized connection.

**House Weekly Review** is a listing of House committee and floor action on bills with brief bill summaries. The House Information staff compiles this information to help follow bills through the legislative process. The intent is to provide House members with a ready reference to House committee and floor action on bills. Coverage runs from Thursday (2 p.m.) to Thursday (2 p.m.). Each issue includes a cumulative index by House File number.

The summary is an in-house publication for House members and staff; we do not have a mailing list. During the 1988 Session, we will distribute one copy each to House members and appropriate staff.

Nothing herein is admissible as legal proof of legislative intent.

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# HOUSE WEEKLY REVIEW

For MEMBERS of the Minnesota House of Representatives

February 25-March 3, 1988

Volume 4, Number 4

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills

## COMMITTEE ACTION

### AGRICULTURE

Monday, Feb. 29

#### Farming—limited partnerships

HF2041/SF1996 (Brown, DFL-Appleton)—heard; amended.\*\* (SF in Senate Agriculture Committee)

\*\*Delete-everything amendment would limit ownership of farmland by certain corporations and limited and unauthorized partnerships. Some provisions would:

- prevent limited partnerships from having more than five investors and owning more than 1500 acres of land;
- require partners who own 90 percent interest in a farm to reside on that farm or engage in farming;
- reduce from ten to five years the time nonfarm corporations or unauthorized partnerships could own land;
- exempt from the provisions of this bill agricultural land that a limited partnership purchased before Aug. 1, 1988.

\*\*Amendments would make technical language changes.

#### Animals—unauthorized release

HF2057/SF1879 (Bertram, DFL-Paynesville)—recommended to pass as amended\*\*; rereferred to Judiciary Committee. (SF in Senate Agriculture Committee)

Would make a person who releases without permission livestock, poultry, or fur bearing animals on another's land guilty of a gross misdemeanor, and responsible for triple any

property damage that such animals may have caused.

\*\*Amendments would make technical language changes.

### APPROPRIATIONS

#### Health & Human Services Division/ APPROPRIATIONS

Thursday, March 3

#### Welfare reform

HF1891/SF1857 (Greenfield, DFL-Mpls)—recommended to pass as amended\*\*; incorporated into Health & Human Services omnibus bill. (SF in Senate Finance Committee)

Would provide work incentive subsidized housing emergency rules; require mandatory school attendance for certain minor Aid to Families with Dependent Children (AFDC) recipients; provide implementation of the food stamp employment and training program.

(See bill summary in HWR, Vol. 4, No. 3, Pg.10, Health & Human Services, Feb. 25)

\*\*Amendments would:

- reduce appropriation to implement food stamp employment and training program from \$460,000 to \$363,200;
- require agencies to provide optional voter registration cards to every individual eligible to vote who applies for a public assistance program at the time application is made, or upon a recipient's request, or at the time of the recipients eligibility redetermination. The agency would also assist applicants and recipients in completing the voter registration cards as needed. Applicant must be informed that completion of the card is optional and not required;

• make technical changes.



**AFDC/GA—eligibility**

HF1889/SF1650 (Rodosovich, DFL-Faribault)—recommended to pass; incorporated into Health & Human Services omnibus bill. (SF in Senate Finance Committee)

Would provide for the eligibility for and calculation of general assistance(GA) and Aid to Families with Dependent Children (AFDC) grants.

(See bill summary in HWR, Vol 4., No. 3, Pg. 9, Health & Human Services, Feb. 25)

**Regional treatment centers—work activity programs**

HF2080/SF1620 (Dorn, DFL-Mankato)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would clarify authority of the commissioner of human services to establish work activity programs in regional treatment centers (RTCs).

(See bill summary in HWR, Vol 4, No. 3, Pg. 11, Health & Human Services, Feb. 25)

**COMMERCE**

**Tuesday, March 1**

**Self-service storage facilities—property lien**

HF181/SF187\* (Ogren, DFL-Aitkins)—recommended to pass as amended.\*\*

Would establish a lien on personal property held in self-service storage facilities. Provisions would:

- allow the owner of a self-service storage facility to file a lien against the occupant’s personal property stored at the storage facility to cover any unpaid bills;
- stipulate that the owner’s lien attaches as of the date the occupant is in default unless the occupant obtains a court order to recover possession of personal property in the self storage facility;
- prohibit an owner from filing a lien against the occupants property if the owner has a security deposit sufficient to cover the unpaid bills;
- require the owner to mail notice of the default to the occupant; stipulate that the notice must state that the occupant will be denied access to his/her personal property until the owner’s claim has been satisfied; require the

notice to include the occupant’s rights;

- permit delinquent occupants to remove personal property such as papers, health aids, or clothing, they stored at the facility, provided the goods don’t cost more than \$50;
- make the owner liable to the occupant for costs, disbursements, and attorney fees spent by the occupant to obtain an order if the occupant is unjustifiably denied access;
- state that an owner’s lien established under the act for a claim that has become due must be enforced in the same manner as warehouse operator’s liens;
- require the sales notice to include a notice of denial of access to the personal property until the owner’s claim is satisfied;
- require the self-storage facility rental agreements to include a disclosure of the lien rights of the owner upon failure of the occupant to pay rent; provide that the notice must also contain the extent of the limits of insurance the that the owner carries to cover the occupant’s personal property in storage; provide that a rental agreement may not exempt the owner from liability for damages;
- stipulate that certain information, such as the name and address of the storage facility manager and owner or authorized agent, to be disclosed to the occupant either in the rental agreement or otherwise in writing prior to the beginning of the occupancy;
- require the owner to post the printed or typewritten notice containing the information in a conspicuous place on the premises;
- provide for the alternate service of process or giving notice or demand to the owner if the owner’s name and address are not known to the occupant;
- provide that an owner may not maintain an action to recover rent or possession of premises unless the above information has been disclosed to the occupant, or unless the information is known by or has been disclosed to the occupant at least 30 days before the initiation of the action;
- stipulate that if an occupant defaults in the payment of rent or otherwise breaches the rental agreement, the owner may commence an unlawful detainer action; prohibit an owner or occupant from waiving or modifying the provisions of the act; prohibit an owner from advertising or representing its services, or allow its services to be advertised or represented, in a manner that uses the word warehouse unless the owner is licensed and bonded under the state’s warehousing licensing and regulatory act.

**\*\*Amendment would:**

- define security deposit as any deposit of money with the owner used to secure performance under the rental agreement;
- stipulate that no lien is created on personal property unless the occupant fails to remove the personal property before the sale;
- provide that the owner may deny a delinquent occupant access to the personal property in storage if after a certain time, the occupant does not respond to the default notice;
- require the owner to mail notice of the default to the occupant; stipulate that the notice must also state the date that the occupant will be denied access to his/her personal property;
- stipulate that any notice the owner is required to mail to the occupant shall be sent to the mailing address and the alternate mailing address listed on the rental agreement;
- require owners to tell the occupant either in the rental agreement or in writing that he/she prohibits the storage of hazardous materials;
- stipulate that any action begun by owner or occupant shall be venued in the county where the facility is; provide that in an action to recover possession of personal property in the facility is begun by the occupant, the burden of proof shall be borne by the owner that default has occurred and the requirements of this bill have been followed;
- make the bill effective Aug. 1, 1988 and applicable to rental agreement entered into on or after that date.

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**Corporate filing—simplification**

HF2095/SF1788 (Carruthers, DFL-Brooklyn Center)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would make changes in requirements for various corporate filings. Provisions would:

- establish a standardized fee for receiving copies of documents filed with the secretary of state;
- removes the notarization requirement for documents filed with the secretary of state and impose penalties for filing documents signed without authorization;
- allows for the filing of article of correction and establishes a \$25 filing fee;

- remove the notarization requirement in Chapter 300 (the pre-1933 corporations and financial institutions); conform fees for these entities with the fees for current business corporations (Chapter 302A)
- remove notarization requirement in the current business corporations (Chapter 302A); remove the prohibition on the use of the term “bank” or “insurance” in a corporate name; permit the filing of either the annual registration document or the active status report; eliminate information relating to the details of approval in filing articles of amendments; eliminate the requirement that the restated articles filed with the secretary of state state that the current articles are superseded by the restated articles; conform the Business Corporation Act to the uniform fraudulent conveyances act; clarify that annual registration is to be filed once per calendar year;
- eliminate information that “foreign corporations” are required to submit with registration; require certification from the state where the corporation is incorporated that the corporation does exist; remove the notarization requirement for corporations incorporated outside of Minnesota (Chapter 303); eliminate the filing requirement for “foreign corporation’s” amendments and requires certification from the home state certification of mergers, dissolving of corporations, and changes in the name of the corporation; remove the requirement for certain information in the annual report filed with the secretary of state; remove requirement for notarization and reduces the number of required signatures on documents to one; remove duplicate filing requirement for withdrawal;
- remove requirement that cemetery corporation must file amendments with secretary of state;
- remove the notarization requirement for cooperative associations (Chapter 306); reduce the number of persons required to incorporate as a coop from five to one; increase the fees for incorporation, amendments, and mergers to conform with other corporations; reduce the number of signatures on documents;
- increase the fees for electing to file as a nonprofit corporation under Chapter 317 (nonprofit corporations) to conform with other fees for nonprofit corporations; remove notarization requirement; eliminate the requirement that the restated articles filed with the secretary of state state that the current articles are superseded by the new restated articles; remove the requirement for notarization and reduce the number of signatures required on documents; eliminate the requirement that the surviving nonprofit corporation in a merger submit its articles of incorporation as part of the merger documents that must be filed with the secretary of state; require a copy of the court order that appoints a liquidating receiver when a nonprofit corporation dissolves;

- remove notarization requirement in the business trusts (Chapter 318); remove the requirement that all amendments contain the date of the original formation of the partnership in the limited partnerships (Chapter 322A); reduce the number of signatures required on documents filed with the secretary of state;
  - remove notarization requirement in the foreign limited partnerships (Chapter 322A) and require that an agent for the foreign corporation be appointed;
  - change the period of audit for circulation for legal newspapers; remove the notarization of documents for assumed names (Chapter 333) and require businesses instead of each individual be informed that their assumed name may conflict with another assumed name filed at a later date; increase the penalty from \$50 to \$250 when a person doesn't file for an assumed name;
  - remove the notarization of documents in trademarks (Chapter 333); change the notification date for the renewal of trademarks.
- \*\* Amendment would make technical language changes and change the fee from \$35 to \$25 for filing any instruments required or permitted under the corporations regulation act.

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#### **Fluorescent lamp—efficiency standards**

HF2178/SF (Dawkins, DFL-St. Paul)—heard; rereferred to the Energy & Real Estate Subcommittee. (SF in Senate Public Utilities & Energy Committee)

Would provide for minimum standards for fluorescent lamps. Provisions would:

- define various terms for purposes relating to standards for fluorescent lamps;
- prohibit the sale of new fluorescent lamps that don't meet certain standards;
- exempt certain fluorescent lamps.

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**Thursday, March 3**

**Rail acquisitions—reporting, disclosure requirements**  
HF1486/SF1442 (Beard, DFL-Cottage Grove)—recommended to pass as amended.\*\* (SF in Senate Employment Committee)

Would regulate the sale of railroad lines.

(See bill summary in HWR, Vol. 4, Vol. 2, Pg. 10, Labor-Management Relations, Feb. 15)

**\*\* Amendment would:**

- delete the provision that required the acquiring carrier to recognize existing labor organizations and that binded the acquiring carrier to all existing contracts, agreements, and understandings between the divesting carrier and any labor organization for a period of the contract or two years, whichever is greater;
- bind the acquiring carrier to any letter of understandings between the divesting carrier and any shipper within the state, government subdivision, or the state of Minnesota for the period of the contract or two years, whichever is greater.

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#### **Home heating systems—implied warranties**

HF1962/SF1924 (Wagenius, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Commerce Committee)

Would prohibit sellers or installers of home heating systems from excluding or modifying implied warranties of fitness and merchantability. Provisions would:

- define “home heating system” to include electronic and mechanical controls, combustion or intake and exhaust systems, combustion chambers and heat exchangers, air filtration and purification systems, condensate removal components, pressure vessels, plenums associated with air distribution, plumbing systems and fixtures, circulation pumps or fans, and any other components of a system intended to create and distribute heat in residential buildings.

\*\* Amendment would provide that a provision in a contract for the sale or installation of a home heating system that excludes or modifies implied warranties or that limits damages for breach of those warranties is unenforceable; provide that any such provision in the contract must be accompanied by an express statement that the provision does not apply in Minnesota.

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#### **Highway advertising—state park events**

HF2177/SF1696 (C. Nelson, DFL-Barrett)—recommended to pass. (SF in Senate Transportation Committee)

Would authorize the placement of advertising devices along highways that advertise special events at state parks, recreation areas, waysides, monuments, and trails, including events sponsored or co-sponsored by nonpublic entities.

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#### **Animal kennels, dealers—regulation**

HF2187/SF2191 (O'Connor, DFL-St. Paul)—recommended to pass. (SF in Senate General Legislation & Public Gambling Committee)

Would include persons who sell or transfer dogs or cats to institutions or to other dealers who sell or transfer such animals to institutions in the definition of dealers in the law regulating kennels and dealers. Would stipulate that humane agents can't enter the premises of a licensed veterinarian acting as a kennel. Would delete certain kennel posting and advertising requirements.

## ECONOMIC DEVELOPMENT & HOUSING

Monday, Feb. 29

### Housing sales—defect disclosures

HF1678/SF1887 (A. Johnson, DFL-Spring Lake Park)—recommended to pass as amended.\*\* (SF in Senate Economic Development & Housing Committee)

Would require written disclosure of defects in residential housing before sale of that housing.

\*\*Delete-everything amendment would:

- require owners who live in their single-family homes or duplexes to personally deliver a written defect disclosure to potential buyers;
- exempt certain people and situations from the disclosure requirements, including divorcing spouses, co-owners, and legatees;
- provide the form that homeowners would have to fill out;
- allow buyers up to three years to file complaints;
- set general guidelines regarding noncompliance penalties and complaint reconciliation.

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**Hazardous waste—cleanup for economic development**  
HF1815/SF1754 (Jefferson, DFL-Mpls)—laid over. (SF in Senate Environment & Natural Resources Committee)

Would provide financing options to remove hazardous substances from sites municipalities would like to develop or redevelop except for the existence of hazardous substances.

(See bill summary in HWR, Vol. 4, No. 3, Pg. 4, Environment & Natural Resources Committee, Feb. 25)

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### Low-income housing credits

HF2063/SF1805 (Jefferson, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Economic Development & Housing Committee)

Would grant the Minnesota Housing Finance Agency the ability to refinance existing obligations that are secured by residential housing for low and moderate incomes if the agency determines that refinancing is necessary for providing and maintaining the supply of affordable housing. Provisions would:

- define American Indian as a member of an Indian tribe instead of as a person with at least 25 percent Indian blood;
- make technical amendments;
- change the formula for determining the amount of low-income housing credits to reserve for cities and counties.

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Thursday, March 3

### Displaced homemakers—funding

HF1809/SF1669 (Minne, DFL-Hibbing)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Finance Committee)

Would appropriate \$1 million to the commissioner of Jobs and Training for the Displaced Homemaker Program.

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### Hazardous waste—cleanup for economic development

HF1815/SF1754 (Jefferson, DFL-Mpls)—recommended to pass as amended;\*\* rereferred to Taxes Committee. (SF in Senate Environment & Natural Resources Committee)

Would provide financing options to remove hazardous substances from sites municipalities would like to develop or redevelop except for the existence of hazardous substances.

\*\*Amendment would allow the Department of Trade and Economic Development commissioner to require municipalities to assign any claim against a responsible party to the state.

(See bill summary under Economic Development & Housing, Feb. 29)

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### Building code—permitting certain locks

HF1995 (Skoglund, DFL-Mpls)—recommended to pass.

Would prohibit state building code from not allowing the use of double cylinder deadbolt locks for single family homes and the first floor units of duplexes. Would also require that any promotion on the use of such locks include a warning spelling out the danger those locks present when fire occurs.

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### Youth jobs program—all-year expansion

HF2038/SF2039 (McLaughlin, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Employment Committee)

Would extend the Youth Employment Program from a summer program to a program operated throughout the year. Provisions would allow funds to be used to link basic skills training and remedial education to job training and school completion. Would also specify that persons employed in this program be paid at either the federal or state minimum wage, whichever is higher.

**\*\*Amendments would:**

- reinstate a cap on administrative costs at 15 percent of the total budget;
- limit a program participant's eligibility to 480 hours of work;
- specify that existing employees cannot be displaced by program participants.

## EDUCATION

**Monday, Feb. 29**

**Student suspension—chemical dependency tests**  
HF1674/SF1539 (Bauerly, DFL-Sauk Rapids)—laid over.  
(SF in Senate Education Committee)

Would permit schools to require a chemical dependency evaluation as part of readmission conditions for suspended students.

**Adult basic education**  
HF1813/SF1729 (K. Nelson, DFL-Mpls)—heard. (SF in Senate Education Committee)

Would appropriate \$2.5 million for adult basic education. Provisions would:

- budget money for teachers, broadcast programs, learn center planning grants, administration, and a three-year study;
- define the "adult basic education student" as someone 18 years or older who does not have a high school diploma or its equivalent;
- create a state-paid adult basic per capita aid equal to the adult basic education revenue amount minus the community education adult basic levy;
- establish a maximum adult basic education revenue equal to the product of the number of adult basic education students in the district multiplied by \$20;

- establish a 12-member advisory task force for adult basic education and specify its purpose.

**Dakota, Goodhue districts—intermediate school district**  
HF1838/SF1666 (Sviggum, IR-Kenyon)—recommended to pass. (SF in Senate Education Committee)

Would amend a statute pertaining to Intermediate School District 917 to permit Cannon Falls and Red Wing school districts to become part of the intermediate school district.

**Education finances—technical amendments**  
HF2029/SF1911 (K. Nelson, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Education Committee)

Would clarify language, modify provisions, and make technical changes regarding general education revenue and foundation revenue.

(See bill summary in HWR, Vol. 4, No. 3, Pg. 3, Education Finance Division/Education, Feb. 24 )

## Education Finance Division/EDUCATION

**Monday, Feb. 29**

**Education district revenue**  
HF1878/SF1890 (McEachern, DFL-Maple Lake)—heard.  
(SF in Senate Education Committee)

Would make an education district eligible for revenue of \$75 per actual pupil unit in the participating districts. Would require each education district to levy 1.3 mills and have state aid make up the difference. An education district would first receive revenue in the 1989-90 school year.

**Cooperative Study Grant**  
HF2023/SF1899 (A. Johnson, DFL-Spring Lake Park)—heard. (SF in Senate Education Committee)

Would appropriate \$190,000 from the general fund to the Department of Education to make a grant for Independent School Districts 13, 14, 16, and 282 to study possible resource merger.

**Program improvement grants—consolidation**  
HF2156/SF1967 (K. Nelson, DFL-Mpls)—heard.

Would allow school districts that plan to consolidate to receive program improvement grants. Specifies that, if the

consolidation does not occur within 24 months of receiving the grant, the Department of Education shall withhold payment of all state aids until the amount of the grant has been recovered.

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**Cooperative secondary facilities—changes**  
HF2215 (G. Anderson, DFL-Bellingham)—recommended to pass.

Would make technical corrections to the cooperative secondary facilities grant act.

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**Education Omnibus Bill**  
HF2245/SF2095 (K. Nelson, DFL-Mpls)—heard. (SF in Senate Education Committee)

Would establish the amount of the formula allowance for general education revenue for the fiscal year 1990.

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**Wednesday, March 2**

**Education programs—revenue requests**  
HF2124/SF2024 (K. Nelson)—heard. (SF in Senate Education Committee)

Would appropriate monies from the general fund to the general education revenue for new or existing programs, including:

—\$1.25 million for AIDS prevention instruction in grades K-12 based; sets guidelines for eligible programs; directs the Department of Education to provide regional training and professional development to school personnel regarding AIDS; Directs school districts to submit AIDS curriculum to local community health boards;

—\$200,000 for Minnesota Educational Effectiveness Program (MEEP) Phase I;

—\$300,000 for MEEP Phase II.

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**Education Omnibus Bill**  
HF2245/SF2095 (K. Nelson, DFL-Mpls)—heard; amended.\*\* (SF in Senate Education Committee)

Would establish the amount of the formula allowance for general education revenue for the fiscal year 1990.

\*\*Amendments would:

- apportion administrative expenses for secondary vocational programs on the number of full-time equivalent instructors in

each program;

- appropriate \$100,000 so the commissioner of education to restructure the model for delivering secondary vocational education by December 1988, based on selected criteria;

- allow Department of Education and State Board of Vocational Technical Education to retain and manage dues and other monies from students participating in authorized vocational student organizations.

## ENVIRONMENT & NATURAL RESOURCES

**Monday, Feb. 29**

**Uniform Transboundary Pollution Reciprocal Access Act**  
HF1244 (Carruthers, DFL-Brooklyn Center)—recommended to pass.

Would enact the Uniform Transboundary Pollution Reciprocal Access Act. Provisions would:

- provide that anyone in a reciprocating jurisdiction outside Minnesota injured by pollution originating inside Minnesota would have all the rights to seek relief as if the injuries occurred inside Minnesota;

- define "reciprocating jurisdiction" as any state of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, any U.S. territory or possession, or any Canadian province or territory.

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**Western Lake Superior Sanitary District—loan**  
HF1949/SF1836 (Munger, DFL-Duluth)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Environment & Natural Resources Committee)

Would appropriate \$5,800,000 from the general fund to the commissioner of finance for a loan to the Western Lake Superior Sanitary District.

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**Sewage treatment personnel—training**  
HF1992/SF1665 (Rukavina, DFL-Virginia)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Environment & Natural Resources Committee)

Would authorize the Pollution Control Agency to train certain people involved with sewage treatment systems (including people who design, construct, install, inspect, service, and operate individual sewage treatment systems); and to charge a training fee.

**Sanitary districts—Waste Management Board aid**  
HF2092/SF1952 (Ogren, DFL-Aitkin)—recommended to pass. (SF in Senate Environment & Natural Resources Committee)

Would authorize sanitary districts to apply for and receive assistance from the Waste Management Board for certain solid waste programs.

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**Tuesday, March 1**

**Environment and Natural Resources Trust Fund**  
HF2182/SF2000 (Munger, DFL-Duluth)—recommended to pass as amended\*\*; rereferred to Governmental Operations Committee. (SF in Senate Governmental Operations Committee)

Would propose an amendment to the Minnesota Constitution to establish an environment and natural resources trust fund. Provisions would:

- state legislative findings that all citizens share the responsibility to take care of the state's environment and natural resources for this and future generations;

- state the trust fund's purpose and intent, and that it's to be used primarily to support long term activities;

- create:

- the new trust fund, if voters in the 1988 general election approve the amendment;

- a 16-member Minnesota Future Resources Commission to develop a budget plan for trust fund expenditures;

- a 15-member advisory committee, and specify membership;

- require the committee to convene a public resources congress once every biennium to gather public input to develop a trust fund strategic plan;

- allow trust fund expenditures for research, data collection and analysis, public education, Reinvest in Minnesota (RIM) purposes, certain capital projects, and activities that preserve endangered natural resources;

- prohibit trust fund expenditures for hazardous waste site cleanup, municipal water pollution control, or decommissioning nuclear plants;

- require the commission to adopt a strategic plan every two years to identify priorities for trust fund expenditures;

- require the committee and commission to:

- develop a biennial budget plan;

- hold public meetings;

- require a peer review panel to review all research proposals requesting trust fund money;

- provide for personnel and staff support, and authorize administrative expenses for the board and commission;

- state that a royalty, copyright, or patent resulting from a project the trust fund supports remains the trust fund's property;

- allow the Legislature to spend only certain amounts of trust fund money annually:

- interest earned in the preceding year; and

- 25 percent of the revenue deposited during the first year, and 5 percent less in each of the following four years.

\*\*Amendment would transfer the funding of the Legislative Commission on Minnesota Resources (LCMR) to the environmental trust fund, and LCMR's employees and responsibilities to the future resources commission.

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**Thursday, March 3**

**Crows—protection, hunting**

HF815/SF699 (Kalis, DFL-Walters)—laid over. (SF in Senate Environment & Natural Resources Committee)

Would authorize a hunting season for crows.

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**Crows—hunting season establishment**

HF1978/SF2098 (Marsh, IR-Sauk Rapids)—recommended to pass as amended\*\*. (SF in Senate Environment & Natural Resources Committee)

\*\*Delete-everything amendment would remove crows from the list of unprotected birds, and authorize the commissioner of natural resources to set a 124-day crow-hunting season.

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**Polyethylene materials—sale, use prohibition**

HF2165/SF2194 (Cooper, DFL-Bird Island)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Environment & Natural Resources Committee)

Would prohibit the sale and use of certain polyethylene material.

\*\*Delete-everything amendment would:

- prohibit anyone from using, selling, or offering for sale any nondegradable polyethylene beverage ring after Jan. 1, 1989; would provide a misdemeanor penalty for violators;

- prohibit public agencies from:
  - purchasing any nondegradable polyethylene disposal bag after Jan. 1, 1989;
  - purchasing or using any nondegradable polyethylene disposal bag after Jan. 1, 1990;
- establish an advisory task force on degradable plastics, and specify membership;
- direct the task force to study the feasibility and consequences of requiring that industry and consumer products be biodegradable;
- appropriate an undetermined sum from the general fund to the Rural Development Board for task force administrative expenses.

**Ciscoes—net size correction**  
 HF2265 (Reding, DFL-Austin)—recommended to pass; placed on Consent Calendar.

Would correct certain provisions for net size for the taking of ciscoes.

## FINANCIAL INSTITUTIONS & INSURANCE

Tuesday, March 1

**Insurance—omnibus bill**  
 HF1914/SF1845 (Skoglund, DFL-Mpls)—recommended to pass as amended.\*\*  
 (SF in Senate Commerce Committee)

Would make various changes in insurance laws.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 4, Financial Institutions & Insurance, Feb. 11)

\*\*Amendments would:

- permit homeowners to cancel contracts with a “public adjuster” (person who for a percentage of the insurance settlement offers to do certain things, such as board up windows after a house fire).
- require the Department of Commerce to do a study and report to the 1989 Legislature advising an estimate of water damage coverage for homeowners policies; also require all Minnesota insurers to provide whatever information the commissioner may deem necessary to conduct this study;
- require insurance policies to bear various consumer warnings concerning coverage;

- make any person who participates in any angle of the sale of insurance or other contract providing benefits—whether that person is required to be licensed or not—personally liable for the premiums and for any loss the insured has or may sustain resulting from a risk or hazard covered in the policy;

- define unfair settlement practices made by an insurer, adjuster or other insurance persons or agencies; for example, failure to inform an insured or claimant of all coverages and the dollar amount of all coverages under the insured’s insurance policy or policies.

## FUTURE & TECHNOLOGY

Monday, Feb. 29

**Economic development board—funds, organization**  
 HF2299 (Reding, DFL-Austin)—recommended to pass; rereferred to Governmental Operations Committee.

Would appropriate certain investment earnings to the Minnesota Agricultural and Economic Development Board; and organize the Department of Trade and Economic Development (DTED) consistent with the other divisions and offices within the DTED.

## GENERAL LEGISLATION, VETERANS AFFAIRS & GAMING

Thursday, March 3

**English—Minnesota’s official language**  
 HF173/SF222 (Thiede, IR-Pequot Lakes)—heard; tabled.  
 (SF in Senate Governmental Operations Committee)

Would make English the official language of Minnesota.

**Veterans home—control**  
 HF1746/SF1595 (Kostohryz, DFL-North St. Paul)—recommended to pass as amended\*\*; rereferred to Governmental Operations Committee. (SF in Senate Rules & Administration)

Would return control of the Minnesota veterans homes to the Department of Veterans Affairs and create a veterans home board of directors.

\*\*Delete-everything amendment would:

- require the appointment of a deputy commissioner for veterans services and permit the appointment of a deputy commissioner for veterans health care;
- create a board of directors, appointed by the governor;

define duties, responsibilities, terms, and selection of board;

- delete language making veterans' spouses and parents eligible for care;
- direct the commissioner of health to issue new licenses to the homes without regard to the sections governing license, qualifications, relicensing;
- direct the commissioner of health to conduct an announced, on-site review of homes within 30 days of licensing.

**\*\* Amendments would:**

- require that five board members are veterans with experience in policy formulation and knowledge about health care delivery;
- make technical changes.

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**Charitable gambling—local licensure extension**  
HF1941/SF1764 (Dawkins, DFL-St. Paul)—recommended to pass; placed on Consent Calendar. (SF in Senate General Legislation & Public Gaming Committee)

Would increase the time period from 30 to 60 days for cities and counties to review license applications by the Charitable Gambling Control Board.

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**Campaign financing limits—clarification**  
HF2008/SF1780 (A. Johnson, DFL-Spring Lake Park)—recommended to pass; placed on Consent Calendar. (SF in Senate Elections & Ethics Committee)

Would clarify certain public financing limits relating to elections. Provisions would:

- place limits on campaign expenditures;
- clarify limitations upon the state election campaign fund.

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**National Guard service—state bonuses**  
HF2281/SF2109 (Kinkel, DFL-Park Rapids)—recommended to pass as amended\*\*; rereferred to Education Committee. (SF in Senate Veterans Committee)

Would provide a state bonus for national guard service and establish a tuition reimbursement program for national guard members and their surviving dependents.

Delete-everything amendment would:

- direct the adjutant general to pay on or about Nov. 1 an

annual \$100 cash bonus to each member of the Minnesota national guard who has served satisfactorily, as defined by the adjutant general, as an active member of the guard during the preceding federal fiscal year;

- establish a tuition reimbursement program and define rates;
- provide death benefit tuition reimbursement for surviving spouse or any surviving dependents who are 21 years old or younger if a national guard is killed in the line of state active duty;
- appropriate \$3,250,000 for the bonus and tuition programs.

**\*\* Amendments would make technical, language change.**

## GOVERNMENTAL OPERATIONS

**Monday, Feb. 29**

**Retirement—highway patrol formula**

HF322/SF309 (Clark, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

\*\*Delete-everything amendment would increase the normal retirement annuity for highway patrol retirees one-half of 1 percent.

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**Transportation study board—creation**

HF1750/SF1593 (Kalis, DFL-Walters)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Governmental Operations Committee)

Would create a transportation study board and prescribe its duties.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 11, Transportation, Feb. 17)

\*\*Amendment would delete the requirement that the board consider the desirability of amending the Minnesota Constitution to provide permanent dedication to transportation purposes of all or part of net motor vehicle excise tax revenues.

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**Beltrami County—land conveyance**

HF1884/SF1806 (R. Johnson, DFL-Bemidji)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would authorize Beltrami County to privately convey certain tax-forfeited land.

**Aitkin County—tax-forfeited land sale**

HF1943/SF1722 (Ogren, DFL-Aitkin)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would permit Aitkin County to sell certain tax-forfeited lands that border public waters in the City of Aitkin.

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**St. Louis County—tax-forfeited land sale**

HF2025/SF1982 (Begich, DFL-Eveleth)—recommended to pass as amended.\*\* (SF in Senate Environment & Natural Resources Committee)

Would authorize St. Louis County to sell privately certain tax-forfeited land.

\*\*Amendment would make technical changes.

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**St. Louis County—land sale**

HF2045/SF1947 (Minne, DFL-Hibbing)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would authorize St. Louis County to sell privately certain tax-forfeited land.

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**Owatonna—state land purchase**

HF2046/SF1931 (Hartle, IR-Owatonna)—recommended to pass as amended\*\*; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would direct the state to sell and convey certain lands to the City of Owatonna.

\*\*Amendment would make technical changes.

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**St. Louis County—private land sale**

HF2109/SF1983 (Begich, DFL-Eveleth)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would authorize St. Louis County to sell privately certain tax-forfeited land.

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**Cambridge Memorial Hospital Assn.—land purchase**

HF2270/SF1994 (Lasley, DFL-Cambridge)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would allow the state to privately sell certain surplus state property to the Memorial Hospital Association of Cambridge.

**Tuesday, March 1**

**Retirement—Fridley volunteer firefighters**

HF1804/SF1779 (Simoneau, DFL-Fridley)—recommended to pass. (SF in Senate Governmental Operations Committee)

Would authorize a defined contribution plan for the Fridley volunteer firefighter's relief association.

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**Legislative employees, retired—insurance coverage**

HF1855 (Simoneau, DFL-Fridley)—recommended to pass as amended.\*\*

Would authorize former legislative employees to purchase certain insurance coverage through the state.

\*\*Amendment would clarify that a former legislative employee who was eligible for fully or partially state-paid insurance benefits at the time of termination of legislative service is eligible to purchase this coverage.

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**Wednesday, March 2**

**Mpls—police, firefighters post-retirement payments**

HF1777/SF1723 (Sarna, DFL-Mpls)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

Would provide for post-retirement payments for Minneapolis police officers and Minneapolis firefighters, their surviving spouses, and dependents.

\*\*Amendment would make technical changes.

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**Retirement—Thief River Falls firefighters**

HF1832/SF2154 (Sparby, DFL-Thief River Falls)—recommended to pass; placed on Consent Calendar. (SF in Senate Governmental Operations Committee)

Would authorize the Thief River Falls firefighters relief association to pay, at age 50, service pensions to members who meet all other qualifications.

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**Cook County—DNR land sale**

HF1912/SF1818 (Price, DFL-Woodbury)—recommended to pass as amended\*\*; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would authorize the commissioner of natural resources to sell certain lands in Cook County.

\*\*Amendment would make technical changes.

**State advisory councils, committees**

HF2292 (Knuth, DFL-New Brighton)—recommended to pass; rereferred to Appropriations Committee.

Would amend certain provisions governing state advisory councils, committee, and task forces. Provisions would:

- extend the sunset date for most groups to June 30, 1993;
- subject certain groups to a June 30, 1993 sunset date;
- allow certain advisory groups to become task forces;
- repeal certain groups.

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**Itasca County—DNR land sale**

HF2312/SF2162 (Ozment, IR-Rosemount)—recommended to pass; placed on Consent Calendar. (SF in Senate Environment & Natural Resources Committee)

Would authorize the commissioner of natural resources to sell certain lands in Itasca County.

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**Thursday, March 3**

**Retirement—correctional service formula increase**

HF258/SF75 (Bauerly, DFL-Sauk Rapids)—recommended to pass as amended.\*\* (SF in Senate Governmental Operations Committee)

\*\*Delete-everything amendment would increase the retirement formula for covered correctional service employees.

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**Mental retardation— resident programs**

HF781/SF747 (Rodosovich, DFL-Faribault)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Finance Committee)

Would establish a system of state-operated, community-based residential programs for persons with mental retardation. Provisions would:

- require the exclusive employees' representative and the commissioner of employee relations to negotiate employment terms and conditions in state-operated, community-based residential programs;
- describe state-operated, community-based residential programs;
- require the commissioner to develop procedures to:—employ appropriately skilled workers at state regional

treatment centers and nursing homes;

—provide suitable training programs for regional treatment center and state-operated, community-based residential program staff;

—provide state employees who are included in a position reduction plan the option to transfer to a community-based program, another regional treatment center, or to a position in another state agency.

\*\*Amendments would:

- allow state-operated, community-based residential facilities to purchase or rent supplies, materials, equipment and utility services without competitive bidding;

- delete requirements that would:

- direct the commissioner of human services to develop a plan to establish a comprehensive training program for public and private employees who provide services to persons with mental retardation and related conditions;

- direct the state planning director to study the differences between the wages and benefits paid to employees of public and private community-based providers of care to persons with mental retardation and related conditions.

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**Eveleth—police, firefighters benefit increase**

HF1743/SF1746 (Begich, DFL-Eveleth)—recommended to pass; placed on Consent Calendar. (SF in Senate Governmental Operations Committee)

Would authorize benefit increases for certain Eveleth retired police officers, firefighters, and their surviving spouses.

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**Retirement—Mpls TRF deficiencies**

HF2125 (Otis, DFL-Mpls)—recommended to pass; rereferred to Taxes Committee.

Would provide for the funding of certain Minneapolis Teachers Retirement Fund (TRF) deficiencies. Provisions would:

- authorize the Minneapolis school district to make an additional levy to pay the Teachers Retirement Fund Association (TRFA) to fulfill the district's contractual obligation for teacher retirement;
- exclude Minneapolis from the law that disallows levies for TRFs in first class cities;
- require TRFA executive secretaries to determine each month the amount needed to meet the employer obligation, and to remit the money to the associations;
- require the state to make an annual supplemental payment

to the Minneapolis TRF of an amount equal to the fund's financial requirements, less the amount of required employee and employer contributions;

- provide that the state payments don't relieve the school district of its contractual obligations for teacher retirement, and that if the state fails to make the appropriation, the district must levy for necessary funds.

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**Brooklyn Center—state land conveyance**  
HF2252/SF2160 (Carruthers, DFL-Brooklyn Center)—not recommended to pass; reconsidered; laid over.  
(SF in Senate Environment & Natural Resources Committee)

Would require the state to convey certain lands to the City of Brooklyn Center.

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**Retirement—Mpls Teachers Retirement Fund articles**  
HF2336 (Otis, DFL-Mpls)—recommended to pass.

Would permit the Minneapolis Teachers Retirement Fund Association to amend its articles of incorporation to permit annual participating annuity adjustments.

## HEALTH & HUMAN SERVICES

Thursday, March 3

**Minority Child Heritage Protection Act—implementation**  
HF2037/SF2103 (McLaughlin, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Health & Human Services Committee)

Would implement the Minority Child Heritage Protection Act; require minority councils to review placement data.

\*\*Delete-everything amendment would:

- require the Indian Affairs Council, Council on Affairs of Spanish Speaking People, Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans to review placement data and provide a report to the Legislature beginning Nov. 1, 1989;
- amend definition of "placement prevention and family reunification services" for the purposes of the permanency planning act;
- require commissioner of human services to revise rules governing child placement agencies and specifies criteria for licensure;
- require the commissioner to: revise and monitor minority foster care rules;

employ a minority recruitment specialist; work with the minority councils; and monitor the minority child heritage protection act.

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**Mental Health Act—cleanup**  
HF2114/SF1869 (Segal, DFL-St. Louis Park)—recommended to pass as amended.\*\* (SF in Senate Health & Human Services Committee)

Would make several changes and definitions in the mental health services act of 1987.

\*\*Delete-everything amendment would:

- define, or redefine, terms in 1987 act including: "hours of treatment," "case manager," "person with serious and persistent mental illness";
- clarify language in the 1987 act;
- require providers to inform clients of case management services and to refer clients to the county for case management, with client consent;
- require providers, when billing a county, to include the names and addresses of all clients for whom they submit bills. (This requirement would apply when the county requests the information and the client has consented to its release;
- restrict the release of patient information to: county employees who determine the county's payment responsibility and staff who provide services;
- require county board to screen people before admitting them to residential treatment;
- require that a person who requests mental health services be advised of available services and the right to appeal;
- add day treatment services to the list of MA reimbursable services;
- transfer \$1,750,000 in state mental health grants from FY'88 to FY'89 and transfer \$250,00 for information systems to the state systems account.

\*\*Amendments would make technical changes.

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**MA/MSA—eligibility changes**  
HF2126/SF1680 (Greenfield, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Finance Committee)

Would prohibit health maintenance organizations (HMOs) or health insurers from denying coverage to an employee's dependents on the basis of support provided to the dependent or residence of the dependent; and from denying benefits because the covered person or dependent is eligible for medical assistance (MA). Provisions would:

- change children's health plan to cover children from one year of age to six years of age;
- exempt recipients in foster care from mandatory enrollment in prepaid health plans, would redefine refugees who are exempt from enrollment;
- specify that income and disregards for Supplemental Security Income recipients must be calculated under the Minnesota Supplemental Aid (MSA) provisions;
- extends MA coverage to aliens who are seeking legalization under the Immigration Reform and Control Act of 1986 and who are children or who are pregnant, aged, blind or disabled people. Pregnant women are covered through six weeks postpartum;
- exclude and define criteria when determining income for MSA;
- require MSA applicant who has financial responsibility for another person, to apply for any federal benefits to which he/she may be entitled.

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**Mental health ombudsman—duty clarification**  
HF2138/SF1628 (Greenfield, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Judiciary Committee)

Would clarify and revise the role of the ombudsman for mental health and mental retardation; would extend the authority of the ombudsman to serve people with mental illness, mental retardation or related conditions, chemical dependency and emotional disturbances. Provisions would:

- specify, define and clarify the duties, terms and responsibilities of the ombudsman and ombudsman's office;
- transfer funds from the Welsch consent decree monitor's office to the ombudsman for mental health and mental retardation.

\*\*Amendments would make technical changes.

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**ICF/MR—reimbursements, rates**  
HF2214/SF2139 (Rodosovich, DFL-Faribault)—recommended to pass as amended\*\*; rereferred to Appropriations

Committee. (SF in Senate Health & Human Services Committee)

Would establish rates for intermediate care facilities for the mentally retarded (ICF/MR); change the procedures for determining ICF/MR rates. Provisions would:

- establish interim ICF/MR operating cost rates for rate years Oct. 1, 1988 and Oct. 1, 1989—defines rates;
- establish retroactive reimbursements of 1988 and 1989 costs—defines terms;
- require commissioner establish a statewide composite forecasted index—defines index;
- set method of calculating administrative costs;

\*\*Amendments would make technical changes.

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**Health services administration—AIDS, restaurants**  
HF2448 (Greenfield, DFL-Mpls)—recommended to pass; rereferred to Appropriations Committee.

Would limit reporting requirements of the commissioner of health for epidemiologic studies; provide grants for AIDS evaluation and counseling and appropriate \$662,000 for the grants; would provide fines for rule violations relating to licensing of hotels, restaurants, resorts and other public accommodations; would create the environmental health fee account.

## HIGHER EDUCATION

Wednesday, March 2

**Board of Regents—  
candidate selection council**

HF1586/SF1284 (Otis, DFL-Mpls)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Education Committee)

Would establish an advisory council to assist the Legislature in identifying qualified regent candidates.

\*\*Delete-everything amendment would:

- provide for 24 members and specify nonpartisan selection;
- define duties and responsibilities of the commission, and specify terms for initial advisory council members;
- provide that the Higher Education Coordinating Board (HECB) will staff the advisory council.

**\*\*Amendments would:**

- make technical changes;
- appropriate \$27,000 to the HECB for the advisory council.

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**Rochester University Center—establishment**  
HF2327/SF2152 (Otis, DFL-Mpls)—heard. (SF in Senate Education Committee)

Would establish the University Center at Rochester (URC) to arrange for higher education services in the city. Provisions would:

- establish a board of trustees and define duties;
- appropriate \$1.9 million from the general fund.

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**College savings bond program—establishment**  
HF2396/SF2105 (L. Carlson, DFL-Crystal)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Education Committee)

Would establish the college savings bond program.

**\*\*Delete-everything amendment would:**

- issue a portion of general obligation bonds as low denomination, zero coupon bonds;
- require a marketing study and program;
- exempt \$25,000 in bonds from consideration in determining a student's financial need for state scholarships and grants.

## JUDICIARY

Friday, Feb. 26

**Homicide laws—minimum prison term**  
HF10/SF101 (Wenzel, DFL-Little Falls)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

**\*\*Delete-everything amendment would raise the mandatory minimum prison term for first degree murder from 17 to 20 years; and would clarify that the crying of a child doesn't constitute provocation under first degree manslaughter.**

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**Parental rights termination law—clarification**  
HF577/SF964 (Rest, DFL-New Hope)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would clarify the purposes of laws on termination of parental rights, and alter certain grounds and procedures for termination of parental rights.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 9, Crime & Family Law Division/Judiciary, Feb. 15)

**\*\*Delete-everything amendment would:**

- require a social service agency to return a child home or file an appropriate court petition within 12 (formerly 18) months after the child enters voluntary foster care;
- state that the purpose of laws relating to termination of parental rights; would provide that the most important consideration in all such proceedings is the child's best interests;
- clarify the juvenile court's responsibilities in dependency and neglect cases;
- define "neglected child" to include a victim of domestic child abuse;
- allow a child to informally testify in proceedings to terminate parental rights;
- require a court to consider whether a parent has visited his/her child in the three months before a neglect petition was filed; would allow the court to consider evidence of a parent's incidental visitations, communications, or contributions within the three-month period;
- create a presumption of abandonment in certain situations;
- create a presumption that reasonable efforts to correct conditions leading to a determination of neglect or dependency have failed in certain situations;
- clarify that no prior judicial finding of dependency, neglect, or neglected and in foster care is required for termination, with certain exceptions;
- provide that the child's best interests are paramount, and if the parent's and child's interests conflict, the child's interests control.

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**Town boards—law enforcement agencies**  
HF1659/SF2094 (Murphy, DFL-Hermantown)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would authorize town boards to form law enforcement agencies.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 10, Local & Urban Affairs, Feb. 16)

\*\*Amendment would provide that the bill applies only those people counties presently employ as constables; would cut off new applications for the position of constable as of the bill's effective date.

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**Sexually explicit materials—display prohibition**  
HF1710/SF1736 (Vellenga, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would prohibit displaying sexually explicit material deemed harmful to minors in public places open to minors.

\*\*Amendment would:

- prohibit anyone from commercially and knowingly exhibiting or displaying:
  - any material which is harmful to minors, in any public place where minors are or may be present and able to see the material unless each item is kept in a sealed wrapper at all times;
  - the cover or packaging of any material which, standing alone, is harmful to minors, in any public place where minors are or may be present and able to see the material unless an opaque cover blocks each item from view;
- allow a person to comply with these requirements if they:
  - physically segregate the material that in a manner that physically prohibits minors' access and viewing;
  - prominently posting a sign at the restricted area's entrance stating "Adults only—you must be 18 to enter;" and
  - enforce the restriction.

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**Police pursuit—penalty increase**  
HF1873/SF1821 (Segal, DFL-St. Louis Park)—heard. (SF in Senate Judiciary Committee)

Would increase penalties for fleeing a police officer and provide for forfeiting the vehicle the offender uses to flee a peace officer. Provisions would:

- increase the criminal penalty from a gross misdemeanor to a felony for anyone who flees a police officer in a motor vehicle; would set a prison penalty of up to one year and one day and/or a fine up to \$4,000;
- amend the forfeiture law to:
  - allow a court to order the offender to forfeit the motor vehicle, or the sale proceeds, when the offender violates a criminal law and uses the vehicle to flee from a peace officer;

—provide that such a vehicle is subject to forfeiture even though the vehicle's owner wasn't the driver and didn't know or consent to its unlawful use, unless the owner submits a sworn statement to the appropriate agency naming the driver of the vehicle when the offense was committed and stating that the owner didn't know of or consent to the offender's use of the vehicle;

—provide that a law enforcement officer may seize a motor vehicle without a warrant if the vehicle has been the subject of a prior judgment in favor of the state in a civil forfeiture proceeding arising out of the vehicle's use to flee a peace officer;

- require law enforcement agencies to:
  - file a report with the commissioner of public safety within 30 days following a peace officer's pursuit of fleeing suspect; would require specific information in the report;
  - adopt written procedures and training requirements concerning peace officers' conduct when pursuing fleeing suspects; would require that the procedures require the peace officers to render immediate assistance to a person injured during a police pursuit;

- require the Police Officers Standards and Training (POST) Board to adopt rules regarding the types of issues that law enforcement agencies must address in the written pursuit procedures and peace officer training requirements.

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**Tuesday, March 1**

**Constitutional amendment—right to keep, bear arms**  
HF93/SF268 (Neuenschwander, DFL-Int'l Falls)—recommended to pass; rereferred to Rules & Legislative Administration Committee. (SF in Senate Judiciary Committee)

Would propose an amendment to the Minnesota Constitution that would read: "Shall the Minnesota Constitution be amended to provide that the right of a citizen to keep and bear arms for the defense and security of the person, family, or home, or for lawful hunting, recreation, or marksmanship training shall not be abridged?"; would appropriate \$12,000 to the secretary of state to place the proposed question on the 1988 general election ballot.

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**DWI—license plate impoundment**  
HF704/SF392 (Rest, DFL-New Hope)—recommended to pass as amended\*\*; rereferred to Appropriations Committee. (SF in Senate Judiciary Committee)

Would establish a mandatory license plate impoundment system in any case where the court revokes a person's driver's license for driving-while-intoxicated (DWI) or implied consent law violations.

**\*\*Delete-everything amendment would:**

- impound plates from vehicles the the violator owns, leases, or has registered in his/her name, or in the joint names of the violator and his/her spouse;

- allow the court to impound plated of a vehicle that was involved in the violation which the violator doesn't own or lease if the vehicle owner is a passenger when the violation takes place;

- require the court to issue an impoundment order when a violator first appears in court on a criminal DWI charge (a second violation within five years, or a third violation within 10 years) or civil driver's license matter;

- require the violator or owner to surrender the plates to the court within three days of the order;

- require the court to:
  - destroy the impounded plates within seven days and forward the surrendered registration certificates to the registrar of motor vehicles; or
  - retain custody of the impounded plates and certificates;

- allow the violator to seek administrative review of a Department of Public Safety (DPS) impoundment order, and require the commissioner to make a decision within 15 days of the review request;

- require the registrar to issue new plates if the driver's license revocation is rescinded;

- permit a vehicle with impounded plates to get special plates, at a cost of \$25, with a special series of numbers or letters if a member of the violator's household has a valid driver's license or if the violator or owner has a limited license;

- provide misdemeanor penalties for anyone who fails to:
  - surrender impounded plates; or
  - inform the registrar of an impoundment order when applying for new plates;

- requires DPS to issue new plates after a person's driver's license is reinstated;

- require DPS to monitor and evaluate the implementation and effects of the impoundment law and report findings and recommendations to the Legislature.

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**Real property—conditions restriction**

HF1589/SF1615 (S. Olsen, IR-St. Louis Park)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would provide a restriction on the duration of conditions affecting certain real property. Provisions would:

- state that private covenants, conditions, and restrictions on the title or use of real property cease to be valid 30 years after the date of creation, with certain exceptions;

- provide that the filing fee for notices under these provisions would be the same as the fee for notice of lis pendens (pending suit) of similar length;

- provide that the notice may be discharged in the same manner as a notice of lis pendens, and when discharged, ceases to constitute either actual or constructive notice;

- exempt North Oaks from these provisions.

**\*\*Amendment would make technical changes.**

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**Open bottle law—liability clarification**

HF1755/SF1613 (Lasley, DFL-Cambridge)—recommended to pass; placed on Consent Calendar. (SF in Senate Judiciary Committee)

Would strike the words “on the person” from the passenger liability portion of the open bottle law.

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**Courts—referee's orders**

HF1844 (Vellenga, DFL-St. Paul)—recommended to pass.

Would provide that a referee's recommended orders and findings become effective when a judge countersigns them, and the orders would remain effective during review unless a judge:

- expressly stays the order's effect;
- changes the order; or
- changes or vacates the order after completing a review.

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**Contraceptive sale prohibition—repeal**

HF1922 (Pappas, DFL-St. Paul)—recommended to pass; placed on Consent Calendar.

Would repeal the law which makes it a gross misdemeanor for persons or organizations that aren't recognized as dealing with health or welfare to sell or distribute contraceptives.

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**Shoplifting—civil liability**

HF1923/SF1668 (Kelly, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would impose civil liability for the theft of merchandise and shopping carts from a store.  
(See bill summary in HWR, Vol. 4, No. 3, Pg. 12, Crime &

Family Law Division/Judiciary, Feb. 22)

\*\*Amendment would delete attorney's fees from the provision that would allow a store to recover reasonable costs and attorney's fees if the amount of cash or merchandise value exceeds \$2,000.

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**Animal disease control—Board of Animal Health**  
HF2018/SF1786 (Dille, IR-Dassel)—recommended to pass.  
(SF in Senate Agriculture Committee)

Would clarify the authority of the Board of Animal Health over diseased and/or quarantined animals.  
(See bill summary in HWR, Vol. 4, No. 3, Pg. 1, Agriculture, Feb. 22)

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**Fireworks—possession, penalties**  
HF2036/SF1934 (Carruthers, DFL-Brooklyn Center)—recommended to pass. (SF in Senate Judiciary Committee)

Would make it a crime to possess fireworks, and increase criminal penalties for fireworks law violations from a misdemeanor to a:  
—gross misdemeanor, where the amount of fireworks is between 25-100 pounds;  
—three-year felony, where the amount of fireworks is 100 pounds or more.

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**Bias crimes—reporting, training requirements**  
HF2340/SF2124 (Orenstein, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would require law enforcement officials to report crimes motivated by bias.

\*\*Delete-everything amendment would:

- require peace officers to file a report with the head of the officer's department whenever the officer has reason to believe that an offender was motivated to commit a crime because of the victim's race, religion, national origin, sex, age, disability, or other identifiable characteristics identified as sexual orientation;
- require the law enforcement agency head to file a monthly report describing crimes reported under this law with the Bureau of Criminal Apprehension superintendent;
- require the commissioner of public safety to file an annual report summarizing the information with the Legislature and the Department of Human Rights;
- require the Peace Officer Standards and Training (POST)

Board to prepare a training course to assist officers in identifying and responding to bias crimes, and in accurately reporting them;

- prohibit the board from licensing a peace officer after Aug. 1, 1989 unless the officer has received the training.

## Crime & Family Law Division/JUDICIARY

Friday, Feb. 26

**Status offenders—Juvenile Code changes**  
HF1251 (Pappas, DFL-St. Paul)—recommended to pass as amended.\*\*

Would make changes in the state juvenile code regarding the juvenile court's dependency/neglect and status offender jurisdiction.

\*\*Delete-everything amendment would:

- replace current definitions of "dependent" and "neglected" child with the term "child in need of protection or services" (CHIPS);
- define CHIPS to include:
  - child abuse victims;
  - children under age 10 who are alleged to have committed a delinquent act;
  - habitual truants and runaways;
- remove the juvenile court's jurisdiction over "habitually disobedient" children;
- permit a law enforcement official to use a citation, instead of a petition, to initiate a juvenile court proceeding against an alleged truant or runaway child;
- give the juvenile court the same dispositional alternatives available for truants and runaways that it has under current law;
- prohibit the juvenile court from exercising its continuing jurisdiction over adjudicated truants past the child's 17th birthday;
- clarify peace officers' current authority to take suspected runaways into temporary custody;
- combine into one "petty offense" category all petty offenders and juvenile alcohol or controlled substance offenders;
- authorize the juvenile court to order, as a disposition in CHIPS cases, that a child may live independently under court supervision if the child is 16 years old or older and has

sufficient maturity and judgment;

- grant juvenile court jurisdiction over the parents, guardians, and custodians of a child under its jurisdiction if the adult otherwise has a right to notice of or a right to participate in juvenile court proceedings concerning the child;

- authorize the juvenile court in CHIPS cases to order the appropriate social service agency to prepare a case plan outlining the duties and responsibilities of the child and the parents, and the services the agency will provide; would state that a child, parent, guardian, or custodian who willfully fails to comply with the case plan may be held in contempt of court if that person:

- is subject to the court's jurisdiction;
- received a copy of the case plan; and
- was informed that it is a court order;

- prohibit a court from adjudicating a child, under its continuing jurisdiction for reasons other than delinquency, as a delinquent solely on the basis of having disobeyed or interfered with a court order.

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#### **DWI penalties—ignition interlock device**

HF1702/SF1841 (Rest, DFL-New Hope)—recommended to pass as amended.\*\* (SF in Senate Transportation Committee)

Would authorize judges to order convicted driving while intoxicated (DWI) offenders to install an approved ignition interlock device (IID) as a condition of operating a motor vehicle. Other provisions would:

- authorize the Department of Public Safety (DPS) to require installing an IID as a condition of a limited license;

- specify a procedure for a person the court or DPS orders to install an IID to provide proof that he/she is complying with the order;

- require the offender to pay to install the IID;

- require DPS to:

- reflect in its records that an individual is required to install an IID;

- certify IIDs and publish a list of approved devices; and

- design a warning label to put on IIDs that outlines criminal penalties for tampering or otherwise misusing the device;

- provide misdemeanor penalties for anyone who:

- fails to use the IID while operating a motor vehicle when the court or DPS orders him/her to do so (such a person would also be subject to having his/her driver's license revoked for one year and possibly having his/her probation

revoked);

- tampers with, circumvents, or bypasses an IID unless it's necessary to do so for safety reasons or mechanical repair;

- blows into an IID to enable a restricted person to operate the vehicle;

- lends or rents a vehicle not equipped with an IID to a person, knowing that person's driving privileges are limited to IID-equipped vehicles;

- allow person the court or DPS restrict to driving IID-equipped vehicles, who have a valid driver's license, to operate their employer's vehicle without an IID if the employer requires that person to operate such a vehicle and the employer is notified of the person's driving restriction.

\*\*Amendment would:

- require an IID design to prevent a person from operating a motor vehicle if his/her alcohol concentration is 0.03 or more;

- require the court or DPS to waive the installation cost, or allow installment payments, if the offender shows he/she's indigent, or such payment would place an undue hardship on him/her or their immediate family.

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#### **DWI—ignition interlock device**

HF1919/SF1647 (Hartle, IR-Owatonna)—heard. (SF in Senate Transportation Committee)

Would authorize judges to order convicted driving while intoxicated (DWI) offenders to install an approved ignition interlock device (IID) as a condition of operating a motor vehicle. See bill summary under HF1702 (above) with the following differences:

Provisions would:

- permit the court to consider the cost of installing the IID when determining the fine the court will impose on the offender;

- provide that in cases of indigency, where the court rather than the offender would pay the installation cost, the court must sentence the offender to perform at least 25 hours of community service work for each \$100 of installation cost the court pays;

- provide gross misdemeanor penalties for criminal violations of the bill's provisions.

**Monday, Feb. 29**

**Surrogate mother agreements—prohibitions**  
HF1701/SF1660 (Rest, DFL-New Hope)—heard;  
amended.\*\* (SF in Senate Judiciary Committee)

Would make surrogate mother agreements void and unenforceable.

\*\*Delete-everything amendment would:

- define “surrogate mother agreement” as an agreement, contract, or arrangement where a woman consents to artificial insemination and to terminate her parental rights to any resulting child so the father alone can raise the child;
- provide that a surrogate mother agreement is void and unenforceable as contrary to the state’s public policy;
- provide that the Parentage Act would govern parentage, custody, support, and visitation decisions for a child who is born to a woman who has attempted to enter a surrogate mother agreement;
- prohibit advertising to recruit surrogate mothers, whether or not the ad offers to pay;
- impose a \$10,000 civil penalty on anyone other than a surrogate mother, father, or father’s wife, who arranges a surrogate mother agreement;
- provide a gross misdemeanor penalty for:  
—a parent who receives compensation, in addition to medical expenses, for consenting to a child’s adoption or to termination of the parent’s parental rights;  
—anyone who pays a parent compensation, in addition to medical expenses, for consenting to the child’s adoption or the termination of the parent’s parental rights.

**Tuesday, March 1**

**Surrogate mother agreements—prohibitions**  
HF1701/SF1660 (Rest, DFL-New Hope)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would make surrogate mother agreements void and unenforceable.

\*\* (See bill summary under Crime & Family Law Division/Judiciary, Feb. 29)

**Domestic assault laws—changes**  
HF2006/SF1880 (Vellenga, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would make changes to domestic violence laws. Provisions would:

- provide that third-party witnesses or other circumstantial evidence isn’t needed to corroborate the testimony of a complainant in a domestic violence prosecution;
- require prosecutors to make reasonable efforts to notify domestic violence complainants of a decision not to file charges or to dismiss charges;
- require peace officers who are at the scene of a domestic violence arrest to notify the victim that the prosecutor has such a notification duty.

\*\* Amendments would:

- require prosecutors to attempt to notify complainants before a suspect is released from custody;
- define “reasonable efforts” as including, but not limited to the following in order of priority:  
—contacting, by phone, the victim or a person the victim designates; and  
—contacting the victim by mail.

**Parental rights deprivation laws—changes**  
HF2059/SF1820 (Pappas, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Judiciary Committee)

Would make changes to the crime of depriving another of parental rights (“parental abduction”).

\*\*Delete-everything amendment would:

- clarify that the defenses the law provides are affirmative defenses that a defendant must prove by a preponderance of the evidence;
- provide that where the child was taken in order to protect the child or the actor from physical or sexual assault or, in the case of the child, substantial emotional harm, a defense is available if the action was based on the actor’s reasonable belief.

## LABOR-MANAGEMENT RELATIONS

**Monday, Feb. 29**

**Charity—noncontribution retaliation prohibition**  
HF1913/SF2054 (Pappas, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Employment Committee)

Would prohibit an employer from penalizing or retaliating against an employee for declining to contribute to charities

or community organizations, including contributions to the employer. Would allow an employee injured by a violation to sue for damages, equitable relief, and attorney's fees and costs.

\*\*Amendment would define "employer" as any person having one or more employees in Minnesota; includes the state, the University of Minnesota, and any political subdivisions of the state.

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#### **Boiler operation regulation**

HF1999/SF1718 (Murphy, DFL-Hermantown)—recommended to pass; placed on Consent Calendar. (SF in Senate Employment Committee)

Would regulate boiler operation. Provisions would:

- provide that show boilers and engines be considered historical artifacts;
- amend the licensing standards for steam farm traction engines and show engines and boilers by requiring operators to have at least 25 hours of operating experience on the machine;
- require a licensed operator to be present when a traction engine, show boiler, or show engine is operating and a member of the public is present;
- provide that the national board of boiler and pressure vessel inspectors inspection code and the rule of the division of boiler inspection, adopted by labor and industry, shall be the actual, rather than recommended, rules of repair for boilers and pressure vessels;
- tighten standards for a grade A chief engineer: the individual must actually verify competence, which must include competence on boilers, steam engines, and turbines, and must have at least two years' experience on such machines;
- tighten standards for a grade A first-class engineer: the individual must actually verify competence, which must include competence on boilers, steam engines, and turbines, and must have at least two years' experience on such machines;
- tighten standards for a grade A second-class engineer: the individual must include competence on boilers, steam engines, and turbines, and must have at least one years' experience on such machines.

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#### **Alcohol tests—unlicensed facilities**

HF2197/SF2117 (Rose, IR-Roseville)—recommended to pass as amended.\*\* (SF in Senate Employment Committee)

Would provide that, under the drug testing law, a breath test for alcohol may be performed by a nonlicensed medical facility not owned or operated by the employer, as long as the confirmatory test is performed according to the requirements of the law and any rules adopted under the law.

\*\*Amendment would require the breath test to meet the Department of Health standards.

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#### **Medical examinations—location**

HF2286 (Tunheim, DFL-Kennedy)—recommended to pass.

Would provide that an examination by the employer's doctor must be held within 150 miles of the employee's residence unless the employer, with approval by the Department of Labor and Industry, shows good cause for holding the exam further away.

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#### **Wednesday, March 2**

#### **Labor-Management Committee—grant program**

HF1877/SF1732 (Simoneau, DFL-Fridley)—recommended to pass. (SF in Senate Employment Committee)

Would regulate the labor-management committee grant program. Provisions would:

- provide that labor-management committees mean such committees within a geographic area or statewide employment sector, with a purpose of enhancing relations within that area or sector;
- change designation of director of the bureau of mediation services to the commissioner of the Bureau of Mediation Services;
- provide that grant applications must be submitted according to rules the commissioner of the Bureau of Mediation Services adopts; strike the statutory application requirements;
- allow the commissioner to establish the schedule for grant applications;
- eliminate the funding limit of 30 percent state and 70 percent nonstate for the fourth year of a grant; provide that for the third year and beyond funding is limited to 50 percent state and 50 percent nonstate; change the limit for the portion of a grant that may go to a technical assistance delivery area from \$10,000 to 10 percent of the grant;
- repeal provisions that limit the number of grants in previous years and that state specific requirements of a work plan.

### Comparable worth study

HF1948/SF2011 (Murphy, DFL- Hermantown)—recommended to pass as amended\*\*; rereferred to the Appropriations Committee. (SF in Senate Employment Committee)

\*\*Delete-everything amendment would require the commissioner of the Department of Employee Relations to conduct a comparable worth study for direct care staff positions in intermediate care facilities for the mentally retarded, waived residential services, development achievement centers, and semi-independent living service programs administered by the state or any county; set study completion date on Jan. 1, 1989; provide for study scope and appropriation to conduct the study.

### Elevator inspection division—creation

HF2184/SF1864 (Quinn, DFL-Coon Rapids)—recommended to pass; rereferred to Appropriations Committee. (SF in Senate Employment Committee)

Would create a division of elevator inspection in the Department of Labor and Industry. Provisions would:

- require the commissioner on Labor and Industry to appoint a chief of the division, which will be in the classified service and to transfer inspectors and staff from the occupation and safety division to the new division and to employ additional inspectors and staff as necessary;
- provide duties, powers, and fees to fund the costs of inspections; require the division to maintain inspection records for five years and to adopt rules specifying the information to be recorded;
- establish a special account for fees and penalties, which are appropriated to administer this bill;
- require the commissioner to establish by rule qualifications for inspectors, which must include possession of a journeyperson's elevator electrician's license and successful completion of the national elevator constructor mechanic examination;
- provide that elevator operators must grant inspectors access to elevators during regular business hours or, for residential buildings, from 9 a.m. to 5 p.m. on weekdays;
- provide that a person who violates the above provision is guilty of a misdemeanor for each day of violation;
- provide that a municipality that conducts its own inspection program, which meets state standards, may opt-out of the state program, provided that the municipality make its

records available for state inspection;

- provide for appropriation to administer program and add positions at the department.

### Workers' comp insurance fund—powers, name change

HF2212/SF1710 (Simoneau, DFL-Fridley)—recommended to pass as amended.\*\* (SF in Senate Employment Committee)

Would clarify powers of the state compensation insurance fund.

Provisions would:

- clarify that the fund has the ability to pledge or mortgage its property (in addition to its current ability to rent, lease, buy or sell property) and provide that the fund may issue surplus notes and other instruments, and borrow money, at any rate of interest on such terms as the board approves;
- provide that new debt of the fund will have equal status with money previously advanced and provides pro rata repayments of there are insufficient funds;
- require current holders of debt instruments to exchange them for new certificates, which will require that interest accrues if any repayment is delayed because of surplus requirement;
- instruct the revisor to change the name of the company to "State Fund Mutual Insurance Company."

\*\*Amendment would make technical language change.

### Occupational Safety and Health Act—fine increase

HF2221/SF1719 (A. Johnson, DFL-Spring Lake Park)—recommended to pass. (SF in Senate Employment Committee)

Would increase fines for occupational safety and health violations. Provisions would:

- increase the fine from \$10,000 to \$20,000 for willful or repeated violations of the occupational safety and health law (OSHA), including the right-to-know law;
- increase the fine from \$1000 to \$2000 for receiving a citation for violating OSHA or any rules or orders under OSHA; provide that if the violation causes or contributes to the death of an employee, the fine shall be \$10,000;
- increase the fine from \$1000 to \$2000 for nonserious violations of certain provisions of OSHA, including the right-to-know law;

- increase the fine from \$1000 to \$2000 per day for failure to correct a violation within a specified period after a citation has been given;
- increase the fine from \$1000 to \$2000 for violating the posting requirements;
- increase the fine from \$1000 to \$2000 for requiring an employee to waive rights under OSHA and increase the punitive damages available to an employee in such circumstances from \$200 to \$400;
- provide that unpaid fines will be increased by 25 percent if not paid within 60 days of the final order; provide that after 60 days, unpaid fines shall accrue an additional penalty of 10 percent per month until the fine is paid.

#### Employee—work breaks

HF2251/SF1958 (Trimble, DFL-St. Paul)—recommended to pass as amended.\*\* (SF in Senate Employment Committee)

Would require employers to provide employees with work breaks. Provisions would:

- require employers to provide a 10-minute break during any four-hour work shift; require the break to begin at least an hour after the start of the four-hour period and an hour before the end of the period;
- require employer to provide a 30-minute break during any six-hour work shift; permit the employers to provide these breaks without pay;
- permit employers and employees to agree to different breaks under a collective bargaining agreement;
- make it a misdemeanor to refuse to provide the work breaks and permit individuals to sue for a violation of this act.

\*\*Amendment would permit employers and employees to agree to different breaks by mutual agreement, provided that an employer may not terminate or otherwise discipline an employee or fail to hire an applicant for refusing to waive a right under this act.

### Unemployment Insurance & Workers' Compensation/LABOR-MGMT. RELATIONS

Monday, Feb. 29

#### Wage definition—meals, lodging exclusion

HF1791/SF1777 (Riveness, DFL-Bloomington)—recommended to pass as amended\*\*; rereferred to Labor-Management Relations Committee. (SF in Senate Employment Committee)

Would provide that meals and lodging furnished to an employee by or on behalf of the employer will not be counted as wages for the purpose of the unemployment insurance law, if it's likely that the employee can exclude the items under the federal tax law.

\*\*Amendment would make technical language change.

**Employment—temporary assignment completion notice**  
HF1902/SF1775 (Riveness, DFL-Bloomington)—heard; laid over. (SF in Senate Employment Committee)

Would provide that an employee of a temporary employment service will be ineligible for unemployment benefits if the employee fails to notify the service within 24 hours of the end of the job assignment (or until 4 p.m. for a job ending on Friday), provided that the contract with the employment service clearly warns the employee of the consequences of the failure to notify. The period of ineligibility would continue until the employee notifies the service.

### LOCAL & URBAN AFFAIRS

Tuesday, March 1

#### Cities of first class—finance officer report

HF1868/SF1581 (K. Nelson, DFL-Mpls)—recommended to pass; placed on Consent Calendar. (SF on Senate Floor)

Would require that the city's finance officer (now comptroller) share responsibility for making reports on certain improvements in cities of the first class.

#### Town boards—emergency services

HF1926 (S. Olsen, IR-St. Louis)—recommended to pass; placed on Consent Calendar.

Would allow the governing body or town board of a political subdivision, to authorize an officer to dispatch equipment and personnel outside the political subdivision if there is danger of fire, hazard, or casualty and it would be impractical for the governing body itself to act.

#### Watershed districts—borrowing authority

HF1950/SF1897 (Price, DFL-Woodbury)—recommended to pass as amended.\*\* (SF in Senate Agriculture Committee)

Would increase from \$50,000 to \$200,000 the borrowing authority of watershed districts.

\*\*Amendment would make changes to the provision

governing the construction or improvement of drainage systems in the district.

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**Real property—variance filing requirement**

HF1966/SF2177 (Blatz, IR-Bloomington)—recommended to pass as amended.\*\* (SF in Senate Local & Urban Governments)

Would require that certified copies of variances to abstract or registered property be filed with either the county recorder or the county registrar of titles. Would provide that if a certified copy of the resolution citing the existence of the variance is filed identifying the location where the variance documents are available for inspection, the requirement to file a variance is satisfied.

Would make bill applicable to variances granted on or after Aug. 1, 1988.

\*\* Amendment would make technical language change.

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**Thursday, March 3**

**County bond election exemption—requirements**

HF1796/SF1877 (Rest, DFL-New Hope)—recommended to pass as amended.\*\* (SF in Senate Taxes & Tax Law Committee)

Would give all counties the authority to maintain and levy for a building fund subject to general levy limits and exempt capital improvement bonds for referendum requirements.

(See bill summary in HWR, Vol. 4, No. 3, Pg. 16, Taxes, Feb. 25)

\*\*Amendment would:

- remove the requirement that the commissioner of revenue approve the capital improvement plans;
- remove provision that directed the commissioner of trade and economic development to appoint an advisory committee to advise the commissioner of revenue regarding standards to review the capital improvement plans;
- provide that in all counties a petition signed by 5 percent of the voters can require a referendum on the capital improvement bonds.

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**Aitkin County—land use ordinance**

HF1986/SF1711 (Ogren, DFL-Aitkin)—recommended to pass. (SF passed Senate Floor)

Would allow Aitkin County to regulate by ordinance lands adjacent to public waters which have been dedicated for

public use but not owned by the state political subdivision. Would remove liability of the county for making or repealing such an ordinance.

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**Ottertail township—hospital district detachment**

HF2005/SF1789 (Richter, IR-Wadena)—heard; amended.\*\* (SF in Senate Local & Urban Government Committee)

\*\*Delete-everything amendment would allow the Ottertail township to detach itself from a hospital district by adopting a resolution of detachment.

**REGULATED INDUSTRIES**

**Monday Feb. 29**

**Liquor sales extension**

HF1627 (Kahn, DFL-Mpls)—recommended to pass as amended.\*\*

Would authorize cities and counties to issue licenses extending on-sales of alcoholic beverages during certain hours when on-sales are otherwise prohibited.

\*\*Amendments would:

- prohibit alcoholic consumption after 2 a.m. weekdays and 2:30 a.m. on weekends instead of 3 a.m.;
- specify conditions requirements licensees must follow;
- require that licensees must consider the effect of extended sales on the surrounding community area.

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**Telephone deregulation—changes**

HF2051/SF2001 (Jennings, DFL-Rush City)—laid on the table. (SF in Senate Public Utilities & Energy Committee)

Would add two alternative methods of determining appropriate telephone changes for noncompetitive services to the two alternative methods that were part of the 1987 telephone deregulation bill. Provisions would:

- allow telephone companies to cross-subsidize accounts between competitive and noncompetitive services and forego certain reporting requirements if the companies opt to keep noncompetitive rates frozen until the sunset date of 1992;
- specify that, even if telephone companies opt freeze rates, those rates can change if certain conditions change, including tax obligations, accounting principles, and agreed upon depreciation rates;
- allow the Public Utilities Commission to approve revenue-neutral rate changes, where some noncompetitive services'

rates decrease and others increase.

#### **Cable television—franchises, utility bias**

HF2232 (Jacobs, DFL-Coon Rapids)—recommended to pass as amended.\*\*

Would require a subsequent franchise or extension permit granted by a municipality to carry the same terms as the original franchise and would prohibit an electric utility from discriminating in favor of a cable system that is affiliated with the utility.

\*\*Amendment would give courts an option for imposing penalties on utilities if discrimination occurs.

## **TAXES**

**Tuesday, March 1**

#### **Sales tax changes—cigarettes, liquor**

HF2096/SF2161 (Voss, DFL-Blaine)—heard; amended.\*\* (SF in Senate Taxes & Tax Laws)

Would make technical corrections and administrative changes to cigarette taxes and sales, liquor taxes, pull-tab taxes, sales and use taxes, insurance premium taxes, deed tax, telegraph gross earnings tax, and controlled substances tax. Provisions would:

- amend definition of “distributor” to reflect actual practices and aid in administration of the tax; and of “subjobber” to allow subjobbers to sell stamped cigarettes from other states;
- establish a revolving “heat applied” cigarette stamp account to provide funds to purchase such stamps;
- provide that tax meter stamping machines may be used until they are no longer operational;
- provide that out-of-state banks may be designated as commissioners’ representatives to “set” cigarette tax meter machines;
- remove language that prevented Minnesota distributors from selling to Indian Tribes;
- provide that cigarette distributors should retain their records for three years; authorize commissioner or agents thereof to, without a search warrant, inspect records, premises, and vending devices to insure compliance; and provide that the commissioner may request a full inventory from distributors twice a year;

- clarify that all content in seized cigarette vending machines are contraband;

- provide that all cigarette contract carriers shall provide to the commissioner a report of all cigarettes delivered into the state;

- provide that it is a felony for a person to sell cigarettes after their license has been revoked;

- provide that the commissioner may assess taxes within three years of the tax filing, and that taxes can be assessed at any time for a false or fraudulent claim;

- provide that wholesalers who sell at other than the cost “assumed” by the state must inform the commissioner of their actions before their first sale;

#### **Alcohol**

- provide that shippers of distilled wine or spirits into Minnesota must file an informational return to the commissioner by the 10th of each month;

- exempt from excise taxes sacramental wines, alcoholic products used in manufacturing or that sold between wholesalers or between interstate common carriers;

- provide that common carriers of passengers engaged in interstate transportation file a monthly report of all alcoholic beverages served in Minnesota;

#### **Pull Tabs**

- provide that tipboards are subject to the same requirements as pulltabs;

- provide for record keeping requirements for distributors of pull-tabs and tipboards, and allows for inspection of the business premises to insure compliance with the law;

- provide that manufacturers who sell tipboards to distributors file a report with the commissioner;

- provide a criminal penalty for an attempt to evade the tax;

#### **Sales Tax**

- exempt from tax, meals furnished at no charge to employees of hospitals, group homes, or sanitariums;

- exempt from tax, YMCA/YWCA memberships, and the cost of services performed between members of certain corporate groups, such as maintenance contracts;

- exempt local government units from tax on the purchase of telephone and utility services.

**\*\*Amendments would:**

- exempt from tax, tree trimming for public utility lines, and special fuels, except gasoline used to produce power to propel trains and barges in this state;
- make technical language changes.

**Property Tax Division/TAXES**

**Thursday, March 3**

**Property tax—technical, administrative changes**  
HF2443 (Voss, DFL-Blaine)—heard; amended.\*\*

Would make technical corrections and administrative changes to property taxes, local government aids and levy limits. Provisions would:

- change the mailing date for air-flight property taxes from Nov. 1 to Dec. 1;
- disallow tax liens against registered property;
- define separation, and allow divorced or separated couples who own property in joint tenancy or tenancy in common to maintain a single resident homestead;
- allow the Department of Revenue five extra days to send the first installment of property tax credit dollars to taxing jurisdiction;
- require the commissioner of revenue to certify blind and severely disabled homeowners (who receive no less than 90 percent of their income from disability compensation) to receive a special lower percentage home market value;
- require that all cities, towns, and school districts, certify their intended tax levies with the proper authorities by Oct. 10 of each year, or get permission of the commissioner of revenue to certify at a later date;
- clarify that social security numbers are private, and require counties to protect them under the Data Practices Act;
- grant the State Board of Assessors the power to revoke an assessor's license for failure to complete training, commission of a crime, unprofessional conduct, and other reasons;
- allow county auditor to certify adjustments not claimed in the previous year, and the commissioner of revenue to include them among the 1989 county aid payments;
- prohibit an assessor from making changes in assessment

records after the county board of equalization has approved the records and adjourned;

- change metro agency taxing formula to keep the effective levy the same as the 1988 levy.

**\*\*Amendments would:**

- extend for one year from date of appointment senior accreditation requirements for assessors; under current law assessors and senior appraisers must complete accreditation by Jan. 1, 1989;
- grant full homestead credit to first time home buyer(s) single or married who has one or both parents shown as deed or co-owners;
- requires certification of school district levies by Oct. 25 of each year without exception;
- appropriate \$10,000 from the general fund to be used in FY'89 for the adoption of rules required in this bill;
- entitle golf clubs to valuation and tax deferment only if the club issues family memberships allowing equal use of the facility by more than one adult .

**Tax Law Division/TAXES**

**Thursday, March 3**

**Corporate taxes—technical, administrative changes**  
HF2077/SF2167 (Voss, DFL-Blaine)—heard; amended.\*\*  
(SF in Senate Taxes & Tax Laws Committee)

Would make technical corrections and administrative changes to gross premium tax, corporate franchise, royalty and mineral tax.

- provide that the agent for a risk retention group must collect and submit the tax; if he does not, the group must collect and remit the tax; would also provide that the agents are subject to the same taxes and fines as surplus lines agents, and that if the group is subject to tax, it is taxed as a foreign admitted insurer;
- require that premiums received by nonprofit health service plan corporations are subject to gross premium tax on the premiums received as the writing carrier for the Minnesota Comprehensive Health Association;
- require that premiums received by fraternal benefit societies as the writing carrier for the Minnesota Comprehensive Health Association are subject to the gross premium tax;
- provide that only elections made by the taxpayer under

Chapter One of the Internal Revenue Code are included in net income for Minnesota purposes. The amendment would prevent taxpayers from eliminating payments between members of a federal consolidated group where the corporations are not part of a combined report in Minnesota;

- exempt state and municipal bond interest from being added back to federal taxable income (as under current law) and require that only federal, state, and municipal bond interest already exempt from federal tax be required to be added back to the federal taxable income;

- clarify that only capital losses incurred before Dec. 31, 1986 may be carried to the five taxable years succeeding the loss year, and only losses incurred after Dec. 31, 1986 would be subject to the 15-year carry forward provisions;

- require that in 1989 the Commissioner of Revenue adjust the corporate tax rate so that the estimated amount of revenues from the franchise tax on corporations would equal the amount forecast to be raised if the amount were determined under current law;

- allow taxpayers filing a return for a short taxable year to apportion the amount of property owned, based on the number of days in the short taxable year;

- define for taxation purposes professional service corporations, financial institutions and insurance agencies;

- limit the exemption amount for a member of a unitary group (single but interrelated businesses with factors within and without Minnesota) to a prorated portion of the unitary group's exemption amount;

- exclude amount of Minnesota property and payrolls from the alternative minimum tax base for the first five taxable years during which a corporation is subject to taxation under provisions of this chapter;

- clarify that net operating losses (NOLs) incurred before Jan. 1, 1987, are generally limited to a five-year carryover and a three year carryback; also clarifies that losses incurred before Jan. 1, 1987 are subject to the provision which provides that no additional NOL deduction is allowed in a following year for NOLs used to offset income in a year in which the taxpayer is subject to the AMT.;

- provide a transition rule that permits banks or any unitary group of which a bank is a member with assets that exceed \$500 million to carry back net operating losses resulting from bad debts; the transition period would apply to taxable years beginning after Dec. 31, 1987, but before Jan. 1, 1994.

- allow commissioner of revenue to release limited information related to the notice of business activities report;

- replace term "small business corporation" with "S-corporation" and clarify the taxing of such corporations;

- allow mining companies a NOL carry-forward to calculate the hypothetical corporate income tax under the section limitation on the occupation tax;

- impose royalty tax only on royalties from the production of iron ore and taconites; excludes all other minerals from the royalty tax.

\*\*Amendments would make technical language changes.

## TRANSPORTATION

Wednesday, March 2

### Motor vehicle—weight fines

HF1656/SF1517 (Segal, DFL-St. Louis Park)—recommended to pass as amended.\*\* (SF in Senate Transportation Committee)

Would allocate civil fines for motor vehicle maximum weight violations. Would allocate three-eighths of the civil penalty to the county where the violation occurred if the county sheriff made the arrest or apprehension, and allocate the remaining five-eighths to the highway user tax distribution fund.

\*\*Amendment would remove language that stipulated that if a civil action is commenced to collect this civil penalty, the county attorney shall appear for the county sheriff.

### Vehicle emission inspections—requirements

HF1803/SF1783 (D. Nelson, DFL-Champlin)—recommended to pass as amended\*\*; referred to Environment & Natural Resources Committee. (SF in Senate Environmental & Natural Resources Committee)

Would require annual emission inspections costing under \$10 and administered annually beginning in 1991 by the Pollution Control Agency (PCA) on most automobiles, small pickups, and vans registered to an owner in the metropolitan area.

(See bill summary in HWR, Vol. 4, No. 3, Pg. 15, Metropolitan Affairs, Feb. 24)

\*\*Amendment would:

- require by Jan. 1, 1991 that all unleaded gasoline with an octane rating of 90 or less sold in Minnesota for use in motor vehicles to contain a minimum oxygen content of 3.5;

- require the commissioners of the departments of agriculture, transportation, public service, and the PCA to recom-

mend to the Legislature a specific oxygenated fuel and a formula for combining that fuel with gasoline, to meet the fuel-blend requirement.

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**Vending machines—rest areas**

HF1952/SF1587 (A. Johnson, DFL-Spring Lake Park)—recommended to pass as amended.\*\* (SF on Senate Floor)

Would authorize vending machines in rest areas, weigh stations, and tourist information centers along primary trunk highways.

\*\* Amendment would make technical changes.

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**Highways—removal/substitution/Am Vets memorial**

HF1990/SF1606 (Kalis, DFL-Walters)—recommended to pass as amended. (SF in Senate Transportation Committee)

Would add a new Route No. 254 near Blue Earth to the trunk highway system in substitution for old Route 254 upon signing and filing of an agreement between the commissioner of transportation and Faribault County.

\*\* Amendments would:

- discontinue and remove Route No. 231 from the trunk highway system upon signing and filing of an agreement between the commissioner of transportation and the City of Moorhead;
- designate I-90 as Am Vets memorial highway;
- discontinue and remove Route No. 296 from the trunk highway system upon the signing and filing of an agreement between the commissioner of transportation, the City of Rochester, and Olmstead County.

## FLOOR ACTION

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### CALENDAR

Thursday, Feb. 25

**Waste facilities—records inspection**

HF1846\*/SF1725 (Price, DFL-Woodbury)—passed (84-37). (SF on Senate Floor)

Would authorize certain counties to authorize certain people who, upon presenting their identification and without a search warrant, would inspect or copy records of an owner or operator of any waste facility in the state that contain information regarding the volume, type, origin, weight, and

date and time of weighing; would set a misdemeanor penalty for anyone who fails to open these records for inspection and copying.

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**Nursing practitioners—health plan payments**

HF1853\*/SF1758 (Voss, DFL-Blaine)—passed (128-0). (SF in Senate Commerce Committee)

Would require that insurance plans cover the services of a registered nurse engaged in advanced nursing practice to the same extent that the services would be covered if provided by a physician.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 4, Financial Institutions & Insurance, Feb. 16)

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**Cable communications—unauthorized connections**

HF1886\*/SF1694 (Orenstein, DFL-St. Paul)—passed (122-3). (SF on Senate Floor)

Would increase the criminal penalty, from a misdemeanor to a three-year felony, for anyone who intentionally, and with the purpose of making an unauthorized connection to a cable communications system, sells; rents, lends, offers, or advertises any device, plan, or specification for making such an unauthorized connection.

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Monday, Feb. 29

**Safe deposit boxes—access**

HF1790\*/SF1768 (Skoglund, DFL-Mpls)—passed (121-0). (SF on Senate Floor)

Would allow a safe deposit company, upon receiving from an interested person a death certificate and an affidavit, the right to open and examine the safe deposit box for the existence of a will or burial certificates.

(See bill summary under General Orders, Feb. 25)

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**Child passenger restraints—rental, leased vehicles**

HF1816\*/SF1962 (Jefferson, DFL-Mpls)—passed (122-4). (SF in Senate Transportation Committee)

Would require a person who offers a motor vehicle for rent or lease to provide customers with child passenger restraining devices upon request; would allow people who rent or lease vehicles to charge a reasonable fee for the use of the device.

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**Criminal prosecutions—proof of prior convictions**

HF1836\*/SF1792 (Swenson, IR-Forest Lake)—passed (121-

0). (SF in Senate Judiciary Committee)

Would provide for proof of a defendant's prior convictions at sentencing hearings and in certain criminal prosecutions.

(See bill summary in HWR, Vol.4, No. 2, Pg. 8, Judiciary, Feb. 16)

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**Game, fish stamps—issuance fee**

HF1841/SF1575\* (Battaglia, DFL-Two Harbors)—passed (92-32).

Would allow persons the Department of Natural Resources authorizes to sell fishing and hunting licenses to collect:  
—an additional 50-cent issuance fee for a game or fish stamp when the buyer purchases the stamp in a transaction separate from the purchase of a small game, angling, or sporting license;  
—a \$1 issuance fee for a bear license.

Provisions would:

- repeal the law allowing Minnesota residents age 65 or older to fish without a license if the resident has certain proof of age and residency while fishing and traveling to and from the fishing locations.

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**Towns—local improvements**

HF1850\*/SF1858 (Jennings, DFL-Rush City)—passed (126-0). (SF in Senate Local & Urban Government Committee)

Would allow towns to make local improvements without approval of town electors.

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**Town officers duties—changes**

HF1851\*/SF1760 (Bauerly, DFL-Sauk Rapids)—passed (127-0). (SF in Taxes & Tax Laws Committee)

Would regulate duties of town officers.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 11, Local & Urban Affairs, Feb. 16)

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**Washington County—county board expenses**

HF1867\*/SF1699 (Price, DFL-Woodbury)—passed (130-0). (SF on Senate Floor)

Would remove the limit on expenses for members of the Washington County Board.

## CONSENT CALENDAR

**Thursday, Feb. 25**

**Waterbed liner sales—prohibition**

HF1741\* (O'Connor, DFL-St. Paul)—passed (118-0).

Would prohibit the sale of flotation bedding if it contains a liner that was used previously in flotation bedding that was sold at retail; would prescribe penalty for violators.

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**Monday, Feb. 29**

**Mille Lacs County—land sales**

HF1761\*/SF1572 (Peterson, DFL-Princeton)—passed (122-0). (SF in Senate Environment & Natural Resources)

Would authorize Mille Lacs County to sell certain tax-forfeited land.

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**Willard Munger Trail—designation**

HF 1858\*/SF1731 (G. Anderson, DFL-Bellingham)—passed (115-0). (SF in Senate Environment & Natural Resources)

Would change the name of the Minnesota-Wisconsin Boundary Trail to the Willard Munger Trail.

## GENERAL ORDERS

**Thursday, Feb. 25**

**DWI—mandatory minimum penalties**

HF1165/SF537\* (D. Nelson, DFL-Champlin)—recommended to pass.

Would impose mandatory minimum penalties on habitual driving-while-intoxicated (DWI) offenders.

(See bill summary in HWR, Vol. 4, No. 2, Pg.7, Judiciary, Feb. 16)

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**Safe deposit boxes—access**

HF1790\*/SF1768 (Skoglund, DFL-Mpls)—recommended to pass as amended.\*\* (SF on Senate Floor)

Would allow a safe deposit company, upon receiving from an interested person a death certificate and an affidavit, the right to open and examine the safe deposit box for the existence of a will or burial certificates.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 3, Financial Institutions & Insurance, Feb. 16)

**\*\* Amendment would allow the safe deposit box company to copy any deed to burial lot or document containing instructions for the burial of the lessee if the interested person so requests.**

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**Child passenger restraints—rental, leased vehicles**  
HF1816\*/SF1962 (Jefferson, DFL-Mpls)—recommended to pass. (SF in Senate Transportation Committee)

Would require a person who offers a motor vehicle for rent or lease to provide customers with child passenger restraining devices, upon request. Would allow people who rent or lease vehicles to charge a reasonable fee for the use of the device.

---

**Criminal prosecutions—proof of prior convictions**  
HF1836\*/SF1792 (Swenson, IR-Forest Lake)—recommended to pass. (SF in Senate Judiciary Committee)

Would provide for proof of a defendant's prior convictions at sentencing hearings and in certain criminal prosecutions.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 8, Judiciary, Feb. 16)

---

**Game, fish stamps—issuance fee**  
HF1841/SF1575\* (Battaglia, DFL-Two Harbors)—recommended to pass as amended.\*\*

Would require persons the Department of Natural Resources authorizes to sell fishing and hunting licenses to collect:  
—an additional 50-cent issuance fee for a game or fish stamp when the buyer purchases the stamp in a transaction separate from the purchase of a small game, angling, or sporting license;  
—a \$1 issuance fee for a bear license.

Provisions would repeal the law allowing Minnesota residents age 65 or older to fish without a license if the resident has certain proof of age and residency while fishing and traveling to and from the fishing location.

**\*\*Amendment would make the 50-cent fee optional.**

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**Towns—local improvements**  
HF1850\*/SF1858 (Jennings, DFL-Rush City)—recommended to pass. (SF in Senate Local & Urban Government Committee)

Would allow town to make local improvements without approval of town electors.

**Town officers duties—changes**  
HF1851\*/SF1760 (Bauerly, DFL-Sauk Rapids)—recommended to pass as amended.\*\* (SF in Senate Taxes & Tax Laws Committee)

Would regulate duties of town officers.

(See bill summary in HWR Vol. 4, No. 2, Pg.11, Local & Urban Affairs, Feb.18)

**\*\*Amendments would:**

- delete the the town board or city authority to impose a fee of 25-cents per cubic yard of demolition debris on operators of facilities for the disposal of demolition debris located within the town;
- delete the requirement for the county assessor to confer with town officers to obtain their assistance in determining valuations of property prior to reporting valuations to the commissioner of revenue.

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**Washington County—county board expenses**  
HF1867\*/SF1699 (Price, DFL-Woodbury)—recommended to pass. (SF on Senate Floor)

Would remove the limit on expenses for members of the Washington County Board.

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**Monday, Feb. 29**

**Northern Ireland—state investment policy**  
HF453/SF722 (O'Connor, DFL- St. Paul)—recommended to pass as amended.\*\*  
(SF in Senate Governmental Operations Committee)

Would limit state investments in companies doing business in Northern Ireland, subject to the MacBride principles.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 6, Governmental Operations, Feb. 17)

**\*\*Amendment would make technical language change.**

## MOTION FOR RECONSIDERATION

**Thursday, Feb. 25**

**Seat belt law—violation penalty**  
HF1228/SF121\* (Vellenga, DFL-St. Paul)—laid on table.

Would impose a \$10 fine on persons who fail to wear a seat

belt in a motor vehicle when the law requires them to do so. Would provide that one-half of the fines the Department of Public Safety collects for seat belt law violations would pay for emergency medical services. Would prohibit law enforcement officers from stopping motorists for only a seat belt violation.

## **RULE 1.10**

**Monday, Feb. 29**

**Pine County/Wilder Foundation—property sale**  
HF1211/SF1184\* (D. Carlson, IR-Sandstone)—passed (125-0).

Would transfer and convey specified real estate in Pine County from the state to the Amherst H. Wilder Foundation for the purposes of operating a residential human service facility.

(See bill summary in HWR, Vol. 4, No. 3, Pg. 1, Appropriations, Feb. 22)

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### **Property taxes—refund**

HF1704\*/SF1554 (Voss, DFL-Blaine)—passed (128-2).  
(SF in Senate Taxes & Tax Laws Committee)

Would return to taxpayers the full amount (33 percent) of their 1987 renters' credit and property tax refund.

(See bill summary in HWR, Vol. 4, No. 2, Pg. 12, Taxes, Feb. 16)

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**Highway funding—fuel tax increase; MVET transfer**  
HF1749\*/SF1529 (Kalis, DFL-Walters)—passed (71-60).  
(SF in Senate Finance Committee)

Would increase the tax on gasoline and special fuel and increase the share of motor vehicle excise tax (MVET) revenues dedicated to highways and transit. Provisions would:

- increase state tax on gasoline and special fuel from 17 to 20 cents per gallon, effective April 1, 1988;
- retain the 17-cent tax on railroad and barge fuel;
- increase the share of MVET revenues going to transportation from 5 to 35 percent beginning in FY'89;
- retain the present division of MVET's transportation share between highways and transit (75 percent to highways and 25 percent to transit).

**House Weekly Review** is a listing of House committee and floor action on bills with brief bill summaries. The House Information staff compiles this information to help follow bills through the legislative process. The intent is to provide House members with a ready reference to House committee and floor action on bills. Coverage runs from Thursday (2 p.m.) to Thursday (2 p.m.). Each issue includes a cumulative index by House File number.

The summary is an in-house publication for House members and staff; we do not have a mailing list. During the 1988 Session, we will distribute one copy each to House members and appropriate staff.

Nothing herein is admissible as legal proof of legislative intent.

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